



PLANNING COMMISSION REGULAR MEETING

MONDAY, JUNE 16, 2025

AGENDA

Monday, June 16, 2025

6:00 PM

Hearing Room

Disclaimer - This packet is provided for informational purposes only and is subject to change. Some documents may have been unavailable at the time this agenda was prepared. For additional information, contact the responsible staff person.

Instructions to access the video or audio of the meeting are available here:
<https://www.douglas.co.us/board-county-commissioners/boards-commissions/planning-commission/>
To submit written public comment and/or exhibits for a Planning Commission meeting, please send them, in advance, to planningcommission@douglas.co.us. Instructions for providing audio comments at the remote meeting are available at the webpage above.

1. Call to Order

- a. Pledge of Allegiance
- b. Roll Call
- c. Attorney Certification of the Agenda
- d. Planning Commission Disclosures

2. Approval of Minutes

- a. Unofficial Minutes from June 2, 2025. **3638**
Attachments: [Unofficial Minutes from June 2, 2025](#)

3. Land Use Hearing Items

- a. Douglas County Zoning Resolution Amendments to Allow Accessory Dwelling Units - Project File: DR2024-001. **3648**
Marcco Higham, Planner — *Department of Community Development*
Attachments: [Staff Report - DR2024-001](#)

-
- b. Douglas County Zoning Resolution Amendments to Regulate Natural **3649**
Medicine Facilities - Project File: DR2024-003.
Marcco Higham, Planner — *Department of Community Development*
Attachments: [Staff Report - DR2024-003](#)

4. Adjournment

The Next Regular Meeting Will be Held on Monday, July 7, 2025 @ 6:00 p.m.

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MEETING DATE: June 16, 2025

DESCRIPTION: Unofficial Minutes from June 2, 2025.

ATTACHMENTS:

Unofficial Minutes from June 2
2025



PLANNING COMMISSION REGULAR MEETING

MONDAY, JUNE 2, 2025

MINUTES

Monday, June 2, 2025

6:00 PM

Hearing Room

1. Call to Order

Commissioner Garbo presented virtual hearing instructions.

- a. Pledge of Allegiance
- b. Roll Call

PRESENT

Commissioner Len Abruzzo
Commissioner C.J. Garbo
Commissioner Jack Gilmartin
Commissioner Michael McKesson
Commissioner Jim Smallwood

EXCUSED

Commissioner Stephen Allen
Commissioner Calvin Downs
Commissioner Edward Rhodes
Alternate Matt Collitt

- c. Attorney Certification of the Agenda

Andrew Steers, Deputy County Attorney, stated that all items on today's agenda have been reviewed by the County Attorney's Office, they have been properly noticed and the Commission has jurisdiction to hear them.

- d. Planning Commission Disclosures

None

2. Approval of Minutes

- a. Unofficial Minutes from May 19, 2025.

Commissioner Mike McKesson moved that the Commission approve the Minutes from May 19, 2025.

RESULT: APPROVED
MOVER: Mike McKesson
SECONDER: Jim Smallwood

AYES: Len Abruzzo, C. J. Garbo, Jack Gilmartin, Mike McKesson, Jim Smallwood
ABSTAIN: None

3. Land Use Hearing Items

- a. 7878 Snake River Street - Location and Extent - Project File: LE2025-005.

Jeanette Bare, AICP, Planning Manager - Department of Community Development - presented the proposed application.

The applicant's representative, Ethan Mansfield, Performance Charter School Development - provided additional information.

The applicant's representative, Ellie Reynolds, John Adams Academy - provided additional information.

The applicant's representative, Alicia Zimmerman, Fox Tuttle - provided additional information.

Commissioner Garbo opened public comment.

Dan Avery, Douglas County Board of County Commissioners - provided comment.

Harold Britton, Castle Rock, CO - provided comment.

Debbie Brook, Louviers, CO - provided comment.

Priscilla Rahn, Douglas County, CO - provided comment.

Charles Hogan, Douglas County, CO - provided comment.

Ted Harvey, Highlands Ranch, CO - provided comment.

David DiCarlo, Highlands Ranch, CO - provided comment.

Amanda Budimlya, Sedalia, CO - provided comment.

Jonathan Sawyer, Ken Caryl, CO - provided comment.

Yuliyanna Maksymenko, Lone Tree, CO - provided comment.

Linda White, Douglas County, CO - provided comment.

Kim Sawyer, Jefferson County, CO - provided comment.

Cindy Jenson, Castle Rock, CO - provided comment.

Susan Renton, Douglas County, CO - provided comment.

Ethan Lapidow, Douglas County, CO - provided comment.

Deborah Mulvey, Castle Pines, CO - provided comment.

Heidi Ganahl, Douglas County, CO - provided comment.

David Shamansky, Littleton, CO - provided comment.

Brooke McShane O'Shea, Douglas County, CO - provided comment.

Janet Wright Minicucci, Douglas County, CO - provided comment.

Aleta You, Parker, CO - provided comment.

Brock Smethills, Sterling Ranch Development Company - provided comment.

Kaylan Bockenfeld, Douglas County, CO - provided comment.

Matt LaCrue, Denver, CO - provided comment.

Shane Navarro, Douglas County, CO - provided comment.

Jordan Getz, Douglas County, CO - provided comment.

Sudee Floyd, Douglas County, CO - provided comment.

Heather Kipp, Jefferson County, CO - provided comment.

Leonor Lucero, Jefferson County, CO - provided comment.

Kim Gilmartin, Jefferson County, CO - provided comment.

Robin Webb, Highlands Ranch, CO - provided comment.

Amity Wicks, Highlands Ranch, CO - provided comment.

Judy Brannberg, Highlands Ranch, CO - provided comment.

Rep. Brandi Bradley, Douglas County, CO - provided comment.

Steve Peck, Douglas County, CO - provided comment.

Amy Windju, Douglas County, CO - provided comment.

Commissioner Garbo closed public comment.

Commissioner Garbo opened Planning Commission discussion.

The applicant's representative, Kevin Johnk, Sterling Ranch Development Company - provided additional information.

The applicant's representative, Andrea Cole, Dominion Water and Sanitation District -

provided additional information.

Commissioner Jack Gilmartin moved to approve the 7878 Snake River Street - Location and Extent - Project File: LE2025-005.

RESULT: APPROVED

MOVER: Jack Gilmartin

SECONDER: Mike McKesson

AYES: Len Abruzzo, C. J. Garbo, Jack Gilmartin, Mike McKesson, Jim Smallwood

NAYS: None.

b. Happy Canyon Filing 4, Tracts F and G - Zone Map Change - Project File: DR2024-005.

Trevor Bedford, AICP, Senior Planner - Department of Community Development - presented the proposed application.

Commissioner Garbo opened public comment.

Elizabeth West, Douglas County, CO - provided comment.

Rick West, Douglas County, CO - provided comment.

Commissioner Garbo closed public comment.

Commissioner Garbo opened Planning Commission discussion.

Commissioner Mike McKesson moved to recommend approval of the Happy Canyon Filing 4, Tracts F and G - Zone Map Change - Project File: DR2024-005.

RESULT: APPROVED

MOVER: Mike McKesson

SECONDER: Jack Gilmartin

AYES: Len Abruzzo, C. J. Garbo, Jack Gilmartin, Jim Smallwood, Mike McKesson

NAYS: None

c. Cross Mountain - Zone Map Change - Project File: DR2025-001.

Trevor Bedford, AICP, Senior Planner - Department of Community Development - presented the proposed application.

Commissioner Garbo opened public comment.

There was no public comment.

Commissioner Garbo closed public comment.

Commissioner Garbo opened Planning Commission discussion.

Commissioner Len Abruzzo moved to recommend approval of the Cross Mountain - Zone Map Change - Project File: DR2025-001.

RESULT: APPROVED
MOVER: Len Abruzzo
SECONDER: Mike McKesson
AYES: Len Abruzzo, C. J. Garbo, Jack Gilmartin, Jim Smallwood, Mike McKesson
NAYS: None

d. 2096 S. Interstate 25 - Zone Map Change - Project File: DR2025-002.

Matt Jakubowski, AICP, Chief Planner - Department of Community Development - presented the proposed application.

Commissioner Garbo opened public comment.

There was no public comment.

Commissioner Garbo closed public comment.

Commissioner Garbo opened Planning Commission discussion.

Commissioner Jack Gilmartin moved to recommend approval of the 2096 S. Interstate 25 - Zone Map Change - Project File: DR2025-002.

RESULT: APPROVED
MOVER: Jack Gilmartin
SECONDER: Len Abruzzo
AYES: Len Abruzzo, C. J. Garbo, Jack Gilmartin, Jim Smallwood, Mike McKesson
NAYS: None

4. Adjournment

The meeting was adjourned at 8:47 p.m.

Calvin Downs, Secretary

Samantha Hutchison, Recording Secretary

www.douglas.co.us

MEETING DATE: June 16, 2025

STAFF PERSON RESPONSIBLE: Marcco Higham, Planner

DESCRIPTION: Douglas County Zoning Resolution Amendments to Allow Accessory Dwelling Units - Project File: DR2024-001.

SUMMARY: The request is for approval of amendments to the Douglas County Zoning Resolution Sections 3, 4, 5, 6, 7, and 26.

STAFF ASSESSMENT: After evaluating the proposed amendments, referral comments, staff report, and public testimony, the Planning Commission may consider recommending approval of the amendment.

REVIEW:

Steven E Koster	Approve	6/6/2025
Samantha Hutchison - FYI	Notified - FYI	6/6/2025

ATTACHMENTS:

Staff Report - DR2024-001

Zoning Resolution Amendments Staff Report

Date: June 5, 2025

To: Douglas County Planning Commission

From: Marcco Higham, Planner
Lauren Pulver, Planning Supervisor
Jeanette Bare, AICP, Planning Manager
Michael Cairry, Zoning Compliance Manager
Kati Carter, AICP, Assistant Director of Planning Resources
Steven E. Koster, AICP, Assistant Director of Planning Services *SK*

Subject: Douglas County Zoning Resolution Amendments to Allow Accessory Dwelling Units

Project File: DR2024-001

Planning Commission Hearing:	June 16, 2025 @ 6:00 p.m.
Board of County Commissioners Hearing:	June 24, 2025 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The request is for approval of proposed changes to Douglas County Zoning Resolution (DCZR) Sections 3, 4, 5, 6, 7, and 36.

The proposed zoning resolution amendment would allow Accessory Dwelling Units (ADUs) in the Suburban Residential (SR), Estate Residential (ER), Rural Residential (RR), Large Rural Residential (LRR), and Agricultural One (A-1) zone districts, unless previously restricted as part of a Rural Site Plan, plat, or similar land use approval.

II. REQUEST

A. Request

Approval of amendments to DCZR Sections 3, 4, 5, 6, 7, and 36.

B. Process

Zoning Resolution amendments are processed pursuant to Section 109 of the DCZR. Per Section 109.04, "The Planning Commission shall evaluate the proposed amendment, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with modifications, table for further study, or deny the proposed amendment."

C. Project Description

The Board of County Commissioners (Board) initiated the zoning resolution amendment process to allow Accessory Dwelling Units (ADUs) in the County's single-

family detached (SFD) residential zone districts to provide residents with additional use opportunities on their properties. While guest houses are currently allowed in the A-1, LRR, and RR zone districts, such units are not allowed to be rented as separate single family dwellings. The proposed regulations would allow for an ADU as accessory to a principal residential dwelling in all SFD residential zone districts. Such units may be rented as a single family residence by the property owner. The intent is not to establish a separate saleable lot for an ADU. Subdivision would generally not be allowed given zone district density limitations.

The proposed amendments include a definition for ADUs. ADUs may be attached to the principal dwelling unit as either a new addition or as the result of a conversion of existing space or detached from the principal dwelling unit on the same lot. The definition of Guest House will also be amended to indicate that these uses will be considered ADUs.

More specifically, ADUs are proposed in the SR, ER, RR, LRR, and A-1 zone districts, unless previously restricted as part of a Rural Site Plan, plat, or similar land use approval. Attached ADUs are allowed on all lots, while Detached ADUs are subject to specific minimum lot sizes based on the type of water supply (individual well or central system) available for properties within the A-1, LRR, RR, and ER zone districts. For lots in the ER, RR, LRR, and A-1 zone districts, a one-acre minimum lot area is required for a Detached ADU if served by central water, and a two-acre minimum lot area is required if served by individual groundwater well. In the SR zone district, the minimum lot size for a Detached ADU is greater than 0.5 acres, regardless of the source of water supply given that the SR zone district requires the provision of central water systems.

If the amendment is approved, ADUs will be subject to a building permit review process and must comply with existing building codes and other applicable codes for new residential construction by the Building Division. A review of well and septic permits will be required. If applicable, ADU applicants will be required to provide a will-serve letter from a water and sewer district.

A second ADU is permitted on A-1-zoned parcels of at least 35 acres in size following an additional review process and final approval by the Board of County Commissioners. All other proposed zone districts are limited to one ADU per lot.

III. PUBLIC INPUT

Staff sent the proposed amendments to the County-wide contact list and referral agency list, which consists of approximately 500 recipients. All referral agency responses and comments from the public are attached. Most referral agencies provided either a no comment or no objection response.

Arapahoe County's Planning Division suggested clarifying the ADU definition by referencing "single family detached dwelling" explicitly. Definitions for Attached and Detached ADUs are proposed based on Board direction. Centennial Water and Sanitation District (CWSD) requested that applicants in their service area submit an application to CWSD for review. The building permit process requires an applicant to provide a "will serve" letter from the applicable water provider stating the ability to serve the primary residence and an ADU. The Colorado Department of Transportation (CDOT) requested that ADU applicants address the requirement for new State Highway Access permits if traffic from a property is increased by more than twenty percent. If applicable, Douglas County Engineering manages State Highway Access permits for the County.

The Colorado Geological Survey (CGS) recommended not permitting ADUs in the Class 3 Hazard/Environmental Constraint areas identified in the 2040 Comprehensive Master Plan of Douglas County and requested to be included as an outside referral agency for ADUs proposed in the Class 2 areas. West Metro Fire Protection District also requested that fire departments be required to review applications for ADU's for access and water supply. During the building permit process, there will be a review of life safety, soil conditions, and water supply but there is not a review process for any referral agencies.

The Colorado Division of Water Resources (CDWR) provided guidance for "Auxiliary Living Spaces" concerning the availability of legal water supply and provided the state's criteria for these types of dwelling units. The proposed definition for ADUs may not meet the state's criteria and as a result will be treated as a second single-family dwelling required to show adequate water supply via a well permit or "will serve" letter from a water provider.

Five HOAs commented with concerns, with four HOAs requesting that the Board pause or discontinue the zoning amendment process based on the issues and concerns outlined in their referral response letters. Burning Tree Ranch HOA, Deerfield Community, Grandview Estates HOA, Happy Canyon HOA, and Parker View Estates HOA raised concerns of increased population density, impacts to rural character in these areas, zoning compliance enforcement, impacts to HOA covenants, and impacts to traffic and groundwater.

Thirteen people attended a public workshop held on December 13, 2024, representing the Deerfield Community, Franktown Citizens Coalition II, Parker View Estates, and other communities in the Franktown, Parker, and Roxborough areas. Attendees asked various clarifying questions and expressed concerns regarding the proposed amendments. Primary concerns included negative impacts to existing rural character, increased use of limited groundwater supplies, increased risk of wildfires, conflicts with private HOA covenants and limited resources for HOA enforcement, and negative impacts associated with increased rental housing units within the rural areas. Attendees asked that the County engage in broader community outreach to the rural communities prior to finalizing the proposed ADU regulations and scheduling public hearings.

The Board directed staff to bring the proposed amendments forward to public hearings to allow for further review by referral agencies, the public, and Planning Commission.

IV. PUBLIC NOTICE

Notice of the hearing before the Planning Commission and the Board was published in the Douglas County News Press on May 29, 2025.

V. STAFF ASSESSMENT

After evaluating the proposed amendments, referral comments, staff report, and public testimony, the Planning Commission may consider recommending approval of the amendment.

<u>ATTACHMENTS</u>	<u>PAGE</u>
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DCZR Sections 3, 4, 5, 6, 7, and 36.....	49

Referral Agency Response Report**Page 1 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Arapahoe County Engineering Services Division	12/13/2024	See letter – No comments.	No response required.
Arapahoe County Public Airport Authority-Centennial	11/21/2024	See letter – No objections.	No response required.
Arapahoe County PWD/ Planning	12/4/2024	See letter – Planning staff suggests clarifying the ADU definition by referencing single family detached dwellings for this proposed accessory residential use.	Staff has prepared the draft redlines to allow for attached and detached ADUs based on direction from the Board of County Commissioners.
Black Hills Energy	11/14/2024	No Comment.	No response required.
Burning Tree Ranch HOA	12/12/2024	See letter – Requests the Board discontinues the amendment process. Provided concerns related to increased housing density, aquifer and septic system constraints, changes to neighborhood character, no limit for ADU size, and impacts to HOA covenants. Recommends only allowing ADUs on properties with municipal water and sewer service.	These comments are attached for the Board to review.
Castle Rock Fire and Rescue Department	11/12/2024	See letter – No comments.	No response required.
Castlewood Canyon State Park	11/13/2024	No Comment.	No response required.
CDPHE – Air Pollution Control Division	11/25/2024	See letter – No comments.	No response required.

Referral Agency Response Report**Page 2 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Centennial Water and Sanitation District	12/10/2024	<p>See letter - CWSD requests that the County ADU application process clearly defines the applicant's responsibility to coordinate with, and submit to, CWSD for review and approval of all ADU requests, whether for attached or detached units.</p> <p>Informational Comments</p> <ol style="list-style-type: none"> 1. CWSD is currently evaluating the potential impacts the proposed updates to the Douglas County Zoning Regulations will have on our existing infrastructure system and Rules and Regulations for water and sewer service to residential customers. 2. The number of ADUs that CWSD can accommodate will be controlled with the number of water taps available. 3. CWSD is assessing financial costs and recovery through fees (tap, review & permitting, and inspection). 	Through the building permit process, a property owner must submit a "will serve" letter from the applicable water district to serve an ADU or a well permit with adequate water for 2 single family residences. Staff is working with CWSD, separately from this proposed amendment, to understand the impacts of HB24-1152 on the Highlands Ranch Census Designated Place.
Cherry Creek Basin Water Quality Authority	11/18/2024	<p>Received:</p> <p>The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2024-001, Zoning Resolution Amendment - Accessory Dwelling Units (ADUs) have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority's current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to Douglas County's review and ultimate determination that the proposed development plans comply with Regulation 72.</p> <p>If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwwqa.org. The review may include consultation with the Authority's Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted (verbatim).</p>	No response required.
City of Aurora	12/13/2024	See letter – No comments.	No response required.
City of Centennial	11/22/2024	No Comment.	No response required.
City of Lone Tree	12/02/2024	No Comment.	No response required.

Referral Agency Response Report**Page 3 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Colorado Department of Transportation	11/13/2024	See letter – Provided no objection to the proposed changes. Concern for increased traffic from properties with an ADU. Asked that ADU applicants address a requirement for new State Highway Access permits when a property increases vehicular volumes by 20 percent or greater.	If applicable, Douglas County Engineering manages State Highway Access permits for the County.
Colorado Division of Water Resources	12/02/2024	See letter – Provided guidelines for water supply for properties with a CWDR defined “Auxiliary Living Space”. Provided guidance detailing the criteria that must be met for an Auxiliary Living Space to be considered an extension of the main residence when serviced by a well. If each criterion is not met, then the Auxiliary Living Space is considered to be its own single-family dwelling and a well permit is required for the use of two (or more) single-family dwellings. Such as one for the main residence and one for each Auxiliary Living Space.	The County's proposed definition for ADUs may not meet the state's criteria for an Auxiliary Living Space, therefore, the ADU will be treated as a second single-family dwelling in regards to evaluation of water supply.
Colorado Geological Survey	12/03/2024	Received: The Colorado Geological Survey recommends against approval of ADUs in Class 3 Hazard/Environmental Constraint areas as delineated on Map 8.1 of Douglas County's 2040 Comprehensive Master Plan. CGS recommends that the county require a site-specific evaluation and, if necessary, mitigation or avoidance of geologic hazards within Class 2 constraint areas and the steeply dipping bedrock area (Map 8.2 of the 2040 CMP). CGS would like to be included as an outside referral agency for ADUs proposed within Class 2 and steeply dipping bedrock areas. Jill Carlson / carlson@mines.edu / 303-384-2643 (verbatim).	During the building permit process, there will be a review of life safety, soil conditions, and water supply. The current proposed process does not provide a separate or additional review for any referral agencies.
Colorado Parks and Wildlife (Littleton District – Area 5)	12/02/2024	See letter – No concerns.	No response required.
CORE Electric Cooperative	12/06/2024	Received: CORE Electric Cooperative will require on site plan showing all existing utilities and utility easements (verbatim).	No response required.
Deerfield HOA	12/13/2024	See letter – Requested that the County review long-term impacts before continuing amendment process, provided concerns relating to the commercialization of residential areas, and requested that the County review neighboring jurisdictions’ ADU regulations to inform its own.	These comments are attached for the Board to review.

Referral Agency Response Report**Page 4 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Douglas County Addressing Analyst	11/13/2024	Received: The current guidelines in the DC Addressing and Street Naming Manual apply to ADUs. All residences will receive a unique address per Section 6.3.c.1. Contact DCAddressing@douglas.co.us or 303.660.7411 with questions (verbatim).	No response required.
Douglas County Assessor	11/19/2024	No Comment.	No response required.
Douglas County Building Services	11/22/2024	No Comment.	No response required.
Douglas County Health Department	12/11/2024	See letter – Requested that new ADUs obtain an OWTS system by requiring a permit for installation and final approval of the system if not part of the original OWTS system for the primary dwelling. Minimum horizontal setback regulations must be met for a new OWTS system. DCHD also stated that the application packet for a short-term rental license involving an ADU would include a Use Permit issued by DCHD.	During the building permit process, the applicant will be required to provide a copy of the permit application and septic permit obtained from the Douglas County Health Department either for a new OWTS or to provide information that the current system is adequate.
Douglas County Wildfire Mitigation	12/06/2024	No Comment.	No response required.
El Paso County Planning and Community Development Department	11/27/2024	See letter – No comments.	No response required.
Grandview Estates HOA	12/13/2024	See letter – Provided concerns related to the building permit review process and zoning enforcement. Asked the Board to consider allowing anonymous reporting for zoning enforcement related complaints and pause the amendment process to evaluate the regulations of neighboring jurisdictions. Recommended that new ADU regulations provide greater oversight and inspections, and to provide other regulations such as requiring letters from a water and sanitation district if applicable, maximum square footage for ADUs, occupancy limits, and review by the Water Commission for impacts of ADU expansion in the County.	These comments are attached for the Board to review.

Referral Agency Response Report**Page 5 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Happy Canyon HOA	12/09/2024	See letter – Concerns related to undermining rural character, an increase in urban density, impacts to property tax, and specific questions about implementation of the regulations.	These comments are attached for the Board to review.
Highlands Ranch Community Association	12/13/2024	Received: The Highlands Ranch Community Association ("HRCA") appreciates the opportunity to review and opine on this Application. We take no exceptions to the modifications to the Douglas County Zoning Resolution as specified in the Application (verbatim).	No response required.
Highlands Ranch Metro District	12/10/2024	Received: HRMD supports the comments issued by the Centennial Water and Sanitation District, and would like to be kept informed about pending and future changes the County may make in regards to ADUs (verbatim).	No response required.
Highlands Ranch Town Center Review Committee	12/12/2024	No Comment.	No response required.
Louviers Conservation Partnership	12/06/2024	See Letter: Louviers Conservation Partnership (LCP) has reviewed the DR2024-001 Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36 and has no objection to the proposed updates.	No response required.
Meridian DCC, Meridian Village Metro District, Meridian Metro Districts	12/12/2024	No Comment.	No response required.
Meridian Village Metro Districts 1-2-3-4	12/12/2024	No Comment.	No response required.
Parker View Estates HOA	11/26/2024 12/10/2024	See letters – Concerns related to impacts on surrounding areas, property values, and well and septic constraints. Parker View Estates HOA emphasized the intent of the Rural Residential (RR) zone district designation and preserving the lifestyle, standard density, and compatibility of existing uses. Additionally raised other concerns such as an increase in rental properties, crime, and undesirable impacts to property values, HOA covenants, and groundwater resulting from ADUs. Requested that the Board discontinue the amendment process to allow ADUs.	These comments are attached for the Board to review.
Plum Creek Water Reclamation Authority	11/20/2024	No Comment.	No response required.

Referral Agency Response Report**Page 6 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Roxborough Water and Sanitation District	12/11/2024	See Letter: No Comment.	No response required.
South Metro Fire Rescue	11/15/2024	Received: South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed updates to the Douglas County Zoning Resolution. Any ADU's constructed are expected to comply with all adopted codes and standards applicable to residential construction (verbatim).	No response required.
Southeast Metro Stormwater Authority	11/13/2024	No Comment.	No response required.
Town of Castle Rock	12/05/2024	No Comment.	No response required.
Town of Parker Development Review	11/21/2024	No Comment.	No response required.
West Metro Fire Protection District	12/12/2024	Received: West Metro Fire Rescue has reviewed the documents for DR2024-001. West Metro Fire Rescue would have the following comments: - Fire Department review for ADU's should be required to determine fire department access and firefighting water supply are addressed (verbatim).	During the building permit process, there will be a review of life safety, soil conditions, and water supply. The current proposed process does not provide a separate or additional review for any referral agencies.
Xcel Energy-Right of Way & Permits	12/05/2024	See letter – No apparent conflict.	No response required.



Engineering Services Division Referral Comments

December 13, 2024

Douglas County

Attn: Marco Higham

DOUGLAS REF / DR2024-001 / ACCESSORY DWELLING UNITS ZONING AMD

Engineering Services Division of Arapahoe County Public Works and Development (Staff) thanks you for the opportunity to review the outside referral. Staff has no comments regarding the referral at this time based on the information submitted.

Please know that other Divisions in the Arapahoe County Public Works Department may submit comments as well.

If you have any questions, please feel free to contact our offices at 720-874-6500.

Thank you,

Joseph Boateng, PE

Arapahoe County Public Works & Development

Engineering Services Division



CENTENNIAL AIRPORT
ARAPAHOE COUNTY AIRPORT AUTHORITY

7565 South Peoria Street, Unit D9
Englewood, Colorado 80112
main: 303-790-0598 | fax: 303-790-2129
www.centennialairport.com

November 13th, 2024

Marcco Higham
Douglas County Community Development Department
100 Third St. Ste. 220
Castle Rock, CO 80104

Re: DR2024-001 ADU Zoning Resolution

Dear Mr. Higham,

Thank you for the opportunity to review the proposed ADU zoning changes. The Arapahoe County Public Airport Authority has reviewed the documents and has no objections to the current code amendments. However, as with any residential development, each case will be evaluated individually. Depending on its proximity to the airport, the Authority may have concerns or additional comments regarding specific developments as they are referred.

Please feel free to call me if you have any questions.

Sincerely,

Zachary Gabehart
Planning Specialist - Noise & Environmental

From: [Terri Maulik](#)
To: [Marcco Higham](#)
Cc: [Referrals](#)
Subject: FW: AC CASE NO O24-221 RE: DOUGLAS REF / DR2024-001 / ACCESSORY DWELLING UNITS ZONING AMD
Date: Wednesday, December 4, 2024 12:57:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)

Hello Marcco,

Thank you for the opportunity to comment on the proposed ADU regulations. Arapahoe County Public Works and Development, Planning Staff, suggests clarifying the ADU definition in Section 36, as we believe the intent is for the ADU to be associated with a single family *detached* dwelling.

Reach out with any questions and best of luck with your project.



ARAPAHOE COUNTY

Terri Maulik (she/her/hers)

Planning Technician

Planning Division

Department of Public Works and Development

6924 S Lima St., Centennial, CO 80112

O: 720-874-6840

tmaulik@arapahoegov.com

www.arapahoegov.com



From: Marcco Higham <mhigham@douglas.co.us>
Sent: Tuesday, November 12, 2024 2:41 PM
To: Referrals <Referrals@arapahoegov.com>
Subject: Douglas County eReferral (DR2024-001) Is Ready For Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Date: November 12, 2024

From: Marcco Higham

**RE: Douglas County Zoning Resolution Amendment –Accessory Dwelling Units (ADUs),
DR2024-001**

-

BTRHOA does not support the proposed DC Planning Department proposal regarding zoning amendments to allow ADUs, and request that the Planning Department be directed to discontinue the amendment process for the following reasons:

1. Adopting the DC ADU zoning amendment will fundamentally change DC by increasing population and housing density and significantly and negatively transform the current status of Douglas County as a highly desirable place to live. The reason people have moved to rural communities is for lower home density, less people and traffic, less noise, and to enjoy the natural beauty. This proposal would have an adverse effect on all these factors.
2. Outcomes associated with the proposed ADU zoning amendments include increased traffic, more pressure on already stressed aquifers, increased demand on septic systems with additional potential for groundwater contamination (recommend ADUs only be considered on properties serviced by city water/sewer). Other consequences include, less privacy, more noise, more vehicles on lots (cars, RVs, trailers, ...), changing the character of communities through rentals, increased crime, increased concerns for public safety.
3. DC worked hard over the years to develop the County Master Plan, to serve as a guide for development in DC, while retaining the rural nature of the County. This zoning amendment throws the Master Plan in the trash.
4. The State law allows ADUs to be used as rentals, which will negatively impact the character of each community. If one is not an owner and has no skin in the game, the rented properties will over time negatively change the community, and drag property values down.
5. In DC, there is no limit on ADU size, so for example, there could be two 5,000 sq. ft. houses on one lot.
6. A covenant is a legal, binding agreement that community owners have voluntarily entered into and agreed to abide by. For the State to explicitly modify that covenant, or for the County to de facto neuter that covenant, without the formal approval of the parties subject to the covenant agreement, is a vast and egregious overreach by government entities.
7. If the ADU zoning amendment is approved, there is no going back. Why would DC implement this? It seems like an effort to keep up with zoning changes in high-density areas that are specifically subject to the State ADU law.
8. The proposed DC zoning amendment would not override community covenants if implemented. However, it may be that in the future the County could adopt the strict stance of the State, and choose to override the covenants. The Planning Dept. personnel stated in response to questions, that if a lot owner sought a permit to build an ADU, the Building Dept., as is now the procedure, would evaluate and approve the permit request strictly on zoning criteria (e.g., setbacks, etc.), and that approval could be granted in as little as 5 days. In a call to the DC Building Dept., BTRHOA Board was told community covenants are not considered in the permit request evaluation. Also, the HOA would not be notified of the permit application. In that case, the only recourse is for the HOA to file suit to stop the construction. While the DC proposed ADU amendment does not override community covenants, it in effect does so, since many rural community HOAs will not have funds to file suit to protect their covenants and stop construction of an ADU not allowed by covenants.

From: [FDPLANS](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Tuesday, November 12, 2024 3:27:06 PM
Attachments: [image002.png](#)

Fire has no comments or concerns.

Respectfully,

Kevin “Sully” Sullivan
Assistant Fire Marshal

[Form Center • Request a Construction Inspection or Reinspect \(crgov.com\)](#)



Life Safety Division
Castle Rock Fire and Rescue Department
300 Perry Street
Castle Rock, CO 80104
303.663.3120 Office
e-mail FPO@crgov.com



An internationally accredited Fire/Rescue agency since 2012

This email and any files transmitted with it may contain PRIVILEGED or CONFIDENTIAL information and may be read or used only by the intended recipient. If you are not the intended recipient of the email or any of its attachments, please be advised that you have received this email in error and that any use, dissemination, distribution, forwarding, printing, or copying of this email or any attached files is strictly prohibited. If you have received this email in error, please immediately purge it and all attachments, and notify the sender by reply email or contact the sender at the number listed.

From: Marcco Higham <mhigham@douglas.co.us>
Sent: Tuesday, November 12, 2024 2:41 PM
To: FPO <FPO@crgov.com>
Subject: Douglas County eReferral (DR2024-001) Is Ready For Review

Date: November 12, 2024

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment –Accessory Dwelling Units (ADUs),

From: [Cicione - CDPHE, Brendan](#)
To: [Marcco Higham](#)
Subject: Re: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Monday, November 25, 2024 7:04:02 AM

Hi Marcco,

Thank you for your email. There are no comments from the Air Pollution Control Division. Please do not hesitate to contact me with any questions.

Thanks,
Brendan Cicione (*he/him*)
Air Quality and Transportation Planner



4300 Cherry Creek Drive S. | Denver, CO 80246-1530 brendan.cicione@state.co.us
| <https://cdphe.colorado.gov/>

On Mon, Nov 18, 2024 at 8:21 AM Localreferral - CDPHE, CDPHE
<cdphe_localreferral@state.co.us> wrote:

Hello,

Please see the email below. Please add comments by 12/1.

Thank you!

----- Forwarded message -----

From: Marcco Higham <mhigham@douglas.co.us>
Date: Tue, Nov 12, 2024 at 2:43 PM
Subject: Douglas County eReferral (DR2024-001) Is Ready For Review
To: cdphe_localreferral@state.co.us <cdphe_localreferral@state.co.us>

Date: November 12, 2024

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment –Accessory Dwelling Units (ADUs), DR2024-001

DOUGLAS COUNTY PLANNING REFERRALS

REFERRAL NUMBER: DR2024-001

DATE RECEIVED: Nov. 12, 2024

PROJECT NAME: Proposed amendments to allow for ADU's

PLANNER: Marcco Higham

DUE DATE: Dec. 11, 2024

CWSD Director of Engineering & Public Works Comments

Ryan Edwards

Comments

1. CWSD requests that the County ADU application process clearly defines the applicant's responsibility to coordinate with, and submit to, CWSD for review and approval of all ADU requests, whether for attached or detached units.

Informational Comments

1. CWSD is currently evaluating the potential impacts the proposed updates to the Douglas County Zoning Regulations will have on our existing infrastructure system and Rules and Regulations for water and sewer service to residential customers.
2. The number of ADUs that CWSD can accommodate will be controlled with the number of water taps available.
3. CWSD is assessing financial costs and recovery through fees (tap, review & permitting, and inspection).

Centennial Water and Sanitation District – 62 Plaza Dr., Highlands Ranch CO 80129



Planning Division
15151 E. Alameda Parkway, Ste. 2300
Aurora, Colorado 80012
303.739.7217

AuroraGov.org

December 13, 2024

Marcco Higham
Douglas County Department of Community Development
100 Third Street,
Castle Rock, Colorado 80104

Re: Planning Referral: Douglas County – Zoning Resolution for Accessory Dwelling Units (ADUs)
Jurisdiction Case Number: DR-2024-001
Planning Referral Number: PR-24-005

Dear Marcco Higham:

Thank you very much for reaching out to the City of Aurora's Planning Department to review Douglas County's Zoning Resolution Amendment – Accessory Dwelling Units (ADUs), DR2024-00, for a Zoning Text Amendment within the jurisdiction of Douglas County. The property information is detailed below:

General Location: N/A

Physical Address: N/A

Property ID/ Folio Number: N/A

Property Size: N/A

Owner: N/A

Applicant: N/A

Development Proposal: N/A

Douglas County Future Land Use: N/A

Douglas County Zoning: N/A

Applicable Aurora Place Type: N/A

Comments

The application has been reviewed and it has been determined that there are no comments from the City of Aurora.

As always, if you have any comments or concerns, please let me know. I may be reached at (303) 739-7121 or cbailey1@auroragov.org.

Sincerely,

Connor Bailey, AICP, Senior Planner
City of Aurora Planning Department

cc: Connor Bailey, Case Manager
Aja Tibbs, Planning Supervisor
Filed:
Proposed Zoning Resolution Amendment to Allow Accessory Dwelling Units (ADUs)
Project File #: DR2024-001
Planning Commission Staff Report Agenda Item
18 of 127

From: Loeffler - CDOT, Steven
To: Marco Higham
Cc: Aaron Ely; Joseph Tripple - CDOT
Subject: Re: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Wednesday, November 13, 2024 1:52:32 PM

Marco,

I have reviewed the referral for the Douglas County Zoning Resolution Amendment for Accessory Dwelling Units (ADUs) and have the following comments:

- We have no objections to the proposed changes to allow ADUs in the Zoning Resolution.
- Our concern will be with the increase in traffic for properties that add an ADU. Per the state highway access code a property that increases vehicular volumes by 20 percent of greater requires a new State Highway Access permit. We do ask that property owners adding an ADU address this requirement. Please note that Douglas County has retained issuing authority for State Highway Access permits within their jurisdiction. This means that the access permitting process will start with Douglas County. Point of contact is Chris Martin, cmartin@douglas.co.us

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit- Region 1



P 303.757.9891 | F 303.757.9053
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org



On Wed, Nov 13, 2024 at 10:14 AM <mhigham@douglas.co.us> wrote:

There is an eReferral for your review. Please use the following link to log on to your account:

[https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx?!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGEuZNI24\\$](https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx?!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGEuZNI24$)

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and forward any comments to me by December 13, 2024.

The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at

[https://urldefense.com/v3/http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g\\$](https://urldefense.com/v3/http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g$) and entering the project file number DR2024-001 in the search tool.

Synopsis of Regulation Change:

Douglas County is proposing changes to allow ADUs in the Zoning Resolution. The proposed amendments would allow ADUs as an accessory residential use on lots with an established principal residence in five residential and/or rural zone districts. The amendments also include a new definition for ADUs, revisions, and minor technical corrections to various references. The following Sections are affected:

- 3 – Agricultural One
- 4 – Large Rural Residential
- 5 – Rural Residential
- 6 – Estate Residential
- 7 – Suburban Residential
- 36 – Definitions

Amendment Process

Douglas County Staff will conduct a public workshop regarding this proposal on Tuesday, December 3, 2024, at 4p.m. at the Board of County Commissioners Conference Rooms A&B located at 100 Third St. Castle Rock, CO 80104. Once comments from this referral process have been received, a work session will be scheduled with the Board of County Commissioners (Board) to review the comments.

Final consideration of the proposed regulations will occur at a public hearing with the Board, following a Planning Commission recommendation. Future hearings dates may be obtained by calling 303-660-7460 or by accessing the project information at

[https://urldefense.com/v3/http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g\\$](https://urldefense.com/v3/http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g$).

Please feel free to reach out to me with any questions you may have.

Marcos Higham | Planner
mhigham@douglas.co.us
(303)-814-4313



Guideline 2016-1

CONCERNING WATER SUPPLIES FOR AUXILIARY LIVING SPACES (AMENDED)

Purpose:

This document provides guidance regarding the availability of a legal water supply for attached or detached auxiliary living spaces, which may include anything from a bathroom inside a garage or barn to a fully independent dwelling, and whether the auxiliary living space may be considered part of the main single-family residence for the purposes of well permitting. Colorado counties have varying names for auxiliary living spaces, including accessory buildings, accessory structures, accessory dwelling units (“ADUs”), secondary dwelling units (“SDUs”), guest houses, and more. This document is intended to encompass and provide guidance regarding all of these types of buildings, or portions of the main building, which will collectively be referred to in this document as “Auxiliary Living Spaces”.

Guideline:

Water Supply from a Water District

For those cases where the water supply is provided by a municipal or quasi-municipal water district, as long as the water provider operates within the terms and conditions of its water rights and decrees, the State Engineer’s Office would have no objection to the water provider servicing the subject property, including the Auxiliary Living Space.

Water Supply from a Well

Generally, well permits are issued with a limit on the number of single-family dwellings that can be served by the well. Therefore, the State Engineer’s Office must consider if the Auxiliary Living Space is a separate single-family dwelling or an extension of the main single-family dwelling.

State Engineer’s Office Determination of what Constitutes a Single-Family Dwelling

The State Engineer’s Office will consider the Auxiliary Living Space to be an extension of the main residence if it is able to meet all of the following criteria:

- The Auxiliary Living Space will not be rented, leased, or otherwise occupied by a party other than a guest or member of the family that would otherwise reside in the main single-family dwelling, or by nannies, health care workers, or other employees who provide supervision or care to residents of the main single-family dwelling and who would otherwise reside in the main single-family dwelling.



- The Auxiliary Living Space will not use water for non-residential purposes such as businesses, manufacturing, or a facility providing restrooms for customer or public access, etc. (Please refer to item 2.1 of State Engineer Guideline 2023-1 for information regarding commercial activities that may be conducted on the property including allowances and limitations for home offices.)
- For Auxiliary Living Spaces that are separated from the main living area and that have an independent entry, the space does not contain kitchen facilities, which the State Engineer's Office considers enabling an independent living area. Based upon the Division of Water Resources review of current Colorado county zoning regulations, the State Engineer's Office will consider an Auxiliary Living Space to have kitchen facilities if it has either:
 - a stove or oven or a 240-V electric hookup or equivalent gas piping for cooking facilities; or
 - a refrigerator more than 6 cubic feet in size. A wet bar with a sink and a refrigerator no more than 6 cubic feet in size is acceptable.

If the Auxiliary Living Space meets all the criteria above it would be considered by the State Engineer's Office to be an extension of the main residence and a well permitted to serve only one single-family dwelling may legally supply both the main residence and the Auxiliary Living Space. No changes or amendments to the permit are required.

If the Auxiliary Living Space does not meet all of the criteria above it would be considered by the State Engineer's Office to constitute a single-family dwelling and a well permit must allow for use in two (or more) single-family dwellings, one for the main residence and one for each Auxiliary Living Space.

When only a part of the dwelling is rented, such as a bedroom and bathroom, and the renter is not allowed shared use of other parts of the home, such as the kitchen or living room, the dwelling use is not equivalent to that of a single family regardless of whether the space otherwise meets the above criteria. Such use would need to be served by a well permitted for commercial use.

Please note that some counties have regulations that require an Auxiliary Living Space to meet certain requirements that result in the Auxiliary Living Space not meeting the above criteria. For example, if a county definition of an Accessory Dwelling Unit requires that the space be able to be rented out or to have kitchen facilities, all Accessory Dwelling Units in that county will be considered a single-family dwelling, and a well permit must allow for use in two (or more) single-family dwellings, one for the main residence and one for each Auxiliary Living Space, regardless of whether or not the owner intends to rent the Accessory Dwelling Unit.

Additional Information:

A well permitted pursuant to section 37-92-602 (3)(b)(II)(A), C.R.S., as the only well on a parcel of 35 acres or more may be permitted for uses that include ordinary household purposes inside up to three single-family dwellings, one of which could be the Auxiliary Living Space, which is considered by the State Engineer to constitute a single-family dwelling. If the permit is issued as the only well on a 35+ acre parcel, but the permit conditions do not specifically identify the number of dwellings that can be served, it may be

possible to amend this type of permit to specify that up to three single-family dwellings can be served pursuant to State Engineer [Policy 1993-4](#).

A well on a parcel of less than 35 acres, which is permitted for ordinary household use inside one single-family dwelling, could typically only be re-permitted for use inside two single-family dwellings pursuant to a decreed plan for augmentation. Similarly, a well first put to use prior to May 8, 1972 for “domestic” purposes that historically (before May 8, 1972) only served one single-family dwelling could typically only be expanded to allow for use inside two single-family dwellings pursuant to a decreed plan for augmentation.

For a residential well located within a Designated Ground Water Basin that is permitted pursuant to section 37-90-105, C.R.S., if the well is on a parcel of land that qualifies for a well permit that may supply more than one single-family dwelling, one of the dwellings could be the Auxiliary Living Space. If the well is on a parcel that only qualifies for a permit to serve one single-family dwelling, the well could typically only be re-permitted for use inside two single-family dwellings pursuant to a replacement plan approved by the Ground Water Commission. Questions regarding whether a specific parcel would qualify for a well permit that allows for more than one single-family dwelling should be referred to Ground Water Commission staff. For a well first put to use prior to May 8, 1972 for “domestic” purposes that historically (before May 8, 1972) only served one single-family dwelling, this well could typically only be expanded to allow for use inside two single-family dwellings pursuant to a replacement plan approved by the Ground Water Commission.

If the well is located within the Denver Basin or a river basin that is not over-appropriated, it *may* be possible to obtain a permit allowing for the use of the well in an additional single-family dwelling.

If the existing well is permitted for “ordinary household use inside one single-family dwelling” and is already included in a plan for augmentation decreed by the water court or replacement plan approved by the Ground Water Commission, the terms and conditions of the decree or replacement plan will determine if a new permit could be issued allowing for use in an additional single-family dwelling. If the decree or replacement plan explicitly states that the use of each well permitted pursuant to the augmentation plan is limited to serving one single-family dwelling, then a new or amended augmentation plan or replacement plan would need to be obtained to allow for use in a second single-family dwelling.

For an Auxiliary Living Space that is intended to be used for commercial rental purposes and occupied on an intermittent or seasonal basis only, the Division of Water Resources will allow the main house and the rental unit to be served by a well permitted for use in commercial drinking and sanitary facilities as described in section 37-92-602(1)(c). The use of water from a commercial exempt well will be limited to indoor drinking and sanitary use, and the total amount of water that could be withdrawn from the well for use in both spaces will be limited to 1/3 acre-foot (108,600 gallons) per year. A totalizing flow meter will be required to be installed on the well, with monthly or annual meter readings reported to this office to ensure water use does not exceed this amount. Refer to [Policy 1985-1](#) for additional information regarding the use of wells permitted for exempt commercial uses. Note again that counties may have regulations that require Auxiliary Living Spaces to be rented on a long-term basis or that prohibit the use of these spaces for commercial short-term rental purposes, which conflict with the allowances in this guideline.

If the State Engineer's Office has previously provided written comments regarding a specific proposal that conflict with the positions taken in this Guideline, the written comments will be honored.

Customers should contact the Division of Water Resources at 303-866-3581 or through the [AskDWR Form](#) on our website if they have any questions.

Approval:

This guideline originally became effective December 7, 2016. It was amended on December 20, 2023 to be consistent with State Engineer Guideline 2023-1 and to incorporate additional guidance for permit evaluators and water users.

A handwritten signature in black ink, reading "Kevin G. Rein". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Kevin G. Rein, P.E
State Engineer/Director

From: [Olson - DNR, Justin](#)
To: [Marcco Higham](#)
Subject: Re: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Monday, December 2, 2024 12:12:24 PM

Mr. Higham,

Thank you for including Colorado Parks and Wildlife in the referral request process for the proposed updates to the Douglas County Zoning Resolution under Project Number DR2024-001. I have reviewed the documents and referral request, and I wanted to inform you that CPW has no concerns with this project as it pertains to any wildlife issues. If you have any further questions or need more information, do not hesitate to let me know. Thank you for your time.

Justin Olson
District Wildlife Manager
Littleton District - Area 5



P 303.291.7131 | F 303.291.7114
6060 Broadway, Denver, CO 80216
justin.olson@state.co.us | cpw.state.co.us


On Wed, Nov 13, 2024 at 10:14 AM <mhigham@douglas.co.us> wrote:

There is an eReferral for your review. Please use the following link to log on to your account:
<https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx;!!PUG2raq7KiCZwBk!YLPm0QRYwQ7KwDzeDRURN6wF6N6tj8O-TLSfOJHO6MWxU-2TwwEWwThA28PHKPEZGrWnRnkJuA6XtzmbSfjtdQec5>

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and forward any comments to me by December 13, 2024. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at <https://urldefense.com/v3/http://www.douglas.co.us/PRO;!!PUG2raq7KiCZwBk!YLPm0QRYwQ7KwDzeDRURN6wF6N6tj8O-TLSfOJHO6MWxU-2TwwEWwThA28PHKPEZGrWnRnkJuA6XtzmbSALeRquYS> and entering the project file number DR2024-001 in the search tool.

Synopsis of Regulation Change:

Douglas County is proposing changes to allow ADUs in the Zoning Resolution. The proposed amendments would allow ADUs as an accessory residential use on lots with an established principal residence in five residential and/or rural zone districts. The amendments also include a new definition for ADUs, revisions, and minor technical corrections to various references. The following Sections are affected:

- 3 – Agricultural One
- 4 – Large Rural Residential
- 5 – Rural Residential
- 6 – Estate Residential
- 7 – Suburban Residential
- 36 – Definitions

Amendment Process

Douglas County Staff will conduct a public workshop regarding this proposal on Tuesday, December 3, 2024, at 4p.m. at the Board of County Commissioners Conference Rooms A&B located at 100 Third St. Castle Rock, CO 80104. Once comments from this referral process have been received, a work session will be scheduled with the Board of County Commissioners (Board) to review the comments.

Final consideration of the proposed regulations will occur at a public hearing with the Board, following a Planning Commission recommendation. Future hearings dates may be obtained by calling 303-660-7460 or by accessing the project information at <https://urldefense.com/v3/http://www.douglas.co.us/PRO;!!PUG2raq7KiCZwBk!YLPm0QRYwQ7KwDzeDRURN6wF6N6tj8O-TLSfOJHO6MWxU-2TwwEWwThA28PHKPEZGrWnRnkJuA6XtzmbSALeRquYS>. Please feel free to reach out to me with any questions you may have.

Marcco Higham | Planner
mhigham@douglas.co.us
(303)-814-4313

From: [Tom Bowles](#)
To: [Marcco Higham](#)
Subject: DC Planning Dept. - Post ADU Workshop - Feedback & Recommendation Input
Date: Friday, December 13, 2024 9:25:37 AM

Marcco Higham
Planner – DC Dept of Community Development

RE: Douglas County Zoning Resolution
Draft DR2024-001
Accessory Dwelling Units (ADU's)
Post Dec. 3rd Workshop Feedback & Recommendations to DC Commissioners

Marco,

Thank you and co-staff for hosting the December 3rd, 2024 Workshop regarding draft proposals on Accessory Dwelling Units (ADU's) potential revisions / amendments to existing DC Zoning Resolutions.

Current Colorado State, House Bill 24-1152 regarding ADU's legislation mandate, directly applies to Douglas County's Highlands Ranch Municipal District, and not to surrounding DC areas to this time.

Following your meeting discussions with other public attendees and review of Referral Draft document, please consider the below recommendations/comments on behalf of fellow Deerfield Community residents located southeast of Franktown.

1. No immediate DC Zoning Resolution Draft pro-active document generation is deemed required until such time as Douglas County Planning Dept. can evaluate long-term impacts to the Greater Douglas County Area.
 - a. DC Water Commission must conduct an impact review of potential water resources usage and existing/future depletion study.
 - b. Colorado State Water Resources Dept. shall be consulted, and a joint evaluation must be generated for DC Commissioner and Public review prior to any future ADU's zoning resolution generation.
2. ADU's introduction within Douglas County is a "commercialization" of existing residential zoned areas. This shall not be allowed in any existing developments zoned as residential or single family, nor considered until such increased population impacts can be evaluated. These include, but not limited to DC:
 - a. Traffic and Roadway Usage evaluation for all Douglas County outside of Highlands Ranch areas.
 - b. Douglas County School District
 - c. Water Usage of non-city or town centralized water supplies & sewage treatment systems
 - d. Rural water well aquifer usage impacts and density limits

- e. Air and Noise pollution with an environmental impact study for increased population higher density growth.
- f. Identification of all potential ADU's with conflicts to existing community developments covenants, HOA restrictions, etc.

- 3. Recommend Douglas County Planning Dept. contact adjacent counties to coordinate and/or impact study efforts on ADU's introduction to existing all residents.

The rights of current property owners and maintenance of Douglas County's rural area must be preserved and protected from continued pressure for higher density populations or conversion of our area from rural to suburban living environments. Under no circumstances shall the rights of existing DC resident property owners be allowed compromised from ADU's commercialization by Colorado State mandates....

Please advise should you have any questions.

Regards,

Tom Bowles
138 S. White Tail Dr.
Franktown, CO 80116
Deerfield Community – Franktown Region

Mobile Phone: +1_303-913-4512
Email: thecolorado.tom@gmail.com

November 15th, 2024

Marcco Higham
100 Third St.
Castle Rock, CO 80104

RE: DR2024-001

Thank you for the opportunity to review and comment on the Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7 and 36. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations. After reviewing the application, DCHD has the following comment(s).

On-Site Wastewater Treatment System (OWTS) – New or Expanded

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. DCHD has no objection to the properties being served by an OWTS provided that the system is permitted, inspected, and operated in accordance with DCHD's current OWTS Regulation. If Accessory Dwelling Unit is not a part of the original OWTS system for the house, then the ADU will have to have its own OWTS system. This new OWTS system would then need a permit for installation and final approval of the system after it has been installed.

- DCHD has minimum horizontal setback regulations for OWTS systems that will have to met during the design of a new OWTS system

Short-Term Rentals

Douglas County Ordinance No. O-023-003 allows for ADUs to be used as Short-Term Rentals. The property owner must submit an application to the Department of Community Development for a Short-Term Rental License. This application packet would include a Use Permit issued by Douglas County Health Department.

Sincerely,

Caden Thompson
Environmental Health Specialist I
Douglas County Health Department

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

November 27, 2024

Douglas County File: DR2024-001
El Paso County File: OAR2437

RE: Douglas County ADU Resolution

To: Marcco Higham

DEPARTMENT OF PUBLIC WORKS ENGINEERING AND STORMWATER DIVISIONS

Review No. 1: El Paso County Engineering staff does not have comments.

Reviewed by:
Charlene Durham, PE
Senior Engineer
charlenedurham@elpasoco.com

PLANNING AND COMMUNITY DEVELOPMENT DIVISION

Review No. 1: El Paso County Planning and Community Development staff has no comments.

Reviewed by:
Lisa Elgin
Planner
LisaElgin@elpasoco.com

GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

P.O. Box 2157
Parker, CO 80134-9443

AGENCY REFERRAL RESPONSE – DR2024-001

OVERVIEW

After a BOCC work session on 8/12/24 [Accessory Dwelling Unit (ADU) Regulatory Approach], the Grand View Estates HOA reached out to the three primary bill sponsors of HB24-1152 (effective 6/30/2025) for clarification on whether as alluded to in the work session, the new bill required that the County changed its zoning resolutions in all unincorporated areas of Douglas County in order to comply with a regulatory requirement of the bill.

Below is the response from bill sponsor Judy Amabile, State Representative House District 49.

From: Judy Amabile <judy@judyamabile.com>

Sent: Monday, August 12, 2024 7:46 PM

To: Karen Hickman <mkhickman@msn.com>

Cc: Robin Noble <aide@judyamabile.com>; ron.weinberg.house@coleg.gov <ron.weinberg.house@coleg.gov>; tony.exum.senate@coleg.gov <tony.exum.senate@coleg.gov>

Subject: Re: HB24-1152

Thanks for reaching out. The bill does not apply to unincorporated county properties. It only applies to cities with at least 1,000 people in Metropolitan Planning Organizations. It also applies to census designated places with a population of 40,000 people or more in MPO's. Douglas County can allow or not allow ADU's in unincorporated areas.

I am happy to talk further.

Judy Amabile

State Representative House District 49

303.517.4698

Further research has indicated that surrounding adjacent counties (Arapahoe, Elbert, El Paso, and Jefferson) already have allowed ADU's in their unincorporated areas in order to address the growing issue of housing availability/affordability in the unincorporated areas and to respond to requests from urban and rural homeowners desiring small, independent living spaces for a family member, an aging parent, or caregiver; or simply for earning extra income from a tenant to help offset a mortgage payment or other expenses.

But the difference between these adjacent counties and Douglas County is how they handle building/permitting and zoning violations.

HB2024-001 doesn't go into effect until 6/30/2025. Douglas County should take the next few months and implement actual resolutions that would ensure proper compliance and oversight. Even consider reaching out to other adjacent counties to review their existing regulations and understand their possible issues to date with their current policies.

ISSUES

Lack of Anonymous Reporting

GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

All of the above-mentioned counties allow for anonymous reporting of zoning and other types of violations. Douglas County does not have anonymous reporting which limits the number of violation reports for fear of retaliation, which is a real and recognized issue.

The reporting of violations anonymously assists to ensure compliance not only with existing zoning resolutions, but also other regulations pertaining to grading, drainage and erosion control, International Building Codes, and even those followed by the Douglas County Health Department to comply with State statutory regulations.

Lack of anonymous reporting would not only affect ADU compliance, it continues to affect the lack of oversight for Short-Term Rentals and even Class 2 HO's located throughout the county, but primarily in unincorporated areas without HOA's or other municipal oversight. (Class 2 HO's are businesses that are conducted outside of the main dwelling and are not allowed in the Estate Residential zoning designation.)

For example. Implementation of more stringent Class 2 HO resolutions in 2022 did not increase the number of property owners who applied for this type of permit in the RR, LRR, or AG zoning designations. The number still stands at 35 today but there are literally hundreds throughout the County.

While the County needed a Short-Term Rental policy due to the hundreds of existing unlicensed rentals at the time, implementing a policy didn't result in a significant increase in requested licenses and many today remain unpermitted or licensed.

Lack of anonymous reporting not only affects in some cases building permitting fees, but also property tax assessments when their office isn't aware of an unpermitted accessory building for example.

The "Slow Sip"

The Colorado Supreme Court in a recent ruling upheld a "slow sip" approach to managing groundwater all along the Front Range. The ruling upholds tougher limits on how much nonrenewable groundwater can be pumped from wells over the life of a state permit.

Has the new DougCo Water Commission weighed in on the expansion of ADU's throughout unincorporated Douglas County on property owners and other entities dependent on ground water vs. renewable sources?

Ongoing Oversight

After the shell of an accessory building is completed and the final inspection certificate awarded, the actual use or further build-out is not confirmed. Barns are used to store vehicles or accessory structures even become Short-Term Rental or ADU quarters.

In some instances, the building permit has not been finalized within the required timeframe and a final inspection issued before additional extensive buildout is completed.

If the County isn't going to allow anonymous reporting, they should consider implementing a policy to reinspect the accessory building or proposed ADU six to twelve months later.

The City and County of Denver assigns inspectors to a specific area who periodically inspect the areas for zoning or building violations. The County could consider doing the same for unincorporated areas or as inspectors are in the community or on-site looking for other violations or unpermitted structures.

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OTHER CONSIDERATIONS

Based on research of adjacent county regulations some of which may already be considered by the County.

- **Lot Size**
 - Elbert County doesn't allow a non-integrated ADU on lots < 1 acre. On 1 to 5 acre lots a non-integrated ADU is only permitted by the Minor Special Use by Review process.
- **Maximum Square Footage**
 - Limit square footage of the ADU based on lot size.
 - Arapahoe County limits the size to not more than 40% of the square footage of the existing dwelling or based on specific lot sizes.
- **Design**
 - The ADU should be consistent with the design of the existing home by incorporating similar architectural elements such as roof form, window and door style, and exterior building materials/color.
- **Utilities**
 - The ADU should be connected to the same utilities of the existing home and meet all requirements for water and sanitation.
 - **Water**
 - If Public: Letter from the Water District stating that they approve of two (2) dwelling units on the property.
 - If Well: Well Permit explicitly states that it can be used for two or more dwellings, and a letter from the Colorado Division of Water Resources that states the existing well is not already in use for multiple dwellings and can accommodate a second dwelling unit and if "commercial" (rental), the permit approves such use.
 - **Sanitation**
 - If Public: Letter from the Sanitation District stating that they approve of two (2) dwelling units on the property.
 - If Septic: Active On-site Wastewater Permit approved by the Douglas County Health Department for the total number of bedrooms on the property (both primary and accessory dwelling units).
- **# of Occupants**
 - Consider limiting to no more than three people who shall occupy the ADU with no more than two unrelated individuals on the property.
 - Unclear how the "occupancy limits ban" signed into law by Governor Polis on 4/15/24 would affect this type of cap unless specific restrictions, such as for health or fire safety, could be adopted and also proven before a limit is enacted.

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Parker, CO 80134-9443

- **Bedrooms**
 - o El Paso County limits the number of bedrooms allowed to 1.
 - o Other counties limit the number to 2 or based on water well permits or the capacity of the existing or expanded septic system.
- **Primary Property Owner Occupancy**
 - o The property owner of the ADU should be required to reside in either the existing home or in the ADU. Owner residency should be secured through a signed and recorded deed restriction agreement.
- **Height**
 - o Detached ADU's could be up to 22' in height but should be limited by building/permitting determined by the zoning designation and would be similar to any other addition to the main dwelling.
- **Other**
 - o Use the same driveway as the primary dwelling to ensure proper culvert/flooding controls especially in unincorporated areas of the County.
 - o To ensure property taxes are adjusted, a document will be recorded with the DC Assessor's Office that indicates a second dwelling on the property was permitted through the Accessory
 - o Consider requiring that ADU's should be within 100' of the primary structure (on all lots > than 1 acre).
 - o Not undermine existing HOA covenants. Letter stating an ADU is allowed in covenant-controlled communities. Consider notification of adjacent neighbors and the HOA.
 - o Not more than one ADU constructed on any given property, and the ADU shall be accessory to a permitted single-family dwelling unit.
 - o Sufficient off-street parking.
 - o Tiny Homes on wheels and any type of RV should be explicitly excluded.
 - o Review Process – ADU applications should be reviewed by County staff and even partner agencies such as the local fire districts, water and sanitation districts.
 - o The following links should be included in the revised zoning regulations to encourage compliance with the Colorado Division of Water Resources and the Douglas County Health Department:
 - dwr.colorado.gov/service/well-permitting
 - douglascountyhealth.com

Finally, who is responsible for noise or other types of violations if the ADU is used as a rental property?



HAPPY CANYON HOMEOWNERS' ASSOCIATION
558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108

www.happycanyon.org
happycanyonhoa@gmail.com

December 9, 2024
Marcco Higham, Planner
Douglas County Planning Services
100 Third St., Castle Rock, CO 80104

RE: Douglas County e-Referral (DR2024-001) Accessory Dwelling Units

Hello Marcco,

Thank you for sending the request for referral comment regarding Accessory Dwelling Units (ADUs) to the Happy Canyon Homeowners' Association (HCHOA).

<https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=95617020&hash=64DA680E17DED380365972E906C4D19E2FC99A23>

The ADU concept **sounds** good as a way for people to accommodate additional family members to live on their property. However, we believe there will likely be unintended consequences and possible abuses unless Douglas County provides comprehensive details and policies, along with strict enforcement. In reviewing the file documents, we have several comments/questions, shown below:

1. HCHOA is concerned that by allowing ADUs in unincorporated rural communities, Douglas County will undermine and inadvertently bypass decades of sound community planning and zoning efforts that were designed to preserve and protect our increasingly threatened "country lifestyle."

Furthermore, we believe that as ADUs creep into existing rural communities, the result will be de facto higher residential densities and unintended impacts to public safety and other resources, water, traffic, noise, loss of views, disrupted wildlife corridors/habitats, and more – without any rezoning or public hearing processes.

2. How will the addition of having an ADU impact one's property tax?

3. Happy Canyon is zoned Estate Residential; all lots are served by private wells and septic systems. Most lots are two acres or less, and a few are larger. Just to confirm, lots smaller than 2.3 acres are NOT allowed to have ADUs, correct?
4. Are ADUs for family members only and/or can they become short term/long term rentals? What are the details and how will this be enforced?
5. What are the size minimums/maximums for ADUs?
6. Just to confirm, only one ADU is allowed per lot for Estate Residential and other rural zoned properties?
7. The suggested height limit for ADUs is 35 feet (which is about three stories). We ask that this be reduced to twenty feet maximum height.
8. What is the occupancy limit for an ADU?
9. The ADU zoning resolution states that the Douglas County Building Department will oversee the **construction** of ADUs so that they comply with county codes. What about enforcement in the event of inevitable **usage** violations? Douglas County already has numerous existing zoning violations and not enough staff to enforce the rules. This results in pitting neighbors against neighbors, diminished quality of life and property values, and a deteriorating public trust in Douglas County's ability to manage the zoning changes they approve.

We would appreciate getting answers to our questions and ask that Douglas County will take our concerns and suggestions into account regarding approving ADUs in our community.

Best regards,

Rich West, President
Happy Canyon Homeowners' Association

From: [Randy Johnson](#)
To: [Marcco Higham](#)
Cc: [Valerie Hays](#)
Subject: LCP DR2024-001 ADU Referral Response
Date: Friday, December 6, 2024 11:23:51 AM

Marcco,

Louviers Conservation Partnership (LCP) has reviewed the DR2024-001 Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36 and has no objection to the proposed updates.

Randy Johnson

Valerie Hays

From: caskey540@cs.com
To: [Marcco Higham](#)
Cc: [John & Cherie Solomon](#); [Scott Ripple and Mary Dunn](#); [Scott and Cheryl Zimmerman](#); [Linda S. Humphrey](#)
Subject: Douglas County Zoning Amendment - ADUs - DR2024-001
Date: Tuesday, November 26, 2024 1:31:17 PM

Douglas County Planning Commission
Attn: Marcco Higham, Planner

Re: Douglas County Zoning Resolution Amendment
Accessory Dwelling Units (ADUs) - DR2024-001

Mr. Higham:

Reference is made to our telephone conversation of November 25, 2024 during which I expressed several concerns Parker View Estates Homeowners Association has regarding the captioned proposed amendment to the Douglas County regulations. First, maybe a little background might be helpful. Parker View Estates (filings 1, 2 and 3) (PVE) was established as a rural residential, platted and covenant controlled community on January 14, 1972. This neighborhood has been continuously controlled by approved and recorded Covenants and/or By Laws since its inception. One of the most important tenants of our Covenants is that there shall be no more than one single family dwelling on each approximate five acre lot. The covenants further state that there shall be not more than one outbuilding in addition to the primary dwelling on any lot. These Covenants have been a major reason for the home values in Parker View Estates remaining high and competitive all these years. Parker View Estates, its HOA and its residents, have never wanted our neighborhood to look like so many other non-covenant controlled areas in Douglas County that have had all sorts of small poorly constructed and often no-compliant structures built all over a given lot. The residents of Parker View Estates are concerned that these proposed changes regarding ADUs will adversely impact housing values, increase traffic in our secluded neighborhood and make our neighborhood less safe. An outline of our concerns is as follows:

1. Page 5-2, 501 Intent - first paragraph: This statement largely speaks to the aesthetic values of living in a quasi-rural environment and specifically states that "The density range is from one dwelling per 9.9 acres to one dwelling per 5 acres". This is the density all residents in PVE expected when their properties were acquired and what is expected in the future. For the County to change the regulations to potentially allow a doubling of the allowed dwellings and the population within our neighborhood is unacceptable.
2. Page 5-3, 502.03 - Residence: This statement, again makes it clear that there shall be not more than "1 single-family dwelling" per lot. This begs the same argument as stated above.

3. Page 5-3, 503 - Accessory Uses: "(Lots smaller than 4.5 acre are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size)". PVE, as stated above, is comprised of 40 residential lots having a gross size of 5 acres or slightly more. Once easements are considered, these lot sizes drop to slightly less than 5 acres on a net basis. Which size, net or gross acreage, is the County going to base its decisions on?

4. Page 5-3, 503.01: this proposed addition would specifically allow the addition of an ADU to each lot within PVE "except as restricted by a rural site plan, subdivision plat or other similar approval". Since PVE is a platted community and is controlled by approved Protective Covenants, does this negate the proposed changes as would possibly apply to PVE?

5. Page 5-5, 506.03 and 506.04: These proposed changes would not apply to PVE since all lots are approximately 5 acres. However, if ADUs were to be allowed, could or should there be and additional well allowed to be drilled on each lot? If this were to be the case our already diminished underground water resources could, again, be doubly impacted.

6. Page 5-5, 507 - Maximum Gross Density: this statement again speaks to there being only "1 dwelling per 5 acres and may be less" allowed. It also alluded to 501 Intent where peaceful enjoyment of one's property is a priority. The intent, in all cases for 5 acre lots, is that there shall clearly not be a density greater than one dwelling per lot. How much clearer can it be stated?

In closing, the above is simply an outline of the concerns PVE residents have regarding the County's proposed zoning changes. It is certainly not a list of all the issues or questions we may have, now or in the future. It is one thing to allow ADUs in an urban setting where the infrastructure, community water, sewer and other such amenities are available, but here in PVE we do not desire the "one size fits all" approach to governance in our neighborhood.

This discussion has been reviewed and approved by the Parker View Estates Board of Directors and submitted by Michael C. Caskey, its President. I can be reached at the above email address or my cell: 303-992-4964.

From: caskey540@cs.com
To: [Marcco Higham](#)
Cc: [John & Cherie Solomon](#); [Scott and Cheryl Zimmerman](#); [Linda S. Humphrey](#); [Scott Ripple and Mary Dunn](#)
Subject: Re: ADU supplemental comments and concerns
Date: Tuesday, December 10, 2024 1:20:11 PM

Douglas County Planning Commission

Attn: Marrco Higham, Planner

Re: Douglas County Zoning Resolution Amendment

Douglas County Zoning Resolution Amendment Accessory Dwelling Units (ADUs) - DR2024-001

Mr. Higham:

The Board of Directors of the Parker View Estates HOA was in attendance at the meeting held on December 3, 2024 at 4pm regarding the referenced proposal. At that meeting the Planning staff answered questions and to the best of their ability and attempted to explain the rationale behind our elected County Commissioners deciding to suggest ADUs be allowed in our Rural Residential (RR) neighborhoods. Unfortunately, their answers seemed to create more issues and bring out more questions than were answered. Consequently, this BOD wishes to make its concerns, again, clear. This discussion is in addition to our original comment letter dated November 12, 2024.

The Commissioners should first and foremost consider "Article 501: Intent" in the current rules and regulations concerning dwelling densities on RR lots in Douglas County. For the Staff's and the Commissioners' convenience it is quoted from the regulations as follows: "To provide for large-lot residential homesites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geologic features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to agricultural areas. The density range is from one dwelling per 9.9 acres to one dwelling per 5 acres". This is the long standing "mission statement" for all the rules and regulations that follow. The proposed Amendment to the rules would, in every case, at least detract from if not ruin the RR environment this statement was and is meant to protect and which all RR residents bought into when they purchased their properties.

Some, but certainly not all of the possible and maybe probable, outcomes of a decision to implement the very poorly thought-out proposed changes are as follows:

1. Additional water wells would have to be drilled, or existing wells improved to pump double the quantities from already depleting aquifers.
2. Additional septic systems would have to be installed thereby

increasing sewage fouling of the surface and shallow water table waters.

3. Current views would be disrupted, if not destroyed for neighboring properties.

4. Traffic would be increased, bringing more air pollution and cause the need for increased road maintenance.

5. Additional light pollution at night would certainly occur.

6. Unfortunately, rental properties often are not maintained to the standards that most owners favor. Therefore, there could easily be weed and junk ridden properties next door to owners who value a well landscaped and maintained property which would again, create issues in the neighborhood. Two rental properties on one 5 acre lot could become a norm.

7. Also when rental properties are outside incorporated areas there is a stronger likelihood that crime will increase in those areas. For example, Illegal drug manufacturers seek out properties that are isolated so that their activities are less likely to be realized. This would increase the need for more law enforcement and further contribute to a less than desirable environment for the nearby residents.

8. The added population will increase the danger of catastrophic wildfires happening, claiming more victims and increasing property damage resulting from such fires.

All of the above issues would certainly serve to decrease property values for any nearby properties and create disputes between neighbors where only attorneys would profit. This does not "create country living in a rural atmosphere" as called for in Article 501.

Parker View Estates is a Covenant Controlled Community and as such has very specific language in its By-Laws, Covenants and Policies and Procedures that limit dwelling densities in the same manner as the un-amended County rules do to one residential dwelling per 5-acre lot. In fact, our Covenants go on to specify that in addition to the one dwelling there can be only one detached outbuilding (garage, barn, chicken coop, etc.). In the past, the County has been very supportive of HOAs and their enforcement of covenants. Should the Commissioners elect to approve the ADU proposed changes, HOAs would be essentially "thrown under

the bus" and have to litigate issues associated with those changes with their neighbors. This is totally unacceptable and shows an amazing lack of understanding of the lifestyle we RR residents cherish.

It is beyond us why the Commissioners, which we were told, addressed these proposed changes to the regulations on their own volition. Please answer the question to your constituents why you, the Commissioners, would desire or even propose to make these changes. Is it to get perceived increased taxes from more housing density or is it an attempt conform to the Denver/Boulder model for "affordable housing" and/or "one size fits all" governance? These proposed modifications would certainly not make for affordable housing and the Denver/Boulder model would not be in Douglas County's residents' best interest. In any event, the changes to possibly double the population density in RR areas of Douglas and create an associated disruption of the Rural Residential lifestyle is unacceptable and therefore, DR2024-001 needs to be abandoned immediately.

Again, this discussion has been reviewed and approved by the Parker View Estates Board of Directors and submitted by Michael C. Caskey, its President. Should you, the Staff or the Commissioners have questions, please feel free to contact me at my email address or my cell phone 303-882-4964.

From: [Mike Marcum](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Wednesday, December 11, 2024 7:39:10 AM

Marcco,

RWSD has no comments.

Sincerely,



-----Original Message-----

From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Wednesday, November 13, 2024 10:13 AM
To: Mike Marcum <Mike@ROXWATER.ORG>
Subject: Douglas County eReferral (DR2024-001) Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account:
<https://apps.douglas.co.us/planning/projects/Login.aspx>

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and forward any comments to me by December 13, 2024. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at www.douglas.co.us/PRO and entering the project file number DR2024-001 in the search tool.

Synopsis of Regulation Change:

Douglas County is proposing changes to allow ADUs in the Zoning Resolution. The proposed amendments would allow ADUs as an accessory residential use on lots with an established principal residence in five residential and/or rural zone districts. The amendments also include a new definition for ADUs, revisions, and minor technical corrections to various references. The following Sections are affected:

- 3 – Agricultural One
- 4 – Large Rural Residential
- 5 – Rural Residential
- 6 – Estate Residential
- 7 – Suburban Residential



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

December 5, 2024

Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

Attn: Marcco Higham

Re: Accessory Dwelling Units (ADUs), Case # DR2024-001

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and currently has no apparent conflict contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities, and that our current use/enjoyment of the area would continue to be an accepted use on the property and that it be "grandfathered" into these changes.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com

From: [BOCC](#)
To: [Marcco Higham](#)
Subject: FW: ADU Letter
Date: Monday, March 10, 2025 1:29:00 PM

To add to your "referral" docs...

From: Kim Darnall <kimmiedarnall@gmail.com>
Sent: Saturday, March 8, 2025 4:14 PM
To: BOCC <BOCC@douglas.co.us>
Subject: ADU Letter

March 8, 2025

Christopher and Kimberly Darnall
12020 Antelope Trail
Parker, CO 80138

Douglas County Commissioners
100 Third Street
Castle Rock, CO 80104

Dear Douglas County Commissioners:

We are writing to request that Douglas County Commissioners consider its policies on Accessory Dwelling Units (ADUs) and allow ADUs to be built on Unincorporated Estate Residential lots of less than three acres and rezoned to comply with the new state ADU law that goes into effect June 2025. ADUs that were not approved already exist in our Subdivision of Ponderosa Hills masquerading as storage/garages/man caves and they are not what Douglas County would approve. By allowing ADUs in Highlands Ranch, which is more densely developed, the county is already showing its commitment to providing diverse housing solutions. Extending this allowance to Estate Residential lots under three acres would create consistency and equitable opportunities for homeowners across Douglas County.

Allowing ADUs on Estate Residential lots under three acres would provide numerous benefits to individual homeowners, family members, and the community. Some key reasons include:

1. Multi-Generational Living

- **Care for Aging Parents:** Many people build ADUs to provide a private living space for elderly parents or relatives. This arrangement allows family members to live close together while maintaining a sense of independence.
- **Support for Adult Children:** ADUs also provide a space for adult children who may be saving for their own homes or who have returned home due to economic conditions.
-

2. Increasing Affordable Housing Options:

- As the cost of housing continues to rise in Douglas County, ADUs offer a potential solution to increase affordable housing options in a way that doesn't require new infrastructure or large-scale development. Homeowners who build ADUs could help ease the affordability crisis, benefiting both the homeowners, family members, and potential tenants.

3. Flexibility and Independence

- **Home Office or Studio:** ADUs can serve as a quiet, separate workspace for those working from home.

In short, ADUs provide flexible and affordable housing options while promoting efficient land use and offering a variety of benefits to homeowners, renters, and communities alike.

We believe that allowing ADUs on Estate Residential lots is in line with Douglas county's goals of encouraging responsible growth while addressing important community needs. We urge you to consider this proposal and look forward to hearing your thoughts on the matter.

We are happy to provide any additional information or discuss this issue further.

Sincerely,

Christopher Sean and Kimberly Darnall
970-779-0215 or 720-454-0747
Kimmenseangmail.com

ADU Public Workshop

Tuesday, December 3, 2024

3:55 PM

Public Comments:

Who brought up the idea for bringing ADUs to areas outside of state bill?

If this is adopted, what does that mean?

Isn't it true that if you have covenants, they override?

My area is single family only so we can't have areas that allow for rental properties?

Opposed to Guest Houses as ADU's.

Covenants take precedence over county rules?

Covenants have to be amended if you are in Highlands Ranch CDP to allow for ADUs.

Concern about contradictory language in HOA covenants with County regulations and how to resolve that.

Not enabling short term rentals - that is a separate ordinance process.

Would like to see clarification that as soon as it becomes commercial, that is different than the well permit issued for single family.

Allowing ADUs for rent is commercializing the property and should not be allowed.

Concern about pressure on aquifer - ADU's should only be allowed on city sewer/ water.

Intent of zoning regulations is to preserve rural character, and these changes do exactly the opposite.

Questions about how amendments are written and the process.

Effectively taking areas of the Master Plan that are supposed to remain rural and commercializing and now HOAs have to deal with covenant enforcement.

Nonprofit associations and HOAs don't have the funds to fight legal battles for covenant enforcement.

Concerns about contamination of groundwater from septic.

Concerns about traffic impacts.

One consideration - if ADUs are allowed in rural area and the principal residence is also rented along with an ADU then you have two rental properties.

Concerns over rental units and public safety.

Straining neighborhood resources and quality of life.

Let other jurisdictions allow ADUs and learn from their unintended consequences before allowing in DougCo.

It doesn't say that only 1 ADU is allowed in 35 acres -- staff will check on this.

Do you have to rezone if you have 35 acres?

In a 5 acre rural residential zone district, does this apply?

Propose that building permit department approves permits based on covenant allowances for each community.

How is Highlands Ranch area different? State able to overrule covenants and local regulations.

Consensus to remove ability for 2nd ADU.

Concern that we can't undue this, but we can always decide to do this later and it will forever change the character of the County and deserves the time for public input and have discussion with public - additional emphasis on this point to put a pause on this process.

Questions about what the "code" is that the ADU will have to meet.

Are there size requirements?

Is there a maximum size?

The proposed regulation could cause a doubling of the existing density in rural DougCo.

Have there been any letters of support?

Concern over increasing risk of fire/wildfire.

Would existing built out structure be grandfathered in as an ADU if it didn't have permitting to begin with?

Why did we not hear about this if the County has been talking about this for 2-3 years? Shouldn't a letter be sent out to notify everyone?

Ambiguous phrases, conflicts of what exists in reality.

Douglas County has gotten awards for how they've handled rural areas.

Any idea why the Commissioners are bringing this forward now? Have they indicated this to staff?

Misleading to allow Guest Houses as an ADU and will cause issues amongst neighbors.

What will happen to property taxes if neighbor puts up an ADU? Will it affect valuation of neighboring property that does not have an ADU.

Concerns about this being in conflict with section 501.

SECTION 3 A1 AGRICULTURAL ONE DISTRICT

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301 Intent (Amended 8/11/09)

To provide areas for a wide range of farming, ranching, or tree farming activities and the preservation of such land for its open rural character providing a physical and visual separation between urban centers.

Urban development within this district is strongly discouraged. Agricultural land use can be an efficient means of conserving natural resources, constituting an important physical, environmental, social, aesthetic, and economic asset to both the urban and rural residents of the County. Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The A-1 zone district is characterized by large-acreage farms, ranches, open areas, farm houses, units for agricultural workers and their families, and other uses allowed which enhance and promote the openness and general rural nature characteristic of the County. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

302 Principal Uses

On parcels of 35 acres or greater, the following uses shall be allowed by right: *(Parcels smaller than 35 acres are limited to the principal ~~and accessory~~ uses allowed in the residential zone district to which the parcel conforms in size.)* (Amended 5/14/03)

302.01 Agricultural recreational activities

302.02 Agriculture (Amended 1/28/14)

302.03 Animals – (refer to Section 24)

302.04 Community Uses:

- Church – maximum seating capacity of 350 in main worship area (*Site Improvement Plan required per Section 27*)
- Fire station – no on-site training (*Site Improvement Plan required per Section 27*)
- Library (*Site Improvement Plan required per Section 27*)
- Open Space/trails
- Park/playground
- Recreation facility – private (*Site Improvement Plan required per Section 27*) (Amended 9/9/08)

- School – public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation – no training or detention (*Site Improvement Plan required per Section 27*)
- Temporary Emergency Shelter (*Approval letter required from the Director; the use must comply with applicable regulations*) (*Amended 10/14/02*)

302.05 Construction office – temporary

302.06 Event Center on a parcel of 80 acres or greater (*Site Improvement Plan required per Section 27, unless conducted as an accessory use to an agricultural use on a parcel 160 acres or greater*) (*refer to Section 324*) (*Amended 4/28/15*)

302.07 Greenhouse – a maximum of 1 acre (43,560 sq. ft.) total area including warehouse and shipping facilities

302.08 Hay sales (*Site Improvement Plan required per Section 27*) (*Amended 4/28/15*)

302.09 Residence (*Amended 4/28/15*)

- Caretaker – one (1) per lot
 - Mobile home, when a principal single-family dwelling exists on the lot
- Principal – one (1) single-family dwelling or one (1) group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

302.10 Residential sales office – temporary (*refer to Section 22*)

302.11 Training of non-owned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

302.12 Utility service facility (*Site Improvement Plan required per Section 27*)

302.13 Veterinary Clinic or Hospital, Equine and Livestock (*Site Improvement Plan required per Section 27*) (*Amended 2/21/23*)

303 Accessory Uses

The following uses shall be allowed only when a principal use has been established on the lot. (*Parcels smaller than 35 acres are limited to the accessory uses allowed in the residential zone district to which the parcel conforms in size.*)

- 304.01 Animals – non domestic, exotic
- 304.02 Campground
- 304.03 Cemetery
- 304.04 Church – greater than 350 seating capacity
- 304.05 Cultural facility
- 304.06 Day-care center/preschool, or day-care home – large
- 304.07 Dude Ranch
- 304.08 Event Center on a parcel of less than 80 acres *(Amended 4/28/15)*
- 304.09 Feedlot/confinement center
- 304.10 Firing range
- 304.11 Golf course legally established as a Use by Special Review prior to June 22, 2005 *(Amended 2/12/19)*
- 304.12 Greenhouse – greater than 1 acre total area including warehouse and shipping facilities
- 304.13 Hunting/fishing club
- 304.14 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*
- 304.15 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. *Exempt from Section 18A: Water Supply -Overlay District (Amended 10/14/02)*
- 304.16 Horse rental stable
- 304.17 Kennel
- 304.18 Landfill – public/private
- 304.19 Landing field – private
- 304.20 Mining, quarry, sand/gravel operation, or similar extractive land use
- 304.21 Motorsports Facility, Private *(Amended 4/26/16)*

- 304.22 Oil or gas drilling operation
- 304.23 Recreation facility – community
- 304.24 Religious retreat
- 304.25 Residence (*Amended 4/28/15*)
 - Bed and Breakfast
 - Group home for registered sex offenders (*Amended 9/12/00*)
 - Group Residential Facility
 - Mobile Home – one (1) per lot when a principal single-family residential dwelling does not exist.
- 304.26 Satellite earth station (*Amended 4/24/02*)
- 304.27 Septic waste and domestic sludge application
- 304.28 Telecommunication facility
- 304.29 Utility – major facility
- 304.30 Veterinary clinic or hospital
- 304.31 Wind energy conversion system

305 Uses Permitted by Administrative Review (*Amended 4/24/02*)

Agricultural worker housing (excluding mobile homes) in addition to the housing permitted by-right, may be reviewed and approved administratively provided the applicant meets the threshold criteria contained in this subsection, and can further demonstrate the need in the narrative as required by this Section. The thresholds listed are based on general industry standards.

- 305.01 Agricultural Worker Unit one (1) dwelling with one (1) to four (4) bedrooms, or one (1) to four (4) attached efficiency units/apartments in one (1) footprint) as follows:
 - 305.01.1 Horse Ranch or Boarding/Training Facility provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 25 horses.
 - 305.01.2 Cattle ranch provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 300 head of cattle.

305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 1200 acres of farmed land.

305.01.4 Combination farm/ranch activities provided the required narrative demonstrates a need based on the general criteria cited for each activity.

305.02 Applications for agricultural worker housing shall be reviewed in accordance with the thresholds contained in subsection 305, and the criteria and process set forth in subsections 316 through 323.

305.03 The Director shall determine threshold criteria for uses, or combinations of uses, not specifically listed.

306 Minimum Lot Area: 35 acres*

Lots less than 35 acres in area shall be limited to the uses allowed in the agricultural or residential zone district to which the lot conforms in area.

306.01 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

306.02 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

*The minimum lot area may be decreased with a clustered design through the exemption process. (Amended 4/28/15)

307 Minimum Setbacks

Parcel Size	Setback from Street	Setback from Side Lot Line	Setback from Rear Lot Line	Setback from 115+ KV Power Line
Less than 2.3 ac.	regional/maj. arterial: 100' other: 25'	15'*	25'* accessory: 15'	100'
2.3-4.49 ac.	regional/maj. arterial: 100' other: 25'	25'*	25'*	100'
4.5-8.9 ac.	regional/maj. arterial: 100' other: 50'	25'*	25'*	100'
9-34.9 ac.	100'	50'	50' accessory: 25'	100'
35+ ac.	100'	100' accessory: 50'	100' accessory: 50'	100'

*Schools and buildings within recreation areas shall be set back 50'

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition section.) The setback from the POWER LINE is measured from the closest edge of the easement to the structure.

308 Encroachments

- 308.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 308.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 308.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 308.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 308.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

309 Building Height

Maximum building height: 35 feet

The maximum building height shall not apply to belfries, cupolas, penthouses, or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles, and necessary mechanical appurtenances usually carried above the roof level.

- 309.01 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition – spire height calculation)*
- 309.02 The height of an antenna shall be no greater than the distance to the nearest lot line. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

310 Water – Refer to Section 18A of this Resolution *(Amended 3/13/02)*

311 Street Standards

Public streets shall be constructed in accordance with the Douglas County Roadway Design and Construction Standards. Private streets shall be constructed either in accordance with Appendix 58 of the International Building Code, as amended and

adopted by Douglas County, or the Douglas County Roadway Design and Construction Standards.

Both public and private streets shall be constructed in accordance with the provisions of the Douglas County Storm Drainage Design and Technical Criteria manual and the County's clearing, grading, and land disturbance regulations. *(Amended 6/14/06)*

312 Parking Standards – Refer to Section 28 for non-residential parking standards *(Amended 4/24/02)*

The minimum off-street parking spaces required: 8 spaces per lot in accordance with the Douglas County Roadway Design and Construction Standards.

313 Fencing Standards

- 313.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land.
- 313.02 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 313.03 A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 313.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 313.05 Barbed wire or electrically charged fences shall be allowed. Any electrically charged fence shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged. Concertina or razor wire is prohibited.
- 313.06 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

314 Sign Standards – Refer to Section 29 of this Resolution

315 Lighting Standards – Refer to Section 30 of this Resolution

316 Administrative Review – Prerequisite *(Amended 4/24/02)*

A landowner/lessee seeking to construct agricultural worker housing shall schedule a pre-submittal meeting with the staff to discuss the application, submittal procedures, and information required.

317 Administrative Review – Approval Criteria *(Amended 4/24/02)*

Administrative review of the application shall be based on the following criteria:

- 317.01 Whether the proposed use is in harmony and compatible with the character of the surrounding area;
- 317.02 Whether the proposed use will not result in an over-intensive use of the land;
- 317.03 Whether the proposed use will not require a level of community facilities and services greater than that which is available;
- 317.04 Whether the proposed use will not cause undue traffic congestion or traffic hazards;
- 317.05 Whether the proposed use will not cause significant air, water or noise pollution;
- 317.06 Whether the proposed use is adequately landscaped, buffered, or screened;
- 317.07 Whether the proposed use will not be otherwise detrimental to the health, safety or welfare of the neighboring landowners.

318 Administrative Review – Procedure *(Amended 4/24/02)*

- 318.01 Following the pre-submittal meeting, the applicant shall submit to the Planning Division a copy of the documents required per subsection 321. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies.
- 318.02 Once determined complete, staff will notify the applicant of the number of copies of the plan and narrative required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency. Staff shall mail the referral packets. Referral agencies shall comment within 21 days.
- 318.03 Written Notice

318.03.1 At least 10 days prior to the Director's decision, the applicant shall mail a written notice of the request by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to Douglas County Planning Seven (7) days prior to the date of the Director's decision. The notice shall indicate:

- the proposed date of the Director's decision;
- the nature of the request;
- the location of the land that is the subject of the request (*distance and direction from nearest major intersection*);
- the file name and number; and
- a statement that comments and questions should be directed to Douglas County Planning, 100 Third Street, Castle Rock, CO 80104 (303) 660-7460.

318.03.2 The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid, this ____ day of _____, 20__, and addressed as follows:</p> <p>(list of addresses)</p> <p>(Signature of person completing the mailing)</p>

318.03.3 In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowners who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning Division.

318.04 The staff planner will review the referral comments, discuss the concerns with the applicant, and prepare a staff report and present it to the Director for a decision.

318.05 An appeal of the Director's decision regarding an administrative review request may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution. (*Amended 4/10/12*)

319 Administrative Review – General Submittal Requirements (*Amended 4/24/02*)

319.01 A completed application form, including a copy of the completed pre-submittal form (*available from the Planning Office*)

- 319.02 Application fee (*fee schedule available from the Planning Office*)
- 319.03 Proof of ownership by copy of deed or title insurance commitment no more than 30 days old; or in the case of a lessee, a copy of the lease
- 319.04 A Narrative (*per Section 320 contained herein*)
- 319.05 A Plan Exhibit (*per Section 321 contained herein*)
- 319.06 A notarized letter or authorization from the landowner permitting a lessee or representative to process the application, when applicable

320 Administrative Review – Narrative (*Amended 4/24/02*)

- 320.01 The type and description of the residential unit proposed
- 320.02 The maximum number of individuals to be accommodated
- 320.03 A detailed description of the agricultural activities of the subject site focusing on the intensity of the operations, and on those work elements necessitating on-site agricultural labor including the following:
 - 320.03.1 Number and type of livestock raised
 - 320.03.2 Grazing plan and pasture rotation
 - 320.03.3 Crop types and number of acres farmed
 - 320.03.4 Other income-producing activities occurring on the site
- 320.04 A description of the sanitary service to be provided and evidence that the system is in accordance with Tri-County Health Department regulations
- 320.05 A description of the water service to be provided and evidence of the ability of the water to be used in the manner proposed
- 320.06 A description of the increase or reduction in traffic anticipated in trips per day as a result of the housing units
- 320.07 A description of community services or facilities (libraries, medical facilities, schools, etc.) that may be required or accessed by the occupants of the unit

321 Administrative Review – Plan Exhibit (*Amended 4/24/02*)

A site plan shall be submitted, drawn to scale that includes the following:

- 321.01 a vicinity map showing the site and the relationship to adjacent properties and major roads;
- 321.02 the total acreage owned or leased by the applicant;
- 321.03 the zoning and use of the contiguous parcels owned, and the zoning and use of adjacent land;
- 321.04 the location of the proposed agricultural worker unit with dimensions to the nearest property lines, and dimensions of the proposed unit;
- 321.05 a sketch of the floor plan for all units proposed, along with a notation restricting the residential use of the units to agricultural workers as defined and approved;
- 321.06 the location and dimensions of all property lines, existing and proposed structures, existing and proposed wells, septic systems, and leach fields noting separation distances as necessary;
- 321.07 access to proposed units – delineate public and private roads, dimensions, and note surface material, and;
- 321.08 all drainage ways affecting the site and designation of any 100-year floodplain on or adjacent to the site.

322 Administrative Permit – Annual Inspection (Amended 4/24/02)

Agricultural housing approved by administrative review shall meet all applicable regulations associated with residential development and shall be subject to an annual compliance inspection. A copy of the landowner/lessee's federal 943 Tax Form indicating that the occupants of the unit are indeed agricultural workers, may be required as part of the annual review and inspection.

323 Administrative Permit – Revocation (Amended 4/24/02)

The administrative permit may be revoked by the Director, after written notice, for failure to operate the use in accordance with the approved plan or narrative or other zoning regulation. A revocation may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution. (Amended 4/10/12)

324 Event Center Standards (Amended 4/28/15)

- 324.01 Where event centers are permitted with approval of a Use by Special review, the standards within Section 21 shall apply.

324.02 Where event centers are permitted with approval of a Site Improvement Plan, the following standards shall apply:

324.02.1 Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 200 feet from all adjacent property lines.

324.02.2 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A of the Noise Overlay District.

324.02.3 Maximum capacity shall not exceed 350 persons per event. Event centers that exceed this capacity shall be processed in accordance with Section 304.08.

324.03 Where event centers are permitted as accessory uses, the following standards shall apply:

324.03.1 The landowner shall obtain a written Event Center certification prior to commencement of the use.

- The certification request shall be submitted by the landowner in the form of a written request and accompanying exhibit.
- The exhibit shall depict the property, points of access, and the location of the proposed event center to structures and use areas. Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 500 feet from any existing, separately-owned residence on adjacent parcels.
- The written request shall confirm that a principal agricultural use exists on the property and that legal and physical access is provided.
- The Director shall provide a written Event Center certification upon review of the request which confirms that the property meets the minimum size required, that there is a principal agricultural use, and that access is provided. The certification shall include a statement that the event center use is vested, for purposes of setbacks, regardless of subsequent development on adjacent parcels.

324.03.2 Noise generated by the event center use shall comply with the limits established in Section 1703A of the Noise Overlay District.

324.03.3 If a land division reduces the parcel size to below 160 acres, approval of an application under the provisions of Section 302.06 or 304.08, as applicable, shall be required for continued event center use.

325 Second Accessory Dwelling Unit (ADU) Standards

A second ADU may be allowed on a parcel of 35 acres or more in size where one ADU has previously been approved or constructed, subject to the following review process.

325.01 Review Process

325.01.1 Following a presubmittal meeting with Planning Services, the applicant shall submit the information required in 325.02 to Planning Services. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, staff will send referral response requests to other agencies for review and comment on the application.

325.01.2 Referral agencies may include but are not limited to Douglas County Engineering and Building Divisions, Douglas County Health Department, Douglas County Sheriff's Office, the affected fire district, utility providers, Colorado Division of Water Resources, and county-registered homeowners associations within a two (2)-mile radius. The applicant will be asked to address all comments received.

325.01.3 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. Staff shall also send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein.

325.01.4 At least 14 days prior to the public meeting before the Board, the applicant shall mail a written notice of the public meeting by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read:

NOTICE OF PUBLIC MEETING BEFORE THE BOARD OF COUNTY COMMISSIONERS

A public meeting will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider approval of a second accessory dwelling unit (ADU) at (address or nearest intersection). For more information call Douglas County Planning at 303-660-7460.

File No. and Name: _____

At least 7 days prior to the public meeting, the applicant shall provide the following to the Planning Services Division:

- Alphabetical list of the landowners.
- A map showing their relationship to the site.
- A copy of the notice sent to the landowners.
- Certificate of mailing.

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. Mail, first-class, postage prepaid this _____ day of _____, 20____, and addressed as follows

(list of addresses)

(signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner, the landowner that did not receive such complying notice may waive such notice by submitting a written waiver to Planning Services prior to the meeting.

325.01.5 The request for a second ADU shall be approved, approved with conditions, continued, tabled for further study, or denied by the Board of County Commissioners at a public meeting. The Board shall evaluate the request, staff report, applicant responses, and public comment and testimony. The Board's action shall be based on the evidence presented; and compliance with adopted County standards, regulations, and policies.

325.02 Submittal Requirements

325.02.1 Land use application

325.02.2 Proof of current ownership within 14 days of application submittal such as a title commitment or other instrument acceptable to the County.

325.02.3 Narrative describing the request. Include information on the proposed size and other design features of the proposed ADU. Describe how water and sewer services will be provided to the ADU. Indicate how the ADU will be sited on the property to minimize site disturbance and impacts to adjacent properties.

325.02.4 Copy of existing well permit(s) or septic use permit(s) issued for the property.

325.02.5 Plan exhibit to include the following:

- A vicinity map showing the parcel in relationship to adjacent properties and major roads. An aerial image may be used for this map.
- An overall parcel map labeling existing structures and dwellings.
- A site plan for the second ADU to show the building footprint or envelope. Show topography in two-foot contours within the area to be impacted by ADU construction. A DESC (Drainage, Erosion, and Sediment Control) Plan may be submitted in lieu of the site plan if one has been prepared.

325.02.6 Any other information requested by staff as necessary to evaluate the request. The Director may waive a required submittal requirement if deemed unnecessary to the review of the request.

325.03 Approval Standards

325.03.1 The second ADU is located outside of major drainageways and mapped 100-year floodplains.

325.03.2 The second ADU is capable of being served by water, sewer, and utility services.

325.03.3 The second ADU location minimizes impacts to existing topography and vegetation.

325.03.4 Legal and physical access is available to the second ADU.

325.03.5 The second ADU shall meet setback, height, and parking standards.

325.03.6 The second ADU is in general compliance with the goals, policies, and objectives of the County Comprehensive Master Plan.

SECTION 4 LRR – LARGE RURAL RESIDENTIAL DISTRICT

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401 Intent (Amended 8/11/09)

To provide areas for large-lot residential uses with limited farming, ranching, or tree farming activities and the preservation of such land as open rural area. The density range is from one dwelling per 34.9 acres to one (1) dwelling per 10 acres.

Urban development within this district is strongly discouraged. Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Large residential sites with limited agricultural uses may be appropriate when located outside the highway corridor viewsheds depicted on the Douglas County Open Lands Opportunity Map and when adjacent to residential development of similar or greater density. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The LRR zone district is characterized by residential sites with limited agricultural uses and open areas, which enhance and promote the openness and general rural character of the County. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

402 Principal Uses

On lots of 9 acres or greater in area, the following uses shall be allowed by right: *(Lots smaller than 9 acres are limited to the principal ~~and accessory~~ uses allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

402.01 Agricultural recreational activities

402.02 Agriculture (Amended 1/28/14)

402.03 Animals - (refer to Section 24)

402.04 Community Uses:

- Church - maximum seating capacity of 350 in main worship area (*Site Improvement Plan required per Section 27*)
- Fire station - no on-site training (*Site Improvement Plan required per Section 27*)
- Library (*Site Improvement Plan required per Section 27*)
- Open space/trails
- Park/playground
- Recreation facility - private (*Site Improvement Plan required per Section 27*) (Amended 9/9/08)

- School - public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)
- Temporary Emergency Shelter (*Approval letter required from the Director; the use must comply with applicable regulations*) (*Amended 10/14/02*)

402.05 Construction office - temporary (*refer to Section 22*)

402.06 Greenhouse - a maximum of 1 acre (43,560 sq. ft.) total area including warehouse/shipping facilities

402.07 Residence

- Principal - one (1) single-family dwelling or one (1) group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

402.08 Residential sales office - temporary (*refer to Section 22*)

402.09 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

402.10 Utility service facility (*Site Improvement Plan required per Section 27*)

402.11 Veterinary Clinic or Hospital, Equine and Livestock (*Site Improvement Plan required per Section 27*) (*Amended 2/21/23*)

403 Accessory Uses

The following accessory uses shall be allowed only when a principal use has been established on the lot. (*Lots smaller than 9 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.*)

403.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval.

403.0~~24~~ Accessory uses and buildings

403.0~~32~~ Day-care home - small

403.0~~43~~ Entertainment Event - (*refer to Section 22B*) (*Amended 1/28/14*)

403.0~~54~~ Farmers Market - (*refer to Section 22A*) (*Amended 1/28/14*)

403.065 Garage - private:

- For lots less than 1 acre in size - a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.

(Amended 3/8/22)~~403.06 Guest house~~403.07 Home occupation - Class 1 and Class 2 *(refer to Section 23)*403.08 In-home elder care *(Amended 3/28/01)*403.09 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*

403.10 Satellite receiving dish

403.11 Value-added Agricultural Processing - limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*404 Uses Permitted By Special Review *(Amended 6/22/05)*

On lots of 9 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Sections 21, ~~Use B~~ by Special Review ~~and 27-Site Improvement Plan~~, herein. *(Lots smaller than 9 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.)*
(Amended 5/14/03)

404.01 Animals - nondomestic, exotic

404.02 Church - greater than 350 seating capacity in main worship area

404.03 Cultural facility

404.04 Day-care center/preschool, or day-care home - large

404.05 Golf course legally established as a Use by Special Review prior to June 22, 2005

404.06 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*404.07 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review. *Exempt from Section 18A: Water Supply-Overlay District (Amended 10/14/02)*

- 404.08 Horse rental stable
- 404.09 Kennel
- 404.10 Recreation facility - community
- 404.11 Residence (*Amended 4/28/15*)
 - Bed and Breakfast
 - Caretaker - 1 per lot (may be a mobile home)
 - Group Residential Facility
- 404.12 Septic waste and domestic sludge application
- 404.13 Utility - major facility
- 404.14 Veterinary clinic or hospital
- 404.15 Wind energy conversion system

405 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.

406 Lot Area

To promote a design that is sensitive to the natural environment and adapts to the natural topography, flexibility in lot size is allowed. Lot size may be determined through a site analysis based on compatibility with adjacent land uses, health department requirements, the natural environment, water supply, soil suitability for septic systems, and the Douglas County Master Plan. The ability to keep animals may be affected by the lot size. (*Refer to Section 24*)

- 406.01 For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.
- 406.02 For lots served by a central water system, the allowable minimum lot area is 1 acre.
- 406.03 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).
- 406.04 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

407 Maximum Gross Density

The gross density shall not exceed one (1) dwelling per 10 acres and may be less due to required infrastructure or dedication, or environmental constraints.

408 Minimum Setbacks

Lot Size	SETBACK FROM:			
	Street	Side Lot Line	Rear Lot Line	115+KV Power Line
LESS than 2.3	regional/maj. arterial: 100' other: 25'	15'*	25'* accessory: 15'	100'
2.3-4.49 ac.	regional/maj. arterial: 100' other: 25'	25'*	25'*	100'
4.5-8.9 ac.	regional/maj. arterial: 100' other: 50'	25'*	25'*	100'
9+ ac.	100'	50'	50' accessory: 25'	100'

*Schools and buildings within recreation areas shall be set back 50'

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition section.) The setback from the POWER LINE is measured from the closest edge of the easement to the structure.

409 Encroachments

- 409.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 409.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 409.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 409.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 409.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet required setbacks.

410 Building Height

Maximum building height: 35 feet

The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

410.01 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition - spire height calculation)*

410.02 The height of an antenna shall be no greater than the distance to the nearest lot line. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

411 Water - Refer to Section 18A of this Resolution *(Amended 03/13/02)*

412 Street Standards

Construction of streets in accordance with the Master Plan, Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

413 Parking Standards

The minimum off-street parking spaces required: 8 spaces per lot in accordance with the Douglas County Roadway Design and Construction Standards. *(refer to Section 28 for non-residential parking standards)* *(Amended 4/24/02)*

414 Fencing Standards

- 414.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land.
- 414.02 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 414.03 A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 414.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation. Barbed wire or electrically charged fences shall be allowed. Any electrically charged fence shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged. Concertina or razor wire is prohibited.
- 414.05 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

415 Signs Standards - Refer to Section 29 of this Resolution

416 Lighting Standards - Refer to Section 30 of this Resolution

SECTION 5 RR - RURAL RESIDENTIAL DISTRICT

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501 Intent (Amended 8/11/09)

To provide areas for large-lot residential homesites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geological features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to agricultural areas. The density range is from one dwelling per 9.9 acres to one dwelling per 5 acres.

Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Large-lot residential homesites may be appropriate when located outside the highway corridor viewsheds, depicted on the Douglas County Open Lands Opportunity Map, and when adjacent to residential development of similar or greater density. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

Development within this district should provide road connections between developments allowing adequate response time for sheriff/fire protection, and medical support, and more efficient service delivery such as school busing. Extension of water resources may be extended to large-lot development in accordance with the County Comprehensive Master Plan, as amended.

The RR zone district is characterized by large-lot residential homesites and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, neighborhood recreational facilities, and open space. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

502 Principal Uses

On lots of 4.5 acres or greater in area, the following uses shall be allowed by right: *(Lots smaller than 4.5 acres are limited to the principal ~~and accessory~~ uses allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

502.01 Community Uses:

- Church - maximum seating capacity of 350 in main worship area *(Site Improvement Plan required per Section 27)*
- Fire station - no on-site training *(Site Improvement Plan required per Section 27)*
- Library *(Site Improvement Plan required per Section 27)*
- Open space/trails
- Park/playground

- Recreation facility - neighborhood (*Site improvement plan required per Section 27*)
- Recreation facility - private (*Site improvement plan required per Section 27*) (*Amended 9/9/08*)
- School - public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)

502.02 Construction office - temporary

502.03 Residence

- Principal - 1 single-family dwelling or 1 group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

502.04 Sales office - temporary (*refer to Section 22*)

502.05 Utility service facility (*Site Improvement Plan required per Section 27*)

503 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot:
(Lots smaller than 4.5 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.)

503.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar approval.

503.0~~2~~²¹ Accessory uses and buildings

503.0~~3~~³² Animals (*refer to Section 24*)

503.0~~4~~⁴³ Day-care home - small

503.0~~5~~⁵⁴ Garage - private:

- For lots less than 1 acre in size - a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(Amended 3/8/22)

503.05 ~~Guest house~~

- 503.06 Home Occupation - Class 1 and Class 2 (*refer to Section 23*)
- 503.07 In-home elder care (*Amended 3/28/01*)
- 503.08 Satellite receiving dish
- 503.09 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week
- 503.10 Youth-oriented agricultural activity (*Amended 6/14/06*)

504 Uses Permitted By Special Review (*Amended 6/22/05*)

On lots of 4.5 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Section 21. Use ~~b~~By Special Review ~~and Section 27 Site Improvement Plan~~, herein. (*Lots smaller than 4.5 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.*)

- 504.01 Church - greater than 350 seating capacity in main worship area
- 504.02 Day-care center/preschool, or day-care home - large
- 504.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 (*Amended 2/12/19*)
- 504.04 Home occupation pursuant to Section 2310, herein. (*Amended 8/23/22*)
- 504.05 Horse boarding or training facility that exceeds the maximum number or horses permitted by right
- 504.06 Recreation facility - community
- 504.07 Residence
 - Bed and Breakfast
- 504.08 Utility - major facility
- 504.09 Veterinary hospital/clinic
- 504.10 Wind energy conversion system

505 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use, or cash in-lieu-of land as required by the Douglas County Subdivision Resolution.

506 Lot Area

To promote a design that is sensitive to the natural environment and adapts to the natural topography, flexibility in lot size is allowed. Lot size may be determined through a site analysis based on compatibility with adjacent land uses, health department requirements, the natural environment, water availability, soil suitability for septic, and the Douglas County Master Plan. The ability to keep animals may be affected by the lot size. *(Refer to Section 24)*

506.01 For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.

506.02 For lots served by a central water system, the allowable minimum lot area is 1 acre.

506.03 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

506.04 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

507 Maximum Gross Density

The gross density shall not exceed 1 dwelling per 5 acres and may be less due to required infrastructure or dedication, or environmental constraints.

508 Minimum Setbacks

Lot Size	SETBACK FROM:			
	Street	Side Lot Line	Rear Line Lot	115+KV Power Line
LESS than 2.3	regional/maj. arterial: 100' other: 25'	15'*	25'* accessory: 15'	100'
2.3-4.49 ac.	regional/maj. arterial: 100' other: 25'	25'*	25'*	100'
4.5+ ac.	regional/maj. arterial: 100' other: 50'	25'*	25'*	100'

*Schools and buildings within recreation areas shall be set back 50'

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition section.) The setback from the POWER LINE is measured from the closest edge of the easement to the structure.

509 Encroachments

509.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.

- 509.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 509.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 509.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 509.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation, or gas regulator/meter station shall meet required setbacks.

510 Building Height

Maximum building height: 35 feet

- 510.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 510.02 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition - spire height calculation)*
- 510.03 The height of an antenna shall be no greater than the distance to the nearest lot line. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

511 Utilities

All public utility distribution lines shall be placed underground.

512 Water - Refer to Section 18A of this Resolution *(Amended 03/13/02)*

513 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

514 Parking Standards - Refer to Section 28 for non-residential parking standards
(Amended 4/24/02)

The minimum off-street parking spaces required: 8 spaces per lot in accordance with the Douglas County Roadway Design and Construction Standards

Unlicensed, operable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof. Inoperable vehicles are prohibited.

515 Fencing Standards

515.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land.

515.02 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.

515.03 A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. (Amended 12/18/12)

515.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.

515.05 Barbed wire or electrically charged fences shall be allowed. Any electrically charged fence shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged. Concertina or razor wire is prohibited.

515.06 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. (Amended 12/18/12)

516 Sign Standards Refer to Section 29 of this Resolution

517 Lighting Standards Refer to Section 30 of this Resolution

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SECTION 6 ER - ESTATE RESIDENTIAL DISTRICT

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601 Intent (Amended 8/11/09)

To provide areas for medium low-density residential homesites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geological features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to large-lot residential or agricultural areas. The density range is from one dwelling per 4.9 acres to one dwelling per 2.5 acres. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve these areas.

Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Medium low-density residential homesites may be appropriate when located outside the highway corridor viewsheds, depicted on the Douglas County Open Lands Opportunity Map, and when adjacent to residential development of similar or greater density. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

Development within this district should provide road connections, between developments, that provide adequate response time for sheriff/fire protection and medical support, and more efficient service delivery such as school busing.

The ER zone district is characterized by residential homesites and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, neighborhood recreational facilities, and open space. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

602 Principal Uses

On lots of 2.3 acres or greater in area, the following uses shall be allowed by right: *(Lots smaller than 2.3 acres are limited to the principal ~~and accessory~~ uses allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

602.01 Community Uses:

- Church - maximum seating capacity of 350 in main worship area *(Site Improvement Plan required per Section 27)*
- Fire station - no on-site training *(Site Improvement Plan required per Section 27)*
- Library *(Site Improvement Plan required per Section 27)*
- Open space/trails
- Park/playground
- Recreation facility - neighborhood *(Site Improvement Plan required per Section 27)*

- Recreation facility - private (*Site Improvement Plan required per Section 27*) (*Amended 9/9/08*)
- School - public/private kindergarten through 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)

602.02 Construction office - temporary (*refer to Section 22*)

602.03 Residence

- Principal - 1 single-family dwelling or 1 group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

602.04 Sales office - temporary (*refer to Section 22*)

602.05 Utility service facility (*Site Improvement Plan required per Section 27*)

602.06 Youth-oriented agricultural activity

603 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot.
(Lots smaller than 2.3 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.)

603.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval.

603.0~~2~~4 Accessory uses and buildings

603.0~~2~~3 Animals (*refer to Section 24*)

603.0~~3~~4 Day-care home - small

603.0~~4~~5 Garage - private:

- For lots less than 1 acre in size - a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(*Amended 3/8/22*)

603.0~~5~~6 Home occupation - Class 1 (*refer to Section 23*)

603.0~~6~~7 In-home elder care *(Amended 3/28/01)*

603.0~~7~~8 Satellite receiving dish

603.0~~8~~9 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

604 Uses Permitted By Special Review *(Amended 6/22/05)*

On lots 2.3 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Section 21. Use By Special Review ~~and Section 27 Site Improvement Plan~~ of this Resolution. *(Lots smaller than 2.3 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.)*

604.01 Church - greater than 350 seating capacity in main worship area

604.02 Day-care center/preschool, or day-care home - large

604.03 Horse boarding or training facility that exceeds the maximum number of horses permitted by right

604.04 Recreation facility - community

604.05 Residence

- Bed and Breakfast

604.06 Utility - major facility

605 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.

606 Lot Area

To promote a design that is sensitive to the natural land features and adapts to the natural topography, flexibility in lot size is allowed. Lot size may be determined through a site analysis based on compatibility with adjacent land uses, health department requirements, the natural environment, water availability, soil suitability for septic, and the Douglas County Master Plan. The ability to keep animals may be affected by the lot size. *(Refer to Section 24)*

606.01 For lots served by an individual septic system, the minimum allowable lot area is 1 acre.

606.02_ For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

606.03_ For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

607 Maximum Gross Density

The gross density shall not exceed 1 dwelling per 2.5 acres and may be less due to required infrastructure or dedication, or environmental constraints.

608 Minimum Setbacks

Parcel Size	SETBACK FROM:			
	Street	Side Lot Line	Rear Lot Line	115+KV Power Line
LESS than 2.3	regional/maj. arterial: 100' other: 25'	15'*	25'* accessory: 15'	100'
2.3+ ac.	regional/maj. arterial: 100' other: 25'	25'*	25'*	100'

*Schools and buildings within recreation areas shall be set back 50'

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line (See illustration in the Definition section.) The setback from the POWER LINE is measured from the closest edge of the easement to the structure.

609 Encroachments

609.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.

609.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*

609.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*

609.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.

609.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

610 Building Height

Maximum building height: 35 feet

The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

610.01 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(Refer to Section 36 building height definition - spire height calculation)*

610.02 The height of an antenna shall be no greater than the distance to the nearest lot line. *(Refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

611 Water and Sanitation

All uses shall be served by a central water facility. Individual septic systems shall be allowed in compliance with health department regulations.

612 Utilities

All public utility distribution lines shall be placed underground.

613 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

614 Parking Standards - Refer to Section 28 for nonresidential parking standards
(Amended 4/24/02)

The minimum off-street parking spaces required: 8 spaces per lot in accordance with the Douglas County Roadway Design and Construction Standards.

Unlicensed, operable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof. Inoperable vehicles are prohibited.

615 Fencing Standards

Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setbacks, on private land. A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.

Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.

Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

Barbed, electrically charged, concertina, or razor wire is prohibited.

616 Sign Standards - Refer to Section 29 of this Resolution

617 Lighting Standards - Refer to Section 30 of this Resolution

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SECTION 7 SR - SUBURBAN RESIDENTIAL DISTRICT

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701 Intent *(Amended 8/11/09)*

To provide areas for a variety of housing types, designed in a manner to create livable space in the urban setting, that is protected from incompatible land uses and hazardous conditions, and buffered from commercial/industrial uses. The density shall not exceed 4.36 dwellings per acre. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve these areas. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district should be designed to create neighborhoods in terms of scale and identity and as service units with adequate schools, parks, and convenience retail; pedestrian, bicycle, and automobile circulation that includes connections between neighborhoods and community facilities; and to preserve open space and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The SR zone district is characterized by a variety of housing types within a range of affordability, including housing for the elderly, handicapped and other special populations, and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, playgrounds, and neighborhood recreational facilities. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

702 Principal Uses

On lots that conform to the minimum lot area, the following uses are allowed by right:
(Amended 5/14/03)

702.1 Community Uses:

- Church - maximum seating capacity of 350 in main worship area *(Site Improvement Plan required per Section 27)*
- Fire station - no on-site training *(Site Improvement Plan required per Section 27)*
- Library - *(Site Improvement Plan required per Section 27)*
- Open space/trails
- Park/playground
- Recreation facility - neighborhood *(Site Improvement Plan required per Section 27)*
- Recreation facility - private *(Site Improvement Plan required per Section 27) (Amended 9/9/08)*
- School - public/private kindergarten through 12th grade *(Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32)*

- Sheriff substation – no training or detention (*Site Improvement Plan required per Section 27*)

702.02 Construction office - temporary (*refer to Section 22*)

702.03 Residence

- Principal - 1 single-family dwelling or 1 group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*)
- Temporary (*refer to Section 22*)

702.04 Sales office - temporary (*refer to Section 22*)

702.05 Utility service facility (*Site Improvement Plan required per Section 27*)

703 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot.

703.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval. ADU's are not permitted in the PD – Planned Development District.

703.04~~2~~ Accessory uses and buildings

703.02~~3~~ Animals (*refer to Section 24*)

703.03~~4~~ Day-care home - small

703.04~~5~~ Garage - private:

- For lots less than 1 acre in size – a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size – a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(Amended 3/8/22)

703.05~~6~~ Home occupation - Class 1 (*refer to Section 23*)

703.06~~7~~ In-home elder care (*Amended 3/28/01*)

703.07~~8~~ Satellite receiving dish

704 Uses Permitted ~~b~~By Special Review (Amended 6/22/05)

The following uses are permitted, upon the approval of the Board, in accordance with Section 21, Use ~~B~~by Special Review, ~~and Section 27 Site Improvement Plan~~ of this Resolution.

- 704.01 Church - greater than 350 seating capacity in main worship area
- 704.02 Day-care center/preschool, or day-care home - large
- 704.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 (Amended 2/12/19)
- 704.04 Recreation facility - community
- 704.05 Utility - major facility

705 Maximum Gross Density

The gross density shall not exceed 4.36 dwellings/acre and may be less due to required infrastructure or dedication, or environmental constraints.

706 Minimum Lot Area: 9,000 sq. ft.

Calculation of the minimum lot area is exclusive of open space, County-dedicated land or rights-of-way.

A minimum lot area of greater than 0.5 acres is required for a detached accessory dwelling unity (ADU).

707 Water and Sanitation

All uses shall be served by a central water and sanitation facility.

708 Utilities

All public utility distribution lines shall be placed underground.

709 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use, or cash in-lieu-of land as required by the Douglas County Subdivision Resolution.

710 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, the Douglas County Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

711 Parking Standards - Refer to Section 28 for non-residential parking standards
(Amended 4/24/02)

The minimum off-street parking spaces required: 2 spaces per dwelling

Unlicensed, operable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof. Inoperable vehicles are prohibited.

712 Minimum Setbacks
(Amended 3/8/22)

Lot Size	Setback From:			
	Street	Side Lot Line	Rear Lot Line	115 KV or greater power line
0.50 ac. or less	Regional or major arterial: 100' Other: 20'	5'*	15'*	100'
Greater than 0.5 acres and less than 1.0 acre	Regional or major arterial: 100' Other: 25'	10'*	20'* Accessory: 15'*	100'
1.0 acre or greater	Regional or major arterial: 100' Other: 25'	15'*	25'* Accessory: 15'*	100'

*Schools and buildings within recreation areas shall be set back 50'

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition section.) The setback from the POWER LINE is measured from the closest edge of the easement to the structure.

713 Encroachments

713.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.

713.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. (Amended 3/8/22)

713.03 Foundation anchoring and foundation repair systems may be located within a required setback. (Amended 3/8/22)

- 713.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 713.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.
- 713.06 Structures that do not require building permits may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.
- 713.07 A garage directly accessed from an alley may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder. *(Amended 6/14/06)*

714 Building Height

Maximum building height:

- principal building: 35 feet
- accessory building: 20 feet

The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

- 714.01 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition - spire height calculation)*
- 714.02 The height of an antenna shall be no greater than the distance to the nearest lot line. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

715 Fencing Standards

- 715.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setbacks, on private land. A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

- 715.02 Solid fences, walls, or hedges shall not exceed 6 feet in height and shall not exceed 4 feet in height when located in the required setback from a street.
- 715.03 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 715.04 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 715.05 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 715.06 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 715.07 Sound barrier walls, when constructed by a landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Site Improvement Plan Referral Board.
- 715.08 Barbed, electrically charged, concertina, or razor wire is prohibited.
- 716 Sign Standards - Refer to Section 29 of this Resolution
- 717 Lighting Standards - Refer to Section 30 of this Resolution

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3601 Rules of Construction

- 3601.01 The particular controls the general.
- 3601.02 In case of any difference of meaning or implication between the text of this Resolution and the captions for each section, the text shall control.
- 3601.03 The word "shall" is always mandatory and not directory. The word "may" is permissive.
- 3601.04 Words used in the present tense include the future, unless the context clearly indicates the contrary.
- 3601.05 Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- 3601.06 A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
- 3601.07 The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

3602 Definitions

As used in this Resolution, the following words shall be interpreted and defined in accordance with the provisions set forth in this Section or by further modification by the Board of County Commissioners.

Abutting: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

Accessory Dwelling Unit (ADU): An attached or detached unit situated on one (1) lot with an established principal dwelling which shall not be held in ownership by other than the owner of the principal dwelling. The ADU shall be arranged, designed, or intended for occupancy by not more than one (1) family in compliance with the County building code.

Attached ADU – An ADU that is attached to the principal dwelling unit as either an addition to the dwelling or a conversion of existing space within the dwelling.

Detached ADU – An ADU that is detached from the principal dwelling unit.

Accessory Equipment: An enclosed structure, cabinet, shed or box that houses power boxes, electrical equipment, and other related equipment of a telecommunication or personal wireless communication facility.

Accessory Structure: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use: A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use.

Adjacent: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

Agricultural Recreational Activities: Special activities related to livestock held for educational, instructional, or recreational purposes, including but not limited to horse shows, gymkhanas, training clinics, team ropings, rodeos, polo matches, endurance rides, hunts, or other activities involving livestock.

Agricultural Activities, Youth-Oriented: Special activities oriented toward children and held for educational, instructional or recreational purposes, including but not limited to: 4-H, pony club, and Little Britches. *(Amended 4/28/15)*

Agriculture: Land uses related to grazing or raising livestock or land uses which produce products that originate from the land's productivity, such as farming, ranching, forestry, tree farming, animal husbandry, and horticulture. Excluded from this definition is all marijuana prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Producer: A person or entity that raises or produces Agricultural Products on land that the person or entity farms and owns, rents, or leases. *(Amended 1/28/14)*

Agricultural Products: Products that originate from the land's productivity, such as fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock products (including meat, milk, cheese and other dairy products), hay, grass, and grains. Excluded from this definition is any marijuana product, the cultivation or other processing of which is prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Worker: An individual employed in the operation of a farm or ranch.

Airport: Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft.

Alley: A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.

Ambient Lighting: All available light surrounding a subject sign at any point in time with the subject sign light source extinguished. (*Amended 2/11/14*)

Ambient Noise Level: The average equivalent sound level (LEQ) occurring during a six-minute period as measured with a sound level measuring instrument. The ambient noise level shall be determined with the noise source at issue silent, and in the same location and approximate time as the measurement of the noise level of the source at issue.

Animal, Exotic: An animal introduced from another country not normally kept as a household pet or farm animal. (*See animal - nondomestic.*)

Animal, Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of one (1) litter, brood, or offspring is permitted, per household, per year.

Animal, Nondomestic: An animal not normally adapted to live and breed in a tame condition. (*See animal - exotic.*)

Antenna: A system of wires, rods, reflecting discs or similar devices used for the wireless transmission or reception of electromagnetic waves.

Directional (or panel or rectangular): A flat surface antenna used to achieve transmission or reception from a specific direction.

Parabolic: A round, often concave, antenna no greater than 24" in diameter used primarily for point-to-point transmission of radio signals.

Omnidirectional (or whip): A thin, self-supporting rod antenna that beams and receives a signal in all directions.

Satellite Dish: A ground mounted antenna, generally exceeding 24" in diameter, incorporating a solid, open mesh, or bar configured surface used to transmit or receive radio or electromagnetic waves.

Antenna Array: Groups of directional panel antennas designed to send and receive wireless transmissions.

Avigation Easement: An easement that allows the grantee the right to use the airspace. The easement may include restrictions regarding the height of structures, the use of reflective glass, or the interference of radio transmissions by the grantor and an acknowledgment by the grantor that airplanes flying overhead may present a physical danger, increase noise levels or cause pollution.

Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year. *(Refer to Flood - 100 year)*

Batch Plant, Concrete, Mortar, or Asphalt: A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar or asphalt.

Bed and Breakfast: A dwelling where a maximum of five (5) guest units for overnight or otherwise short-term temporary lodging is provided and may include meals. The operator of the facility shall live on the property. *(This does not include hotels/motels.)*

Berm: Mound of earth used in landscaping for screening, definition of space, noise attenuation, or decoration.

Board or Board of County Commissioners: The Board of County Commissioners of Douglas County; the governing body of Douglas County.

Bordering: Touching at a boundary. *(Amended 3/26/24)*

Borrow Site: A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc., where the material is removed from the legally described site and characterized by a short-term operation and a limited quantity of earthen material.

Buffer Area: An area of land established to separate and protect one type of land use from another; to protect from objectionable noise, smoke, or visual impact; or to provide for future public improvements or additional open space. *(Amended 3/26/24)*

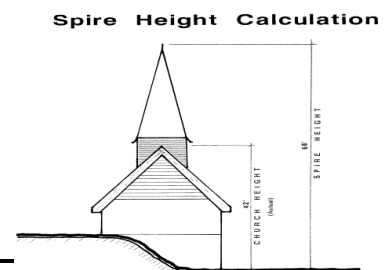
Building: Any permanent structure, or portion thereof, built for the shelter or enclosure of human beings, animals, or property of any kind and excluding signs or fences.

Building Envelope: The portion of a lot within applicable setback requirements where building construction will be permitted, or other activities if so limited or described on the plat.

Building Face: The horizontal linear dimension of any side of a building as determined by measuring the exterior wall of any side of said building in a straight line. A side of any building shall contain only one building face. *(Amended 2/11/14)*

Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when



such sidewalk or ground surface is not more than 10 feet above the lowest grade.

- (2) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in number one (1) above is more than 10 feet above the lowest grade.
- (3) The height of a stepped or terraced building is the maximum height of any segment of the building. *(Amended 12/18/12)*

Spire Height Calculation *(see diagram)*

Campground: An area or tract of land on which accommodations for temporary occupancy (not to exceed 30 days in any one calendar year) are located including the parking or placement of camping and travel trailers, motor homes, truck campers or tents used for human occupancy.

Canopy: A roof like cover, including an awning that projects from the wall of a building over a door, entrance, or window; or a free-standing or projecting cover over an outdoor service area, such as at a gasoline station. *(Amended 2/11/14)*

Capacity: The maximum demand that can be accommodated by a public facility or service without exceeding the level of service as determined by the service provider. *(Amended 11/18/14)*

Capital Improvements: Large scale physical assets constructed or purchased to provide, improve, or replace a costly public facility. "Capital improvements" shall include physical assets providing additional capacity needed to accommodate the demand for public facilities generated by a development. *(Amended 11/18/14)*

Carrier: A company that provides personal wireless communication services.

Cellular Communication: A type of personal wireless communication service consisting of low-power mobile radio communication that occurs through a network of radio wave transmitting devices.

Centennial Airport Review Area (CARA): An overlay district intended to allow for compatible land-use planning in the vicinity of Centennial Airport. The overlay district includes three components; safety zones, noise zones, and height zones as depicted in Figure 19-1.

Central Water: Water service provided by a special district formed pursuant to the Special District Act, C.R.S. § 32-1-101, et. seq.

Central Sanitation: A centralized wastewater collection and treatment facility approved by Tri-County Health Department and the Colorado Department of Health including at a minimum, secondary wastewater treatment, subject to any waste discharge permits required by the State.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

Church: A building, where people regularly assemble for worship, or other type of religious practice, together with its accessory buildings and uses, maintained and controlled by an organization to sustain public worship. *(Amended 4/28/15)*

Clinic, Dental or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom inpatient and overnight accommodations.

Club (Country Club): Individuals gathered for social, educational or recreational purposes, including buildings or facilities owned/operated by such organization, excluding a golf course unless specifically permitted in that zoning district.

Collocation: The circumstance occurring when one or more carriers install antenna arrays on the same single structure.

Commercial Storage Area: An outdoor area for the storage of items including but not limited to raw materials, supplies, finished or semi-finished products, goods, wares, merchandise, vehicles, or equipment. *(Amended 3/26/24)*

Commitment to serve: (as related to water supply) - A letter stating the water district's "intent to serve" the project, or at the time of final/minor development plat application, a letter stating that the water district "will serve" the area of the final/minor development plat.

Comprehensive Master Plan: The Douglas County Comprehensive Master Plan as adopted by Planning Commission resolution. The Douglas County Comprehensive Master Plan is the long-range plan intended to guide the growth and development of the County, and is inclusive of supplemental plans which may be adopted and incorporated by Planning Commission resolution.

Condominium: A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Confinement Center: An animal feeding operation where livestock are kept and fed in close quarters until they are shipped to market.

Construction: Any and all activity incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, structures, roads, or appurtenances thereto, including land clearing, grading, excavating, and filling.

Convenience Store: A small retail or service commercial use, which provides limited food products, household items or other goods or services commonly associated with the same, which do not typically offer comparison shopping opportunities.

County: Douglas County, Colorado.

Cultural Facility: A building or area designed and intended for intellectual or artistic activities, including a museum, art gallery, outdoor amphitheater, fairground, sports stadium/arena, performing arts center, or similar facility.

dB(A): A sound level in decibels measured on the “A” scale of sound level having characteristics defined by the American National Standards Institute. [§25-12-102(2), C.R.S.]

Day-Care Center/Preschool: A commercial facility where care and training is provided for children or adults for periods of less than 24 consecutive hours.

Day-Care Home:

small - A residence in which care is provided for up to six (6) children or adults, including the provider's own children, plus two (2) additional children of school age either before or after school hours, and on days during the regular school year when school is not in session, such as conference days/in-service days and holidays, including summer vacations or off-track periods in year-round schools when the child does not attend classes. If the applicant has an experienced Child Care Provider License, a maximum of nine children may be permitted in accordance with Colorado Department of Human Services regulations for child care facilities.

large - A residence in which care and training is provided for seven (7) to 12 children or adults, including the provider's own children, except as provided for above.

Day-Care Household Pets: A retail/service facility for the care of dogs or other household pets for periods of less than 24 consecutive hours. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Decibel: A unit describing the relative amplitude of sound. A decibel is a unit of sound pressure level equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure to the reference pressure of $2 \times 10^{-5} \text{ N/m}^2$ (Newton's/meter squared.) [§25-12-102(3), C.R.S.]

Density: The number of units per area of measure. For example, the number of dwelling units per acre.

Density, Gross: The total number of units divided by the total land area within the boundary of the project including publicly dedicated streets, open space or other public facilities.

Density, Net: The number of units divided by the land area within the boundary of the project excluding publicly dedicated streets, open space or other public facilities.

Department: The Douglas County Community Development Department.

Designated Elevation: The elevation above sea level determined at each airport in accordance with the approved airport guidelines.

Development: Any change to improved or unimproved real estate, including but not limited to: buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations or any alteration to land, buildings or structures which falls under the purview of this Resolution.

Development Plan: A specific set of regulations establishing lot size, land use, density, lot coverage, open space or other standards and a map depicting land uses within a Planned Development District approved by the Board and recorded in the Office of the Clerk and Recorder. The current and future owners and their assigns are required to develop their property in accordance with this plan.

Director: The Director shall be as designated by the County Manager.

Driveway: A private vehicular access abutting a street, for the exclusive use of the owners and occupants of the lot, lots or project and their invitees, not considered to be a street.

Dude Ranch: A functioning ranch that offers guests the opportunity to participate in activities commonly associated with its operation. The recreational component shall be accessory to the principal ranching operation.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including mobile homes, boarding houses, hotels, motels, recreational vehicles, or tents. Manufactured homes certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended and Section 30-28-115 of the Colorado Revised Statutes shall be deemed a dwelling unit. *(Amended 5/10/16)*

Dwelling, Multifamily: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by two (2) or more families living independently of each other, including condominiums and duplexes, but excluding therefrom hotels and motels.

Dwelling, Single-Family: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by not more than one (1) family in compliance with the County building code. The dwelling must function as a continuous enclosure without any impassable separation such as a wall or floor. Dwelling spaces joined by a garage or breezeway are considered to be a separate dwelling.

Dwelling, Single-Family, attached: A dwelling with primary ground floor access to the outside, which is attached to another unit by a party wall without openings, and is situated on one (1) lot. The term is intended primarily for such dwelling types as townhouses, cluster units, patio homes.

Easement: An acquired right of use, interest or privilege in land owned by another.

Enhanced Specialized Mobile Radio Service (ESMR): A type of communication technology that is used primarily by fleet-dispatched service providers and closed system mobile radio users.

Entertainment Event: A public presentation for which admission is made available to the general public, held on a one time or occasional basis that provides amusement for, or holds the attention of, those in attendance. *(Amended 4/28/15)*

Entertainment Event, Major: An Entertainment Event that exceeds the limitations placed on Minor Entertainment Events. *(Amended 1/28/14)*

Entertainment Event, Minor: An Entertainment Event that meets one of the following limitations:

- A one-day event, such as a concert, with a maximum daily attendance of 500 persons.
- A multi-day event, such as a festival, carnival, or revival, with a maximum daily attendance of 300 persons and duration of seven days or less. *(Amended 1/28/14)*

Equipment, Small: Vehicles/equipment not exceeding the following gross vehicle weights: Motorized - 18,000 lbs.; nonmotorized - 6,000 lbs.

Event Center: A facility consisting of structures or premises used to accommodate the assembly of persons for private meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and other social engagement purposes, or similar such uses, in exchange for remuneration of any kind. Such use may include the provision of food, beverages, and entertainment. Event Center shall not include any use component of a sexually oriented business, as defined herein. *(Amended 4/28/15)*

Family: An individual or a group of persons, whether related or not, that habitually reside in a single dwelling unit and form a single residential unit, who share common living areas (e.g. laundry, kitchen, living room, garage, etc.) and expenses, and are at least partially dependent upon each other for care of the residential unit.

A family shall not include more than one (1) registered sex offender over the age of 18, unless related by blood, marriage, or legal adoption to all other occupants. *(Amended 5/10/16)*

Farm and Commercial Garden Building: A building or structure used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.

Hay: Grass or other herbaceous plant that has been cut, dried, and stored for use as animal fodder, particularly for grazing livestock such as cattle, horses, goats, and sheep. (Amended 4/28/15)

Hay Sales: The sale of imported hay for animal fodder as a principal commercial use of the property. No other bagged or baled animal feed, imported agricultural products, or other sales are allowed, except as otherwise permitted herein. (Amended 4/28/15)

Hedge: A row of shrubs or small trees which, at maturity, forms a barrier that cannot be easily seen through.

Heliport: Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Home Occupation: A business use conducted on the site, which is clearly incidental and secondary to the use of the land for residential or agricultural purposes; that does not change the character of the dwelling, lot, or neighborhood; and that allows the resident to work at home. Such uses as a motor vehicle repair or body shop, bed and breakfast establishment, medical clinic, hospital, kennel, animal clinic/hospital, retail business, warehousing and distribution, or any similar use generating more than occasional or minimal vehicular or pedestrian traffic shall not be allowed as a home occupation.

Homeowners' Association: An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas, and the enforcement of protective covenants.

Horse, Boarded: A horse, not owned by the landowner or lessee, kept on the landowner or lessee's property for a period of 24 hours or more.

Horse, Nonowned: A horse not solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse, Owned: A horse solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse Rental Stable: A facility where horses, ponies, or mules are rented to the general public for recreational purposes.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel: Any building arranged, designed or intended as a temporary lodging place for human beings, with or without meals, in which there are six (6) or more guest rooms or

suites, and in which only minimal provision may be made for cooking in any individual room or suite.

Hunting/Fishing Club: Individuals gathered for the express purpose of participating in recreational activities directly related to hunting, fishing and similar outdoor sportsman activities that typically take place on club-owned land.

Impact Area: The area within which a proposed development is presumed to create a demand for public facilities and services and which area, therefore, will be evaluated to determine whether the capacity of public facilities and services is adequate to accommodate the demand. The impact areas for specific public facilities and services are as follows:

- (1) Fire Protection: the boundaries of the district providing fire protection service to the proposed residential development.
- (2) Public Schools: High School Feeder Areas as designated by the Douglas County School District.
- (3) Streets: the area as defined in the Douglas County Roadway Design and Construction Standards. *(Amended 11/18/14)*

In-Home Elder Care: Providing 24-hr. in-home care for six (6) or fewer elderly persons (*60+ years old*), not related to the members of the household, who are ambulatory and are not mentally ill or developmentally disabled, who because of impaired capacity for independent living elect protective oversight, but do not require regular 24-hour medical or nursing care. The care provider shall reside at and maintain their primary place of residency in this home, be licensed by the State, and may have 1-2 nonresident helpers. The limitation contained in §30-28-115(2)(f), C.R.S., requiring that a group home for the aged not be located within 750' of another such group home, shall not apply to in-home elder care facilities.

Industrial Park: A tract of land with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

Junk Yard: A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.

Kennel: Any site used to keep more household pets than permitted in Section 24 Animals or used for breeding, boarding, training with boarding or selling of household pets. This definition shall not include a veterinary clinic or hospital or pet shop. *(Amended 5/27/14)*

Landfill: A site used for the disposal of junk, garbage or other waste material including biodegradables imported from off-site. The burying of biodegradable material that

originated on-site shall not be considered a landfill provided all applicable requirements are met and necessary permits obtained.

Landing Field - Private: An area of land or water designed for the landing or take-off of aircraft for the benefit of the landowner/lessee and not to be used for commercial purposes.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers.

Legal Description: A written metes and bounds description of the boundary of a parcel of real property by a Professional Land Surveyor (PLS), for the purpose of perpetuating location and title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record, and a full dimensional recital of the boundary courses in succession which shall be mathematically correct. The description must be accompanied by an exhibit or map showing all pertinent information as described in the narrative.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based upon and related to the operational characteristics of the public facility; or the capacity per unit of demand for each public facility.

Level of Service (LOS), Adopted Roadway: Level of Service C for Nonurban areas and D for Urban areas. *(Amended 11/18/14)*

Level of Service (LOS), Roadway: A performance measure of quality of service measured on an A-F scale, with a LOS A representing the best operating conditions from the traveler's perspective and a LOS F representing the worst. *(Amended 11/18/14)*

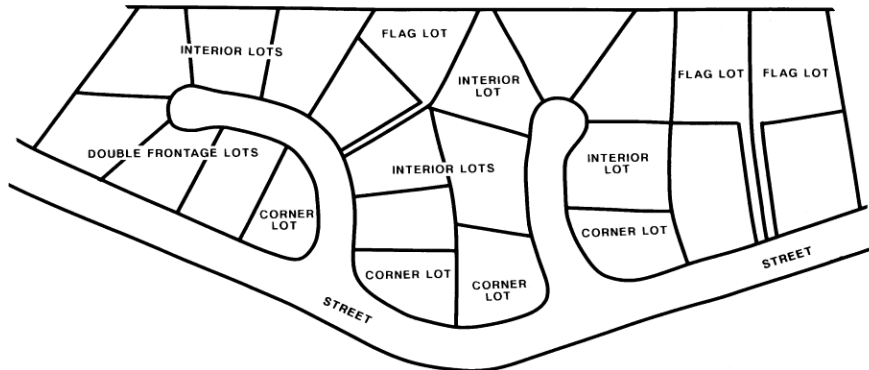
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect at the time the lot/parcel was created. Also, lot of record. *(A tax parcel is not necessarily a lot of record)*

Corner - A lot abutting two or more adjacent streets which have an angle of intersection of not more than 135 degrees.

Double Frontage - A lot abutting two nonintersecting streets as distinguished from a corner lot.

Flag - A lot having access or an easement to a public or private street by a narrow, private right-of-way

Interior - A lot other than a corner lot.



Lot, Area of: The area of a lot exclusive of streets, County-dedicated land or open space.

Lot, Buildable: A lot of record that complies with all the requirements of the zoning district within which it is located, or a nonconforming lot provided such lot was created in compliance with the State land-use laws and the Douglas County subdivision and zoning regulations in effect at the time the lot was created. *(A tax parcel may or may not be a buildable lot.)*

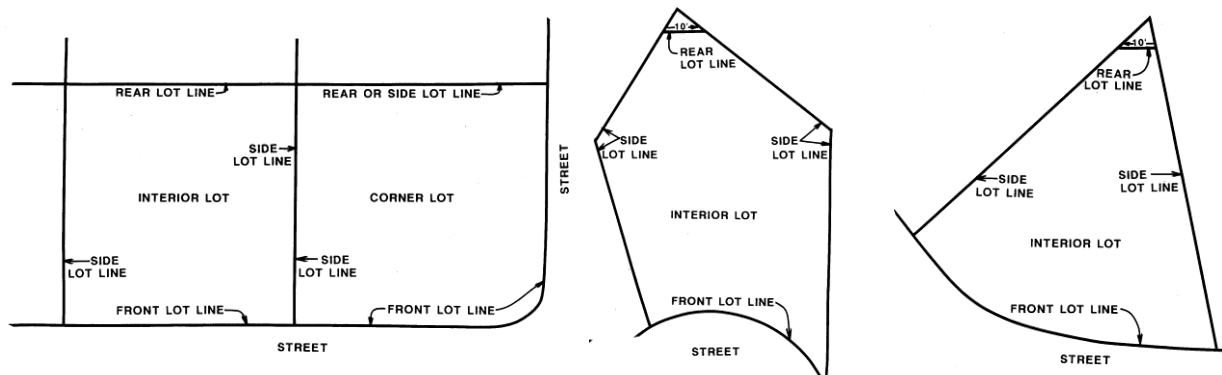
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

Lot Line: Any boundary of a lot. The classifications of lot lines are:

Front: The lot line separating the lot from a street. On a corner lot or double frontage lot each lot line separating the lot from a street is considered a front lot line. Where a lot is not abutting a street, other than by its driveway, that lot line which faces the principal entrance of the main building is the front lot line.

Rear: The lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped, or irregularly-shaped lots the rear lot line shall be deemed to be a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks.

Side: Any property boundary line which is neither a front lot line nor rear lot line.



Major Reservoir(s): Any body of water within the State of Colorado having a surface area at high water line in excess of 100 acres excepting livestock water tanks as defined in Article 49 of Title 35, C.R.S. 1973.

Manufactured Housing: A factory-built, single-family structure that is manufactured and certified under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, in compliance with Section 30-28-115 of the Colorado Revised Statutes. Manufactured housing is different than a mobile home.

Message: A complete, static display message on an Electronic Message Sign. *(Amended 2/11/14)*

Message Hold Time: The time interval a static message shall remain on the display before transitioning to another message on an Electronic Message Sign. *(Amended 2/11/14)*

Metes and Bounds: A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

Microwave Dish: A device for receiving or transmitting radio frequency/electromagnetic waves.

Mineral: An inanimate constituent of the earth, in either solid, liquid or gaseous state that, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material.

Mineral Resource Area: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

Mining: The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, oil, natural gas, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater found in Douglas County.

Mobile Home: A portable structure used or designed to be used for living or sleeping purposes, transportable on its own wheels and requiring only minor work after arrival on its site to become suitable for occupancy. A mobile home is allowed as a dwelling only in the MH zone district or as specified in the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the Housing and Urban Development

Department's manufactured housing regulations adopted in 1976. (*Refer to Manufactured Housing and Modular Home*) (Amended 4/28/15)

Mobile Home, Converted: A mobile home that has been placed on a permanent foundation and taxed as real estate. Converted mobile homes shall be permitted only in MH zone district, or as a specified within the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the 1976 Housing and Urban Development Department's manufactured housing regulations adopted in 1976. (Amended 4/28/15)

Mobile Home Park: A parcel of land under single or unified ownership or control within which spaces are rented for occupancy by mobile homes.

Mobile Home Subdivision: An area of land subdivided for occupancy by mobile homes exclusively, and containing lots in divided or separate ownership.

Modular Home: A prefabricated living unit, designed to become a permanent building, which meets the building standards of the Douglas County Building Code.

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking area adjacent to each unit.

Motorcycle: A self-propelled vehicle with not more than three (3) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-102(5.2), C.R.S.]

Motorsports: The operation of Motorsport Vehicles for practice, education, recreation, or competition, excluding agricultural or property maintenance uses or the occasional, incidental operation of Motorsports Vehicles on private property that does not result in the establishment of a track. (Amended 8/9/16)

Motorsports Facility: A track for Motorsports (Amended 4/26/16)

Motorsports Facility, Private: A Motorsports Facility for personal use that requires the movement of a cumulative total of 50 cubic yards or more of dirt or other material for such use, when a principal residence has been established on the property. (Amended 4/26/16)

Motorsports Vehicle: A self-propelled vehicle including Motor Vehicles, Motorcycles, Off-Highway Vehicles, and Snowmobiles used primarily off road. (Amended 4/26/16)

Motor Vehicle: A self-propelled vehicle with at least four (4) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-102(5.4), C.R.S.]

Nonconforming Building: A building that does not meet the bulk requirements of the zoning district in which it is located, but which complied with applicable regulations at the time the building was constructed.

Nonconforming Use: A use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nonurban Areas: Nonurban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan.

Nursing Home: A 24-hour residential care facility, licensed by the state, providing some level of skilled nursing or medical service.

Off-Highway Vehicle: A self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways, excluding military vehicles, golf carts, snowmobiles, vehicles designed and used to carry persons with disabilities, and vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes. [§25-12-102(5.6), C.R.S.]

Office, Professional: A place of business for predominantly administrative, professional, or clerical operations, i.e., accountant; architect; attorney; bookkeeper; broker; doctor; dentist, chiropractor; psychologist; drafter; bank; savings and loan; insurance company; credit union; credit-reporting agency; developer; contractor; engineer; surveyor; planner; insurance agency; interior design; landscape architect; pharmacy; notary; stenographer; clerical services.

Open Space: Public or private land and aquatic areas that are regulated or managed to protect the natural environment and significant cultural resources; provide recreation and agricultural opportunities; shape the pattern of urban development, or any combination thereof, including yards and common areas and including a limited number of buildings and accessory uses compatible with intended use. Open space shall be deemed not to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Parcel: All contiguous land held under one deed irrespective of the method of legal description used.

Park: A tract of land identified for public use by zoning or subdivision action, or designated by an authorized public entity, for recreational, educational, or cultural purposes.

Parking, Lot: An area other than a street or alley that is permanently reserved and maintained for the parking of motor vehicles on a temporary basis - daily or overnight.

Parking, Off-Street: See Parking Lot. (Amended 2/11/14)

Person Aggrieved: An applicant, an abutting property owner, or a person with an interest in real estate located within 1,000 feet of the subject property where such person can show his/her property interest has been damaged by a final administrative decision and such damage is different in kind, not merely in degree, from that experienced by the public generally. (Amended 8/12/14)

Personal Communication Service (PCS): A type of wireless communication technology capable of transmitting voice, data and paging that utilizes small geographic areas on a tight grid of interconnected sites.

Personal Use: Exclusively for use in relation to Motorsports, a use for which no remuneration, either direct or indirect, of any kind is provided. *(Amended 4/26/16)*

Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures.

Personal Wireless Communication Services: The term used to collectively describe low-powered, unmanned facilities providing wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio (ESMR), personal communication service (PCS), commercial mobile radio service (CMRS), cellular telephone and similar technologies, to a small geographic area within a network of interconnected sites. The power density at the property line or lease area shall not exceed the radio frequency emission standards set by the FCC.

Planned Development: A zoning district for an area of land controlled by one or more landowners, which is developed under a single development guide for mixed use.

Planning Area: An area of land within a Planned Development defined by acreage, use, density, etc., and whose boundaries are defined by the alignment of arterials or collectors or as otherwise depicted on the Development Guide.

Planning Commission: The Douglas County Planning Commission.

Planning Office: The Douglas County Planning Office.

Plant Nursery: An area of land used to raise trees, shrubs, vines or other plants, for transplanting or sale.

Plat: A map and supporting materials of certain described land prepared in accordance with the Douglas County Subdivision Resolution as an instrument for recording of real estate interests with the County Clerk and Recorder.

Primary Urban Area (PUA): The Primary Urban Area as designated on the Douglas County Comprehensive Master Plan Land Use Map and as defined in the Douglas County Comprehensive Master Plan. *(Amended 11/18/14)*

Principal Building: A building in which the primary use of the lot/parcel on which the building is located is conducted.

Principal Use: The main use of land or structures, as distinguished from an accessory use.

Public Facilities: Infrastructure and associated improvements including water facilities, wastewater facilities, fire protection facilities, public schools, regional parks and streets.
(Amended 11/18/14)

Public Schools: Elementary schools, middle schools, or high schools and charter schools, capital equipment provided therein and the land needed for public schools, which are owned and operated by the Douglas County School District.

Recreation Facility, Indoor: An establishment providing recreational activities, completely enclosed by a structure, such as bowling alley, gymnasium, roller skating or ice skating, billiards, pool, theater, swimming pool or related amusements. This does not include adult entertainment establishments.

Recreation Facility, Outdoor: An area used primarily for outdoor recreational activity, i.e., swimming pool, tennis court, basketball court, soccer field, baseball diamond, park, playground or other similar uses not specifically addressed, and may include structures for restrooms, locker rooms, maintenance equipment storage.

Recreation Facility, Community: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 5 to 7 mile radius.

Recreation Facility, Neighborhood: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 2 mile radius.

Recreation Facility, Private: An indoor/outdoor area or other facility used for social or recreational purposes, owned and operated by a Homeowners' Association or similar entity, for the exclusive use of the residents and their invitees within a residential development. These facilities may include but are not limited to: meeting rooms, game rooms, kitchen/bar, lounge areas, restrooms, and indoor/outdoor recreation facilities. These facilities may also include ancillary offices for the Homeowners' Association or similar entity. Structures and site amenities should be of similar design, scale, and materials as the residential development it serves.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle or all-terrain vehicle.

Recreational Vehicle Storage Yard: An area of land and associated structures arranged, designed or intended to accommodate the temporary parking or storage of unoccupied recreational vehicles.

Referral Agency, Advisory: A public or private organization which is interested in providing advisory comments to Douglas County on a land use proposal or proposed legislative action.

Referral Agency, Regulatory: An entity which is responsible for providing referral comments to Douglas County on a land use proposal or proposed legislative action, and which: (1) provides facilities and/or services for the proposed land use; and/or (2) provides regulatory control over some aspect of the subject property or proposed land use; and/or (3) is a referral agency under state or federal law.

Regional Parks: Park land and related facilities thereon which support both passive and active recreational activities for all Douglas County residents, which is owned by Douglas County, or which may be owned by another local governmental entity within unincorporated Douglas County which is at least 50 acres in size.

Registered Sex Offender: Any person who is required to register their place of residence with the Sheriff's Department or other local law enforcement agency in accordance with §18-3-412.5 C.R.S., as amended.

Religious Retreat: A building or site designed and designated for religious teaching, reflection, or contemplative activities, maintained and controlled by a religious organization to sustain worship or other religious practice, and may include overnight guest accommodations. This use is distinct from that of a church, which is separately defined herein. (*Amended 4/28/15*)

Residence, Caretaker: A dwelling or mobile home designed or intended for occupancy by a person(s) owning, employed in or dealing with, and responsible for the security and maintenance of the land on which it is situated. A caretaker's residence shall meet the principal use setbacks.

Residential Rezoning: A rezoning from a zoning district that does not permit residential uses to a zoning district that permits residential uses, unless within a planned development maintaining the dwelling unit cap, or a rezoning from a zoning district that permits residential uses to a zoning district that permits an increased number of dwelling units.

Retail/Service Business: A commercial use characterized by the selling of tangible goods/merchandise or services/intangibles directly to the consumer.

Retirement Home: One or more buildings containing dwellings where the occupancy is restricted to persons at least 55 years of age, or couples where either spouse is at least 55 years old. This may contain special support services, *i.e., convalescent or nursing facilities, and central dining facilities.*

Rezoning: A revision to the County Zone District Map.

Right-of-way: Land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public use.

Runway (Landing Strip): An area of land used for aircraft landing or take-off.

Satellite Dish: (see Antenna)

Satellite Earth Station: A telecommunication facility consisting of multiple satellite dishes for transmitting and receiving signals from orbiting satellites.

Screen: A barrier that cannot be easily seen through. To obscure the view of something so that it cannot be easily seen. (Amended 3/26/24)

Separated Urban Area (SUA): Separated Urban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan. (Amended 11/18/14)

Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line.

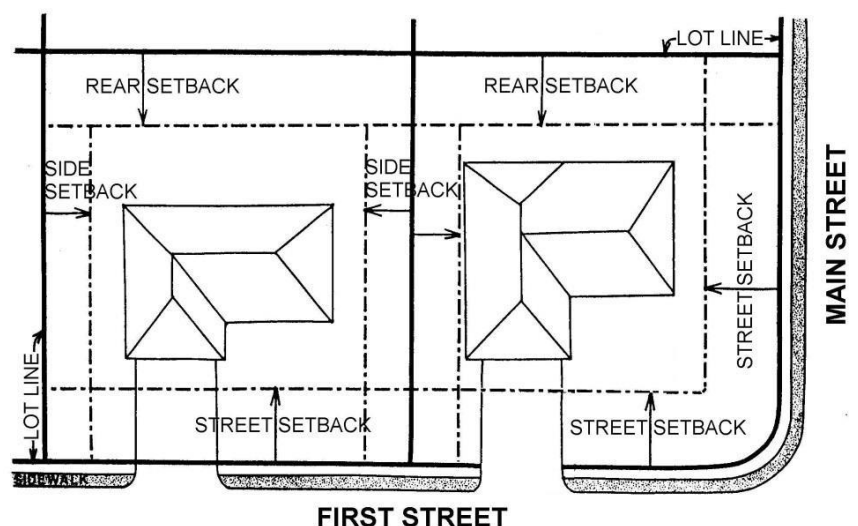
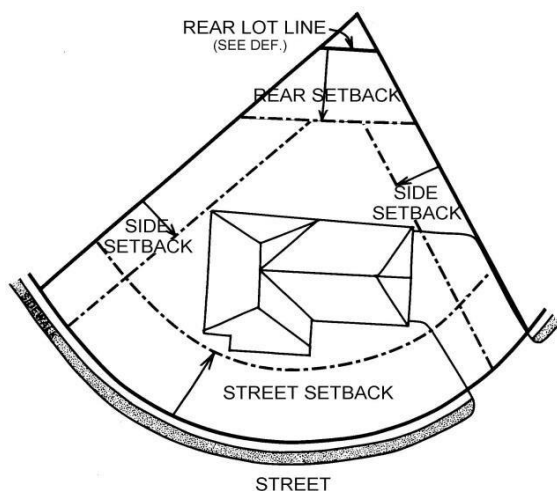
Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

Rear - a setback extending across the full width of the lot measured perpendicular to the rear lot line.

Side - a setback extending from the front lot line to the rear setback measured perpendicular to the side lot line.

Street - a setback extending across the full width of the lot measured perpendicular to the front lot line.

(see following setback diagrams)



Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

"Specified Anatomical Areas" include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts
- (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, sadomasochism or bestiality;
- (3) Masturbation, actual or simulated; or
- (4) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (5) Excretory functions as part of or in connection with any of the activities set forth in subsections (a) thru (d) of this subsection.

Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store:

- (1) A commercial establishment which:
 - (a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to;
 - (b) receives a significant or substantial portion of its revenues from; or
 - (c) devotes a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";

- (2) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of sub-section (1) are otherwise met.

Adult Cabaret: A nightclub, bar, restaurant or other commercial establishment, which regularly features:

- (1) persons who appear nude or in a state of nudity; or
- (2) live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Motel: A motel, hotel or similar commercial establishment which:

- (1) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by magazines, pamphlets or leaflets, radio or television, or
- (2) offers a sleeping room for rent for a period of time less than 10 hours, or
- (3) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

Adult Motion Picture Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

Nudity or State of Nudity: (1) the appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nude Model Studio: Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other means. The definition of "nude model studio" does not apply to:

- (1) a college, junior college or university supported entirely or partly by taxation;

- (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (3) a business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least 3 days in advance of the class; and where no more than one nude model is on the premises at any one time.

Sexual Encounter establishment: A business or commercial establishment, that as one of its primary business purposes offers, for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms to rent.

Shopping Center: A grouping of retail business or service uses on a single site with common parking facilities and open space.

Sign: Any display or object regardless of form or material used to identify or display information about or direct or attract attention to a person, institution, organization, business, product, event, location, idea, or otherwise by any means. *(Amended 2/11/14)*

Sign, Billboard: Any sign, whether standalone or attached to another thing or structure, of more than one square foot, which is displayed in a manner to attract, at least in part, the attention of pedestrian, bicycle, and/or motor vehicle traffic to something which does not pertain to the premises upon which the sign is located. *(Amended 11/19/19)*

Sign, Canopy: Any sign painted, permanently attached to, or constructed underneath a canopy. *(Amended 2/11/14)*

Sign, Directory: Any sign identifying the locations of businesses on the property. *(Amended 11/19/19)*

Sign, Electronic Message: Any sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. *(Amended 2/11/14)*

Sign, Freestanding: Any sign which is permanently affixed in or upon the ground, supported by one (1) or more structural members and not attached to or dependent for support from any building. *(Amended 2/11/14)*

Sign, Temporary: Any sign generally intended and designed for installation in a simple and non-permanent manner and constructed of cloth, canvas, fabric, metal, plywood, or other material and displayed for a purpose of a non-recurring nature. *(Amended 11/19/19)*

Sign, Vehicle: Any sign permanently or temporarily attached to or placed on an operable vehicle actively used for conducting a business operation or service. *(Amended 2/11/14)*

Sign, Wall: Any sign attached to or painted on the wall or surface of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign. *(Amended 2/11/14)*

Sign, Way-finding: Any sign that directs vehicular or pedestrian traffic onto the property or towards parking or other identified locations on the site in a manner that improves site safety. *(Amended 11/19/19)*

Sign, Window: Any sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within 3 feet of the window is considered a window sign, but excludes merchandise in a window display. *(Amended 2/11/14)*

Sign Height: The vertical distance from the lowest adjacent grade to the highest point of the sign or sign structure. *(Amended 11/19/19)*

Site Improvement Plan: The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with this Resolution.

Snowmobile: A self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways, excluding machinery used strictly for the grooming of snowmobile trails or ski slopes. [§25-12-102(9), C.R.S.]

Staff: Douglas County employees with a role in reviewing or administering the provisions contained herein.

Stealth or Faux Design: A personal wireless communication facility or element thereof, that is disguised, camouflaged, hidden or incorporated into an existing or proposed structure or placed within an existing or proposed structure so as to minimize or eliminate its visibility from off site.

Street: Land intended primarily for vehicular traffic and providing the principal means of access to property, including a roadway, road, lane, drive, avenue, highway, boulevard, or any other thoroughfare other than a driveway.

Regional/Major Arterial - A street or highway significant to the region serving the major centers of activity which carries the major portion of the trips entering and leaving an urban area, as well as, the majority of through movements desiring to bypass towns or neighborhoods.

Minor Arterial - A street, that interconnects with and augments the regional arterial system, which distributes travel to geographic areas smaller than those identified with the regional/major arterial system and provides intracommunity continuity, but ideally should not penetrate identifiable neighborhoods.

Collector - A street which distributes trips from the arterial to the ultimate destination. The collector system provides both land access service and local traffic movement within residential neighborhoods, commercial areas and industrial areas.

Local - A street which provides direct access to abutting land and access to the arterial and collector road network. Service to through traffic movement usually is deliberately discouraged.

NOTE: For identification of these types of roads within the County refer to the Douglas County Transportation Master Plan. (*Amended 11/18/14*)

Street, Private: A privately owned access way generally constructed to County specifications and not maintained by the County.

Street, Public: All public property reserved or dedicated for vehicular traffic constructed in compliance with the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria manual.

Structure: Anything constructed or erected in, under, over or upon the land, or attached to something in, under, over, or upon the land, but excluding therefrom walks, patios, off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

Permanent - That which is built in such a manner, that it would reasonably be expected to last and remain useful for more than 5 years.

Temporary - A structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of such. Temporary shall mean a period of 6 months.

Subject Land: Real property which is the subject of the regulations set forth in this Resolution.

Support Tower: A vertical, ground-mounted structure designed and engineered for the purpose of supporting antennas for the transmission and/or reception of radio signals.

Lattice Tower: A self-supporting tower with multiple legs and cross bracing designed to support antennas.

Monopole: A self-supporting tower consisting of a single support of wood, metal or concrete designed to support antennas.

Guyed Tower: A tower designed to support antennas and requiring guy wires for stability.

Swimming Pool: Any structure intended for swimming or recreational bathing capable of containing water greater than 24 inches in depth. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. Any fencing required in association with such structure shall be permanently affixed to the ground. *(Amended 12/18/12)*

Telecommunications Facility: A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Personal wireless communication facilities that exceed the height requirements provided for by this Zoning Resolution shall be considered telecommunication facilities and therefore subject to all applicable provisions.

Temporary Emergency Shelter: A facility used on a temporary basis for the purpose of housing individuals or families affected by disasters or emergency situations.

Townhome: An individual dwelling unit situated on 1 lot but attached to 1 or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

Training: To coach or instruct an individual in a specific general area of equine expertise, or to physically condition a horse to be ridden, handled, or to perform upon command.

Urban: Urban areas as defined in the Douglas County Comprehensive Master Plan.

Utility - Major Facility:

- Pipelines and storage areas of utilities providing natural gas or petroleum derivatives;
- Appurtenance: A use or structure which is incidental and subordinate to, and devoted to the Utility-Major Facility;
- Power Plant: Any electrical energy generating facility with an energy generation capacity of 50 megawatts or more, and Appurtenance(s);
- Substation: Any facility designed to provide switching, voltage, transformation, or voltage control required for the transmission of electricity exceeding 115 kilovolts (kV);
- Transmission Lines: Any electric transmission line and Appurtenance(s) which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of, the transmission of electricity exceeding 115 kV;

- **Wastewater Treatment Facility:** A facility or system for treating, neutralizing, stabilizing, or disposing of domestic wastewater, which facility or system has a designed capacity to receive more than two thousand (2,000) gallons per day of domestic wastewater. The term Wastewater Treatment Facility also includes Appurtenance(s) to such system or facility, such as outfall sewers and equipment related to such Appurtenances;
- **Water Storage/Treatment Facility:** A facility used for water storage with a designed capacity of 300,000 gallons or more and/or treatment, except wellhead disinfection, of 10,000 gallons per day or more; and/or a Major Reservoir; and/or facilities and/or structures for the export of water outside the County; including, but not limited to, water diversion structures, headgates, forebays; and all associated Appurtenances. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Utility Service Facility: Any Neighborhood Substation, Personal Wireless Communication Facility, Water Storage/Treatment Facility:

- **Neighborhood Substation:** Any facility used for the purpose of reducing voltages to levels of 115 kV, or less, for distribution to individual users;
- **Personal Wireless Communication Facility:** Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures;
- **Water Storage/Treatment Facility:** A facility used for water storage with a designed capacity of less than 300,000 gallons and/or treatment of less than 10,000 gallons per day. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Value-Added Agricultural Processing: The processing and/or packaging of Agricultural Products, for which the primary ingredient is raised or grown on the site. Value-added Processing may include the sales of Value-Added Agricultural Products produced on the site. Value-added Agricultural Processing does not include processing Agricultural Products into fuels, lubricants, paints, varnishes, or the like. *(Amended 1/28/14)*

Value-Added Agricultural Product: A product processed by an Agricultural Producer from an Agricultural Product, such as baked goods, jams, jellies, and leather or woolen goods. *(Amended 1/28/14)*

Variance: A grant of relief from certain provisions of this Resolution, as provided in and limited by the Variance section of this Resolution.

Veterinary Clinic or Hospital: A structure where animals are brought for medical or surgical treatment and may be held during the time of treatment and recuperation.

Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Veterinary Clinic or Hospital, Equine and Livestock: A facility which provides preventative and medical or surgical treatment to horses and livestock. Animals may be held during the time of treatment and recuperation including overnight stays. Outdoor holding facilities are allowed in connection with the clinic or hospital. An Equine and Livestock Veterinary Clinic or Hospital shall not have more than 12 stalls or bays. *(Amended 2/21/23)*

Warehouse: A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

Wastewater Facilities: Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal system and on-site septic systems.

Water Facilities: Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, and storage facilities.

Water and Sewer Facilities - Public: Facilities of a municipality, public utility, nonprofit corporation, sanitation or water or other special district, that are constructed, operated or maintained to provide water or sewer service.

Watercourse: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and flood water flows either regularly or intermittently, including major drainageways for carrying urban storm runoff.

Wholesale Business: A business use characterized by the selling of tangible goods/merchandise or intangibles/services directly to the retailer or contractor or the assembly or manufacturing of products.

Wind Energy Conversion System: Any mechanism including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included. A large-scale system designed for the generation of commercial power shall be considered a major utility facility for purposes of this Resolution.

Yard: In this Resolution the term yard is not used, as such term represents a distance that is established in a like manner as that of a setback.

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line with no easement or setback requirement including two adjoining structures on separate lots sharing a common wall.

www.douglas.co.us

MEETING DATE: June 16, 2025

**STAFF PERSON
RESPONSIBLE:** Marcco Higham, Planner

DESCRIPTION: Douglas County Zoning Resolution Amendments to Regulate Natural Medicine Facilities - Project File: DR2024-003.

SUMMARY: The request is for approval of amendments to the Douglas County Zoning Resolution Sections 11, 12, 13, 14, and 21.

**STAFF
ASSESSMENT:** After evaluating the proposed amendments, referral comments, staff report, and public testimony, the Planning Commission may consider recommending approval of the amendment.

REVIEW:

Steven E Koster	Approve	6/6/2025
Samantha Hutchison - FYI	Notified - FYI	6/6/2025

ATTACHMENTS:

Staff Report - DR2024-003

Zoning Resolution Amendments Staff Report

Date: June 5, 2025

To: Douglas County Planning Commission

From: Marcco Higham, Planner
Lauren Pulver, Planning Supervisor
Jeanette Bare, AICP, Planning Manager
Michael Cairry, Zoning Compliance Manager
Kati Carter, AICP, Assistant Director of Planning Resources
Steven E. Koster, AICP, Assistant Director of Planning Services *SK*

Subject: Douglas County Zoning Resolution Amendments to Regulate Natural Medicine Facilities

Project File: DR2024-003

Planning Commission Hearing:	June 16, 2025 @ 6:00 p.m.
Board of County Commissioners Hearing:	June 24, 2025 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The request is for approval of proposed changes to Douglas County Zoning Resolution (DCZR) Sections 11, 12, 13, 14, and 21.

The intent of the proposed amendments is to regulate state licensed Natural Medicine Facilities specific to time, place, and manner of operation as allowed by State Statute. The proposed amendments limit the zone districts in which Natural Medicine businesses can operate; require a 1,500-foot separation from all residential zone districts, dwellings, schools, childcare facilities, libraries, churches, parks, and municipal boundaries; and require additional operational parameters through the Use by Special Review (USR) process.

II. REQUEST

A. Request

Approval of amendments to DCZR Sections 11, 12, 13, 14, and 21.

B. Process

Zoning Resolution amendments are processed pursuant to Section 109 of the DCZR. Per Section 109.04, "The Planning Commission shall evaluate the proposed amendment, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with modifications, table for further study, or deny the proposed amendment."

C. Project Description

Senate Bill 23-290 and the subsequent rulemaking process limits the County's ability to prohibit Natural Medicine Facilities, but enables the County to regulate time, place, and manner of the operation of Natural Medicine related facilities. State licensing of Natural Medicine related businesses is subject to applicable zoning laws as directed by the Board of County Commissioners (Board). The proposed amendments would allow Healing Centers in the Business (B), Commercial (C), Light Industrial (LI), and General Industrial (GI) zone districts with a Use by Special Review (USR).

The Natural Medicine Cultivation Center, Products Manufacturing, and Testing Facility uses would require a USR and be allowed in only the LI and GI zone districts. All Natural Medicine facilities would be subject to hours of operation from 8:00 a.m. to 5:00 p.m., Monday through Friday. The proposed zoning amendment would establish a 1,500-foot separation requirement for Natural Medicine businesses from residential zone districts, dwellings, schools, childcare facilities, libraries, churches, parks, and municipal boundaries. The Board may consider a reduced separation requirement for a specific USR application.

Additionally, the proposed zoning amendment requires Healing Centers to be located no more than 5 miles from a hospital, emergency medical care center, urgent care center, or other such medical treatment facilities, unless such services are available at the Healing Center. The USR process would require notice to the Douglas County Health Department (DCHD), the Douglas County Sheriff's Office (DCSO), and emergency facilities within 5 miles of a Healing Center within 14 days of an approval.

III. PUBLIC INPUT

Staff sent the proposed amendments to the County-wide contact list and referral agency list, which consists of approximately 500 recipients. All referral agency responses and comments from the public are attached. Most referral agencies provided either a no comment or no objection response.

Staff contacted the Colorado Hospital Association and the Colorado American College of Emergency Physicians for feedback on the proposed amendment but neither organization provided a response. The Douglas County Sheriff's Office (DCSO) commented that should the Board require Crime Prevention Through Environmental Design (CPTED) concepts for these businesses, the DCSO would then reevaluate the proposed regulations. The DCSO did not object to the zoning amendment. The Town of Larkspur requested a 3-mile distance requirement from municipal boundaries. During the Board work session held on May 6, 2025 it was determined that the proposed amendment would be restrictive enough to provide Larkspur with this buffer given the absence of applicable zoned areas in the vicinity.

The Franktown Citizens Coalition, Grandview Estates HOA, and Happy Canyon HOA commented with concerns for criminal activity, zoning compliance reporting, and unintended negative impacts from Natural Medicine businesses. Happy Canyon HOA and Pinery West HOA requested the most restrictive regulations possible, and Franktown Citizen’s Coalition requested that none of the uses be permitted in Franktown. A business owner provided concern for the potential of Natural Medicine businesses opening near their business.

Staff received interest from two potential investors seeking information on where Natural Medicine businesses would be allowed in the County with the proposed zoning and distance requirements. At a Board work session on May 6, 2025, the Board directed staff to proceed with the zoning amendment process with no further changes.

IV. PUBLIC NOTICE

Notice of the hearing before the Planning Commission and the Board was published in the Douglas County News Press on May 29, 2025.

V. STAFF ASSESSMENT

After evaluating the proposed amendments, referral comments, staff report, and public testimony, the Planning Commission may consider recommending approval of the amendment.

<u>ATTACHMENTS</u>	<u>PAGE</u>
Referral Response Report	4
Referral Comments	10
Citizen Comments	31
DCZR Sections 11, 12, 13, 14, and 21.....	32

Referral Agency Response Report**Page 1 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Arapahoe County Planning Division	01/10/2025	See letter – Provided the Arapahoe County natural medicine regulations and discussed their approach to personal cultivation by defining it as a non-primary use permitted in the agricultural or residential zone districts.	No response required.
Arapahoe County Public Works Department	02/03/2025	See letter – No comments.	No response required.
Burning Tree Ranch HOA	01/21/2025	Received: No comment.	No response required.
Castle Rock Fire Protection District	01/08/2025	See letter – No objections.	No response required.
Castlewood Canyon State Park	01/07/2025	Received: No comment.	No response required.
CDPHE – Air Pollution Division	01/15/2025	See letter – No comment.	No response required.
Cherry Creek Basin Water Quality Authority	01/21/2025	Received: The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2024, Natural Medicine Regulations have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority's current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to Douglas County's review and ultimate determination that the proposed development plans comply with Regulation 72. If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwqa.org . The review may include consultation with the Authority's Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted (verbatim).	No response required.
City of Aurora Planning Division	01/23/2025	See letter – No comments.	No response required.
City of Centennial	01/13/2025	See letter – No comments. Provided the city's approved natural medicine regulations.	No response required.
Colorado Department of Transportation	01/08/2025	See letter – No comment	No response required.

Referral Agency Response Report**Page 2 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Colorado Division of Water Resources	01/03/2025	See letter – No objections to proposed amendments as there are no proposed changes to Section 18A.	No response required.
Colorado Geological Survey	01/13/2025	Received: No comment.	No response required.
Colorado Parks and Wildlife	01/08/2025	See letter – No objections.	No response required.
Colorado State Forest Service	01/08/2025	Received: No comment.	No response required.
CORE Electric Cooperative	01/08/2025	Received: No comment.	No response required.
Douglas County Addressing Analyst	01/08/2025	Received: No comment.	No response required.
Douglas County Assessor	01/21/2025	Received: No comment.	No response required.
Douglas County Building Services	01/10/2025	Received: No comment.	No response required.
Douglas County Engineering Services	01/08/2025	Received: No comment.	No response required.
Douglas County Health Department	01/31/2025	See letter – No comments.	No response required.
Douglas County Historic Preservation	01/14/2025	Received: No comment.	No response required.
Douglas County Open Space and Natural Resources	01/09/2025	Received: No comment.	No response required.
Douglas County Sheriff's Office	01/30/2025	Received: Currently, this project has no CEPTED (Crime Prevention Through Environmental Design) concepts that need to be addressed. If these projects move forward and CEPTED concepts are required, I will reevaluate this project. (verbatim)	No response required.
El Paso County Planning and Community Development Department	01/14/2025	See letter – Response included an attachment of the recorded Land Development Code amendment for El Paso County's Natural Medicine Ordinance.	No response required.

Referral Agency Response Report**Page 3 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Franktown Citizens Coalition II Inc	01/18/2025	<p>See letter – Provided concerns for Natural Medicine use in rural, non-commercial areas such as Franktown. Opposes sharing, selling, and use of Natural Medicine or other drug substances due to concern for increased crime and danger.</p> <p>Asks that the Board not permit these uses in Franktown.</p>	Comments are provided for the Board to review.
Grandview Estates HOA	01/21/2025	<p>See letter – States that it is unclear how personal cultivation is regulated by the State with Proposition 122 enabling psilocybin in-home cultivation. Cites the percentage of Douglas County voters voting against Proposition 122 as 65.82% per voter records.</p> <p>Requests that the County implements:</p> <ul style="list-style-type: none">• Proper disposal of medicine byproducts/waste to safeguard public and private water and wastewater systems.• Strong building security measures to prevent unauthorized access or theft.• Regulating the hours of operation of any approved business, including limiting the hours of operations to weekdays from 8 am to 5 pm as the Town of Castle Rock has done.• Implementing a policy of anonymous reporting of violators either business or personal which all surrounding counties allow.	Comments are provided for the Board to review.

Referral Agency Response Report**Page 4 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Happy Canyon HOA	01/13/2025	<p>See letter – Provided concerns for criminal activity, black markets, DUIs, DWIs, mental health crises, overdoses, violent behavior, and impacts to minors due to Natural Medicine businesses.</p> <p>Provided the following questions to the Board:</p> <p>1. Who will monitor, report, and/or enforce any violations of Douglas County's Zoning Resolution pertaining to operations, including mental health crises, overdoses, criminal activity, DUIs/DWIs, etc.?</p> <p>2. What are the consequences that Douglas County can impose for violations?</p> <p>Requests that the County creates strongest restrictions possible for distance requirement, day and hours of operation, specific zone districts, and other measures for public safety.</p>	Comments are provided for the Board to review.
Highlands Ranch Community Association	01/09/2025	Received: The Highlands Ranch Community Association ("HRCA") appreciates the opportunity to review and opine on this Application. We take no exceptions to the modifications to the Douglas County Zoning Resolution as specified in the Application.	No response required.
Highlands Ranch Metro District	02/03/2025	Received: No comment.	No response required.
Highlands Ranch Town Center Review Committee	02/03/2025	Received: No comment.	No response required.
Highlands Ranch Water and Sanitation District	02/03/2025	Received: No comment.	No response required.
Louviers Conservation Partnership	01/24/2025	Received: Louviers Conservation Partnership (LCP) has reviewed DR2024-003 Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21 updates and has no objection to the proposed updates. (verbatim)	No response required.

Referral Agency Response Report**Page 5 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Meridian DCC, Meridian Village Metro District, Meridian Metro Districts	02/03/2025	Received: No comment.	No response required.
Meridian Village Metro Districts 1- 2-3-4	02/03/2025	Received: No comment.	No response required.
Misty Pines HOA	01/13/2025	Received: No comment.	No response required.
Parker Water & Sanitation District	01/08/2025	Received: PWSD has no comment for Zoning on Natural Medicine Businesses. (verbatim)	No response required.
Pike National Forest-US Forest Service	01/07/2025	Received: No comment.	No response required.
Pinery Water and Wastewater District	01/10/2025	Received: No comment.	No response required.
Pinery West HOA	01/10/2025	Received: I agree with the proposed amendments for Natural Medicine Business Regulations to comply with State of Colorado Regulations. I would further state that the most restrictive course would be desirable for protection boundaries of schools. Vikki O'Donnell (verbatim)	No response required.
Plum Creek Water Reclamation Authority	01/10/2025	Received: No comment.	No response required.
South Metro Fire Rescue	01/14/2025	See letter – No objection.	No response required.
South Suburban Parks and Recreation	01/30/2025	See letter – No comments.	No response required.
Southeast Metro Stormwater Authority	01/08/2025	Received: No comment.	No response required.
Stonegate Village Metro District	01/20/2025	See letter – No comments.	No response required.
Teller County Community Development Services Department	01/08/2025	See letter – No comments or concerns with this proposal.	No response required.
The Pinery HOA	02/04/2025	Received: The Pinery HOA has no concerns with this amendment. (verbatim)	No response required.

Referral Agency Response Report**Page 6 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Town of Castle Rock	01/28/2025	Received: No comment.	No response required.
Town of Larkspur	01/09/2025	Received: Larkspur would like to see an increase to the proposed distance from any municipal boundary. (verbatim) Per staff's phone discussion with Mayor of Larkspur, the separation distance should be increased to 3 miles from a municipal boundary.	Comments are provided to the Board for review.
Town of Parker Public Works	01/15/2025	Received: No comment.	No response required.
West Douglas County FD	01/14/2025	Received: West Douglas County Fire supports the proposed regulations set forth by Douglas County in DR2024-003. (verbatim)	No response required.
West Metro Fire Protection District	01/08/2025	Received: No comment.	No response required.
Xcel Energy-Right of Way & Permits	01/28/2025	See letter – No apparent conflict.	No response required.

From: [Terri Maulik](#)
To: [Marcco Higham](#); [Referrals](#)
Subject: RE: AC CASE NO. 025-009 - DOUGCO REF / DR2024-003 / NATURAL MEDICINE REGULATIONS
Date: Friday, January 10, 2025 9:00:57 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[Approved Natural Med Regulations 11-26-24.pdf](#)

Marcco,

Thank you for the opportunity to review and comment on this case. Colorado Revised Statutes Section 18-18-434(3) addresses personal cultivation; while those rules apply statewide, Arapahoe County included some personal cultivation provisions in our Land Development Code to clarify the local requirements. Arapahoe County's adopted regulations reiterated the state's 12-foot by 12-foot maximum cultivation area and specified that personal cultivation must be a non-primary use in agricultural or residential zones. Please see the attached Arapahoe County natural medicine regulations, which were adopted by our Board of County Commissioners on November 26, 2024.

Thank you,



ARAPAHOE COUNTY

Terri Maulik (she/her/hers)

Planning Technician

Planning Division

Department of Public Works and Development

6924 S Lima St., Centennial, CO 80112

O: 720-874-6840

tmaulik@arapahoegov.com

www.arapahoeco.gov



-----Original Message-----

From: mhigham@douglas.co.us <mhigham@douglas.co.us>

Sent: Tuesday, January 7, 2025 2:07 PM

To: Referrals <Referrals@arapahoegov.com>

Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Joseph Boateng](#)
To: [Marcco Higham](#)
Subject: DOUGCO REF / DR2024-003 / NATURAL MEDICINE REGULATIONS
Date: Monday, February 3, 2025 11:41:09 AM

Marcco,
Arapahoe County Engineering Services Division of Public Works and Development have no comment at this time.

Thanks,

Joseph Boateng, PE
Engineer III
Arapahoe County Public Works & Development
6924 S Lima St, Centennial, CO 80112-3853
Direct: 7208746575 | Main: 720-874-6500
jboateng@arapahoegov.com <http://www.arapahoegov.com>

From: [FDPLANS](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-003) Is Ready For Review
Date: Wednesday, January 8, 2025 1:13:50 PM
Attachments: [image002.png](#)

Marcco,

The Castle Rock Fire Department has reviewed this document and has no objections to the verbiage.

Respectfully,

Kevin “Sully” Sullivan
Assistant Fire Marshal

[Form Center • Request a Construction Inspection or Reinspect \(crgov.com\)](#)



Life Safety Division
Castle Rock Fire and Rescue Department
300 Perry Street
Castle Rock, CO 80104
303.663.3120 Office
e-mail FPO@crgov.com



An internationally accredited Fire/Rescue agency since 2012

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From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:07 PM
To: FPO <FPO@crgov.com>
Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account:
<https://apps.douglas.co.us/planning/projects/Login.aspx>

From: [Cicione - CDPHE, Brendan](#)
To: [Marcco Higham](#)
Subject: Re: Douglas County Referral Response Request (DR2024-003)
Date: Wednesday, January 15, 2025 11:31:40 AM

Hi Marcco,

Thank you for your email. There are no comments from the Air Pollution Control Division. Please do not hesitate to contact me with any questions.

Thanks,
Brendan Cicione (*he/him*)
Air Quality and Transportation Planner



4300 Cherry Creek Drive S. | Denver, CO 80246-1530 brendan.cicione@state.co.us
| <https://cdphe.colorado.gov/>

On Mon, Jan 13, 2025 at 9:01 AM Localreferral - CDPHE, CDPHE
<cdphe_localreferral@state.co.us> wrote:

Hello,

Please see the email below. Please add comments by 1/21.

Thank you!

----- Forwarded message -----

From: Lauren Pulver <lpulver@douglas.co.us>
Date: Tue, Jan 7, 2025 at 2:24 PM
Subject: Douglas County Referral Response Request (DR2024-003)
To: cdphe_localreferral@state.co.us <cdphe_localreferral@state.co.us>

Date: January 7, 2025

To: Interested Parties

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – DR2024-003



Planning Division
15151 E. Alameda Parkway, Ste. 2300
Aurora, Colorado 80012
303.739.7217

January 23, 2025

Marcco Higham
Douglas County – Planning Services
100 Third Street,
Castle Rock, CO 80104

Re: Planning Referral: Douglas County – Text Amendment – Natural Medicine Regulations
Jurisdiction Case Number: DR2024-003
Planning Referral Number: PR-2025-002

Dear Marcco Higham:

Thank you very much for reaching out to the City of Aurora’s Planning Division to review application DR2024-003 for a Text Amendment within the jurisdiction of Douglas County. The property information is detailed below:

General Location: N/A

Physical Address: N/A

Property ID/ Folio Number: N/A

Property Size: N/A

Owner: N/A

Applicant: N/A

Development Proposal: Douglas County Text Amendment revolving around natural medicine businesses.

Douglas County Future Land Use: N/A

Douglas County Zoning: N/A

Applicable Aurora Place Type: N/A

Comments

The application has been reviewed, and it has been determined that there are no comments from the City of Aurora.

As always, if you have any comments or concerns, please let me know. I may be reached at (303) 739-7121 or cbailey1@auroragov.org.

Sincerely,

Connor Bailey, AICP, Senior Planner
City of Aurora Planning Department

cc: Connor Bailey, Case Manager
Aja Tibbs, Planning Supervisor
Proposed Zoning Resolution Amendment to Regulate Natural Medicine Facilities
Project File #: DR2024-003
Planning Commission Staff Report Agenda Item
14 of 101

From: [Michael Gradis](#)
To: [Marcco Higham](#)
Subject: Douglas County Zoning Resolution Amendment – DR2024-003 - Centennial Response
Date: Monday, January 13, 2025 3:27:31 PM

Marcco,

The City of Centennial Appreciates the opportunity to offer comments on Douglas County's proposed Natural Medicine Regulations. The City offers no formal comments at this time.

Please note the City of Centennial approved Natural Medicine Regulations (Municipal and Land Use Code) on January 7th, 2025.

Links to our meetings/documents may be found here:

<https://www.centennialco.gov/Government/Mayor-Council/City-Council-Meetings/Agendas-Minutes>

[Staff Report](#)

[Natural Medicine Overlay](#)

[Ordinance](#)



Michael Gradis, AICP (he, him, his)
Planning Manager | City of Centennial
13133 E. Arapahoe Rd. Centennial, CO 80112
Main: (303) 325-8000 | Direct: (303) 754-3356
mgradis@centennialco.gov
centennialco.gov

From: [Tripple - CDOT, Joseph](#)
To: [Marcco Higham](#)
Cc: [Loeffler - CDOT, Steven](#)
Subject: Douglas County eReferral (DR2024-003)
Date: Wednesday, January 8, 2025 12:55:54 PM

Marcco,

CDOT has no comment on the changes in Natural Medicine Regulations.

For any future development within CDOT ROW we would require Access, Utility or Special Use permits.

Working from or within CDOT ROW will require a utility/special use permit. This includes, but is not limited to survey, landscaping, signal or utility work.

Joey Tripple
Permits Unit- Region 1



P 303.656.8692
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
joseph.tripple@state.co.us | www.codot.gov | www.cotrip.org



January 23, 2025

Marcco Higham
Douglas County Community Planning Services
100 Third Street
Castle Rock, CO 80104
Transmission via email: mhigham@douglas.co.us

Re: Natural Medicine Regulations proposed amendments
Case No. DR2024-003
Affected Location: All Douglas County
Water Division 1, Water District 8

Dear Marcco Higham:

We have received your January 7, 2025 submittal concerning the proposed updates to the Douglas County Zoning Resolution related to the Natural Medicine Businesses.

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.



According to the submitted information, the proposed amendments limit natural medicine businesses to specific zone districts, including a 1,500 feet distance requirement from schools, state-licensed day-care facilities, churches, parks, libraries, residences and residential zoning, and municipal boundaries. In addition, the natural medicine businesses are not permitted within a Planned Development District.

Our office has no objections to the proposed amendments, since no changes to Section 18A Water Supply - Overlay District were identified in this referral. We note that, documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District is still required to be provided with any Planned Development, Use by Special Review and Rezoning applications.

Should you have any questions, please contact me at 303-866-3581 x 8246 or ioana.comaniciu@state.co.us

Sincerely,



Ioana Comaniciu, P.E.

Water Resource Engineer

Ec: Referral No. 32650

From: Doyle - DNR, Katie
To: Marcco Higham
Subject: Re: Douglas County eReferral (DR2024-003) Is Ready For Review
Date: Wednesday, January 8, 2025 11:53:07 AM

Mr. Higham,

Thank you for the opportunity to comment on the Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses under Project # DR2024-003. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

Upon review of the proposed referral request, Colorado Parks and Wildlife (CPW) has no objections to the application moving forward as planned for approval.

Please do not hesitate to contact me about ways to continue developing and managing your properties in order to maximize wildlife value while minimizing potential conflicts. If you have any further questions, please contact me at (720)930-8039.

Thank you,

Katie Doyle
District Wildlife Manager
Parker/Castle Rock East- Area 5



P 303.291.7139 | C 720.930.8039
6060 Broadway, Denver, CO 80216
katie.doyle@state.co.us | cpw.state.co.us



On Tue, Jan 7, 2025 at 2:08 PM <mhigham@douglas.co.us> wrote:

There is an eReferral for your review. Please use the following link to log on to your account:

[https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx?!!PUG2raq7KiCZwBk!fDGoQtwWMayGMXoQovuub_X67-bj0XcEzTjSCYuEPSFaIdlQahVM6de1Lowm3ncL9M2uTr58ocyzy2aDILYvtXiX\\$](https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx?!!PUG2raq7KiCZwBk!fDGoQtwWMayGMXoQovuub_X67-bj0XcEzTjSCYuEPSFaIdlQahVM6de1Lowm3ncL9M2uTr58ocyzy2aDILYvtXiX$)

DR2024-003, Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses.

This referral will close on Tuesday, February, 4, 2025.

If you have any questions, please contact me.

Sincerely,

Marcco Higham
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)

January 31, 2025

Marcco Higham
100 Third St.
Castle Rock, CO 80104

RE: DR2024-003

Dear Mr. Higham,

Thank you for the opportunity to review and comment on the proposed amendments for Natural Medicine Regulations. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations.

After reviewing the application, DCHD has no comments.

Please feel free to contact me at 720-907-4886 or bfreyer@douglas.co.us if you have any questions about our comments.

Sincerely,



Brent Freyer
Environmental Health Specialist II
Douglas County Health Department

From: [Miranda Benson](#)
To: [Lauren Pulver](#); [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-003) -- El Paso County's Natural Medicine Ordinance
Date: Tuesday, January 14, 2025 8:57:37 AM
Attachments: [image001.png](#)
[LDC243 RECORDED BOCC RESOLUTION 24-511.pdf](#)

Hello,

I have returned your request for review in the Douglas County Planning app with an attachment of the recently adopted El Paso County Natural Medicine Ordinance. I have attached it to this email as well. The EDARP file for this project is linked here for all related El Paso County ordinance documents:

<https://epcdevplanreview.com/Public/ProjectDetails/202855>

Thank you,



Miranda Benson

Associate Planner
EPC Planning & Community Development
2880 International Circle, Ste. 110
(719) 520-7940
<https://planningdevelopment.elpasoco.com>

From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:07 PM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

You don't often get email from mhigham@douglas.co.us. [Learn why this is important](#)

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

There is an eReferral for your review. Please use the following link to log on to your account:

<https://apps.douglas.co.us/planning/projects/Login.aspx>

DR2024-003, Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses.

This referral will close on Tuesday, February, 4, 2025.

If you have any questions, please contact me.

From: Diana Love <rllove1@msn.com>
Sent: Saturday, January 18, 2025 6:22 PM
To: Marcco Higham; Lauren Pulver
Cc: Dayton TROY; Debbie; Hyla Tryon Jenks
Subject: FCC II COMMENTS: Douglas County eReferral (DR2024-003) Is Ready For Review

Marcco and Lauren,

Thank you both for sending this referral to the Franktown Citizens' Coalition II (FCC II).

As you may be aware, I was a Deputy District Attorney in Los Angeles County for 10 years, and a Federal Solicitor for over 13 years. My husband, Richard Love, who is also a member of the FCC II Board of Directors, was a Deputy Sheriff in Los Angeles County for almost 30 years. We both have extensive experience in law enforcement. Because of his areas of work, my husband's experience in the field and in court dealing with drug enforcement is exceptional. He is a court recognized expert in the areas of drug enforcement, arson, hazardous materials and explosives.

In reviewing the materials you have referred to us for comment, our experience brings many concerns to the foreground for this regulation in any area, but especially for a rural, noncommercial area like Franktown. When sales establishments of this type of product are set up, it can and does attract criminal elements. While we are aware that medical science at this time seems to think there are positive uses for the listed products, this science is in its infancy. "How" this type of drug is allowed to be used is paramount. The establishments set up to "share," sell or use these products could be dangerous and disastrous in an area that is mostly homes and a small elementary school, as it will attract the criminal element, as well as the use of and potential harmful effects of these products.

Other states have tried the approach of decriminalizing dangerous drugs with certain classifications, including psilocybin, with disastrous results (increased deaths, increased crime, cartels moving in, increased use, etc.). An example is Oregon. Because the harm decriminalization caused there, towns in Oregon are now reversing those laws. I will forward an AP article on this to you separate from this email.

While we recognize Douglas County is, unfortunately, having to deal with the new Colorado laws on this substance, we respectfully ask that no establishments dealing with psilocybin mushrooms be permitted in Franktown.

Thank you.

Diana Love
President
FCC II

FCC II Board:
Troy Dayton, Vice President
Debra Bowman, Secretary
Hyla Jenks, Treasurer
Richard Love, Member-at-Large

GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

AGENCY REFERRAL RESPONSE – NATURAL MEDICINE REGULATIONS – DR2024-003

Proposition 122 decriminalizes the possession, use and cultivation of psilocybin mushrooms (aka “magic mushrooms”). The State has already begun issuing licenses effective January 2025.

While Amendment 65 allowed retail marijuana in Colorado, it also allowed local jurisdictions such as Douglas County to ban medical and recreational marijuana dispensaries and production facilities. However, Proposition 122 does not allow local jurisdictions to ban natural medicine businesses, and the County must comply.

Proposition 122 regulations identify zone districts where businesses are allowed to provide services through state-licensed facilitators. Licensed centers are allowed to operate in areas zoned for office use and other natural medicine businesses can operate in most commercial and industrial zone districts.

While approved businesses are required to be at least 1,000’ away from schools (preschool through high school), and day care facilities, it is not clear how the regulations limit in-home cultivations of mushrooms by the State’s allowed maximum plot size of 12’x12’ that might be adjacent to schools (including in-home day care facilities) in order to prevent children from accessing.

While Colorado voters approved Prop 122 two years ago with a slight majority of 58.42%, voters in Douglas County voted **AGAINST** the proposition with a majority of 65.82% per State voter records.

Therefore, to the extent possible, the County needs to consider implementing strong regulations and enforcement of natural medicine businesses to ensure:

- proper disposal of medicine byproducts/waste to safeguard public and private water and wastewater systems.
- strong building security measures to prevent unauthorized access or theft.
- regulating the hours of operation of any approved business, including limiting the hours of operations to weekdays from 8 am to 5 pm as the Town of Castle Rock has done.
- implementing a policy of anonymous reporting of violators either business or personal which all surrounding counties allow.



HAPPY CANYON HOMEOWNERS' ASSOCIATION
558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108

www.happycanyon.org
happycanyonhoa@gmail.com

January 13, 2025

Marcco Higham
Douglas County Community Development
100 Third Street
Castle Rock, CO 80104

RE: Douglas County eReferral (DR2024-003) Natural Medicine Business
SB23-290 Natural Medicine Regulation And Legalization
<https://www.leg.colorado.gov/bills/sb23-290>

Hello Marcco,

Thank you for sending the above-captioned e-Referral request to the Happy Canyon Homeowners' Association (HCHOA). We understand that Natural Medicine Business (NMB) is a new business category that was approved by Colorado voters this past year. Whether we approve of NMBs or not, we expect similar negative, unintended consequences that legalized marijuana has brought upon Colorado communities such as criminal activity, active black markets, DUIs and DWIs, mental health crises, overdose emergency room visits, violent behavior, and impacts to minors.

We note that Douglas County is considering the following proposed amendments to the Zoning Resolution:

January 13, 2025

Page Two

The proposed amendments limit natural medicine businesses to specific zone districts, include a 1,500 ft distance requirement from schools, state-licensed day-care facilities, churches, parks, libraries, residences and residential zoning, and municipal boundaries. The proposed amendments also limit the time and days a natural medicine business may operate to Monday-Friday, 8 a.m. to 5 p.m. The following Douglas County Zoning Resolution Sections are affected:

- *11 – Business District*
- *12 – Commercial District*
- *13 – Light Industrial*
- *14 – General Industrial*
- *21 – Use by Special Review*

The HCHOA has a few questions, below:

1. Who will monitor, report, and/or enforce any violations of Douglas County's Zoning Resolution pertaining to operations, including mental health crises, overdoses, criminal activity, DUIs/DWIs, etc.?
2. What are the consequences that Douglas County can impose for violations?

The HCHOA supports and encourages Douglas County officials to create the strongest restrictions possible for the distance requirement, days/hours of operation, specific zone locations, and anything else to ensure the highest level of public safety for Douglas County citizens.

Please let us know if you have any questions.

Best regards,

Rich West, President
Happy Canyon Homeowners' Association
Cc: HCHOA Board Members

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Marco Higham, Planner
Douglas County Department of Community Development, Planning Resources
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Natural Medicine Regulations
Project File #: **DR2024-003**
S Metro Review #: REFOTH25-00007

Review date: January 13, 2025

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: Proposed Douglas County Zoning Regulation Amendment to regulate natural medicine businesses per State of Colorado Senate Bill 23-290.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed Douglas County Zoning Amendment regulating natural medicine businesses.

From: [Lauren Pulver](#)
To: [Marcco Higham](#)
Subject: FW: Douglas County Referral Response Request (DR2024-003)
Date: Thursday, January 30, 2025 9:24:21 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

From: Joe Ott <JOtt@ssprd.org>
Sent: Thursday, January 30, 2025 9:20 AM
To: Lauren Pulver <lpulver@douglas.co.us>
Subject: RE: Douglas County Referral Response Request (DR2024-003)

Hi Lauren,

We have no comments on this referral.

Thanks,



Joe Ott (he/him)
Planning Analyst
South Suburban Parks and Recreation
4810 E County Line Rd, Littleton, CO 80126
ssprd.org | 303.483.7026



How We Work: Professional, Active, Innovative & Inclusive

From: Lauren Pulver <lpulver@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:22 PM
To: Joe Ott <JOtt@ssprd.org>
Subject: Douglas County Referral Response Request (DR2024-003)

Date: January 7, 2025

To: Interested Parties

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – DR2024-003

Request for Review:

From: [Krystal Welp](#)
To: [Marcco Higham](#)
Cc: [Gary Welp](#); corpoffice@pcms.net
Subject: RE: Douglas County eReferral (DR2024-003) Is Ready For Review
Date: Monday, January 20, 2025 11:25:07 AM

Good Afternoon -

On behalf of Stonegate North Villages Metropolitan District, we have no comments.

Krystal Welp
Development Review Coordinator/Engineering and Planning Technician
303-293-8107

-----Original Message-----

From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:07 PM
To: Gary Welp <gwelp@rgengineers.com>
Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account:

<https://apps.douglas.co.us/planning/projects/Login.aspx>

DR2024-003, Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses.

This referral will close on Tuesday, February, 4, 2025.

If you have any questions, please contact me.

Sincerely,

Marcco Higham
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)

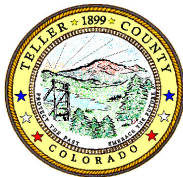
From: [Lauren Pulver](#)
To: [Marcco Higham](#)
Subject: FW: [EXTERNAL] Douglas County Referral Response Request (DR2024-003)
Date: Wednesday, January 8, 2025 9:55:24 AM

From: Daniel Swallow <Swallowd@tellercounty.gov>
Sent: Wednesday, January 8, 2025 8:27 AM
To: Lauren Pulver <lpulver@douglas.co.us>
Subject: RE: [EXTERNAL] Douglas County Referral Response Request (DR2024-003)

Lauren,

Thank you for the opportunity to comment on this Douglas County Zoning change. Teller County has no comments or concerns with this proposal.

Dan Swallow, MBA
Teller County Government
Community Development Director
800 Research Drive
Woodland Park, Colorado
swallowd@tellercounty.gov
(719)686-5406



From: Lauren Pulver <lpulver@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:23 PM
To: Daniel Swallow <Swallowd@tellercounty.gov>
Subject: [EXTERNAL] Douglas County Referral Response Request (DR2024-003)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Date: January 7, 2025

To: Interested Parties



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

January 28, 2025

Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

Attn: Marcco Higham

Re: Natural Medicine Regulations, Case # DR2024-003

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the amendment for **Natural Medicine Regulations** and currently has **no apparent conflict**.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com

From: [J.J. Heim](#)
To: [Marcco Higham](#)
Subject: Proposed zoning amendment DR2024-003
Date: Thursday, January 16, 2025 2:10:04 PM

Hello Marcco,

Thank you for taking the lead on this. As a business owner in Douglas County, this proposed resolution makes me nervous. When I purchased my building 8 years ago, I intentionally looked for a building that was in an area not zoned for natural medicine sale or cultivation. I fear that if this resolution passes, some of my neighboring businesses may sell out to pot shops or worse yet, grow houses.

I understand that it's legal to have and use pot in Douglas county - that's fine with me. My issue is opening pandora's box to the dispensaries and grow houses in our beautiful county.

I would strongly oppose this resolution and hope that we can keep all of this in Denver and other surrounding areas. There's no reason to expand this business into Douglas county. Let's keep Douglas county clean.

Respectfully,



J.J. Heim
President
IMS Printing & Signs

■ 720-258-1959 x106
■ jjheim@imscolorado.com
■ www.imscolorado.com
■ 12425 Mead Way, Littleton, CO, 80125

SECTION 11 B – BUSINESS DISTRICT

Section Contents

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1101 Intent *(Amended 8/11/09)*

To provide areas for retail business uses in balance with residential development as an integral part of the community providing essential services and employment opportunities that are conveniently and efficiently located to reduce unnecessary commuting, protect air quality and facilitate the cost-effective provision of services. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district is encouraged in compact centers rather than in extended strips of development along roadways so as to provide for orderly development, minimized traffic congestion, and provide for safe pedestrian movement. Business centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. Offices may serve as a transition between urban residential and major commercial or industrial areas.

The B zone district is characterized by retail business buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses and maintain the appearance and visual quality of the County. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include drug stores, flower shops, book stores and other general merchandise stores, offices, banks, private clubs, and public recreational areas. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1102 Principal Uses *(Amended 6/22/05)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution, and shall be conducted entirely within an enclosed building, unless exempted by the Director. The Director may determine other similar uses as appropriate.

- 1102.01 Automobile service station with gasoline pumps
- 1102.02 Bank/financial institution *(including drive-up facility)*
- 1102.03 Bar/lounge
- 1102.04 Club/country club

1102.05 Community uses:

- Church
- Cultural facility
- Fire station
- Library
- Open space/trails
- Park/playground
- Recreation facility – Indoor
- School – including college or university and related facilities
- Sheriff substation

1102.06 Day-care center – *(outdoor play area shall be enclosed by 6' fence)*1102.07 Event Center *(Amended 4/28/15)*

1102.08 Firing range – indoor

1102.09 Hospital *(helipad permitted as an accessory use)*

1102.10 Hotel/motel, including conference or convention facilities located within the principal building

1102.11 Nursing or convalescent home and other extended-care facilities

1102.12 Office

- general, medical, dental, professional, governmental
- temporary *(refer to Section 22)*

1102.13 Parking lot – public or private

1102.14 Restaurant/fast-food establishment

1102.15 Retail/service business – indoor

1102.16 Retirement home

1102.17 Seasonal use *(refer to Section 22A)*

1102.18 Theater – indoor

1102.19 Utility service facility

1102.20 Veterinary clinic or hospital – animals shall be confined in an enclosed building which is part of the principal structure

1103 Accessory Use

The following shall be allowed only when a principal use has been established on the lot:

1103.01 Accessory uses and buildings *(Amended 5/27/14)*

1103.02 Satellite dish

1103.03 Single or multifamily residence for management or employees *(provided unit is incorporated into principal structure)*

1104 Uses Permitted by Special Review *(Amended 6/22/05)*

The following uses are permitted, upon approval by the Board, in accordance with Section 21, Use by Special Review, of this Resolution. *(Amended 3/26/24)*

1104.01 Heliport

1104.02 Natural Medicine Business: Healing Center, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.

1104.0~~32~~ Residence

- Group home *(Amended 5/10/16)*
- Group home for registered sex offenders
- Group Residential Facility
- Multifamily – apartments, condominiums

1104.0~~43~~ Utility – major facility

1105 Minimum Lot Area: none

1106 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

1107 Utilities

All public utility distribution lines shall be placed underground.

1108 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.

1109 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

1110 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and 28 Parking Standards, of this Resolution. (Amended 3/26/24)

1111 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. (Amended 3/26/24)

1112 Minimum Setbacks

SETBACK FROM:			
Street	LSB/B/C	LI/GI	RES/AG/OS
Regional/major arterial: 75' minor arterial: 40' collector/local: 20'*	no setback	25'	60'

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition Section.)

1113 Encroachments

- 1113.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1113.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1113.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1114 Building Height

Maximum building height: 60 feet

- 1114.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1114.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1114.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 3/26/24*)
- 1114.04 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line, except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1114.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1115 Fencing Standards (*Amended 3/26/24*)

Fencing shall be allowed, as shown on the approved USR Plan Exhibit or Site Improvement Plan, in accordance with the following standards:

- 1115.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1115.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located in the required setback from a street.
- 1115.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-

of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.

- 1115.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1115.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.
- 1115.06 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1115.07 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1116 Outdoor Storage

Outdoor storage shall be permitted only upon the approval of the Board or the Director, as shown on the approved USR Plan Exhibit or Site Improvement Plan, as applicable, in accordance with the outdoor storage standards set forth in the C – Commercial District of this Resolution. (Amended 3/26/24)

1117 Sign Standards – Refer to Section 29 of this Resolution

1118 Lighting Standards – Refer to Section 30 of this Resolution

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SECTION 12 C – COMMERCIAL DISTRICT

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1201 Intent (Amended 8/11/09)

To provide for a full range of retail, commercial, and service uses in balance with residential development as an integral part of the community providing essential services and commercial opportunities and employment opportunities that are conveniently and efficiently located to reduce unnecessary commuting and protect air quality. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district is encouraged in centers that are planned as a unit rather than in extended strips along roadways so as to provide for orderly development, minimize traffic congestion, and provide for safe pedestrian movement. Commercial centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. Offices may serve as a transition between urban residential, and major commercial or industrial areas. Minimal assembly or manufacturing activities shall be allowed.

The C zone district is characterized by commercial buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include all the retail-oriented uses listed in the business zone district plus recreation, car sales, mini warehouses, small equipment rental and wholesale activities. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1202 Principal Uses

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate. (Amended 10/14/02)

- 1202.01 All principal uses in the B – Business District
- 1202.02 Equipment rental – small
- 1202.03 Mini warehouse – no storage of dangerous/flammable materials, and no sales or services from any unit
- 1202.04 Motorized vehicle/equipment – sales/service
- 1202.05 Motorsports Facility (Amended 4/26/16)

- 1202.06 Recreation facility – outdoor/community
- 1202.07 Retail/service business – including outdoor/wholesale activity
- 1202.08 Sexually oriented business – *Sexually oriented businesses are not permitted as a commercial use in the PD – Planned Development District and are not permitted in any zone district other than the C – Commercial District.*
- 1202.09 Theater – outdoor/indoor

1203 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot:

- 1203.01 Accessory uses and buildings *(Amended 5/27/14)*
- 1203.02 Commercial storage area *(Amended 3/26/24)*
- 1203.03 Satellite dish
- 1203.04 Single or multifamily residence for management or employees

1204 Uses Permitted by Special Review *(Amended 6/22/05)*

The following uses are permitted, upon approval by the Board, in accordance with Section 21, Use by Special Review, of this Resolution. *(Amended 3/26/24)*

- 1204.01 Heliport

1204.02 Natural Medicine Business: Healing Center, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.

- 1204.0~~23~~ Residence

- Group home *(Amended 5/10/16)*
- Group home for registered sex offenders
- Group Residential Facility
- Multifamily – apartments, condominiums

- 1204.0~~34~~ Utility – major facility

- 1204.04~~5~~ Zoo

1205 Minimum Lot Area: none**1206 Water and Sanitation Requirement**

All uses shall be served by a central water and sanitation facility.

1207 Utilities

All public utility distribution lines shall be placed underground.

1208 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.

1209 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

1210 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and 28 Parking Standards, of this Resolution. *(Amended 3/26/24)*

1211 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1212 Minimum Setbacks

SETBACK FROM:			
Street	LSB/B/C	LI/GI	RES/AG/OS
Regional/major arterial: 75' minor arterial: 40' collector/local: 20'*	no setback	25'	75'

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

SEXUALLY ORIENTED BUSINESS – shall be located a minimum of 1500 feet from any:

- area zoned for residential use;
- single-family, two-family, or multifamily dwelling;
- church, park, or library
- state-licensed day-care facility (*child or adult*);
- school or educational facility, serving persons age 18 or younger, or
- any other sexually oriented business.

The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented business and any church, school, public park, dwelling unit (*single or multiple*) or residential district shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted to the nearest lot line of the premises of a church, school or dwelling unit (*single or multiple*) or the nearest boundary of an affected public park, or residential district.

1213 Encroachments

- 1213.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1213.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1213.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1214 Building Height

Maximum building height: 60 feet

- 1214.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1214.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof

peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition – spire height calculation)*

- 1214.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. *(Amended 3/26/24)*
- 1214.04 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line except, engineered structures which shall be in compliance with the minimum setbacks. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*
- 1214.05 All roof-mounted equipment *(mechanical, ventilating, antennas)* shall be properly screened, with the exception of solar collectors/heaters.

1215 Fencing Standards *(Amended 3/26/24)*

Fencing shall be allowed, as shown on the approved USR Plan Exhibit or Site Improvement Plan, in accordance with the following standards:

- 1215.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1215.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located in the required setback from a street.
- 1215.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1215.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1215.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.

- 1215.06 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1215.07 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1216 Outdoor Storage Standards (Amended 3/26/24)

Outdoor storage shall be permitted, as shown on the approved USR Plan Exhibit or Site Improvement Plan, in accordance with the following standards:

- 1216.01 Outdoor storage including but not limited to raw materials, supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall, or hedge that is a minimum of 6 feet in height. Employee or customer parking or merchandise display areas shall not be considered outside storage.
- 1216.02 Operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component may be visible above the height of a 6 foot tall fence, wall, or hedge without being additionally screened.
- 1216.03 Outdoor storage shall not be allowed within the required setback from a street.
- 1216.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1216.05 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts may be required.

1217 Sign Standards – Refer to Section 29 of this Resolution

Sexually explicit advertisements or other promotional displays for sexually oriented businesses that are harmful to minors shall not be visible to minors from pedestrian ways, walkways, or other public areas.

1218 Lighting Standards – Refer to Section 30 of this Resolution

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SECTION 13 LI – LIGHT INDUSTRIAL DISTRICT

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1301 Intent *(Amended 8/11/09)*

To provide areas for office, research, warehousing, small product assembly and manufacturing and distribution located to efficiently utilize public investment in infrastructure and to exercise economies of scale. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district shall be designed to provide for such uses in a low-intensity manner on well-landscaped sites such that they can be located in proximity to business, commercial and residential uses in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. High performance standards are set forth for this district that will assure that development is compatible with adjoining land uses.

The LI zone district is characterized by office, warehousing, assembly, and distribution. Uses allowed within this district shall operate with minimal dust, fumes, odors, refuse, smoke, vapor, noise, lights, and vibrations. Such impacts shall be mitigated in accordance with applicable County, State, and federal regulations. Any other impacts shall be mitigated to the maximum extent possible. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1302 Principal Uses *(Amended 6/22/05)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate.

1302.01 Automobile service station with gasoline pumps

1302.02 Bank/financial institution *(including drive-up facility)*

1302.03 Bar/lounge

1302.04 Building materials – wholesale/retail

1302.05 Club/country club

1302.06 Commercial storage area *(Amended 3/26/24)*

1302.07 Community uses:

- Church
- Fire station

- Hospital
- Library
- Open space/trails
- Park/playground
- Recreation facility – indoor/outdoor
- School – including college, or university and related facilities
- Sheriff station

1302.08 Cultural facility

1302.09 Equipment rental

1302.10 Firing range – indoor

1302.11 Golf course

1302.12 Greenhouse/plant nursery – wholesale/retail

1302.13 Hotel, including conference or convention facilities located within the principal building

1302.14 Industrial/manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary

1302.15 Kennel (*Amended 5/27/14*)

1302.16 Mini warehouse – no storage of dangerous or flammable material and no sales or services from any unit

1302.17 Motorized vehicle/equipment – service/repair and incidental sales

1302.18 Motorsports Facility (*Amended 4/26/16*)

1302.19 Office

- general, medical, dental, professional, or governmental
- temporary (*refer to Section 22*)

1302.20 Parking lot – public/private

1302.21 Product distribution/storage – excluding hazardous materials

1302.22 Recreational vehicle storage lot

1302.23 Research and development facility

- 1302.24 Restaurant/fast food establishment
- 1302.25 Satellite earth station
- 1302.26 Seasonal use (*refer to Section 22A*)
- 1302.27 Telecommunication facility
- 1302.28 Utility service facility
- 1302.29 Veterinary clinic or hospital (*Amended 3/26/24*)
- 1302.30 Warehouse
- 1302.31 Wholesale business – sales/service

1303 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot:

- 1303.01 Accessory uses and buildings (*Amended 5/27/14*)
- 1303.02 Day-care facility for children of employees
- 1303.03 Residence for management or employee
- 1303.04 Satellite dish

1304 Uses Permitted by Special Review (*Amended 6/22/05*)

The following uses are permitted, upon approval by the Board, in accordance with Section 21, Use by Special Review, of this Resolution. (*Amended 3/26/24*)

- 1304.01 Batch plant – concrete, mortar, or asphalt
- 1304.02 Heliport

1304.03 Natural Medicine Business: Healing Center, Cultivation Facility, Products Manufacturer, Testing Facility, or any other Natural Medicine Business licensed by the State Licensing Authority, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.

- 1304.0~~4~~³ Recycle/trash transfer facility – indoor

1304.0~~54~~ Residence

- Group home (*Amended 5/10/16*)
- Group home for registered sex offenders
- Group Residential Facility
- Single-family attached or multifamily

1304.0~~65~~ Satellite earth station that exceeds the zone district height limitation or exceeds the minimum health standards.

1304.0~~76~~ Telecommunication equipment (*excluding whip type antennas*) that exceed the zone district height limitation or exceed minimum health standards.

1304.0~~87~~ Utility – major facility

1305 Minimum Lot Area: none

1306 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

1307 Utilities

All public utility distribution lines shall be placed underground.

1308 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.

1309 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

1310 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and Section 28, Parking Standards, of this Resolution. (*Amended 3/26/24*)

1311 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1312 Minimum Setbacks

SETBACK FROM				
Street	LSB/B/C	LI	GI	RES/AG/OS
regional/major arterial: 75'	50'	no setback	25'	75'
minor arterial: 40'				
collector/local: 20'*				

* No parking shall be located within this setback.

OR, for Multifamily allowed as a Use by Special Review:

MULTIFAMILY SETBACK FROM:		
Street	LSB/B/C/LI/BI	RES/AG/OS
Same as above	50'	75'
A 30' landscape buffer is required for parking lots abutting all zone districts.		

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

1313 Encroachments

- 1313.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1313.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1313.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1314 Building Height

Maximum building height: 60 feet

- 1314.01 The maximum building height shall not apply to belfries, cupolas, penthouses, or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles, and necessary mechanical appurtenances usually carried above the roof level.

- 1314.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1314.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 3/26/24*)
- 1314.04 The height of an antenna shall be no greater than the distance to the nearest lot line, except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1314.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1315 Fencing Standards (*Amended 3/26/24*)

Fencing shall be allowed, as shown on the approved USR Plan Exhibit or Site Improvement Plan, in accordance with the following standards:

- 1315.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or a fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1315.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located within the required setback from a street except when the fence, wall, or hedge is required in order to provide a screen for storage. Then the fence may exceed 4 feet in height for no more than 50% of the lineal frontage of the lot.
- 1315.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1315.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

- 1315.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.
- 1315.06 Electric fences that are part of a non-lethal alarm notification system may be permitted only upon the approval of, and in accordance with, a USR Plan Exhibit or Site Improvement Plan in compliance with the following standards: *(Amended 3/26/24)*
- 1315.06.1 A non-electric perimeter fence at least six (6) feet tall must surround the exterior of an electric fence. Except for gates, the perimeter fence shall be located not less than six (6) inches from the electric fence.
- 1315.06.2 Warning signs, notifying the public of the existence of the electric fence, shall be posted in a conspicuous manner on the property and at intervals of not less than 30 feet. Warning signs shall have a minimum letter size of two (2) inches and shall include the international symbol for high voltage.
- 1315.06.3 A key box or other approved method with a mechanism that allows emergency services personnel to disconnect the electrical current and gain entry be provided. The type and location of the disconnecting mechanism, key box, and other components shall be approved the fire department.
- 1315.06.4 No electric fence shall be installed or operated with a power source other than a storage battery not exceeding 12 volts direct current. Notwithstanding the foregoing, a backup system to maintain security in case of battery failure shall be permitted provided such system will not result in higher voltage being delivered upon contact with the fence.
- 1315.06.5 Information is required to be included on the USR Plan Exhibit or Site Improvement Plan that provides manufacturer information and demonstrates that the electric fence is part of a non-lethal alarm notification system.
- 1315.07 Barbed wire shall be permitted when located a minimum of 6' 6" in height measured from the ground level outside the fence; however, concertina or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1315.08 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1316 Outdoor Storage Standards *(Amended 3/26/24)*

Outdoor storage shall be permitted, as shown on the approved USR Plan Exhibit or Site Improvement Plan, in accordance with the following standards:

- 1316.01 Outdoor storage including but not limited to raw materials, supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall, or hedge that is a minimum of six (6) feet in height. Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1316.02 Operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component may be visible above the height of a six-foot tall fence, wall, or hedge without being additionally screened.
- 1316.03 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1316.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1316.05 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts may be required.
- 1316.06 A solid fence, wall, or hedge shall not be required at a shared property line which merely separates outdoor storage areas.

1317 Sign Standards – Refer to Section 29 of this Resolution

1318 Lighting Standards – Refer to Section 30 of this Resolution

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SECTION 14 GI – GENERAL INDUSTRIAL DISTRICT

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1401 Intent *(Amended 8/11/09)*

To provide areas for office, research, warehousing, and product assembly, manufacturing and distribution facilities located to efficiently utilize public investment in infrastructure and to exercise economies of scale. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district is intended for use by the largest manufacturing operations, heavy equipment, construction and fuel yards, major transportation terminals and other basic industrial activities required in an urban economy, in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The GI zone district is characterized by office, warehousing, assembly, and distribution. By their very nature these uses may emit more noise, dust, fumes, odors, refuse, smoke, vapor, lights, and vibration and other environmental pollutants than permitted in the light industrial district; however, all such impacts shall be mitigated in accordance with applicable County, State, and federal regulations. Any other impacts shall be mitigated to the maximum extent possible. Traffic to and from the district may be intensive. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1402 Principal Uses *(Amended 7/8/08)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate.

1402.01 All principal uses in the LI district

1402.02 Utility – major facility

1403 Accessory Use *(Amended 7/8/08)*

The following shall be allowed only when a principal use has been established on the lot:

1403.01 Accessory uses and buildings *(Amended 3/26/24)*

1403.02 Residence – single or multifamily for management or employee/s only

1403.03 Antenna

1404 Uses Permitted by Special Review *(Amended 4/28/15)*

The following uses are permitted, upon approval by the Board, in accordance with Section 21, Use by Special Review, of this Resolution. *(Amended 3/26/24)*

- 1404.01 Batch Plant – concrete, asphalt, or mortar (not including temporary batch plants; see Douglas County's Grading, Erosion, and Sediment Control Manual, as amended, for processing details)
- 1404.02 Chemical and hazardous material storage/transfer/disposal facility
- 1404.03 Firing range – outdoor
- 1404.04 Heliport
- 1404.05 Jail/correctional facility
- 1404.06 Junk/scrap yard
- 1404.07 Landfill – private/public
- 1404.08 Mining, quarry, sand and gravel pit or similar extractive land use
- 1404.09 Natural Medicine Business: Healing Center, Cultivation Facility, Products Manufacturer, Testing Facility, or any other Natural Medicine Business licensed by the State Licensing Authority, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.
- 1404.~~1009~~ Propane distribution/storage facility
- 1404.~~110~~ Recycle/trash transfer facility
- 1404.~~124~~ Satellite earth station that exceeds the zone district height limitation or exceeds minimum health standards
- 1404.~~132~~ Telecommunication equipment *(excluding whip type antennas)* that exceed the zone district height limitation or exceed minimum health standards.

1405 Minimum Lot Area: none

1406 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

Use of individual wells and individual septic systems may be permitted provided:

- the subject land is located within the boundaries of a special district providing water and sewer service;
- the district's water or sewer lines are not within 400' of the subject land [§32-1-1006(1)(a)(I) C.R.S.], or if within 400' physical connection is not possible due to lack of legal access to lines;
- the proposed use is a low-water-demand use, as determined by the Director; and
- the district authorizes the use of wells. (Amended 4/12/00)

1407 Utilities

All public utility distribution lines shall be placed underground.

1408 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.

1409 Street Standards and Stormwater Improvements (Amended 7/8/08)

Construction of paved streets shall be in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

1410 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and Section 28, Parking Standards, of this Resolution. (Amended 3/26/24)

1411 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. (Amended 3/26/24)

1412 Minimum Setbacks

SETBACK FROM:				
Street	LSB/B/C	LI	GI	RES/AG/OS
Regional/major arterial: 75'	50'	25'	No setback	75'
Minor arterial: 40'				
Collector/local: 20'*				

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

1413 Encroachments

- 1413.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1413.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1413.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1414 Building Height

Maximum building height: 60 feet

- 1414.01 The maximum building height shall not apply to belfries, cupolas, penthouses, or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles, and necessary mechanical appurtenances usually carried above the roof level.
- 1414.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1414.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 3/26/24*)
- 1414.04 The height of an antenna shall be no greater than the distance to the nearest lot line except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1414.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1415 Fencing Standards *(Amended 3/26/24)*

Fencing shall be allowed, as shown on the approved USR Plan Exhibit or Site Improvement Plan, in accordance with the following standards:

- 1415.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet including footer, in height or a fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1415.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located within the required setback from a street except when the fence, wall, or hedge is required in order to provide a screen for outdoor storage. Then the fence may exceed 4 feet in height for no more than 50% of the lineal frontage of the lot.
- 1415.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1415.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1415.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1415.06 Electric fences that are part of a non-lethal alarm notification system may be permitted only upon the approval of, and in accordance with, a USR Plan Exhibit or Site Improvement Plan in compliance with the following standards:
 - 1415.06.1 A non-electric perimeter fence at least six (6) feet tall must surround the exterior of an electric fence. Except for gates, the perimeter fence shall be located not less than six (6) inches from the electric fence.
 - 1415.06.2 Warning signs, notifying the public of the existence of the electric fence, shall be posted in a conspicuous manner on the property and at intervals of not less than 30 feet. Warning signs shall have a minimum letter size of two (2) inches and shall include the

international symbol for high voltage.

- 1415.06.3 A key box or other approved method with a mechanism that allows emergency services personnel to disconnect the electrical current and gain entry be provided. The type and location of the disconnecting mechanism, key box, and other components shall be approved the fire department.
- 1415.06.4 No electric fence shall be installed or operated with a power source other than a storage battery not exceeding 12 volts direct current. Notwithstanding the foregoing, a backup system to maintain security in case of battery failure shall be permitted provided such system will not result in higher voltage being delivered upon contact with the fence.
- 1415.06.5 Information is required to be included on the USR Plan Exhibit or Site Improvement Plan that provides manufacturer information and demonstrates that the electric fence is part of a non-lethal alarm notification system.
- 1415.07 Barbed wire shall be permitted when located a minimum of 6'6" in height measured from the ground level outside the fence; however, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1415.08 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1416 Outdoor Storage Standards *(Amended 3/26/24)*

Outdoor storage shall be permitted, as shown on the approved USR Plan Exhibit or Site Improvement Plan, in accordance with the following standards:

- 1416.01 Outdoor storage including but not limited to raw materials, supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall, or hedge that is a minimum of six (6) feet in height. Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1416.02 Operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component may be visible above the height of a 6 foot tall fence, wall, or hedge without being additionally screened.

- 1416.03 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1416.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1416.05 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts may be required.
- 1416.06 A solid fence, wall, or hedge shall not be required at a shared property line which merely separates outdoor storage areas.
- 1417 Sign Standards – Refer to Section 29 of this Resolution
- 1418 Lighting Standards – Refer to Section 30 of this Resolution

SECTION 21 USE BY SPECIAL REVIEW

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2101 Intent

To provide for uses in specific zone districts that shall require a public notice and hearing and the approval of the Board of County Commissioners subject to such conditions and safeguards as may be imposed by the Board, and to establish procedures for amending an approved use by special review based on the anticipated impact of the change.

2102 Approval Standards

A use by special review shall be approved only if the Board of County Commissioners finds that the proposed use:

- 2102.01 Complies with the minimum zoning requirements of the zone district in which the special use is to be located, as set forth in this Resolution.
- 2102.02 Complies with the requirements of this Section 21.
- 2102.03 Complies with the Douglas County Subdivision Resolution.
- 2102.04 Will be in harmony and compatible with the character of the surrounding areas and neighborhood.
- 2102.05 Will be consistent with the Douglas County Comprehensive Master Plan, as amended.
- 2102.06 Will not result in an over-intensive use of land.
- 2102.07 Will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development.
- 2102.08 Will provide public facilities and services necessary to accommodate the proposed development concurrently with the impacts of such development.
- 2102.09 Will not cause significant air, water, or noise pollution.
- 2102.10 Will be adequately landscaped, buffered, and screened.
- 2102.11 Complies with the following standards regarding water supply:
 - 2102.11.1 If it is demonstrated that the use by special review will not generate any ongoing water demand, no proof of water supply shall be required and no other provisions of Section 18A, Water Supply Overlay District, herein, shall be applicable. *(Amended 5/26/2015)*

2102.11.2 If it is demonstrated that the use by special review, when located on a conforming parcel within the A-1 or LRR zone district, will generate a water demand not to exceed three (3) acre-feet per year, and that the demand can be supplied by a groundwater well which has or is capable of receiving a permit from the Colorado Division of Water Resources for such use, this standard shall be met and no other provisions of Section 18A, Water Supply Overlay District, herein, shall be applicable. Water demands shall be estimated in accordance with the Minimum Water Demand Standards defined in Section 18A, Water Supply Overlay District, herein. *(Amended 5/26/2015)*

2102.11.3 For all other use by special review applications, the applicant shall demonstrate conformance with Section 18A, Water Supply Overlay District, herein. *(Amended 5/26/2015)*

2102.12 Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

2103 Length of Approval

A use by special review shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The use by special review may transfer with the sale of the land.

2104 Annual Review

Each use by special review is subject to yearly review, or as often as the Board deems appropriate, to ensure compliance with the approval standards and conditions of approval.

2105 Amendment of An Approved Use by Special Review

An amendment to an approved use by special review may be considered in accordance with the procedures identified herein for either a use by special review amendment or an administrative use by special review amendment.

2106 General Provisions

2106.01 The Board may establish lesser setbacks than those required in this Section, and heights greater than those allowed in the underlying zone district, if the Board determines that adequate buffering is or will be provided to mitigate such concerns as noise, visual, dust, or other social or environmental impacts. The burden of proof is on the applicant to demonstrate such adequate mitigation measures.

2106.02 Outdoor storage areas shall be screened by a solid wall or fence of an appropriate height unless otherwise provided for herein. *(Amended 3/26/24)*

2106.03 A use by special review may be permitted on nonconforming parcels when such use is permitted, as a use by special review, in the zone district to which the parcel conforms in size.

2107 Allowed Uses by Special Review *(Amended 8/28/18)*

The Development Plan for a specific Planned Development District shall set forth the permitted uses by special review and any additional requirements therein.

The following uses are listed as uses by special review within the zone districts of this Resolution, and are subject to additional requirements as noted herein:

2107.01 Animals – nondomestic, exotic: A-1 and LRR zone districts provided that:

- a security fence surrounds the enclosures to prevent the animals from leaving the premises; and
- the applicant shall contact the Denver Zoo Curator and State Division of Wildlife to determine the enclosure size needed and any special conditions for species on the site. Each enclosure shall have adequate water and drainage.

2107.02 Bar or Lounge: CMTY and MI zone districts

2107.03 Batch plant – concrete, asphalt or mortar: LI and GI zone districts

2107.04 Bed and Breakfast: A-1, LRR, RR, ER, and MI zone districts

2107.05 Campground: A-1 zone district provided that all uses and structures are located at least 100 feet from all property lines

2107.06 Cemetery: A-1 zone district

2107.07 Chemical/hazardous material storage, transfer, or disposal facility: GI zone district, provided such use complies with all State and federal regulations and is located at least 500 feet from all lot lines

2107.08 Church with a seating capacity, in the main worship area, greater than 350: A-1, LRR, RR, ER, SR, MF, and MH zone districts, provided that such uses are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater

2107.09 Club or Country Club: CMTY, D, and MI zone districts

- 2107.10 College or University extension office: CMTY and D zone districts
- 2107.11 Cultural facility: A-1 and LRR zone districts
- 2107.12 Day-care center, preschool, or day-care home – large: A-1, LRR, RR, ER, SR, MF, and MH zone districts provided that such uses shall be situated on a lot of not less than 10,000 square feet and that a solid fence or wall 6 feet in height shall completely surround the yard used for playground purposes (*Amended 3/26/24*)
- 2107.13 Dude ranch: A-1 zone district
- 2107.14 Event Center: CMTY and D zone districts, subject to the following additional requirement:
- 2107.14.1 A noise study shall be submitted demonstrating compliance with the limits established in Section 1703A of the Noise Overlay District.
- A-1 zone district, subject to the following additional requirements:
- 2107.14.2 Structures used for the event center shall be of a scale and design that is compatible with the surrounding rural environment.
- 2107.14.3 Structures, outdoor assembly areas, and parking lots used for the event center shall be setback a minimum of 200 feet from all adjacent property lines.
- 2107.14.4 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A.
- 2107.14.5 A noise study shall be submitted demonstrating compliance with the event center noise standard.
- 2107.14.6 In addition to the management plan components specified in Section 2112, operational limitations for the event center shall address the following:
- (1) Maximum number of event patrons.
 - (2) Frequency of events including times of day and days of week.
 - (3) The number of outdoor and indoor events.
 - (4) Specific mitigation measures to limit the impacts of any exterior lighting.

- (5) Specific limitations or mitigation measures to ensure compliance with the noise standards consistent with the noise study.

2107.14.7 In addition to the information required for the project narrative specified in Section 2111, the event center narrative shall include a discussion of the following:

- (1) The ability of the existing or proposed structures to comply with building and fire code requirements for public assembly uses.
- (2) The ability to provide sanitation service for the proposed use by connection to a sanitary sewer or provision of on-site wastewater treatment.
- (3) The ability to connect to a central water provider or to obtain a well permit for the proposed use.

2107.15 Feed yard – confinement center: A-1 zone district, provided that such use is located at least 500 feet from all property lines, and that such use is approved by the Douglas County Health Department (*Amended 3/26/24*)

2107.16 Firing range – outdoor: A-1 and GI zone districts provided that the use is located at least 100 feet from all property lines; an indoor range may be permitted as an accessory use to an outdoor range in the A-1 zone district

2107.17 Golf course legally established as a Use by Special Review prior to June 22, 2005: A-1, LRR, RR, ER, and SR zone districts subject to the following:

- (1) Such use may be amended in accordance with the provisions established herein.
- (2) No amendment shall have the effect of changing the boundary of the area subject to the legally established Use by Special Review as it existed on June 22, 2005. (*Amended 2/12/19*)

2107.18 Greenhouse: A-1 zone district

The following may be restricted based upon compatibility with the surrounding land uses:

- Location, size, height and use of structures
- Number of vehicle trips
- Lighting and hours of operation
- Location and type of materials stored outside
- Retail sale of items
- Parking area setbacks

- 2107.19 Group Residential Facility: A-1, LRR, MF, MH, B, C, and LI zone districts provided that the Group Residential Facility does not include more than 1 registered sex offender over the age of 18 *(Amended 5/14/03)*

All requests shall be submitted to the Placement Alternative Commission as a referral.

- 2107.20 Group Home for registered sex offenders: A-1, B, C, and LI zone districts, provided the facility is located a minimum of 1,500 feet from a school, park, playground, child-care facility, and youth camp.

All requests shall be submitted to the Placement Alternative Commission as a referral.

- 2107.21 Heliport: B, C, LI, and GI zone districts:

- The FAA shall be notified regarding approval of airspace.
- A management plan shall be submitted with the application that addresses the following:
 - type and use of aircraft for which the facility is intended;
 - number of planes to be stationed on the site;
 - frequency of flights and diagram of flight patterns; and
 - hours of operation.

- 2107.22 Home occupation: A-1, LRR, and RR zone districts pursuant to Section 2310, herein. No outside storage shall be allowed. *(Amended 8/23/22)*

- 2107.23 Horse boarding or training facility: A-1, LRR, RR, and ER zone districts where the number of boarded horses exceeds the maximum number of horses permitted by right or by administrative review, or the number of lessons for non-owned horses, or riders not related to the landowner or lessee, exceeds 14 per week.

The applicant shall demonstrate a minimum water supply of 20 gallons per horse per day. The applicant must obtain the necessary well permits from the State Division of Water Resources.

On the Plan Exhibit, the applicant shall identify areas of allowable devegetation, pastures proposed for horse grazing, the pasture grazing schedule, manure storage areas, and the method and frequency of manure disposal.

- 2107.24 Horse rental stable: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

- 2107.25 Hotel: CMTY and D zone districts

- 2107.26 Hunting or fishing club: A-1 zone district; hunting clubs shall be located on a minimum of 160 acres
- 2107.27 Jail/correctional facility: GI zone district – Security for the facility may include barb, electric, or concertina wire when located a minimum of 6' 6" in height measured from the ground level outside the fence.
- 2107.28 Junk, scrap metal, or auto wrecking yard: GI zone district provided all such uses are screened by a solid wall or fence at least 6 feet in height (*Amended 3/26/24*)
- 2107.29 Kennel: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines
- 2107.30 Landfill – public or private: A-1 and GI zone districts provided that such use is approved by the Douglas County Health Department and is located 500 feet from all lot lines or 1,000 feet from any existing residential land use, whichever is greater. (*Amended 3/26/24*)

Prior to applying for a use by special review, the applicant must first receive a recommendation of approval for the certificate of designation from the Colorado Department of Health. Any proposal must be in compliance with the Douglas County Comprehensive Master Plan, as amended.

- 2107.31 Landing Field, Private: A private, non-commercial landing field or helipad for fixed or rotary wing craft is permitted as an accessory use in the A-1 and GI zone districts provided:
- Minimum lot/parcel area: 35 acres.
 - Minimum setback for landing area: 200' from the sides of the landing strip, and 400' from the ends.
 - The landing field shall be for the exclusive use of the landowner and guests.
 - Any commercial use, flight training, ground school, or sales, are prohibited.
 - Aircraft noise may not exceed 78 db(A) for more than 5 minutes in a 1-hour period.
 - The FAA shall be notified regarding approval of airspace.
 - The landing strip shall be oriented such that aircraft landing and takeoff do not pass directly over dwellings, schools, churches, or other places of public assembly.
 - Minimum setback from existing residences (except landowner's): 1/2 mile from either end of the runway.
 - A management plan shall be submitted with the application that addresses the following:

- type and use of aircraft for which the facility is intended;
- number of planes to be stationed on the site;
- frequency of flights and diagram of flight patterns; and
- hours of operation.

2107.32 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and GI zone districts, subject to the following:

2107.32.1 The use is judged by the twelve criteria for approval of a use by special review, and the goals and policies of the Douglas County Comprehensive Master Plan, as amended and its Mineral Extraction element, and may be approved with conditions derived from the extraction plan submittals listed herein.

2107.32.2 Exemptions from these regulations may be approved by the Director of Community Development in accordance with an approved grading permit, for any one of the following:

- (1) Earthwork performed within public rights-of-way
- (2) Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat
- (3) Earthwork performed as part of construction per an approved building permit
- (4) Borrow site

2107.32.3 A narrative that addresses all items listed in Section 2111, herein, and the following:

- (1) a discussion of the quantity and quality of the deposit and its relationship to the supply and demand information contained in the Douglas County Master Plan for Mineral Extraction
- (2) a discussion of the positive and negative impacts of the operation

2107.32.4 A plan exhibit prepared in accordance with Section 2112, herein, and shows the following:

- (1) The relationship of the mine site to other uses/structures in the area
- (2) The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
- (3) The limits of the mine site and the extent of areas to be disturbed
- (4) The location and dimension of buffers against noise and visual impact to be left in place or created
- (5) Identified aquifer recharge areas, wetland areas, lakes, rivers

- (6) Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
- (7) Areas identified, through independent assessment, as having historic, archaeological, or paleontological resources
- (8) All Douglas County Comprehensive Master Plan designations

2107.32.5 An operational plan shall be submitted that at a minimum addresses the following:

- (1) Start and end dates and the hours of operation
- (2) A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles
- (3) A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program
- (4) Sources and quantities of water needed on site
- (5) A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual
- (6) A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program
- (7) Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts
- (8) A phasing plan that:
 - designates areas to be disturbed and the proposed timing or extraction for each area;
 - illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
 - limits the total land area to be disturbed at any one time; and
 - links the availability of adequate transportation facilities to the scope of the operation, specifically identifies off-site infrastructural improvements required for the project, and specifies the time frame for construction in relation to phases of on-site operation.
- (19) A transportation plan that:
 - designates transportation routes (*existing or proposed*) that avoid residential areas and limit the use of local roads;
 - gives traffic counts and the projected level of service along haul routes, at bridges and culverts, and at key intersections both at the start and at peak operation;
 - specifies the hours when material will be transported off site;
 - lists the improvements necessary for the transportation system to accommodate expected traffic;

- addresses the construction of needed transportation improvements; and
- lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.

(~~210~~) A blasting plan that:

- Identifies noise and vibration-sensitive uses/structures/activities in the area;
- includes a pre-blast inspection program for identified structures;
- includes a program for initial seismic and noise monitoring during the first blast;
- incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and
- specifies the times and the atmospheric conditions when blasting is permitted.

(~~311~~) An end-state, land-use plan that shows:

- areas to be returned to a natural state;
- areas to be restored for wildlife habitat, *if applicable*;
- areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;
- the site's final topography;
- proposed post-mining land uses, consistent with the zoning of the land; and
- site restoration phases.

(~~412~~) A site evaluation including:

- wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
- independent assessment of the historic, archaeological, or paleontological value of the site;
- drainage studies as required by the Public Works Department, including an erosion and sedimentation control plan, a Phase I drainage report at initial submittal, and a Phase III drainage report prior to each phase;
- a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
- a visual analysis that documents the visibility throughout the life of the operation; identifies visually sensitive areas and the expected impact at those locations; and lists visual impact mitigation measures; and

- a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.

2107.33 Motel: CMTY and D zone districts

2107.34 Motorsports Facility, Private: A-1 zone district *(Amended 4/26/16)*

2107.34.1 All components of the Private Motorsports Facility shall be located a minimum of 200 feet from all property lines. Additional setbacks may be required if necessary to mitigate noise impacts.

2107.34.2 Noise generated by the Private Motorsports Facility use shall comply with the limits established in Section 1703A of the Noise Overlay District ("noise standard").

2107.34.3 A noise study shall be submitted demonstrating that the proposed facility can be designed and operated in such a manner as to ensure ongoing compliance with the noise standard.

2107.34.4 Maximum land area devegetated, including devegetation resulting from the Private Motorsports Facility, shall comply with the limits established in Section 24, Animals.

2107.34.5 In addition to the management plan components specified in Section 2112, operational limitations for the Private Motorsports Facility shall address the following:

- (1) Maximum number of concurrent motorsports vehicles in use
- (2) Hours and days of use
- (3) Specific mitigation measures to limit visual impacts of the Private Motorsports Facility from public roadways and abutting properties; and
- (4) Specific limitations or mitigation measures to ensure compliance with the noise standard and recommendations of the noise study.

2107.35 Natural Medicine Business. A Natural Medicine Business shall be located a minimum of 1,500 feet from any:

- A residential zone district (LRR, RR, ER, SR).
- Dwelling.
- Church, park, or library.
- State-licensed day-care facility.
- School or educational facility, serving persons age 18 or younger.
- Property within an incorporated area.

The distance between any Natural Medicine Business and any dwelling, church, park, library, day-care facility, school, residential zone district, or incorporated area shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the Natural Medicine Business is conducted to the nearest lot line of the premises of the dwelling, church, park, library, day-care facility, or school or the nearest boundary of a residential zone district or incorporated area.

2107.35.1 Healing Center: B, C, LI, and GI zone districts.

• Additional Requirements:

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday
- A Healing Center shall be located no further than 5 miles from a hospital, emergency medical care center, urgent care center, or other such medical treatment facility, unless such services are available at the Healing Center.
- Within 14 days of the Director's execution of the approval certificate for a new Healing Center, staff shall provide written notice of the approval to the Douglas County Sheriff's Office, Douglas County Health Department, and any facility providing emergency medical care located within 5 miles of the Healing Center.

2107.35.2 Cultivation Facility: LI and GI zone districts.

• Additional Requirements:

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday.

2107.35.3 Products Manufacturer: LI and GI zone districts.

• Additional Requirements:

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday.

2107.35.4 Testing Facility: LI and GI zone districts.

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday.

2107.35.5 Any other Natural Medicine Business licensed by the State Licensing Authority: LI and GI zone districts.

• Additional Requirements:

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday.

2701.36 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line

2107.3~~76~~ Propane distribution/storage: GI zone district

2107.3~~87~~ Recreation facility – community: A-1, LRR, RR, ER, SR, MF, MH, CMTY, and D zone districts, provided all structures within A-1, LRR, RR, ER, SR, and MF zone districts are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater

2107.3~~98~~ Recreation facility – indoor: CMTY and D zone districts

2107.4~~039~~ Recreation facility – neighborhood: CMTY and D zone districts

2107.4~~10~~ Recreation facility – outdoor: CMTY and D zone districts

2107.4~~21~~ Recreation facility – private: CMTY and D zone districts

2107.4~~32~~ Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.

2107.4~~43~~ Residence:

For new residential units in the B, C, LI, GI, or MI zone districts, school and park land dedications shall be provided in accordance with the Douglas County Subdivision Resolution, as amended.

- Caretaker – LRR zone district – 1 per lot
- Mobile home – 1 per parcel/lot in the A-1 zone district when a principal dwelling does not exist on the property
- Multifamily – B, C, and MI zone districts
- Single-family attached or multifamily – LI and MI zone district

2107.4~~54~~ Religious retreat: A-1 zone district.

2107.4~~65~~ Satellite earth station: A-1 zone district, and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.

2107.4~~65~~.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the satellite earth station shall be included with the application. The report shall include the following:

- (1) Discussion of proposed number, height, and types of satellite dishes to be accommodated
- (2) Description of output frequency, number of channels and power output per channel for each proposed antenna (if applicable)

- (3) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (4) A five-year plan for the use and estimated life of the proposed telecommunication facility
- (5) A narrative from the applicant identifying technologically feasible locations (search ring or rings) for the proposed facility, and justifying the proposed location to the satisfaction of the County
- (6) A copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (7) Statement that the proposed facility will be in compliance with all FAA regulations and applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended

2107.4~~76~~ Sawmill – portable: A-1 and LRR zone districts, provided that such use is located at least 100 feet from all lot lines. A portable sawmill is permitted only as accessory to a principal use.

2107.4~~87~~ Septic waste and domestic sludge application: A-1 and LRR zone districts, with the approval of the Colorado Department of Health, when any of the following apply:

2107.4~~87~~.1 Liquid dewatered or semi-dewatered sludge, as defined by the Colorado Department of Health Domestic Sewage Sludge regulations, would be applied on the soil surface or would be incorporated into the soil at a depth which does not completely cover the sludge. Dried sludge is not subject to this provision.

2107.4~~87~~.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.

2107.4~~87~~.3 More than 50,000 gallons of liquid sludge, or 200 cubic yards of any sludge, not defined or transported as a liquid, would be applied to the site in any 24-hour period.

2107.4~~87~~.4 Permanent structures or facilities for further processing, treating or dewatering sludge would be constructed or associated with the site and the application of sludge material.

2107.4~~98~~ Telecommunication facility: A-1 zone district; and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.

2107.4~~98~~.1 In addition to the exhibit requirements contained in this Section, a report describing the telecommunication facility shall be included with the application. The report shall include the following:

- (1) Description of the height, design and elevation of the proposed support tower with a cross section view and description, and a statement as to whether the tower will be structurally designed to accommodate future antennas
- (2) Description of height for all potential mounting positions for antennas. If the support tower is designed for collocation, the minimum separation distances should be shown and noted as possible future antenna locations
- (3) Discussion of proposed number, height, and types of antennas to be accommodated through this application
- (4) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (5) A description of the use and estimated life of the proposed telecommunication facility including additional development and coverage anticipated to meet projected service needs
- (6) A narrative from the applicant identifying and justifying technologically feasible locations (search ring or rings) for the proposed service, and demonstrating to the satisfaction of the County, that the proposed service cannot be accommodated on an existing or approved support tower located within a five mile radius
- (7) The results of the RF drive test, certified as currently in calibration and traceable to National Institute of Standards and Technology, if it was undertaken to verify technologically feasible locations
- (8) Copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (9) Statement that the proposed facility will be in compliance with all FAA regulations as demonstrated by the response to the "Notice of Proposed Construction or Alteration" or equivalent, unless certified by a qualified, licensed engineer that FAA review and approval is not required
- (10) Statement that the proposed facility will be in compliance with applicable federal requirements including, but not limited to, those associated with the National Environmental Protection

Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended

- (11) When required, a letter of intent, in a form approved by the County, committing the support tower owner, its successors or assigns, to allow collocation of the facility under market terms, rates, and conditions
- (12) A Visual Impact Assessment (VIA) demonstrating that the proposed location is in compliance with the criteria contained in Subsection 2107.37.3
- (13) The County may require that an independent, outside consultant be retained, at the applicant's expense, to perform evaluations pertaining to compliance with regulations, standards and requirements stipulated
- (14) The Director may waive or modify one or more of the aforementioned information requirements based on design, size, or overall impact of the proposed facility

2107.498.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.498.3 In addition to the approval standards stipulated in Subsection 2102, proposed telecommunication facilities shall be located and designed in accordance with the following criteria:

- (1) Proposed telecommunication antennas shall be located on existing support towers where feasible and where the visual impacts are minimal.
- (2) The facility shall be sited to minimize impact on the environment and wildlife in the region.
- (3) The facility shall be sited to fade into the predominant backdrop of the vicinity by complementing other features and forms in the backdrop landscape.
- (4) All elements of the facility shall be designed and constructed to result in minimal visual impact. Elements shall be constructed of non-reflective materials that are typical in style and color to area buildings, structures or the backdrop landscape.
- (5) All elements of the facility, including but not limited to the accessory equipment, shall be camouflaged or screened from viewer groups as identified in the VIA. Where proposed, fencing shall be designed to minimize visual impacts.
- (6) Access to the facility shall be designed to minimize land disturbance, (including cut and fill), and visual impacts.
- (7) The height of any tower or structure shall be no greater than the distance to the nearest lot line or lease area, except engineered

structures which shall be in compliance with the zone district setback.

2107.4~~98~~.4 The property owner shall be responsible for removing all elements of the telecommunication facility including, but not limited to, antennas, buildings, accessory equipment, driveways and fencing if the facility becomes technologically obsolete or ceases to perform its intended function for a period of 180 consecutive days. This removal shall be completed within 90 days of the end of such 180-day period. The site shall be restored to replicate the existing surrounding vegetation.

2107.5~~04~~9 Theater – indoor or outdoor: CMTY and D zone districts

2107.5~~10~~ Utility – Major Facility: In all zone districts, except GI, provided that the setback requirements of the zone district in which the facility is proposed to be located are met, or such additional setbacks or requirements as the Board determines necessary. Maximum heights and lot area shall be determined through the use by special review process specific to each site.

Final action by the Board must be rendered within 90 days after the submittal date for a Utility Major Facility of a public utility providing electric or natural gas service, unless the provider and the County reach agreement on an amended time period. [§29-20-108 C.R.S.]

Wastewater Facility: Site approval is required by the Colorado Department of Public Health and Environment.

Water Storage/Treatment Facility and/or Appurtenance(s), except for Major Reservoirs, located within the following areas are exempt from the requirement for a use by special review application:

- Municipal Planning Areas (MPAs) designated by Douglas County Comprehensive Master Plan;
- Separated Urban Areas (SUAs) designated by the Douglas County Comprehensive Master Plan;
- Primary Urban Area (PUA), designated by the Douglas County Comprehensive Master Plan;
- Potential Town Urban Service Area as depicted in the Castle Rock and Douglas County Intergovernmental Agreement;
- Urban Service Area as depicted in the Town of Parker and Douglas County Intergovernmental Agreement;
- Facilities approved as part of a special district's service plan, which are located and serve property within the boundaries of such special

district described in its service plan and any subsequent inclusion orders.

2107.5~~24~~ Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.5~~32~~ Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.5~~32~~.1 In addition to the plan exhibit required in Section 2112, herein, the plan exhibit shall include the following:

- Location of all above ground utility lines
- Location of trees or other vegetation on site, described by size and type

2107.5~~32~~.2 The maximum tower height shall be 120 feet. The minimum distance for any portion of the rotor or blades from the ground beneath the system shall be 30 feet.

2107.5~~32~~.3 The supporting tower shall be set back from all property lines and overhead utility lines at least the height of the tower, except engineered structures which shall be in compliance with the zone district setback.

2107.5~~32~~.4 Climbing access to the structure shall be limited either by means of a 6 foot high fence around the tower base with a locking gate, or by limiting tower climbing apparatus to no lower than 12 feet above the ground.

2107.5~~43~~ Zoo: C zone district

2108 Submittal Prerequisite

The applicant shall attend a presubmittal meeting with the Planning Services Division to discuss the request and the submittal process and requirements for a new use by special review or an amendment to an approved use by special review.

A proposed amendment to an approved use by special review may be considered in accordance with the procedures identified herein. An amendment to a use by special review shall be considered through an administrative process when the Director determines that the change does not represent a substantial increase in the intensity of the use or impacts to the neighborhood. This type of amendment shall be referred to as an administrative use by special review amendment.

If the Director determines that the proposed amendment to an approved use by special review does represent a substantial increase in the intensity of the use or impacts to the

neighborhood, the proposed amendment shall be subject to the same submittal and process requirements as required for a new use by special review application. This type of amendment shall be referred to as a use by special review amendment. When making the determination, the Director shall consider the proposed degree of change to the site improvements and management plan as reflected on the approved Plan Exhibit, with specific consideration for potential increased impacts to the surrounding community.

The applicant may appeal the Director's determination on the amendment process for an approved use by special review to the Board of Adjustment in accordance with Section 26A.

2109 Submittal Process

The following shall apply to a use by special review or a use by special review amendment. The application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. For a request for a use by special review or a use by special review amendment, the submittal is processed as follows:

- 2109.01 The applicant shall submit the required submittal information to the Planning Services Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 2109.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are regulatory referral agencies and which referral agencies are advisory referral agencies. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.
- 2109.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not

negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*

- 2109.04 If the referral agencies elect to comment, they shall comment within 21 calendar days from the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. For projects that are critical to public safety, referral agencies shall comment within 10 days of receiving a referral packet.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall be given an opportunity to address the comments of all regulatory referral agencies received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of all advisory referral agencies and any comments received as a result of the courtesy notice.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies.

- 2109.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.
- 2109.06 The Planning Commission shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the use by special review request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is

responsible for public notice of the hearing in accordance with Section 2118 herein.

- 2109.08 For applications that propose a water supply from a District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the District. An inclusion agreement may be contingent on approval of the use by special review by the Board.
- 2109.09 The Board shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the use by special review request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.10 If denied by the Board, a resubmittal of a use by special review request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed use by special review.
- 2109.11 Following approval by the Board, the applicant shall submit a signed and notarized Plan Exhibit to the Planning Services Division. Staff shall verify that all conditions of approval have been met and all technical corrections have been made to the satisfaction of Douglas County, prior to the Director's execution of the approval certificate on behalf of the Board. The applicant shall submit the final signed Plan Exhibit no later than 90 days from the date of Board approval, unless the Board allows for a longer period of time as part of its approval of the use by special review. The Director may grant a one-time extension of no more than an additional 90 days. Further extensions shall be submitted for the Board's consideration.
- 2109.12 For applications that propose a water supply from a New Special District that will enter into an intergovernmental agreement with an Established District as described in Section 18A, Water Supply Overlay District, herein, the applicant shall submit evidence of creation of the New Special District, evidence of execution of the intergovernmental agreement by both parties, and evidence of inclusion of the property into the New Special District prior to approval of the Plan Exhibit. *(Amended 5/26/2015)*
- 2109.13 For applications that propose a water supply from a District or from a New Special District that has entered into an intergovernmental agreement with an Established District as described in Section 18A, Water Supply Overlay

District, herein, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Established District, and/or that the water credits to serve the development have been purchased from the Established District, prior to approval of the Plan Exhibit. *(Amended 5/26/2015)*

2110 Withdrawal of an Application

A request to withdraw an application shall be submitted, in writing, to the Planning Services Division, staff planner. Withdrawal of the application shall preclude reactivation. The submittal of a new application and processing fee shall be required in order to pursue the proposed use by special review.

2111 Submittal Requirements

The following submittal requirements shall apply to a use by special review and use by special review amendment:

- 2111.01 Completed land-use application *(available from the Planning Office)*
- 2111.02 Application fee *(available from the Planning Office)*
- 2111.03 Proof of ownership that includes an updated or current title insurance policy or title commitment, or other acceptable form of title verification, no more than thirty days old from the date of application
- 2111.04 A notarized letter of authorization from the landowner permitting a representative to process the application
- 2111.05 Narrative to describe the following:
 - (1) General project concepts
 - (2) Zoning of the land and compliance with the zone district requirements and any additional requirements for the use by special review as defined in Section 2107
 - (3) Define overall impacts of the proposed use on the adjoining lands
 - (4) Compliance with the Douglas County Comprehensive Master Plan, as amended
 - (5) Compliance with appropriate agency regulations and any necessary permits
 - (6) Proof of water availability
 - (7) Method of wastewater treatment
 - (8) Type or method of fire protection
 - (9) Impacts to existing vegetation and wildlife
 - (10) Impacts on air and water quality
 - (11) Impacts on peace and quiet of neighborhood

- (12) Provision of buffering, including additional landscaping
- (13) A description of the availability and adequacy of public services and facilities.
- (14) Other narrative details unique to the specific type of use by special review

2111.06 Plan Exhibit (*per 2112, herein*)

Plan Exhibit reductions (11"X17") may be required for public hearing packets for the Planning Commission and the Board.

2111.07 Development Reports, unless waived by Engineering Services:

- Phase III Drainage Report and Plan
- GESC Report and Plan
- Utility drawings(s)
- Off-site improvement plans, as required
- Engineering construction drawings
- Traffic Impact Study

An improvements agreement may be required to identify and financially secure the public and private improvements and other commitments required as part of the use by special review approval.

2111.08 Detailed technical studies, based upon the scale and impact of the application, as may be necessary to demonstrate compliance with the approval standards.

2111.09 Documentation of a sufficient water supply in accordance with Section 18A, Water Supply Overlay District, herein. (*Amended 3/26/24*)

For properties in the A-1 and LRR zone districts as identified in Section 2102.11.2 a copy of any existing well permits issued for the property may be requested as part of the submittal, along with an estimate of water demands.

2111.10 An analysis of the capacity related to level-of-service for the public facilities and services within the impact area.

2111.10.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.

2111.10.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.

- 2111.10.3 For applications proposing additional residential uses, documentation of capacity from the school district in accordance with the school district capacity policy.

2112 Plan Exhibit

For a use by special review or use by special review amendment, a Plan Exhibit shall consist of both a site plan and management plan as required herein.

- 2112.01 The site plan shall be prepared in accordance with the subsections of Section 27, Site Improvement Plan of this Resolution listed below. All or portions of the required site plan elements may be waived by the Director if it is determined that the use by special review will occupy an existing structure or will not otherwise require significant public or private improvements:

- General Plan Requirements, except that title blocks and approval certificates shall follow Sections 2112.03 and 2112.04 herein.
- Site Plan
- Landscape Plan
- Grading and Drainage
- Building Elevations
- Lighting Plan

For Personal Wireless Communication Facilities, the Design Standards provided in Section 27A shall apply.

- 2112.02 The management plan shall be provided that addresses all aspects of the day-to-day operation of the use by special review. The degree of detail will depend upon the specific use. The following items shall be included in the plan. The management plan shall be appended to the Plan Exhibit prior to final approval.

2112.02.1 Number of clients/boarders/parishioners/animals

2112.02.2 Hours of operation – whether the use is seasonal and the number of days of the week

2112.02.3 Number of employees

2112.02.4 Required outside storage/parking/loading areas

2112.02.5 Permit requirements from other state, federal or local agencies

2112.02.6 Method of providing fire protection

2112.02.7 Other operational elements necessary to address the potential impacts for the specific special use

2112.03 Plan Exhibit Title

The exhibit title shall include the name and legal description of the proposed development, site acreage, and project file number. The business name shall not appear in the title, rather the title shall reference the legal description when subdivided or the street address as follows:

Subdivided land:

SPRUCE SUMMIT, Filing No. 3, Lot 14
NW¼ Section 11, Township 8 South, Range 67 West
Permit Area – 1 acre Total Area 5 acres
USR Plan Exhibit – US2010-002

Within a PD:

SPRUCE SUMMIT, Filing No. 3, Lot 14
NW¼ Section 11, Township 8 South, Range 67 West
Planning Area 63 – Permit Area – 1 acre Total Area – 5 acres
USR Plan Exhibit – US2010-002

When unplatted:

(STREET ADDRESS – Address available from County Addressing Specialist)
NW¼ Section 11, Township 8 South, Range 67 West
Permit Area – 1 acre Total Area 5 acres
USR Plan Exhibit – US2010-002

For a use by special review amendment:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – **1st Amendment**
NW¼ Section 11, Township 8 South, Range 67 West
Permit Area – 1 acre Total Area – 5 acres
USR Amendment
US2010-002 (**Amendment to US2003-049**)

2112.04 Plan Exhibit Approval Certificate

Provide either a corporate/limited liability corporation (LLC) or individual approval certificate on the first sheet of the plan set, as follows.

APPROVAL CERTIFICATE

THE USE BY SPECIAL REVIEW AS DEPICTED HEREON WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON _____, 2 ____.

Director of Community Development

- The use by special review is subject to yearly review, or as otherwise defined by the Board of County Commissioners as part of its approval of the use by special review, to ensure compliance with the approval standards and conditions of approval.
- Construction shall commence pursuant to the use by special review within 3 years from the date of approval, or within the extended effective approval period, or the use by special review shall terminate.
- The use by special review shall terminate when the use of the land changes or when the time period established by the Board of County Commissioners through the approval process expires. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.
- Acceptance of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein hereby agree on behalf of itself, its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Plan Exhibit and the Douglas County Zoning Resolution.

(for Corporate or LLC owner, print corporation or LLC name)

By: _____ (signature)
 Title: _____
 Date: _____

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

Acknowledged before me this ____ day of _____, 20____, by _____ as _____ and _____ as _____ of _____, a _____ corporation/LLC.

My commission expires: _____

Witness my hand and official seal.

 Notary Public

(For Individual Owner)

(signature of owner(s))

Acknowledged before me this ____ day of _____, 20____, by _____.

My commission expires: _____

Witness my hand and official seal.

 Notary Public

An initial block is required on all subsequent Plan Exhibit sheets:

Approval Certificate

Planning	_____
	Initials/Date
Owner	_____
	Initials/Date
Lessee (if applicable)	_____
	Initials/Date

2113 Public Notice Requirements

The following requirements shall apply to a use by special review and use by special review amendment. The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings.

2113.01 WRITTEN NOTICE

At least 14 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same, as the published notice also required by this section.

At least 7 days prior to the hearing, the applicant shall provide the following to the Planning Services Division:

- alphabetical list of the landowners;
- map showing their relationship to the site;
- copy of the notice sent to the landowners; and
- certificate of mailing.

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows:

(list of addresses)

(signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

2113.02 PUBLISHED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least 1 publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Services Division at least 7 days prior to the hearing. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for approval of a use by special review for a *(name the specific use, i.e., church)* in the _____ zone district. The subject land is located approximately *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460
File No./Name: _____

2113.03 POSTED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land for which the use is requested. The notice shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than

3'X4'. Letter size shall be a minimum of three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." (Amended 11/6/2018). Such notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)

This land shall be considered for a Use by Special Review for a (insert specific use) in the _____ zone district. The public hearing is (date), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, at (time). For more information call Douglas County Planning, 303-660-7460.

File No./Name: _____

- 2113.03.1 An affidavit of sign posting shall be submitted by the applicant for the file in the Planning Services Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
(sign lettering must be legible in photo)

I, (applicant/representative/person posting sign), attest that the above sign was posted on (date) abutting (name of street).

_____ (signature) File No./Name: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this ____ day of _____, 20__ by _____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

- 2113.03.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board, withdrawal, or closure of the file by the Community Development Department.

2114 Termination of Use

- 2114.01 Construction pursuant to approval of a use by special review Plan Exhibit shall be commenced within three years from the date of approval, unless otherwise specified by the Board, or the approval shall terminate. The

Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

- 2114.02 The Director may grant time extensions to the effective period of a Plan Exhibit, not to exceed a total of three years beyond the date of original approval, upon written request by the applicant. As necessary, the Director may include conditions with the time extension in order to ensure that the use by special review remains in compliance with approval standards. Site construction drawings that have expired may require re-approval by Douglas County Engineering.

Further time extensions may be requested by the applicant and considered for approval by the Board at a public meeting.

- 2114.03 Where a use by special review brings an existing use into compliance with applicable regulations, or is designed to correct a Notice of Violation, all improvements depicted on the use by special review Plan Exhibit shall be completed within six months of approval, unless otherwise approved by the Board.

- 2114.04 A use by special review shall terminate when the use of the land changes or when the time period established by the Board through the approval process expires, whichever occurs first. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.

- 2114.05 The termination notice is appealable, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution.

2115 Inactive Files

Files that become inactive, because the applicant has not responded to staff's request for information or otherwise action in the submittal process, for a period of more than 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the special use request. After 5 months of inactivity, staff shall notify the applicant in writing that the application will become void within 30 days. If the applicant fails to submit the required additional information or request a hearing date within 30 days, staff shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. The Director may grant an extension of time, of no more than 6 months, upon a written request by the applicant.

2116 Post Denial Application

If denied by the Board, a resubmittal of the same or substantially same use by special review application shall not be accepted within 60 days from the date of denial by the Board, or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Board showing that there has been a substantial change in physical conditions or circumstances, the Board may reconsider the use by special review. A new application and processing fee shall be required.

2117 Revocation

If noncompliance with the approved Plan Exhibit or conditions of approval is demonstrated, the Board may consider revocation of the use by special review at a public meeting. Written notice shall be provided to the landowner and/or lessee at least 14 days prior to the scheduled Board meeting.

2118 Administrative Use by Special Review Amendment

2118.01 Submittal Prerequisite

Prior to submittal of an administrative amendment, a presubmittal meeting shall be held with the Planning Services Division to discuss the request, to determine if it is eligible for an administrative process, and to provide information on the required submittal items and process steps.

2118.02 Approval Standards

Approval of an administrative use by special review amendment shall be in accordance with the approval standards in Section 2102.

2118.03 Submittal Process

2118.03.1 The applicant shall submit the required submittal information to the Planning Services Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.

2118.03.2 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are regulatory referral agencies and which referral agencies are advisory referral agencies. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred.

Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.

Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein.
(Amended 4/13/2021)

If the referral agencies elect to comment, they shall comment within the specified referral period, not to exceed 21 calendar days from the date the referral packets were mailed or electronically distributed.

- 2118.03.3 All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to comments of all advisory referral agencies and other public comments received.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies.

- 2118.03.4 Following Planning and Engineering's review of the response to referral comments and any resubmitted items, staff will prepare a project assessment report for the Director's review. The Director will make a final determination to approve, approve with conditions, or deny the administrative USR amendment request within five (5) calendar days of the receipt of the assessment report, based upon demonstrated compliance with the approval standards.

- 2118.03.5 If an improvements agreement is required, it shall be approved by the County Manager prior to the Director's approval of the administrative amendment.

- 2118.03.6 If the administrative amendment is denied, written findings shall be provided by staff to the applicant within three (3) calendar days of the denial.

2118.04 Submittal Requirements

The applicant shall submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

- Completed land use application and fee
- Amended Plan Exhibit
- Updated development reports
- Updated technical studies, if applicable
- Current title commitment or other ownership verification as acceptable to staff
- Notarized letter of authorization from the property owner, if applicable
- Stamped addressed envelopes for courtesy notices
- A written narrative explanation of the proposed amendments

2118.05 Title and Approval Certificate

The project title for an administrative use by special review amendment shall be consistent with the original title, as provided in the following example:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – **1st Amendment**
 NW¼ Section 11, Township 8 South, Range 67 West
 Permit Area – 1 acre Total Area – 5 acres
 Administrative USR Amendment
 US2010-002 (**Amendment to US2003-049**)

The following approval certificate shall accompany the required Plan Exhibit for an administrative use by special review amendment to an approved use by special review.

Administrative USR Amendment Approval Certificate

US ____ - ____ is hereby amended this ____ day of ____, 2____. The use by special review continues to meet all approval criteria and is subject to all original conditions of approval, unless specifically noted hereon.

 Director of Community Development

The undersigned as the owner or owner's representative of the lands described herein hereby agree on behalf of itself, its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Plan Exhibit and the Douglas County Zoning Resolution.

(for Corporate or LLC owner, print corporation or LLC name)

By: _____ (signature)
 Title: _____
 Date: _____

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO)

COUNTY OF _____) ss.

Acknowledged before me this ____ day of _____, 20____, by _____ as _____ and _____ as _____ of _____, a _____ corporation/LLC.

My commission expires: _____

Witness my hand and official seal.

Notary Public*(For Individual Owner)*

(signature of owner(s))

Acknowledged before me this ____ day of _____, 20____, by _____.

My commission expires: _____

Witness my hand and official seal.

Notary Public

An initial block is required on all subsequent exhibit sheets:

USR Administrative Amendment Approval Certificate	
Planning	_____ Initials/Date
Owner	_____ Initials/Date
Lessee (if applicable)	_____ Initials/Date

2118.06 Notice of Final Action

The final status of an administrative use by special review amendment shall be set forth via the Notice of Action – Final Status using the following process:

- 2118.06.1 The date considered to be the final action on the administrative use by special review amendment shall be the date on the Notice of Action – Final Status.
- 2118.06.2 Should a discrepancy exist between the dates on the administrative use by special review amendment and Notice of Action – Final Status, the date of the Notice of Action – Final Status shall control.

- 2118.06.3 The Notice of Action – Final Status shall be mailed to the applicant, the abutting landowners who received courtesy notices, and any homeowner's associations that received courtesy notices, as described herein. The Notice of Action – Final Status shall be mailed via first class mail, within three (3) calendar days of final determination.
- 2118.06.4 An appeal of the Director's determination regarding A Notice of Action – Final Status for an administrative use by special review amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.
- 2118.06.5 If an administrative use by special review amendment is denied, any new amendment request shall require submittal of a new application and processing fee.