

## Staff Report

**Date:** April 5, 2026

**To:** Douglas County Planning Commission

**From:** Brett Thomas, AICP, Chief Planner *BT*  
Lauren Pulver, Planning Manager *LP*  
Jeanette Bare, AICP, Planning Manager *JB*  
Steven E. Koster, AICP, Deputy Director of Community Development *SK*

**Subject:** Douglas County Zoning Resolution Amendment to Establish Agritourism Regulations

**Project File:** DR2025-006

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<b>Planning Commission Hearing:</b>	<b>April 20, 2026 @ 6:00 p.m.</b>
<b>Board of County Commissioners Hearing:</b>	<b>May 12, 2026 @ 2:30 p.m.</b>

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### I. EXECUTIVE SUMMARY

The request is for approval of proposed changes to Douglas County Zoning Resolution (DCZR) Sections 3, 4, 21, 36, and a new section, Section 22C – Agritourism Certification and Permits.

The proposed amendments will allow agritourism activities and related uses in the Agricultural One (A-1) and Large Rural Residential (LRR) zone districts. The regulations include a series of new definitions for agritourism. Land use processes are proposed to match the scale and intensity of the proposed agritourism activity, ranging from low intensity activities requiring no or limited County oversight to more significant agritourism operations.

### II. REQUEST

#### A. Request

Approval of amendments to DCZR Sections 3, 4, 21, 36, and a new section, Section 22C – Agritourism Certification and Permits.

#### 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 proposed zoning resolution amendment would allow agritourism activities and related uses in the A-1 and LRR zone districts. If the amendment is approved, updates to the DCZR would include revisions to Section 3 – A-1 Zone District, Section 4 – LRR Zone District, Section 21 – Use by Special Review (USR), and Section 36 – Definitions; and adding a new section, Section 22C – Agritourism Certification and Permits.

Accessory Agritourism Activities with no more than 100 participants per day would have no specialized zoning review required. Minor Agritourism Activities would typically be a one-day event with up to 500 participants or occur over 7 days with up to 300 participants per day. For these activities, Planning staff would provide a certification to allow the activities. Major Agritourism Activities exceed the limits of a Minor Agritourism Activity. A brief referral to other relevant agencies and a courtesy notice to abutting landowners would be required for Major Agritourism Activities. The Board would ultimately make the decision on the application at a public land use meeting.

For property owners wishing to establish more permanent agritourism operations, the amendment establishes a new “Agritourism Center” use. Such centers could include a variety of ongoing agricultural and agritourism activities. Centers would be allowed through the Site Improvement Plan process on conforming A-1 zoned parcels and through the Use by Special Review process on conforming LRR zoned parcels.

### **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 are attached. Most referral agencies responding to the request provided either a no comment or no objection response.

The Douglas County Health Department noted if an agritourism center is to have overnight guests, a use permit must be obtained. Additional comments were provided related to portable toilets and food service.

El Paso County Engineering Division recommended that agricultural activities with less than 100 people per day have a set limit on the number of days or events per year.

The Arapahoe County Public Airport Authority recommended all agritourism uses that involve a residential component be evaluated for compliance with DCZR Section 19 – Centennial Airport Review Area.

Three HOAs and community groups commented with concerns. Cherry Valley Community Action (CVCA) requested the Board put in place strict guidelines for activities to not encroach upon property rights of the surrounding community. CVCA expressed concerns about traffic, noise, light, minimum acreages, and highway infrastructure and

recommended changes to the proposed regulations. The Happy Canyon Homeowners' Association (HCHOA) views agritourism as a way to force commercial business into rural residential communities. The HCHOA expressed concerns about valuation taking, public safety, water, and wildlife and requested the proposed amendments be dropped. The Pinery Homeowners' Association indicated its primary concern is the potential for traffic generated by the activities and impacts affecting residents of the Pinery.

A public workshop was held on January 8, 2026. Several members of the public attended representing the Deerfield Community, Franktown, Parker, and Castle Rock. Attendees asked various clarifying questions and expressed concerns with some existing activities on properties in their communities.

Correspondence was received from one resident requesting that the Rural Residential (RR) zone district be considered for inclusion in the regulations. They argue that including RR zoned properties would support small working ranches and landowners who contribute to agricultural preservation while seeking modest supplemental income.

#### **IV. PUBLIC NOTICE**

Notice of the hearing before the Planning Commission and the Board was published in the Douglas County News Press on April 2, 2026.

#### **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.

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**Referral Agency Response Report**

**Project Name:** Agritourism Opportunities, Douglas County Zoning Resolution Amendment, Sections 3, 4, 22B, and 36

**Project File #:** DR2025-006

**Date Sent:** 12/12/2025

**Date Due:** 01/16/2026

Agency	Date Received	Agency Response	Response Resolution
Douglas County Addressing Analyst	12/12/2025	Received: No comment (verbatim).	No response required.
Arapahoe County Public Airport Authority-Centennial	12/17/2025	<p><b>Summary of attached response letter:</b> Agritourism uses that involve a residential component should be evaluated for compliance with DCZR Section 19.</p>	Uses within the Centennial Airport Review Area are evaluated in accordance with DCZR Section 19.
Douglas County Assessor	01/15/2026	Received: No comment (verbatim).	No response required.
Douglas County Building Services	12/22/2025	Received: No comment (verbatim).	No response required.
Castlewood Canyon State Park	12/18/2025	Received: No comment (verbatim).	No response required.
Cherry Creek Basin Water Quality Authority	12/16/2025	<p><b>Verbatim response:</b> The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2025-006, Zoning Resolution Amendment - Agritourism Activities 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@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.</p>	No response required.

**Referral Agency Response Report**

**Project Name:** Agritourism Opportunities, Douglas County Zoning Resolution Amendment, Sections 3, 4, 22B, and 36

**Project File #:** DR2025-006

**Date Sent:** 12/12/2025

**Date Due:** 01/16/2026

Agency	Date Received	Agency Response	Response Resolution
Cherry Valley Community Action	01/11/2026	<b>Summary of attached response letter:</b> Provided concerns related to traffic, noise, light, buffering of impacts, and minimum acreages. The CVCA provided specific recommendations to revise the regulations.	These comments are attached for the Board to review.
City of Centennial	12/23/2025	<b>Verbatim response:</b> When possible, City Staff would like to be notified of any agritourism events occurring within 200 feet of any property within the City of Centennial.	No response required.
City of Lone Tree	12/15/2025	<b>Summary of attached response letter:</b> No comment.	No response required.
Colorado Division of Water Resources	12/24/2025	<b>Summary of attached response letter:</b> No comment.	No response required.
Colorado Geological Survey	01/07/2026	Received: No comment (verbatim).	No response required.
Colorado State Forest Service	12/15/2025	Received: No comment (verbatim).	No response required.
CORE Electric Cooperative	12/15/2025	Received: No comment (verbatim).	No response required.
Douglas County Community Services	12/12/2025	<b>Summary of attached response letter:</b> No comment.	No response required.
Douglas County Engineering Services	01/20/2026	<b>Summary of attached response letter:</b> No comment.	No response required.
Douglas County Health Department	01/16/2026	<b>Summary of attached response letter:</b> DCHD noted overnight guests would require a Use Permit be obtained. DCHD provided information on portable toilets and food service.	The DCHD is one of the agencies identified through the proposed certification and permit processes for landowners to coordinate with.
Douglas County Historic Preservation	12/23/2025	Received: No comment (verbatim).	No response required.
Douglas County Parks and Trails	12/24/2025	<b>Verbatim response:</b> Parks has no concerns.	No response required.
E-470 Public Highway Authority	12/12/2025	<b>Summary of attached response letter:</b> No comment.	No response required.

**Project Name:** Agritourism Opportunities, Douglas County Zoning Resolution Amendment, Sections 3, 4, 22B, and 36

**Project File #:** DR2025-006

**Date Sent:** 12/12/2025

**Date Due:** 01/16/2026

Agency	Date Received	Agency Response	Response Resolution
El Paso County Planning and Community Development Department	12/29/2025	<p><b>Summary of attached response letter:</b> Recommended that activities with less than 100 people per day have a set limit on the number of days or events per year.</p>	These comments are attached for the Board to review.
Happy Canyon HOA	01/13/2026	<p><b>Summary of attached response letter:</b> Provided concerns related to valuation taking, public safety, water, and wildlife and requested the Board drop the amendments and cease further amendments.</p>	These comments are attached for the Board to review.
Highlands Ranch Community Association	01/15/2026	<p><b>Verbatim response:</b> The Highlands Ranch Community Association (HRCA) appreciates the opportunity review and opine on this D&amp;R Application. We take NO EXCEPTIONS to the proposed agritourism amendments to the Douglas County Zoning Resolution. The proposed amendments do not conflict with the HRPDG, including permitted agricultural uses within Backcountry, and do not affect HRCA’s authority to regulate Backcountry lands, facilities, or programs through existing Planned Development approvals and private covenants.</p>	No response required.
Littleton	01/14/2026	<p><b>Summary of attached response letter:</b> No comment or concern.</p>	No response required.
Louviers Conservation Partnership	01/15/2026	<p><b>Verbatim response:</b> Louviers Conservation Partnership (LCP) has reviewed the documents for the Agritourism Opportunities, Douglas County Zoning Resolution Amendment, Sections 3, 4, 22B, and 36 Proposed amendments for Agritourism Opportunities and has no comments. Randy Johnson Director Louviers Conservation Partnership</p>	No response required.
Mountain View Electric Association	12/18/2025	<p><b>Verbatim response:</b> MVEA has no comment.</p>	No response required.

**Referral Agency Response Report**

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Agency	Date Received	Agency Response	Response Resolution
Douglas County Office of Emergency Management	12/18/2025	Received: No comment (verbatim).	No response required.
Parker Water & Sanitation District	12/15/2025	Received: No comment (verbatim).	No response required.
Plum Creek Water Reclamation Authority	12/12/2025	Received: No comment (verbatim).	No response required.
Douglas County Public Works Operations	12/16/2025	Received: No comment (verbatim).	No response required.
RTD - Planning & Development Dept	01/07/2026	<b>Summary of attached response letter:</b> No exceptions.	No response required.
Sedalia Water & Sanitation District	12/15/2025	<b>Verbatim response:</b> No comment. Should any activities require water from SWSD, we will address at that time.	No response required.
South Metro Fire Rescue	12/30/2025	<b>Summary of attached response letter:</b> South Metro Fire Rescue has reviewed the provided documents and has no objection to the proposed Zoning Resolution Amendment. Applicants or property owners within SMFR’s service area intending to provide an Agritourism Center or Agritourism Event, regardless of size or scope, shall contact SMFR regarding the Fire Code and permit requirements which may be applicable to the property and activities taking place. Fire permits and approval may be required for activities regulated by the Fire Code, even if county permits are determined not to be required.	No response required.
Southgate Water and Sanitation Districts	12/15/2025	Received: No comment (verbatim).	No response required.
Teller County Community Development Services	01/02/2026	<b>Summary of attached response letter:</b> No comment.	No response required.
The Pinery HOA	01/15/2026	<b>Summary of attached response letter:</b> Primary concern relates to the potential traffic generated by the activities described and how these impacts may affect residents.	These comments are attached for the Board to review.

**Referral Agency Response Report**

**Project Name:** Agritourism Opportunities, Douglas County Zoning Resolution Amendment, Sections 3, 4, 22B, and 36

**Project File #:** DR2025-006

**Date Sent:** 12/12/2025

**Date Due:** 01/16/2026

<b>Agency</b>	<b>Date Received</b>	<b>Agency Response</b>	<b>Response Resolution</b>
Town of Castle Rock	01/13/2026	<b>Verbatim response:</b> The Town of Castle Rock has no comments.	No response required.
Town of Larkspur	01/15/2026	Received: No comment (verbatim).	No response required.
Town of Parker Public Works	12/15/2025	Received: No comment (verbatim).	No response required.
West Metro Fire Protection District	01/08/2026	Received: No comment (verbatim).	No response required.
Xcel Energy-Right of Way & Permits	01/09/2026	<b>Summary of attached response letter:</b> No conflict.	No response required.



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

December 17, 2025

Brett Thomas  
Douglas County Community Development Department  
100 E. Third St.  
Castle Rock, CO 80104

Re: DR2025-006 - Douglas County Zoning Resolution Amendment – Agritourism Activities

Dear Mr. Thomas,

Thank you for the opportunity to review the DCZR amendment.. The Arapahoe County Public Airport Authority has reviewed the documents and has the following comments to make on the amendment:

- Agritourism uses permitted within this zoning district may include, or evolve to include, a residential component, such as overnight accommodations, dwelling units, accessory dwelling units, caretaker residences, or similar lodging or housing associated with the agritourism operation. Residential uses are considered noise- and safety-sensitive land uses in proximity to airport operations. Therefore, it is recommended that all agritourism uses that involve any residential component, whether allowed by right, administrative review, or special review, be evaluated for compliance with Section 19 of the Douglas County Zoning Resolution - Centennial Airport Review Area.

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

Sincerely,

Zachary Gabehart  
Planning Specialist - Noise & Environmental

## Brett Thomas

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From: jwagester@wagester.net <jwagester@wagester.net>  
Sent: Sunday, January 11, 2026 12:45 PM  
To: Brett Thomas <bthomas@douglas.co.us>  
Subject: Re: UPDATED PUBLIC WORKSHOP TIME- January 8, 2026 at 5:30 P.M.

Caution: This email originated outside the organization. Be cautious with links and attachments.

Hi Brett,

Thank you for taking the time to discuss proposed changes to the DCZR to allow for agritourism activities. Comments from Cherry Valley Community Action regarding the proposed changes are as follows. Please feel free to contact me if you have any comments or questions.

Sincerely,

Jennifer Wagester, PhD.  
Cherry Valley Community Action, Secretary

Date: 1/11/2026

To: Brett Thomas, AICP, Douglas County Planning Services

From: Cherry Valley Community Action

Re: Response to Redlines AgriTourism DCZR

The proposed changes to the DCZR to allow agritourism-related uses will significantly impact our neighborhood, the Cherry Valley Subarea, which is in the A1 zone district. Our neighborhood is characterized by rural residential/rural estates, ranches, and open spaces that are primarily accessed via dirt roads or paved two-lane highways. These roadways are in poor repair and not designed for the increase in use that agritourism activities would require. Allowing intense hospitality/entertainment-related uses with an agriculture theme that bring traffic, noise, and light to the A1 district will change the character of our neighborhood. As such our community does not support the implementation of the proposed changes.

If the BOCC is adamant that agritourism must be allowed in rural areas, then they must be committed to improving the highway infrastructure that services our neighborhood (including State Highways 83 and 86) to support such use and put in place strict guidelines for the provision of such activities as to not encroach upon the property rights of owners to use their properties as refuges from increasing development. There also must be clear and enforceable laws as to when agritourism activities become classified as commercial enterprises that are not permitted in the A1 zone district.

Property owners fully support their neighbors in the occasional use of their properties for agritourism. Activities such as a horse show, farm-to-table supper, day at the ranch, boy scout retreat, livestock judging competition, or pumpkin patch are acceptable property uses when conducted for a limited duration on a limited size/scale. When these types of activities become commercial enterprises that span for more than a 7-day consecutive period annually, 14 total days annually, or 3 weekends (held Fri, Sat, or Sun) annually, or allow for more than 100 guests or overnight accommodations, they become burdensome to the neighborhood and are considered commercial activities.

Buffer is an essential requirement for agritourism use as such use creates traffic, noise, and light. Parcels in the A1 zone district must be 35 acres or more to exist. Parcels of less than 80 acres are required to go through the Use by Special Review process to host an event center.

It is recommended that the acreage threshold for an agritourism center be the same as for an event center. As such, the following changes to the redline document are requested:

From "302.03 Agritourism Center"

To "302.03 Agritourism 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)"

It is the request of the community that agritourism and event centers not be permitted via any means on parcels of less than 80 acres due to their substantial infrastructure requirements and the significant disturbance that they cause.

Agritourism is a hospitality/commercial use. Agritourism does not produce an agricultural product, it involves gathering large numbers of people to one location for profit or philanthropic purpose. As defined by The National Agricultural Law Center, agritourism is "a form of commercial, recreational, or educational enterprises that link agricultural production and/or processing with tourism to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors while generating income for the farm, ranch, or business owner."

As such, the following changes are requested to the Agritourism definition in Section 36:

From "Agritourism: The practice of engaging in activities, events, and services provided for recreational, entertainment, or educational purposes to allow participants to experience, learn about, and participate in various facets of agricultural industry, culinary pursuits, natural resources and environment, heritage, and rural lifestyle."

To "Agritourism: The practice of an agricultural business owner engaging in activities, events, and services provided for recreational, entertainment, or educational purposes to allow participants to experience, learn about, and participate in various facets of the agricultural industry limited to the production of livestock, crops, or food products; culinary pursuits; natural resources and environmental management; heritage or cultural practices; and the rural lifestyle for profit or philanthropic purpose. Excluded from this definition is all marijuana prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003 and hunting preserves."

Per previous discussion regarding the negative impact of intense agritourism use, the following changes are requested to the agritourism-related definitions in Section 36:

From "Agritourism Activity: An agritourism activity for which admission is made available to the general public, held on a one time or occasional basis that provides recreation, entertainment, or education for those in attendance."

To "Agritourism Activity: An agritourism activity for which admission is made available to the general public; duration is less than 7 consecutive days, 14 total days, and 3 weekends (Fri, Sat, or Sun) per year; and purpose is to provide recreation, entertainment, or education for those in attendance."

From "Agritourism Activity, Accessory: An Agritourism Activity with a daily attendance of less than 100 persons."

To "Agritourism Activity, Accessory: An Agritourism Activity with a daily attendance of less than 100 persons and no overnight accommodations."

No changes: Agritourism Activity, Major: An Agritourism Activity that exceeds the limitations placed on Minor Agritourism Activities.

From: "Agritourism Activity, Minor: A center, buildings, and other improvements related to agriculture use which offer one or more agritourism activities throughout the year. Such use may include limited overnight accommodations for patrons who will participate in the agritourism activities offered on site."

To "Agritourism Activity, Minor: A center, buildings, and/or other improvements related to agriculture use that support provision of one or more Agritourism Activities throughout the year. Such use may include limited overnight accommodations for no more than 40 patrons who will participate in the agritourism activities offered on site."

From "Agritourism Center: A center, buildings, and other improvements related to agriculture use which offer one or more agritourism activities throughout the year. Such use may include limited overnight accommodations for patrons who will participate in the agritourism activities offered on site."

To "Agritourism Center: A center, buildings, and/or other improvements related to agriculture use that offer one or more Agritourism Activities throughout the year. Such use may include limited overnight accommodations for patrons who will participate in the agritourism activities offered on site."

In regards to Section 22C, it is requested that the notification area be extended to one quarter mile (1,320 feet) as 300 feet in the A1 zone district is typically only part of a parcel boundary due to the typical parcel size of 35+ acres. The change would be as follows:

2205C.04 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 1,320 feet or less ...

To ensure the safety of all participants, it is requested that the country require proof of liability insurance on all certification forms for agritourism activities.

Thank you for taking the requests of Cherry Valley Subarea residents into consideration.

## Brett Thomas

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**From:** Maureen Welsh <Maureen.Welsh@cityoflonetree.com>  
**Sent:** Monday, December 15, 2025 3:17 PM  
**To:** Brett Thomas <bthomas@douglas.co.us>  
**Subject:** RE: Douglas County eReferral (DR2025-006) Is Ready For Review

Hi Brett,

The City of Lone Tree has no comment or concern currently regarding Project No. DR2025-006. Thank you for allowing us the opportunity to review and provide comment.

Best,



**Maureen Welsh, AICP**  
(She/Her)  
Senior Planner  
9220 Kimmer Drive  
Lone Tree, CO 80124  
720-509-1275

## **Brett Thomas**

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**From:** Comaniciu - DNR, Ioana <ioana.comaniciu@state.co.us>  
**Sent:** Wednesday, December 24, 2025 8:00 AM  
**To:** Brett Thomas <bthomas@douglas.co.us>  
**Subject:** Fwd: Douglas County eReferral (DR2025-006) Is Ready For Review

Good Morning,

We have received your December 12, 2025 referral for Douglas County proposed regulations for agritourism activities and related uses. We have no comments on proposed regulations for agritourism activities and related uses. However, it is recommended that all water supplies for agritourism uses comply with the conditions of Section 18 of the Douglas County Zoning Resolution.

Thank you for the opportunity to review.

Best Regards,

**Ioana Comaniciu, P. E.**

**Water Resource Engineer**

P 303-866-3581 x 8246

1313 Sherman St., Suite 821 Denver CO 80203

[ioana.comaniciu@state.co.us](mailto:ioana.comaniciu@state.co.us) | <https://dwr.colorado.gov>

## **Brett Thomas**

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From: Jennifer Eby <JEby@douglas.co.us>  
Sent: Friday, December 12, 2025 12:10 PM  
To: Brett Thomas <bthomas@douglas.co.us>  
Subject: RE: Douglas County eReferral (DR2025-006) Is Ready For Review

No comment, thanks.

Jennifer Eby, AICP | Director of Community Services Douglas County Department of Community Services Address | 100 Third St.,  
Castle Rock, CO 80104 Direct | 303-814-4355 Cell | 720-648-2110 Email | jeby@douglas.co.us

## Brett Thomas

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**From:** Bradley Jackson <bjackson@douglas.co.us>  
**Sent:** Tuesday, January 20, 2026 8:00 AM  
**To:** Brett Thomas <bthomas@douglas.co.us>  
**Subject:** DR2025-006 DC Zoning Regs - Agritourism Activities

Brett,

I couldn't find the referral response form but Douglas County Public Works Engineering does not have any comments on this application.

Thanks,

**Brad Jackson, P.E.** | Development Review Supervisor

**Douglas County Department of Public Works**

**Engineering Services**

**Address** | 100 Third St., Castle Rock, CO 80104

**Main** | 303-660-7490 **Cell** | 303-916-7675

**Email** | [bjackson@douglas.co.us](mailto:bjackson@douglas.co.us)

January 16, 2026

Brett Thomas  
100 Third St.  
Castle Rock, CO 80104

RE: DR2025-006

Thank you for the opportunity to review and comment on the proposed amendments for Agritourism Opportunities. 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 comments.

**On-Site Wastewater Treatment System (OWTS) – Use Permit**

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.

If an Agritourism Center is to have overnight guests, DCHD would require that a Use Permit is obtained. Any increased usage of the OWTS would need to be addressed to ensure the OWTS can properly function. Douglas County Health Department Regulation Number 22-01, Section 4.2 lists events that require a Use Permit to be obtained.

More information is available at <https://www.douglas.co.us/health-department/environmental-health/> under the Use Permit section.

**Portable Toilets**

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. The proposed number of portable toilets should be adequate to serve the anticipated number of attendees. Portable toilets should be placed so that they are accessible to attendees, but away from the food vendor area. Arrangements shall be made for the contractor to empty/replace these during the event. Generally, one (1) portable toilet is sufficient for 50 people during a 4-hour event. Consider increasing the number of portable toilets & hand washing units if attendance exceeds this ratio.

**Food Service**

Illness-causing organisms are spread easily to the public through food and beverages. The applicant indicates the possibility of allowing food vendors onto the site to provide food to the attendees. Food vendors must have a valid retail food establishment license from the Colorado Department of Public Health and Environment (CDPHE) in order to sell food in Douglas County. *The applicant should provide a list of licensed vendors to DCHD ([EH@douglas.co.us](mailto:EH@douglas.co.us)) at least 2 weeks prior to the event.*

Please contact me at 720-907-4888 or [bfreyer@douglas.co.us](mailto:bfreyer@douglas.co.us) if you have any questions about our comments.

Sincerely,



Brent Freyer  
Environmental Health Specialist II  
Douglas County Health Department

**Brett Thomas**

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From: Chuck Weiss <cweiss@e-470.com>  
Sent: Friday, December 12, 2025 6:26 PM  
To: Brett Thomas <bthomas@douglas.co.us>  
Subject: RE: [EXTERNAL]:Douglas County eReferral (DR2025-006) Is Ready For Review

Caution: This email originated outside the organization. Be cautious with links and attachments.

Hello,

E-470 has no comments.

Chuck Weiss, P.E., CFM  
Director of Engineering  
E-470 Public Highway Authority  
(O) 303.537.3420  
(M) 303.242.1408  
cweiss@e-470.com

**MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR**

**PLANNING AND COMMUNITY DEVELOPMENT**

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December 29, 2025

County File: OAR2535 – Douglas County Code Amendment (Agritourism Activities); DR2025-006

To: Brett Thomas, Douglas County;  
bthomas@douglas.co.us

### **Engineering Division**

Engineering Review Ver 1. Recommend that the following use below have a set limit on the number of days or events per year. The following use does not have a County Planning Dept review per proposed code. The code states that there is no limit on the number of events per week, month or year. If a property were having 100 people per day to an A-35 or RR-5 property that appears to certainly exceeds an accessory use type.

Accessory Entertainment Event: An Entertainment Event with a daily attendance of less than 100 persons No limit on how many may occur.

Reviewed by:

Edward Schoenheit, Engineer

Office: 719.520.6813

Cell: 719.502.9659

edwardschoenheit@elpasoco.com

## **Stormwater Division**

EPC DPW Stormwater has no comments.

Reviewed by:

Christina Prete, P.E.

Stormwater Manager

719.520.6877

ChristinaPrete@elpasoco.com

## **County Engineer (Public Works)**

Additional comments may be provided by the County Engineer.

## **Planning Division**

EPC Planning has no comments.

Reviewed by:

Maria Lancto, AICP, Senior Planner

El Paso County Planning and Community Development

2880 International Circle, Colorado Springs, CO, 80910

(719) 520-6447



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

[www.happycanyon.org](http://www.happycanyon.org)  
[happycanyonhoa@gmail.com](mailto:happycanyonhoa@gmail.com)

January 13, 2026

Brett Thomas, AICP, Chief Planner  
Planning Services  
100 Third Street, Castle Rock, CO 80104

RE: Douglas County eReferral (DR2025-006) – Agritourism Zoning Amendment

Hello Brett,

Thank you for requesting comment from the Happy Canyon Homeowners' Association (HCHOA) for the above-referenced proposed zoning amendment – Agritourism. In reviewing the County's Agritourism documents [Planning Pro - Document and Regulation - Document and Regulation \(DR2025-006\)](#), we find these proposed red-lined definitions in the Douglas County Zoning Resolution (DCZR), pages 36-2 and 36-3 [download.aspx](#):

*Agritourism: The practice of engaging in activities, events, and services provided for recreational, entertainment, or educational purposes to allow participants to experience, learn about, and participate in various facets of agricultural industry, culinary pursuits, natural resources and environment, heritage, and rural lifestyle.*

*Agritourism Activity: An agritourism activity for which admission is made available to the general public, held on a one-time or occasional basis that provides recreation, entertainment, or education for those in attendance.*

*Agritourism Activity, Accessory: An Agritourism Activity with a daily attendance of less than 100 persons.*

*Agritourism Activity, Major: An Agritourism Activity that exceeds the limitations placed on Minor Agritourism Activities.*

*Agritourism Activity, Minor: A center, buildings, and other improvements related to agriculture use which offer one or more agritourism activities throughout the year. Such use may include limited overnight accommodations for patrons who will participate in the agritourism activities offered on site.*

*Agritourism Center: A center, buildings, and other improvements related to agriculture use which offer one or more agritourism activities throughout the year. Such use may include limited overnight accommodations for patrons who will participate in the agritourism activities offered on site.*

The HCHOA regards Agritourism as way to force commercial business into rural residential communities. We have the following comments/concerns:

1. **Valuation Taking:** For context, Happy Canyon Estates was developed in 1963 and is one Douglas Counties original developments. We have approximately 200+ properties ranging in size from mostly 2-acre lots to a few larger lots. Happy Canyon Ranches is a neighboring, adjacent community of approximately 25 properties that are AG-zoned 35-acre parcels. All residents share the same desire for quiet, rural, and private lifestyles. Residents invested in their properties years ago with the expectation that Douglas County’s Master Plan and Zoning Resolution would respect and protect our right to our special quality of life.

Unfortunately, Douglas County continues to amend and, in our opinion, ruin its Master Plan’s/Zoning Resolution’s original design, intent, and commitment to rural communities by approving Expanded Business, Short-term Rentals, and now Agritourism. **We believe these amendments are incompatible with existing residential communities.** These changes have resulted in numerous assaults on rural residents’ quality of life with little or no enforcement from the County. Living next to some of these “amended properties” can be very difficult and can make one’s property undesirable when it comes to resale. This, in our opinion, is a **Valuation Taking.**

2. **Public Safety:** We note in the Agritourism documents a list of “Approved Entertainment Permits,” which list Agritourism events and number of attendees. Event visitors range from the hundreds to thousands. Thankfully, Happy Canyon Estates has only had a few Agritourism events – one is a Happy Canyon Ranch property owner who holds an annual weekend horse competition with only a handful of participants; the other is the annual Happy Canyon Mini-Derby fundraiser, noted on the Approved Entertainment Permit list.

However, in August 2025, a County-approved Short-Term Rental licensee held an illegal late-night party that drew more than 300 cars and put our community’s public safety in serious jeopardy – law enforcement had to be called. This incident is on record with Douglas County Sheriff’s Office and Michael Cairry/Douglas County.

Happy Canyon Estates/Happy Canyon Ranches share the same rural roads that were designed/built in the early 1960s; there are no sidewalks, we have back-out driveways, and blind curves. Residents walk, ride horses, bike, and conduct other activities on the roads/right-of-way. Our roads are designed for local traffic only and cannot handle what could amount to hundreds or thousands of outside visitors – ***especially in the event of a wildfire and/or other emergency event requiring evacuation. This is a major public safety issue for our residents.***

3. **Water:** Is anyone with Douglas County factoring water into these proposed amendments? Each rural property owner has been issued a permit with specific defined usage by the Colorado Division of Water Resources. By amending the Zoning Resolution to allow what is essentially commercial business use in rural communities, ***the County could be encouraging the violation of the terms of the permit and putting reckless pressure on our limited water resources.***
  
4. **Wildlife:** Because of massive surrounding overdevelopment, Happy Canyon Estates/Happy Canyon Ranches has become a wildlife refuge and corridor for antelope, elk, deer, mountain lions, bears, bobcats, foxes, coyotes, bald eagles, and many other species – they are simply running out of places to live. ***We believe that forcing Agritourism into our community will put wildlife at greater risk of injury.***

Because of our stated concerns above, the HCHOA asks that the Agritourism amendments be dropped and further asks that Douglas County cease further amendments that are destroying our decades-old rural community lifestyle.

Sincerely,

Richard West, President  
Happy Canyon Homeowners' Association

Cc: Board of County Commissioners  
Doug DeBord  
HCHOA Board Members



January 14, 2026

Brett Thomas  
303-660-7460  
email: [bthomas@douglas.co.us](mailto:bthomas@douglas.co.us)

RE: Douglas County Zoning Resolution Amendment – Agritourism Activities, DR2025-006

Brett,

This letter comes in response to your request for a review for:

**Douglas County Zoning Resolution Amendment – Agritourism Activities, DR2025-006**

City of Littleton planning staff have reviewed the above referral request for the new section to the Zoning Resolution, Section 22C – Agritourism Activities, and related modifications to sections 3, 4, 21, 22C, and 36, and have **no comments**.

Thank you,

**Rachel Vigil**

Community Development

Planner I

[rvigil@littletonco.gov](mailto:rvigil@littletonco.gov)

303.795.3721

## Brett Thomas

---

**From:** Engineering <engineering@RTD-Denver.com>  
**Sent:** Wednesday, January 7, 2026 10:16 AM  
**To:** Brett Thomas <bthomas@douglas.co.us>  
**Subject:** RE: Douglas County Zoning Resolution Amendment - Agritourism Activities DR2025-006

Brett,

RTD staff have reviewed the submittal and have the following comments:

- Bus Operations - No exceptions
- Bus Stop Program - No exceptions
- Commuter Rail - No exceptions
- Construction Management - No exceptions
- Engineering - No exceptions
- Light Rail - No exceptions
- Real Property - No exceptions
- Service Development - No exceptions
- Transit Oriented Development - No exceptions
- Utilities - No exceptions


This review is for Design concepts and to identify any necessary improvements to RTD stops and property affected by the design. This review of the plans does not eliminate the need to acquire, and/or go through the acquisition process of any agreements, easements or permits that may be required by the RTD for any work on or around our facilities and property.

Thanks,

**Steve Smith**

Engineer III

Capital Programs, Engineering Design

he | him | his 

[steven.smith@rtd-denver.com](mailto:steven.smith@rtd-denver.com)

[rtd-denver.com](http://rtd-denver.com)



Regional Transportation District  
1660 Blake Street, BLK-21  
Denver, CO 80202

*We make lives better through connections.*

# SOUTH METRO FIRE RESCUE

## FIRE MARSHAL'S OFFICE



Brett Thomas, AICP, Chief Planner  
Douglas County Department of Community Development, Planning Services  
100 Third St  
Castle Rock Co 80104  
303.660.7460  
303.660.9550 Fax

Project Name: Douglas County Zoning Resolution Amendment – Agritourism Activities  
Project File #: **DR2025-006**  
S Metro Review # REFOTH25-00309

Review date: December 30, 2025

Plan reviewer: Aaron Miller  
720.989.2246  
[aaron.miller@southmetro.org](mailto:aaron.miller@southmetro.org)

**Project Summary:** Douglas County is proposing regulations for agritourism activities and related uses. The regulations propose a new section to the Zoning Resolution, Section 22C – Agritourism Activities. The regulations include a series of new definitions for agritourism. Land use processes are proposed to match the scale and intensity of proposed agritourism activity, ranging from low intensity activities requiring no or limited County oversight to more significant agritourism operations.

**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 Zoning Resolution Amendment.

Applicants or property owners within SMFR's service area intending to provide an Agritourism Center or Agritourism Event, regardless of size or scope, shall contact SMFR regarding the Fire Code and permit requirements which may be applicable to the property and activities taking place. Fire permits and approval may be required for activities regulated by the Fire Code, even if county permits are determined not to be required.

## Brett Thomas

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**From:** Colton Berck <BerckC@tellercounty.gov>  
**Sent:** Friday, January 2, 2026 11:24 AM  
**To:** Brett Thomas <bthomas@douglas.co.us>  
**Subject:** DR2025-006 Referral

Hi Brett,

Teller County doesn't have any comments for DR2025-006. We appreciate the referral request.

Best,  
Colton

Colton Berck  
Planning Director  
Teller County Government  
800 Research Drive  
Woodland Park, Colorado  
[berckc@tellercounty.gov](mailto:berckc@tellercounty.gov)  
(719) 686-5405





**Homeowners Association, Inc.**  
A COLORADO NON-PROFIT CORPORATION  
8170 Hillcrest Way  
Parker, CO 80134  
303-841-8572

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January 15, 2025

Brett Thomas, AICP  
Planning Services

RE: DR2025-006

The Pinery Homeowners' Association appreciates the opportunity to provide comments on the proposed amendments regarding Agritourism Opportunities in the Comprehensive Master Plan.

Our primary concern relates to the potential traffic generated by the events and activities described in the amendments, and how these impacts may affect residents of The Pinery. Lone Creek Farms is a recent example, where increased and potentially hazardous traffic developed along N State Highway 83 in the fall of 2025. We trust that traffic impacts are being thoroughly evaluated to ensure they do not escalate into larger challenges as agritourism opportunities expand. Beyond this issue, we have no additional concerns regarding this referral.

Respectfully,

Sonia Eyre  
Board President  
The Pinery Homeowners' Association



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: 303.285.6612  
[violeta.ciocanu@xcelenergy.com](mailto:violeta.ciocanu@xcelenergy.com)

January 9, 2026

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

Attn: Brett Thomas

**Re: Agritourism Activities, Case # DR2025-006**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the above-mentioned **Resolution Amendment** 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](mailto:violeta.ciocanu@xcelenergy.com)

## Brett Thomas

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**From:** Carissa Plumery <carissa.plumery@gmail.com>  
**Sent:** Saturday, February 21, 2026 12:50 PM  
**To:** Brett Thomas <bthomas@douglas.co.us>  
**Subject:** Request for Inclusion in Agritourism Zoning Consideration – Rural Residential

**Caution:** This email originated outside the organization. Be cautious with links and attachments.

Dear Brett,

I had spoken with you a few weeks ago regarding the County's ongoing discussions surrounding agritourism zoning updates. I am writing to provide additional context to our conversation and hopefully request that the Rural Residential (RR) zoning classification be included in the County's consideration as agritourism regulations are refined and modernized.

Our property, located at 579 S Mountain View Rd, Castle Rock, CO 80104, operates as a small working ranch (KB Ranch, LLC). While currently zoned Rural Residential, our use and intent align directly with the County's proposed agritourism definitions — particularly activities that allow the public to experience agriculture, and animal husbandry in a controlled, educational setting.

The types of small-scale agritourism activities we hope to host include:

- Farm visits and guided ranch tours
- Educational animal experiences (meet the herd, bottle feeding demonstrations)
- Agricultural workshops (ceramic cow painting, build-a-highland crafts, farm-to-table education)
- Brunch (food truck or licensed caterer would be present) & Paint events
- Seasonal agricultural events (s'mores nights, movies under the stars, pasture photography sessions)
- Youth agricultural learning sessions and hands-on animal interaction experiences

All activities would be intentionally limited in scope, generally capped at fewer than 30 participants at a time, with structured scheduling, parking control, and adherence to fire and life safety procedures. These are not large-scale commercial events, but rather curated, low-impact agricultural experiences consistent with the spirit of agritourism.

We believe Rural Residential properties that are actively engaged in agriculture should have a clear and defined pathway to host limited agritourism activities, similar in intent to those being discussed for A-1 and LRR districts. Including RR in the conversation would support small working ranches and landowners who are contributing to agricultural preservation while seeking modest supplemental income opportunities.

We respectfully ask that Rural Residential zoning be evaluated as part of the agritourism update discussions and that our property be included in future communications or review processes related to this topic.

Please let us know if there are additional materials, operational details, or formal applications we should provide. We appreciate the County's efforts to thoughtfully support working farms and rural landowners, and we would welcome the opportunity to participate in the process.

Thank you for your time and consideration.

Sincerely,  
Carissa and Conor Parker

303-598-4696  
KB Ranch, LLC

## 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 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 Agritourism Center

302.~~03~~04 Animals – (refer to Section 24)

302.~~04~~05 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~~06 Construction office – temporary

302.~~06~~07 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~~08 Greenhouse – a maximum of 1 acre (43,560 sq. ft.) total area including warehouse and shipping facilities

302.~~08~~09 Hay sales (*Site Improvement Plan required per Section 27*) (*Amended 4/28/15*)

302.~~09~~10 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.~~40~~11 Residential sales office – temporary (*refer to Section 22*)

302.~~44~~12 Training of non-owned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

302.~~42~~13 Utility service facility (*Site Improvement Plan required per Section 27*)

302.~~43~~14 Veterinary Clinic or Hospital, Equine and Livestock (*Site Improvement Plan required per Section 27*) (*Amended 2/21/23*)

### 303 Accessory Uses *(Amended 6/24/25)*

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.)*

303.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval. A second ADU may be allowed subject to Section 325, Second Accessory Dwelling Unit Standards.

303.02 Accessory uses and buildings

~~303.03~~ 303.03 Agritourism Activity *(refer to Section 22C)*

~~303.0304~~ 303.0304 Day-care home *(Amended 3/10/26)*

~~303.0405~~ 303.0405 Entertainment Event – *(refer to Section 22B)* *(Amended 1/28/14)*

~~303.0506~~ 303.0506 Event Center on a parcel of 160 acres or greater with a principal agricultural use *(Amended 4/28/15)*

~~303.0607~~ 303.0607 Farmers Market – *(refer to Section 22A)* *(Amended 1/28/14)*

~~303.0708~~ 303.0708 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 3/08/22)*

~~303.0809~~ 303.0809 Home Occupation – Class 1 and Class 2 *(refer to Section 23)*

~~303.0910~~ 303.0910 In-home elder care *(Amended 3/28/01)*

~~303.4011~~ 303.4011 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*

~~303.4112~~ 303.4112 Satellite receiving dish accessory to a residence

~~303.4213~~ 303.4213 Value-added Agricultural Processing – limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

**304 Uses Permitted by Special Review (Amended 1/28/14)**

On parcels of 35 acres or greater, the following uses are permitted, upon the approval of the Board, in accordance with Section 21, Use by Special Review, of this Resolution. *(Parcels smaller than 35 acres are limited to the uses by special review allowed in the residential zone district to which the parcel conforms to in area.)*

- 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 or preschool *(Amended 3/10/26)*
- 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\* (Amended 6/24/25)

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'
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\*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><b>CERTIFICATE OF MAILING</b></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 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) *(Amended 6/24/25)*

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 the Planning Services Division, the applicant shall submit the information required in 325.02 to the Planning Services Division. 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 the Planning Services Division 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 30 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.

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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 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 (*Amended 6/24/25*)

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.
- 403.02 Accessory uses and buildings

403.03 Agritourism Activity (*refer to Section 22C*)

- 403.~~03~~04 Day-care home (*Amended 3/10/26*)

403.~~04~~05 Entertainment Event - *(refer to Section 22B) (Amended 1/28/14)*

403.~~05~~06 Farmers Market - *(refer to Section 22A) (Amended 1/28/14)*

403.~~06~~07 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.~~07~~08 Home occupation - Class 1 and Class 2 *(refer to Section 23)*

403.~~08~~09 In-home elder care *(Amended 3/28/01)*

403.~~09~~10 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*

403.~~10~~11 Satellite receiving dish

403.~~11~~12 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 Section 21, Use by Special Review 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 Agritourism Center

404.~~02~~03 Church - greater than 350 seating capacity in main worship area

404.~~03~~04 Cultural facility

404.~~04~~05 Day-care center or preschool *(Amended 3/10/26)*

404.~~04~~06 Golf course legally established as a Use by Special Review prior to June 22, 2005

404.~~05~~07 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*

404.~~06~~08 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.~~07~~09 Horse rental stable

404.~~08~~10 Kennel

404.~~09~~11 Recreation facility - community

404.~~10~~12 Residence *(Amended 4/28/15)*

- Bed and Breakfast
- Caretaker - 1 per lot (may be a mobile home)
- Group Residential Facility

404.~~11~~13 Septic waste and domestic sludge application

404.~~12~~14 Utility - major facility

404.~~13~~15 Veterinary clinic or hospital

404.~~14~~16 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). *(Amended 6/24/25)*

- 406.04 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU). *(Amended 6/24/25)*

#### 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.
- 414.05 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.
- 414.06 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)*
- 415 Signs Standards - Refer to Section 29 of this Resolution
- 416 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 Agritourism Center: LRR zone district

2107.0~~24~~ 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.

2107.0~~32~~ Bar or Lounge: CMTY and MI zone districts

2107.0~~43~~ Batch plant – concrete, asphalt or mortar: LI and GI zone districts

2107.0~~54~~ Bed and Breakfast: A-1, LRR, RR, ER, and MI zone districts

2107.0~~65~~ Campground: A-1 zone district provided that all uses and structures are located at least 100 feet from all property lines

2107.0~~76~~ Cemetery: A-1 zone district

2107.0~~87~~ 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

2107.0~~98~~ 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

- 2107.109 Club or Country Club: CMTY, D, and MI zone districts
- 2107.110 College or University extension office: CMTY and D zone districts
- 2107.124 Cultural facility: A-1 and LRR zone districts
- 2107.132 Day-care center or preschool: 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 3/10/26*)
- 2107.143 Dude ranch: A-1 zone district
- 2107.154 Event Center: CMTY and D zone districts, subject to the following additional requirement:
- 2107.154.1 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:
- 2107.154.2 Structures used for the event center shall be of a scale and design that is compatible with the surrounding rural environment.
- 2107.154.3 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.
- 2107.154.4 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.
- 2107.154.5 A noise study shall be submitted demonstrating compliance with the event center noise standard.
- 2107.154.6 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.

2107.1~~54~~.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.

2107.1~~65~~ 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*)

2107.1~~76~~ 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

2107.1~~87~~ 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*)

2107.1~~98~~ 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.~~2019~~ 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.~~210~~ 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.~~224~~ 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.~~232~~ 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.~~243~~ 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.~~254~~ Horse rental stable: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

2107.~~265~~ Hotel: CMTY and D zone districts

2107.276 Hunting or fishing club: A-1 zone district; hunting clubs shall be located on a minimum of 160 acres

2107.287 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.

2107.298 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*)

2107.3029 Kennel: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

2107.310 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.

2107.324 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.

2107.332 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and GI zone districts, subject to the following:

2107.332.1 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.

2107.332.2 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

2107.332.3 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

2107.332.4 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

2107.3~~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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.

2107.3~~43~~ Motel: CMTY and D zone districts

2107.3~~54~~ Motorsports Facility, Private: A-1 zone district *(Amended 4/26/16)*

2107.3~~54~~.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.

2107.3~~54~~.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”).

2107.3~~54~~.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.

2107.3~~54~~.4 Maximum land area devegetated, including devegetation resulting from the Private Motorsports Facility, shall comply with the limits established in Section 24, Animals.

2107.3~~54~~.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.

2107.3~~65~~ Natural Medicine Business. A Natural Medicine Business shall be located a minimum of 1,500 feet from any: *(Amended 6/24/25)*

- 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.

2107.3~~65~~.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.

2107.3~~65~~.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.

2107.3~~65~~.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.

2107.3~~65~~.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.

2107.3~~65~~.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.

2701.3~~67~~ 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~~87~~ Propane distribution/storage: GI zone district

2107.3~~98~~ 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

2107.4~~039~~ Recreation facility – indoor: CMTY and D zone districts

2107.4~~10~~ Recreation facility – neighborhood: CMTY and D zone districts

2107.4~~24~~ Recreation facility – outdoor: CMTY and D zone districts

2107.4~~32~~ Recreation facility – private: CMTY and D zone districts

2107.4~~43~~ Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.

2107.4~~54~~ 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~~65~~ Religious retreat: A-1 zone district.

2107.4~~76~~ 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~~76~~.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~~87~~ 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~~98~~ 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~~98~~.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~~98~~.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.

2107.4~~98~~.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~~98~~.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.~~5049~~ 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.~~5049~~.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.~~5049~~.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.~~5049~~.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.

2107.5049.4 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.

2107.510 Theater – indoor or outdoor: CMTY and D zone districts

2107.524 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~~32~~ 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~~43~~ Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.5~~43~~.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~~43~~.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~~43~~.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~~43~~.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~~54~~ 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  
NW $\frac{1}{4}$  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  
NW $\frac{1}{4}$  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)**  
NW $\frac{1}{4}$  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**  
NW $\frac{1}{4}$  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:

<b>CERTIFICATE OF MAILING</b>
-------------------------------

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:

<p>SPRUCE SUMMIT, Filing No. 3, Lot 14 – <b>1st Amendment</b>          NW¼ Section 11, Township 8 South, Range 67 West          Permit Area – 1 acre Total Area – 5 acres          Administrative USR Amendment          US2010-002 (<b>Amendment to US2003-049</b>)</p>
--

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.

<p><b>Administrative USR Amendment Approval Certificate</b></p> <p>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.</p> <p>_____</p> <p>Director of Community Development</p> <p>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.</p> <p><i>(for Corporate or LLC owner, print corporation or LLC name)</i></p> <p style="text-align: right;">By: _____ (signature)          Title: _____          Date: _____</p> <p>ATTEST: (if corp.)</p>
---

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 exhibit sheets:

<b>USR Administrative Amendment Approval Certificate</b>	
Planning	_____ Initials/Date
Owner	_____ Initials/Date
Lessee <i>(if applicable)</i>	_____ 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.

### 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. (Amended 6/24/25)

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, silviculture, and bee keeping. 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.

**Agritourism:** The practice of engaging in activities, events, and services provided for recreational, entertainment, or educational purposes to allow participants to experience, learn about, and participate in various facets of agricultural industry, culinary pursuits, natural resources and environment, heritage, and rural lifestyle.

**Agritourism Activity:** An agritourism activity for which admission is made available to the general public, held on a one time or occasional basis that provides recreation, entertainment, or education for those in attendance.

Agritourism Activity, Accessory: An Agritourism Activity with a daily attendance of less than 100 persons.

Agritourism Activity, Major: An Agritourism Activity that exceeds the limitations placed on Minor Agritourism Activities.

Agritourism Activity, Minor: An Agritourism Activity that meets one of the following limitations:

- A one-day event with a maximum daily attendance of 500 persons.
- A multi-day event with a daily attendance of at least 100 persons, but no more than 300 persons, and a duration of seven days or less.

Agritourism Center: A center, buildings, and other improvements related to agriculture use which offer one or more agritourism activities throughout the year. Such use may include limited overnight accommodations for patrons who will participate in the agritourism activities offered on site.

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.

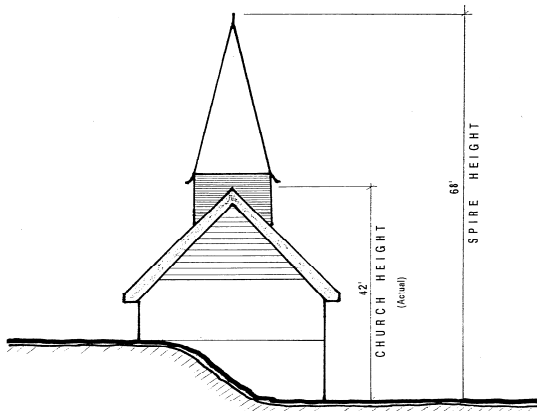
**Building Face:** The horizontal linear dimension of any side of a building as determined by measuring the exterior wall of any side of said building in a straight line. A side of any building shall contain only one building face. *(Amended 2/11/14)*

**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)*

### Spire Height Calculation



**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 or 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:** A residence in which care is provided for up to 12 children or adults for periods of less than 24 consecutive hours. (Amended 3/10/26)

**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.

Farmers Market: An outdoor market open to the public and operated by a governmental agency, a nonprofit corporation, or one or more Agricultural Producers; where the products offered for sale are Agricultural Products, Value-added Agricultural Products, and incidental sale of other items. *(Amended 1/28/14)*

Feedlot: Any tract of land or structure, pen/corral wherein cattle, horses, sheep, goats, swine, or similar livestock are maintained in close quarters for the purpose of feeding such livestock in order to fatten them prior to final shipment to market.

Fence: Any structure used as a barrier or a boundary. *(Amended 3/26/24)*

Firearm: Any handgun, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to discharge bullets, shot, or other projectile by means of gasses released by burning a solid propellant.

Fire Protection Facilities: Fire stations and major pieces of fire fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by county fire districts.

Firing Range: A facility used to provide, in exchange for remuneration of any kind, training in conjunction with, or for practice in, discharging firearms. *(Amended 4/28/15)*

Flag: A piece of fabric, cloth, or sturdy material usually oblong, rectangular, square, or triangular, typically attachable on one edge to a staff, pole, or cord. *(Amended 2/11/14)*

Flood, 100-year: The flood having a 1% chance of being equaled or exceeded in any given year. It is also known as a "base flood".

Floodplain: The area adjoining any river, stream, watercourse, lake or other body of standing water which is subject to inundation by a 100-year flood. Refer to the floodplain overlay district section for more information.

Floor Area, Gross: The sum of the horizontal area, measured in square feet, of all floors of a building measured from the exterior face of the wall including stairwells or elevator shafts and excluding unfinished basements or attics, garage space, or unenclosed porches.

Floor Area, Net: The sum of the horizontal floor area, measured in square feet, of all floors of a building measured from the interior face of the exterior wall excluding therefrom, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms and storage areas.

Floor Area Ratio - F.A.R.: Determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

Frontage: The length of a parcel/lot abutting a right-of-way.

Garage:

**Private** - A building, or portion thereof, including carports, in which only private or pleasure-type motor vehicles used by the owners or resident tenants of the land are stored or kept.

**Public** - A building, or portion thereof, other than a private garage, used for the parking of automobiles.

**Golf Course**: A recreational facility primarily used for the purpose of playing golf, including associated food service, retail sales areas, and staff offices, excluding residential and other non-golf recreational uses.

**Grade**: The elevation of the finished surface of the ground.

**Greenhouse**: A structure used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

**Group Home**: A residence that provides non-institutional housing for persons living as a single housekeeping unit as follows: *[Per 30-28-115 CRS]*

- A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home; or
- A group of not more than 8 persons with a mental illness living in a state-licensed group home; or
- A group of not more than 8 persons 60 years of age or older who do not need nursing facilities; or
- Any other type of home allowed under the provisions of the Fair Housing Act, as amended, for any type of protected class, or pursuant to any other applicable law

Group Homes that do not meet the conditions listed shall be considered Group Residential Facilities for purposes of this resolution. *(Amended 5/10/16)*

**Group Residential Facility**: A residence, not qualifying as a group home, that provides a community living environment for individuals requiring custodial care, medical treatment, or specialized social services. This term includes, but is not limited to: specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS virus. *(Amended 5/10/16)*

**Guest House**: A dwelling attached or unattached to the principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling. A Guest House is an ADU. *(Amended 6/24/25)*

**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)*

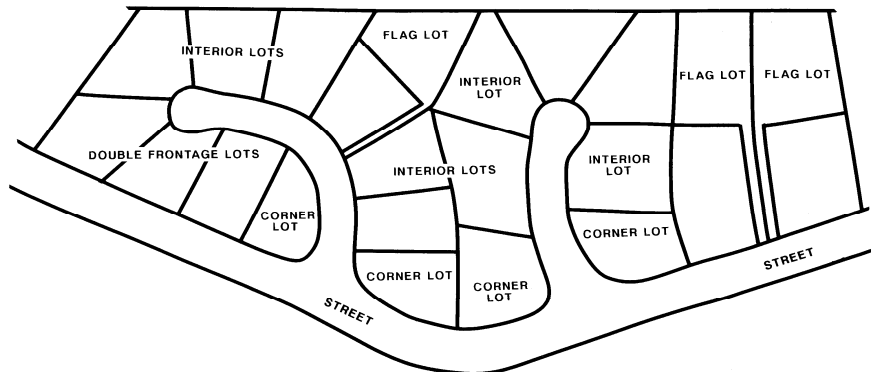
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect 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.)*

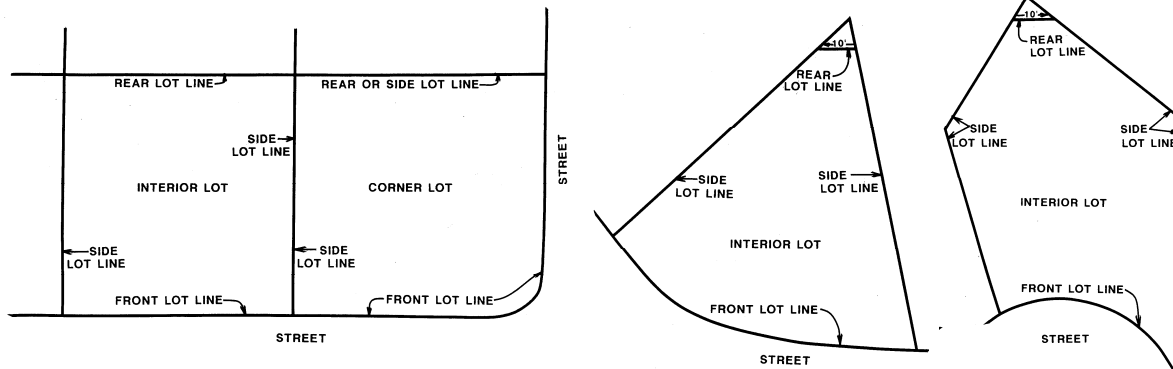
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

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.

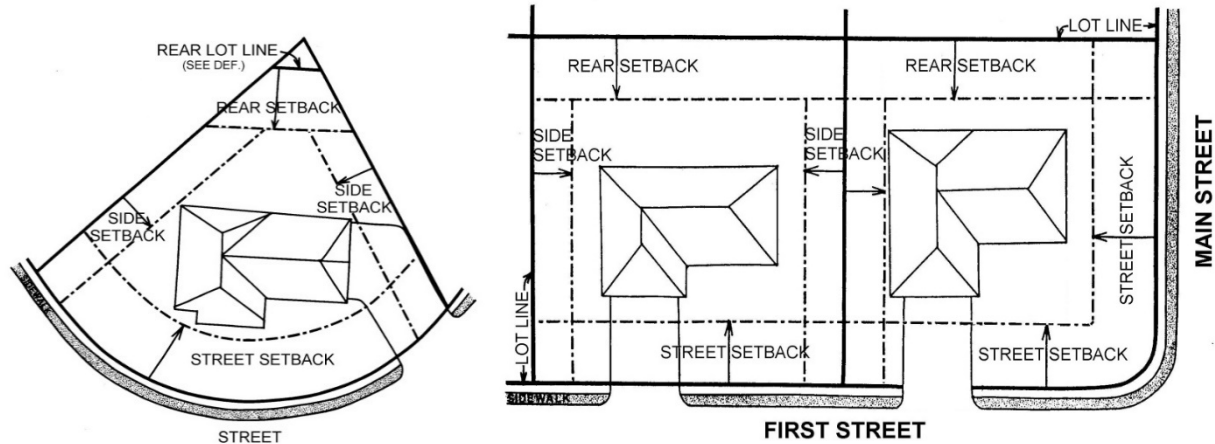
Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

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.

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SECTION 22C Agritourism Certification and Permits

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## 2201C Intent

This section is intended to provide for the orderly control of Agritourism Activities. It establishes permit requirements and regulations for the review of Agritourism Activities.

Five levels of Agritourism Activities are established herein based upon the scale and duration of the requested activity. Minor Agritourism Activities shall be subject to administrative review and approval. Major Agritourism Activities shall be reviewed and approved by the Board of County Commissioners following a public meeting on the requested activity. Agritourism Activities with a daily attendance of less than 100 persons are accessory and do not require a permit under this section.

An Agritourism Center shall be permitted in the A-1 zoning district on conforming parcels, subject to a site improvement plan. An Agritourism Center shall be permitted in the LRR zoning district on conforming parcels, subject to a use by special review.

## 2202C Approval Standards

Agritourism Activity certifications and permits shall be approved based upon a finding that:

- 2202C.01 The proposed use is compatible with the intent of the zone district in which the activity is proposed.
- 2202C.02 The proposed use will not have a substantial adverse affect on adjacent uses, buildings, structures, or the natural environment.
- 2202C.03 The proposed use will not have a substantial adverse affect on public services or facilities.
- 2202C.04 The nature of the proposed use will not be detrimental to the health, safety, or welfare of the community.
- 2202C.05 The proposed use complies with the general requirements listed in Section 2203C, herein.
- 2202C.06 The site is suitable for the proposed use, considering flood hazard, drainage, and topography.

## 2203C General Requirements

- 2203C.01 Agritourism Activities shall be permitted in the Agricultural One and Large Rural Residential Zone Districts, subject to the processes established herein.

- 2203C.02 Agritourism Activity permits shall be subject to Section 1703A, Maximum Permissible Noise Levels, of the Douglas County Zoning Resolution unless otherwise specifically modified or excluded from these requirements through approval of an Agritourism Activity permit. Any Agritourism Activity requesting modification or exclusion from Section 1703A shall be processed as a Major Agritourism Activity.
- 2203C.03 Applicants proposing multiple Agritourism Activities at a single location throughout the year, or for multiple years, may apply for a single permit for all proposed Agritourism Activities. Any request for multiple Agritourism Activities at a single location shall be processed as a Major Agritourism Activity.
- If requested by the applicant, the Board may approve multiple-year Major Agritourism Activity permits limited to a maximum of five years, if no significant changes to the scope and duration of the activities are planned to occur over the requested permit duration. Multiple-year permits may be subject to periodic inspections by the County and other agencies. Proof of permits and approvals from applicable agencies and County departments shall also be submitted prior to the start of each year's activity.
- 2203C.04 The applicant shall provide evidence that adequate provisions have been made for access, on-site parking, and management of sewage, potable water, and refuse.
- 2203C.05 The applicant shall provide evidence that the Agritourism Activity will not cause undue traffic congestion or accident potential. A traffic control plan may be required.
- 2203C.06 The applicant shall provide evidence that all other required permits have been obtained. Other permits may include building permits, fire district approval, GESD permits, health department permits, access permits, or a liquor license. The permit holder shall be responsible for all sales tax, state, and federal taxes, licenses, etc., required by other agencies.
- 2203C.07 A banner sign shall be permitted for a period not to exceed two weeks. Alternatively, one temporary 32 square foot sign is permitted. Sign permits shall be required in accordance with Section 29, Sign Standards, of this Resolution.
- 2203C.08 Lighting shall comply with Section 30, Lighting Standards.
- 2203C.09 Agritourism Activity permits shall be valid for the property and permittee identified on the permit and may not be transferred upon sale of the

property, or otherwise assigned to another person or business. The new landowner or lessee shall apply for a new permit.

#### 2204C Certification Procedure – Minor Agritourism Activity

2204C.01 The landowner shall obtain a written Minor Agritourism Activity certification prior to commencement of the use.

- (1) The certification request shall be submitted by the landowner in the form of a written request and accompanying exhibit at least 30 days prior to the activity.
- (2) The narrative shall describe the activity including the number of days and anticipated number of participants.
- (3) The exhibit shall depict the property, points of access, and the location of the proposed activity in relation to existing structures and use areas.
- (4) Staff shall provide the landowner with contact information for agencies which may require other type of permits or approvals, such as the fire department, health department, building department, and liquor licensing authority.
- (5) The activity shall be operated in accordance with the approved certification.

#### 2205C Permitting Procedure – Major Agritourism Activity

2205C.01 Following a presubmittal meeting with Planning Services, the applicant shall submit the information required in 2208C herein to Planning Services.

2205C.02 The following information shall be submitted to Planning Services, unless waived by the Director:

- (6) Completed land-use application form.
- (7) Proof of ownership, or written confirmation from the property owner(s) agreeing to the use of their property or right-of-way for the Agritourism Activity, or a copy of the lease agreement.
- (8) A notarized letter of authorization from the landowner permitting a representative to process the application.
- (9) A written description of the activity, including:
  - Description of proposed activities
  - Description of the proposed activity's compatibility with the intent of the zone district
  - Description of the proposed activity's expected impacts to the subject land and surrounding properties, and how adverse impacts on surrounding properties will be mitigated
  - Expected daily and total attendance

- Activity schedule (including setup) and daily hours of operation
  - Number of employees
  - Description of water requirements, including the source of water
  - Description of sanitation requirements, including the number and location of temporary toilets
- (10) A site plan depicting:
- Parcel boundary or lease area
  - Driveway access
  - Zoning and current use of the parcel and adjacent parcels
  - Location and dimension of existing and proposed structures
  - Setback from the property line
  - Location and surface material of proposed off-street parking areas
  - Food service and vendor information
  - Method of trash disposal and location of bins

2205C.03 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, Planning staff will send referral response requests to other agencies for review and comment on the application. Such agencies may include but are not limited to Engineering Services, the Douglas County Sheriff's Office, the affected fire district, the health department, and homeowners associations. The applicant will be asked to address all comments received.

2205C.04 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 courtesy notice shall include the scheduled public meeting date, time, and place at which the Agritourism Activity Permit will be considered by the Board. 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.

2205C.05 Major Agritourism Activity Permits 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 Agritourism Activity request, staff report, applicant responses, and public comment and testimony. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations and policies; and other guidelines.

2205C.06 If the conditions or restrictions imposed by this Section 22C, or by the Agritourism Activity Permit have not been complied with, the Director may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit. The Director's action may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution.