

ARTICLE 4 PRELIMINARY PLAN

401 Intent

An in-depth analysis of the proposed subdivision, including a review of the design considering the ability to obtain water and sanitation, identified geologic hazards, environmentally-sensitive areas, wildlife habitat areas, source of required services, vehicular and pedestrian circulation, storm drainage and water quality, relationship to surrounding land uses, and conformance with the Master Plan.

402 Prerequisite

Prior to submittal of a preliminary plan, the applicant shall meet with staff to discuss the procedures and submittal requirements.

402.01 The applicant shall contact the Planning Office and schedule a presubmittal meeting which may include staff from various County departments and, as deemed necessary, other referral agency representatives. The applicant shall provide basic information on the subdivision application in advance of the meeting.

402.02 Staff shall provide initial comments on the proposed subdivision design, conformance with the Master Plan, and applicable regulations and shall explain the subdivision process.

402.03 A written meeting summary shall be provided to the applicant and included in the project file.

403 Approval Standards

A preliminary plan may be approved upon the finding by the Board that the preliminary plan:

403.01 Conforms with the goals, objectives, and policies of the Master Plan.

403.02 Addresses the design elements established in Article 4, Section 404.

403.03 Conforms with Section 18A, Water Supply - Overlay District, of the Zoning Resolution.

403.04 Provides for a public wastewater collection and treatment system and, if other methods of wastewater collection and treatment are proposed, such systems comply with State and local laws and regulations.

403.05 Identifies all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions and the proposed uses of these areas are compatible with such conditions.

- 403.06 Provides adequate drainage improvements.
- 403.07 Provides adequate transportation improvements.
- 403.08 Protects significant cultural, archaeological, natural, and historical resources and unique landforms.
- 403.09 Has available all necessary services, including fire and police protection, recreation facilities, utility services, streets, and open space to serve the proposed subdivision.
- 403.10 Does not interfere with the extraction of any known commercial mining deposit.

404 Design Elements

The following shall be considered in reviewing the subdivision design, as appropriate to the urban, nonurban, or other community context:

- 404.01 Lots are of an appropriate size and configuration for the site's characteristics and intended uses, and otherwise capable of meeting minimum zone district standards such as lot size, setbacks, and off-street parking.
- 404.02 Geologic hazards, floodplains, wildfire, or other hazardous conditions are mitigated or avoided.
- 404.03 Conflicts between proposed and surrounding land uses are minimized through lot and tract orientation, setbacks, landscaping, or other buffering techniques.
- 404.04 Streets and stormwater facilities are laid out with the ability to meet the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria Manual, and other applicable County regulations.
- 404.05 Elements of the site's natural terrain, drainageways, riparian areas, and vegetation are preserved or integrated into the subdivision layout.
- 404.06 Archeological and historical resources of special significance are protected.
- 404.07 Opportunities for safe and convenient vehicular, pedestrian, and other connections within the subdivision and adjacent neighborhoods, shopping, employment, and recreational areas are provided.
- 404.08 Specific recommendations of other required development reports or technical studies are implemented.

405 Submittal Process

The preliminary plan application shall be submitted only after the presubmittal meeting has been completed. The submittal is processed as follows:

- 405.01 The applicant shall submit the required submittal information to the Planning Office. An incomplete submittal will not be processed. Staff shall review the submittal information within 15 working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review.
- 405.02 As part of its initial review, staff will identify the number of copies of the submittal information required for distribution to referral agencies and identify which referral agencies are regulatory and which are advisory. 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, with the mailed paper referral packets and distribute the electronic referral packets. For any subsequent referral reviews, the applicant shall provide revised plans and other materials for distribution to applicable referral agencies, as requested by staff.
- 405.03 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. 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)*
- 405.04 If the referral agencies elect to comment, they shall comment within 21 calendar days 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 Board.

Concurrently with the referral period, the Douglas County Water Commission shall be given the opportunity to review and comment on the application. Any comments from the Water Commission shall be provided by staff to the applicant and attached to the staff reports submitted to the Planning Commission and the Board.

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 received within the 21-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 with a written response to timely comments of advisory referral agencies and comments received as a result of the courtesy notice. The applicant is encouraged to meet with referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies.

Following receipt of the applicant's written response to comments, including the submittal of any revised exhibits and plans, the Planning and Engineering staff will provide additional comments to the applicant, as necessary.

- 405.05 Staff will schedule a public hearing before the Planning Commission and notify the applicant in writing of the hearing date and time. The applicant is responsible for public notice of the hearing in accordance with Section 409 herein. Concurrent notice for the Planning Commission and Board public hearings may be provided if requested by the applicant.
- 405.06 Staff will provide a staff report to the Planning Commission. The Planning Commission shall evaluate the preliminary plan, staff report, referral comments, applicant responses, public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the preliminary plan. The Planning Commission's decision shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.
- 405.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board and notify the applicant in writing of the hearing date and time, unless previously provided with a request for concurrent hearing notice. The applicant is responsible for public notice in accordance with Section 409 herein.
- 405.08 Staff will provide a staff report to the Board. The Board shall evaluate the preliminary plan, staff report, referral agency comments, applicant responses, Planning Commission recommendations, public comment and testimony, and shall either approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the preliminary plan. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.
- 405.09 If denied by the Board, a resubmittal of a preliminary plan for the same or substantially the 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 within 10 days from the date

of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed preliminary plan.

406 General Submittal Requirements

The following information shall be submitted to the Planning Office, unless waived by the Director:

- 406.01 Completed land use application (*available from the Planning Office*)
- 406.02 A written narrative which, at a minimum, provides the following information:
 - 406.02.1 The total land area to be subdivided.
 - 406.02.2 The total number of lots and proposed use.
 - 406.02.3 The residential density and/or estimated nonresidential floor area.
 - 406.02.4 The total land area to be preserved as open space.
 - 406.02.5 Roads, tracts, and easements.
 - 406.02.6 Land dedications for parks and schools.
 - 406.02.7 Provision of water and sewer services.
 - 406.02.8 Phasing of the proposed subdivision, if any.
- 406.03 Application fee (*fee schedule available from Planning Office*)
- 406.04 Proof of ownership that includes an updated or current title information binder or insurance policy issued no more than 30 days prior to the date of application.
- 406.05 A notarized letter of authorization from the landowner permitting a designated representative to process the application.
- 406.06 Plan exhibit, in accordance with Section 407, herein.

Additional copies of plan exhibits may be required for public hearing packets for the Planning Commission and Board.
- 406.07 All water supply documentation required by Section 18A, Water Supply Overlay District, of the Zoning Resolution.

The Director may defer the requirement that the water supply documentation include evidence of inclusion of the property into an Existing District or evidence of organization of a New Special District and execution

of an intergovernmental agreement between the New Special District and the Existing District that is proposed to provide the water supply to the subdivision, for reason of good cause shown. Such reasons may include, but shall not be limited to:

- Demonstration that an inclusion agreement has been executed by the property owner(s) and the Existing District, and that the process of inclusion is ongoing, but not yet complete. (For example: The election to approve inclusion of the property has been scheduled, but not yet conducted, or a Motion for Order for Inclusion has been filed in District Court, but not yet ruled on.)
- Demonstration that the New Special District has been organized, and that the process of executing an intergovernmental agreement is ongoing, but not yet complete.
- Demonstration that the New Special District has been approved by the Board of County Commissioners and that the process of organizing of the New Special District is ongoing, but not yet complete. (For example: The election to approve organizing of the New Special District has been scheduled, but not yet conducted.)

Such a deferral may include the provision that evidence of inclusion of the property into the Existing District or evidence of organizing of a New Special District and execution of an intergovernmental agreement between the New Special District and the Existing District be submitted prior to consideration of the application by the Planning Commission and/or the Board.

406.08 Development reports, in accordance with Section 408, herein. Engineering plans and fees shall be submitted to the Engineering Division.

406.09 Any additional information, as requested by staff, to adequately review the application.

407 Plan Exhibit

The preliminary plan shall:

407.01 Be prepared on 24-inch by 36-inch paper at a scale of 1"=100', 1"=200' or another scale approved by the Director. If a proposal requires multiple sheets, a composite exhibit shall be provided within the plan set that delineates the boundaries and identifies each sheet number. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet.

407.02 Include the title placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development, plan number (*when applicable*), and Planning Office file number. If part of a planned development, the planning area(s) shall be included under the title. A general legal description stating the aliquot portion of the section, township, range, 6th P.M., and Douglas County, CO

shall be included under the name and planning area. On the title sheet (*sheet #1*), under the general legal description, include the total acreage and the total number of residential lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision or planned development names.

Example:

PINE VIEW PRELIMINARY PLAN NO. 10		
A portion of Planning Area H - A part of the West 1/2 of		
Section 9, T6S, R67W, 6th P.M., Douglas County, CO		
8.05 Acres	35 Residential lots	SB ____ - ____

- 407.03 Include a block in the lower right-hand corner with the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.
- 407.04 Depict the boundary of the proposed subdivision in a heavy line. Note those areas not included in the subdivision as: "Not included in this plat."
- 407.05 Include a vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a minimum 1-mile radius.
- 407.06 Include a vicinity map that depicts the area to be subdivided superimposed on the planned development or filing map, when the land is zoned planned development, at a scale of 1"= 2,000' that shows the limits of the preliminary plan superimposed on the planning areas.
- 407.07 Depict all easements, including existing and proposed, public and private on and adjacent to the proposed subdivision, their use, principal dimensions, the owners or rightholder of the easement along with the recorded book and page number and the name of the entity responsible for construction or maintenance.
- 407.08 Depict all contour lines at 10' intervals, or another interval as may be required by staff based upon other significant topographic conditions.
- 407.09 Delineate all 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, inlets, storm sewers and culverts on and within 100' of the affected property.
- 407.10 Depict all proposed lots, tracts, and, when appropriate, building envelopes or no-build zones, providing accurate dimensions for each. Lots shall be numbered consecutively, tracts shall be lettered alphabetically. Include the total acreage and range of lot sizes. On residential subdivisions, tracts shall

- be used exclusively for nonresidential uses, such as area to be dedicated to the County for park or school sites.
- 407.11 Depict all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, or the general public. Include notes to indicate the purpose, disposition, and maintenance responsibility for all such tracts and easements.
- 407.12 Locate and provide the name and principal dimension of all street rights-of-way. Roads shall be identified by the classification system defined by the Douglas County Road Design and Construction Standards. Indicate the maintenance responsibility, road percentage grades, centerline radii and other pertinent roadway information such as distance between intersections.
- 407.13 Depict legal and physical public access to the proposed subdivision even if not part of the subdivision.
- 407.14 Note the land use, zoning and ownership of the adjacent land, including the intended future use of the adjacent land, if owned by the applicant.
- 407.15 Note existing structures on the site, their uses and whether they are to remain on the site.
- 407.16 Identify any historical sites or structures.
- 407.17 Note significant natural or man-made features within and adjacent to the proposed subdivision.
- 407.18 Note important views onto or from the site, including scenic mountain views, buttes, rock outcroppings, drainages, etc.
- 407.19 Indicate by name and symbol, significant vegetative stands including, but not limited to, large stands of scrub oak and pine.
- 407.20 Depict all potential geologic hazard areas including: areas of rockfall hazard, debris flow, steeply dipping bedrock, and expansive soils.
- 407.21 Identify areas of 15-20% slope in one shading pattern and areas of greater than 20% in another shading pattern.
- 407.22 Identify significant wildlife habitat areas including breeding grounds, nesting areas, crossings, wintering areas, and migratory routes.
- 407.23 Show the conceptual design of the following items:
- (1) Local, collector, and arterial streets, including principal dimensions.
 - (2) Pedestrian and open space systems, including connections to adjacent development and open space areas.

- (3) Focal points, community facilities, and other special features.
- (4) The treatment of potentially conflicting land uses.

408 Development Reports

The applicant shall submit a report with supporting materials which is to include and completely address the items listed below as a minimum. The degree of detail for analysis of some of the following factors will depend upon the impact of the particular item on the surrounding area and the subject property. The Director may waive any portion of a required development report based upon design, size, impact to public facilities, services, roads, and overall impacts, except those required by state statutes. The Director of Engineering may waive or modify development reports for drainage and traffic.

- 408.01 A discussion of site features as depicted on the plan that may affect the evaluation of the proposed development.
- 408.02 Evidence establishing soil suitability in the form of a report prepared by a registered professional engineer or professional geologist. The report shall minimally include: a description of site soil types, locations, and characteristics with supporting soil maps, soil logs and other information needed to determine soil suitability for proposed development; depth to water table and an engineer's recommendation of how to handle the subsurface drainage (i.e.: sump pumps, trench drains, etc.); constraints on development based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, erosion control, and a determination of the adequacy of the structural characteristics of the soil as they relate to the proposed development.
- 408.03 A report on the geological characteristics of the site, by a qualified professional, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, and a determination of what effect such factors would have and proposed corrective or protective measures. The report shall also include an evaluation of potential radiation hazard to the proposed land use.
- 408.04 Phase II Drainage Report prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 408.05 Evidence of the physical and legal capability to provide sanitation as follows:
 - 408.05.1 For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.
 - 408.05.2 For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation district or owner to serve the demands of the proposed subdivision.

- 408.05.3 For a subdivision of land where individual wastewater collection and treatment systems are proposed, percolation test data must be provided to prove general suitability of soils for such systems.
- 408.06 A narrative describing the availability and adequacy of existing infrastructure and other necessary services including: fire and police protection, recreation, utilities, and open space.
- 408.07 A traffic study describing the transportation network establishing the availability and adequacy of the system consistent with the Douglas County Roadway Design and Construction Standards and the Transportation Plan of the County Master Plan.
- 408.08 A report which discusses existing or potential cultural, archaeological and historical resources of significance on site and plans for the protection of such resources.
- 408.09 Wildfire Mitigation Plan, Weed Management Plan, and other land management reports and studies as required by County regulation or warranted based on site characteristics and proposed land uses.
- 408.10 A sound study, when located abutting a state, federal, or major regional arterial highway, identifying the current noise levels and projected noise levels based on projected highway expansion.

409 Public Notice Requirements

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting will be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

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.

409.01 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 one 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 Office at least 7 days prior to the hearing. Such 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 St., Castle Rock, CO, for approval of a preliminary plan located *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on, *(date)*, at *(time)*, and before the Board of County Commissioners on, *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a preliminary plan located *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

409.02 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 under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, visible from the right-of-way, placed on posts at least four 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 feet by 4 feet. 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 approval of a preliminary plan on *(date)*, at *(time)* in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460. File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for approval of a preliminary plan before the Planning Commission on, (date), at (time), and before the Board of County Commissioners on, (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460. File #/Name:

- 409.02.1 An affidavit of sign posting shall be submitted for the file in the Planning Office at least seven 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, (print name of applicant/representative/person posting sign), attest that the above sign was posted on (date) abutting (name of street).

(signature) File #/Name:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this ____ day of _____, 200__ by
_____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

- 409.02.2 The sign shall be removed by the applicant within two weeks following the final decision by the Board.

410 Expiration of Approval

- 410.01 The preliminary plan shall be effective for a period of three years from the date of approval, unless stated otherwise in such approval. The Director may grant a one-year extension of time, upon a written request by the applicant, based upon a finding that the plan is in conformance with the Master Plan, Zoning Resolution, and Subdivision Resolution, all as amended. Requests for additional extensions may be granted by the Board.
- 410.02 When a part of the preliminary plan obtains final plat approval, approval of the remaining area of the preliminary plan shall be effective for an additional three-year period following approval of the final plat or as otherwise extended by the Director or the Board.

- 410.03 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plan as these changes affect the plan and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office. Additional review of the plan may occur resulting in additional conditions, as applicable.
- 410.04 The denial of an extension by the Director may be appealed to the Board in writing within 10 days of the decision by the Director.

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