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Date: June 29, 2023
To: Industry Partners Submitting Applications to County Planning and Community Development
From: Meggan Herington, AICP, Executive Director
Re: Updated Notification Process

This is an update to the posting and notification policy for El Paso County Planning and Community Development (PCD). The intent is to notify a greater area than “adjacent” property owners, while making it as streamlined as possible for staff and customers. Implementation of the new policy will begin for any application submitted to PCD after June 30, 2023.

PROCEDURE – PUBLIC NOTICE REQUIREMENT

PURPOSE

The purpose of this procedure is to establish a consistent process for public notice requirements.

POSTING NOTICE PROCEDURES

The notice poster shall not be less than 22” by 28” in size and shall include the date, time, and place of the hearing, the specific subject matter of the hearing, the department contact information, and the location of where additional information on the project can be found.

The notice, meeting the above requirements, a vicinity map depicting the location where the notice is to be posted, and the deadline to post the notice will be provided to the applicant by Planning and Community Development (PCD) for posting.

The applicant, or an authorized agent for the applicant, must complete an affidavit at the time the notice is received from PCD. Signature on the affidavit is acknowledgement of the following:

- The notice shall be posted in a conspicuous place on the subject property by the applicant, or an authorized agent for the applicant, at least 10 calendar days prior to the meeting.
- If the notice is damaged so that it is no longer legible or if the notice is unintentionally removed, the applicant must notify PCD as soon as possible for a replacement.
- Failure to post and/or repost the notice if removed or rendered illegible may result in rescheduling of hearing dates.

The applicant must email a photo of the posted notice to PCDHearings@elpasoco.com as proof of posting within 24 hours of physically posting the subject property and provide the affidavit to the planner.

ADJACENT PROPERTY OWNER NOTIFICATION PROCEDURES

Adjacent owner notification shall be mailed when a formal submittal is accepted by El Paso County. Within seven (7) calendar days following the formal submittal of an application to PCD, the applicant is responsible for researching and notifying property owners as well as any known HOA's with available contact information in the vicinity concerning the application. The notification distance is a buffer distance described as follows:

- Within 500 feet of the property boundaries of the subject property for all land use applications, including variances being heard by the Board of Adjustments, appeals, and administrative site development plans and final plats.

Notification may be completed by obtaining signatures, sending notices via US mail, or a combination of signatures and mailings. Proof of notice must be provided to PCD and include a list of all addresses within the buffer distance, any surrounding HOA's known to be active in the area with readily available contact information, and USPS Certificate of Bulk Mailing (example below). This proof of notice should be uploaded to EDARP with the subsequent resubmittal and will be verified by staff. Failure to send the notification within 7 days following the submittal could result in a delay in project re-review by PCD staff.

Property owner notifications must include the following information at a minimum:

- The notice shall begin with the following paragraph: "This letter is being sent to you because (Name of Owner/Applicant/Consultant) is proposing a land use project in El Paso County at the referenced location. This information is being provided to you with a submittal with the County. Please direct any questions on the proposal to the referenced contact(s). Prior to any public hearing on this proposal a notification of the time and place of the public hearing will be sent to the adjacent property owners by PCD."
- For questions specific to this project, please contact: Owner/applicant and consultant(s), Address, email(s), and telephone number(s)
- Site address, location, property size, and zoning
- EDARP file number(s)
- Request and justification
- Existing and proposed facilities, structures, roads, etc.
- Waiver requests (if applicable) and justification
- Vicinity map

The below document to be provided with neighbor notification mailing in lieu of individual certified mailer:

UNITED STATES POSTAL SERVICE®		Certificate of Bulk Mailing — Domestic	
Fee for Certificate		Use Current Price List (Notice 123)	<small>Postage: Mailers must affix meter, PC Postage®, or (uncanceled) postage stamps here in payment of total fee due.</small> <small>Acceptance employee must cancel postage affixed (by round-date) at the time of mailing.</small> <small>If payment of total fee due is being paid by Permit Imprint, include the PostalOne® Transaction Number here: _____</small>
Up to 1,000 pieces (1 certificate for total number) For each additional 1,000 pieces, or fraction thereof			
Duplicate Copy <input type="checkbox"/>			
Number of Identical Weight Pieces	Class of Mail	Postage for Each Mailpiece Paid <input type="checkbox"/> Verified	Number of Pieces to the Pound
Total Number of Pounds	Total Postage Paid for Mailpieces	Fee Paid	
Mailed For _____		Mailed By _____	
Postmaster's Certification			
<small>It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.</small>			
<small>(Postmaster or Designee)</small>			
<small>PS Form 3606-D, January 2016 PSN 7530-17-000-5548</small>		<small>See Reverse for Instructions</small>	

HEARING AGENDA PROCEDURES

Hearing agendas for Planning Commission and Board of Adjustment hearings must include the following information at a minimum:

- The type, location, and start time of the hearing
- Report items
- Public comment on items not listed on the agenda
- Consent items to include approval of minutes
- Called up consent items
- Regular items
- Non-action items

Hearing agendas shall be posted on the PCD website no later than three (3) calendar days prior to the hearing, emailed to sunshinelaw@elpasoco.com to be posted on the El Paso County Information Portal, and shall be posted outside the hearing room the day of the hearing.

LEGAL ADVERTISEMENT PROCEDURES (WHEN REQUIRED)

Legal advertisements are for Board of County Commissioners (BoCC) hearings only and not typically for Planning Commission or Board of Adjustment hearings.

PCD is responsible for coordinating legal advertisements.

Legal notices must be published a minimum of 15 calendar days prior to the BoCC hearing date.

Proof of legal advertisement is uploaded to the project file by PCD.

NOTICE OF HEARING PROCEDURES

PCD is responsible for notifying all property owners within the required buffer distance, as stipulated above, of hearing dates via standard US mail no less than 10 calendar days prior to the hearing date.

Notices of hearing must include the following information at a minimum:

- Information about the project (a.k.a. blurb)
- Date and time of the hearing
- Vicinity map identifying the location of the property
- Location of where additional information on the project can be found
- Contact information of the assigned planner
- Proof of notices of hearing is uploaded to the project file by PCD