**Introduction**

The Douglas County Department of Community Development (DCD) is committed to providing open, transparent application processes to the public. This Guide is provided to assist anyone interested in the procedures and expectations involved in the use by special review (USR) process. The information in this packet is a summary of Section 21 of the Douglas County Zoning Resolution (DCZR).

**What is a Use by Special Review?**

The USR process is established for the review of uses in specific zone districts that require public hearings and final approval by the Board of County Commissioners. Such uses may require additional conditions and safeguards as may be imposed by the Board of County Commissioners to ensure compatibility with the surrounding areas. A Management Plan is required for all special uses, which details the day-to-day operations of the use. This Plan, along with the accompanying Site Improvement Plan, form the basis for annual inspections by County Zoning Compliance staff.

Project review includes evaluation of access, adequate water and sanitation, availability of services, site layout, and other considerations intended to encourage compatibility with a proposed project’s surroundings. The USR process ensures that properties are in conformance with the Douglas County Comprehensive Master Plan (CMP), DCZR, Douglas County Subdivision Resolution (DCSR), and Douglas County Public Works Engineering Manuals.

**When is a Use by Special Review necessary?**

The DCZR specifies uses within each zone district that are subject to the USR process. These uses are also listed in Section 2107 of the DCZR.

**How does the Use by Special Review Process relate to other zoning processes?**

An applicant initiating the USR process is responsible for preparation of an exhibit that depicts the layout of the site. This exhibit should be prepared in conformance with the requirements of Section 27, Site Improvement Plan, of the DCZR.
Steps 1-3 of the Use by Special Review Process

Presubmittal Review

**COUNTY STAFF’S GOAL FOR COMPLETION: 7-10 DAYS**

The presubmittal review is the initial review of a proposal to identify potentially significant issues and submittal requirements. While Planning Services staff strives to identify critical issues at presubmittal, additional issues may be identified during the formal application review and referral process.

Presubmittal reviews are held weekly and proposals are evaluated by Planning Services, Public Works Engineering and Building staff. Two options are available for the applicant’s presubmittal review:

1. The applicant may drop-off, mail-in or e-mail the required presubmittal materials ahead of time and the proposal will be discussed among staff only.
2. The applicant may schedule a meeting to discuss a proposal in person by calling 303-660-7460.

Written comments from the presubmittal review team are typically provided to the applicant within a few days of the presubmittal meeting. Presubmittal comments are valid for one year from the date of the presubmittal meeting.

Submittal

**COUNTY STAFF’S GOAL FOR COMPLETION: 2 DAYS**

Following the presubmittal review, the applicant may submit a formal application to Planning Services. A planning technician reviews the application submittal to ensure that all required items have been included. Once all materials are provided, a planner is assigned to the project.

**Submittal Checklist (summarized from Section 2111 of the DCZR)**

- Presubmittal review
- Completed Land Use Application form
- Project Narrative, including a description of:
  - General project concepts
  - Zoning of the land and compliance with zoning requirements
  - Overall impacts of the proposed use on adjoining lands
- Compliance with the Douglas County CMP
- Compliance with appropriate agencies and necessary permits
- Proof of water availability
- Method of wastewater treatment
- Type or method of fire protection
- Impacts on existing flora and fauna
- Impacts on air and water quality
- Impacts on peace and quiet of neighborhood
- Provision of buffering, including additional landscaping
- Impacts on County services
- Legal Description
- Name and address of the owner, the developer if different than the owner, and the person preparing the plan exhibit and site improvement plan
- Application fee
- Copy of a title policy or commitment
- Notarized letter from the landowner authorizing a representative to process the application, if applicable
- USR - Site Improvement Plan (SIP) exhibit (see examples on pages 6 and 7)
- Management or Operational Plan
- Evidence of a sufficient water supply in accordance with Section 18A of the DCZR

Pre-Referral Review

**COUNTY STAFF’S GOAL FOR COMPLETION: 15 DAYS**


The following is intended to assist the planner in determining whether the requirements of the USR and accompanying SIP have been addressed. Compliance with the requirements of Sections 21 and 27 of the DCZR will help to facilitate a timely plan review. Please note that not all items below will be applicable to all projects. When applicable, the plan sets (24” x 36”) should include the following:

(continued on the next page)
Step 3 of the Use by Special Review Process

Pre-Referral Review continued

General Plan Requirements Checklist (summarized from Section 2706 of the DCZR; for sample exhibit see page 6)
- Legal description (address if not subdivided); planning area, if applicable; acreage or lease area; type of application; and project number
- Information block with date of preparation or revisions; north arrow; scale (including graphic scale bar); sheet title; business name; and preparer's name, address and phone number
- Composite plan, including a key sheet diagram, if applicable
- Sheet number and number of sheets, as well as sheet index
- Minimum 0.5” page margin
- Bearings, distances and curve data per the final plat or certified boundary survey
- Approval certificate (corporate or individual) on first sheet
- Approval certificate initial block on subsequent sheets
- Locate, provide dimensions, and indicate the use of all easements
- Identify and provide dimensions for all ISDS leach fields and indicate a replacement field location, if applicable
- Centennial Airport Review Area Note (and separate avigation easement), if applicable
- Delineate major drainageways and any 100-year floodplains on or adjacent to site
- Future phase note on all sheets, if applicable
- Management Plan for the specific use addressing all aspects of day-to-day operations of the USR. At minimum include:
  - Number of clients, boarders, parishioners or animals
  - Hours of operation - indicate whether the use is seasonal and the number of days of the week
  - Number of employees
  - Required outside storage, parking and loading areas
  - Permit requirements from other state, federal or local agencies
  - Method of providing fire protection
  - Other items as detailed in Section 21 by use category

Site Plan Checklist (summarized from Section 2707 of the DCZR; for sample exhibit see page 7)
- Vicinity map of the project and surrounding areas
- Site data chart to detail the square footage of hardscape, landscape, and parking
- Label and provide dimensions for all existing and proposed structures, indicate any structures to be removed, and identify setback lines and building dimensions from lot lines
- Identify adjoining land uses and zoning
- Identify the location and provide dimensions of trash enclosures
- Provide dimensions for off-street parking and loading areas; identify number of parking spaces per parking aisle
- Provide dimensions and note material of streets, walks and trails, rights-of-way, curb cuts, and access points
- Locate and provide dimensions for all existing and proposed signs
- Identify all fire hydrants; note approximate distance and direction to nearest hydrant(s) if off-site

Landscape Plan Checklist (summarized from Section 2708 of the DCZR)
- Ensure a minimum 15 percent of the gross site area is live plant material
- Provide a landscape buffer when adjacent to residential uses
- The scale and impact of the proposal may require additional landscaping
- Provide a landscape buffer between residential use and non-residential parking, parking adjacent to street, outdoor storage and adjacent use
- A maximum 1.5 percent of total site area may be high-water-use plants (except for parks and multi-family)
- Provide year-round screening through a combination of plants, berms or walls
- Ensure plants meet the minimum plant size
- Identify the source and type of irrigation
- Identify planted areas by name, size and quantity of material
- Ensure plant materials are drawn at ⅜ mature size
- Identify walkways, pedestrian areas and landscape elements
- Depict location of all pole-mounted, wall-mounted, and ground-mounted light fixtures
- Depict final grades as solid lines
- Label streets, rights-of-way and points of access
- Ensure adequate sight distance triangles are depicted
- Ground-mounted HVAC note
- Landscape legend: symbol, quantity, botanical and common name, size, if high-water-use
- Landscape maintenance statement
- Ensure parking lot islands are provided if more than 40 parking spaces are proposed
- Parking lot islands should be a minimum size of two parking spaces and include live plant material
- Parking lot islands may be grouped together to provide effective drainage, screening, etc.

(continued on the next page)
Steps 3-6 of the Use by Special Review Process

Pre-Referral Review continued

Applicant Revision

**APPLICANT’S AVERAGE: 18 DAYS**

The applicant reviews the pre-referral letter provided by staff and updates the USR exhibit, as necessary. It is the applicant’s responsibility to provide any additional exhibits, plans, studies, or fees requested by staff in order to proceed with the referral. A prompt resubmittal addressing all staff comments will help achieve a speedy process.

Referral Period and Courtesy Notification

**REGULATORY REFERRAL PERIOD: 21 DAYS**

The planner verifies the contents of the applicant’s referral packets, inserts a Referral Response Request form to solicit comments, and distributes the packets to necessary referral agencies. The referral period provides an opportunity for various agencies and other stakeholders to comment on the application. Referral agencies have 21 days to comment unless the applicant grants, in writing, an extension of up to 30 days. The applicant must pay any referral agency fees, if charged.

The planner forwards referral comments to the applicant as they are received so the applicant can immediately begin addressing comments directly with the referral agencies. The planner assists in facilitating meetings or discussions between the applicant and referral agencies, as necessary.

Concurrent with the distribution of referral packets, the planner prepares and mails courtesy notices to abutting landowner(s) that state the application is in process.

Post Referral Review

**COUNTY STAFF’S GOAL FOR COMPLETION: 7 DAYS**

The planner ensures all referral responses have been forwarded to the applicant. Following the referral period, the planner provides a post-referral letter to the applicant summarizing any outstanding comments from Planning Services and referral agencies that the applicant must address. The applicant is encouraged to meet with the planner and referral agencies to discuss any comments or questions.
Steps 7-9 of the Use by Special Review Process

**Applicant Revision and Response**

**APPLICANT’S AVERAGE:  31 DAYS**

The applicant reviews the post-referral letter provided by staff and revises all necessary exhibits, plans, and studies accordingly. The applicant addresses the comments of all regulatory referral agencies 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 a written response to comments from all advisory referral agencies. It may be necessary for the applicant to meet with the planner and referral agencies in order to address all comments.

A prompt resubmittal addressing all comments may reduce the process by several weeks.

**Staff Review**

**COUNTY STAFF’S GOAL FOR COMPLETION: 10 DAYS**

The planner ensures all outstanding comments have been adequately addressed in the applicant’s resubmittal. If any comments have not been addressed, the planner provides the applicant with a letter stating the deficiencies. It may be necessary for the applicant to resubmit in order to satisfactorily address the review comments. If necessary, the planner will facilitate a meeting between the applicant and referral agencies to resolve outstanding comments.

Once the application is finalized, the planner schedules the project for Planning Commission and Board of County Commissioners Hearings. The applicant must meet all public notice requirements listed in Section 2118 of the DCZR. At each hearing the following approval standards are used to evaluate the project:

**Approval Standards (summarized from Section 2102 of the DCZR)**

- Complies with the minimum zoning requirements of the zoning district where the special use will be located
- Complies with the requirements of Section 21 of the DCZR
- Compatible with the character of the surrounding areas and neighborhood
- Conforms with the goals, objectives, and policies of the Douglas County Comprehensive Master Plan
- Will not result in an over-intensive use of the land
- Will not have a material adverse effect on community capital improvement programs
- Will not require a level of community facilities and services greater than what is currently available
- Will not cause significant air, water, or noise pollution
- Adequately landscaped, buffered, and screened
- Demonstrate a sufficient water supply in terms of quantity, quality and dependability, as determined in accordance with the standards in Section 18A, Water Supply - Overlay District of the DCZR
- Will not be detrimental to the health, safety, or welfare of the present or future inhabitants of the County

**Public Hearings**

**APPLICANT’S AVERAGE:  18 DAYS (DEPENDS ON HEARING SCHEDULE)**

Planning Commission Hearings are generally held the first and third Monday of every month at 7 p.m. in the Commissioners’ Hearing Room. The Board of County Commissioners generally hears land use proposals on the second and fourth Tuesdays of each month at 2:30 p.m. Staff will identify upcoming hearing dates and relay them to the applicant. The planner creates a staff report in preparation for the hearings, a copy of which is mailed to the applicant.

The applicant must provide proper public notice (published, posted and mailed to adjacent property owners) of the hearing in accordance with Section 2118 of the DCZR 14 days prior to the hearing date.

At the hearing, the planner will present general project information. The applicant should be prepared to present pertinent information and address questions about the proposed development. Common question topics include layout, water supply, referral agency comments, and traffic.

Please note that during this step, the Board of the County Commissioners is approving or denying the USR; the SIP portion of the application must still be reviewed in Step 10.
Steps 10-11 of the Use by Special Review Process

Final Submittal

APPLICANT’S AVERAGE: 17 DAYS
Once requested by the planner, the applicant should begin preparation of the final SIP plan set for approval. The final SIP plan set consists of one rolled plan set (24” x 36”) with original, notarized signatures. The applicant submits the completed SIP plan set, and an executed copy of either the Requirements for Release of Certificate of Occupancy form or the Requirements for Release of Final Inspection form, to Planning Services for approval. The applicant submits a signed Site Improvement Plan Improvements Agreement (SIPIA) to Public Works Engineering, if applicable, to secure the cost of improvements associated with the USR. A prompt submittal of all necessary documents will expedite the successful completion of the SIP process.

Final Determination

COUNTY STAFF’S GOAL FOR COMPLETION: 5 DAYS
The planner reviews the applicant’s submittal to ensure all necessary documents have been submitted for approval. Once verified, the planner routes the SIP for approval by Planning Services and Public Works Engineering staff. The planner notifies the Building Division of SIP approval.

The planner provides the applicant with an electronic copy of the approved SIP. The planner sends a Notice of Action-Final Status form to all landowners who received a courtesy notice, notifying them that the SIP has been approved.

Additional Information and Fees

CHANGES TO APPROVED USR
Proposed changes to an approved USR are processed as either an administrative amendment or will require a new Use by Special Review process as determined by the Director of Community Development.

Administrative Amendment
If the proposed change does not substantially increase the intensity of the use or impacts to the neighborhood, the change may be processed as an administrative amendment, which may be approved by the Director or Community Development.

Administrative Amendment Checklist
- Completed Land Use Application form
- Application fee
- Narrative explanation of the amendment and its resulting impacts
- Amended SIP

USR FEES

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<tr>
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<th>Fee</th>
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<tr>
<td>1-40 acres</td>
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<td>101+ acres</td>
<td>$3,030 + $15/acre</td>
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<tr>
<td>Multifamily</td>
<td>Base fee + $65/building</td>
</tr>
<tr>
<td>Administrative Amendment (no plan required)</td>
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</tr>
<tr>
<td>Administrative Amendment (plan required)</td>
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</tbody>
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Make checks payable to Douglas County.
Depending on the project, additional fees may apply.
1 - Identify parking and drive aisles
2 - Identify buffer areas
3 - Identify site improvements