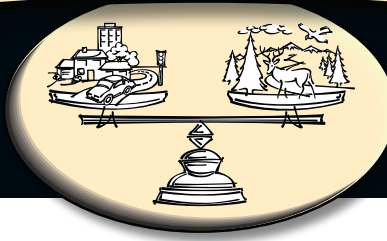


CITIZEN'S GUIDE

Jefferson County
Planning & Zoning

"Dedicated to outstanding customer service."



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Land Use Decision-Making

*Your neighborhood, your community is important to you.
Land use decisions can affect your neighborhood and community.*

All citizens have a role in how land decisions occur in Jefferson County. How large or small you want that role to be is up to you and may depend on your interest. There may be a variety of reasons for getting involved, with roles ranging from being the applicant to being the neighbor or from being a community representative to being a subject-matter expert. You may, by example, apply for a permit to build on your property or testify on a project proposed for your neighborhood. You might also participate on a county advisory committee or task force devoted to land use issues.

All land use decisions- large and small shape our community for a long period of time. Your participation in both the planning for future land use and the decision making on land use requests provides valuable insight. County staff and decision makers need comments and ideas from those who know the community best: the people who live here.

However, land use can appear complex and daunting and it may not be clear when to get involved, especially during the decision-making process. This guide will help you understand how to participate.

You don't have to be an expert to have input on land use decisions in your neighborhood. You don't even have to understand everything in this guide.

As you read this Guide, use the symbols shown in the box to help you navigate to information that may be most helpful. Also, a glossary of terms and a list of additional information resources have been included on the back side of this guide.



**Key
points to
remember**



**What you
can do**



**Additional
resources**



**More
information**



Who Is Involved & What are their Roles



Case Manager

The primary contact for questions about a case and process goes to the case manager, as the case manager handles all details of review, referral, coordination, scheduling of public hearings, and preparation of the case file and staff reports.

The case manager works with staff from many county divisions to evaluate the application. Staff from Highways and Transportation, Road and Bridge, Health Department and even Emergency Management may provide feedback and suggestions to the case manager. The Case Manager collates the staff comments and formulates the staff recommendation for the application.

Applicant

The applicant submits an application for development or land use process to the county for review. The applicant has the responsibility of authorizing review and input related to development of the land in relationship to a particular land use proposal. The applicant provides public testimony during Public Hearings to express his/her desire in developing the land.

Referral Agencies

Referral agencies provide comments both technical and advisory in nature related to the land use application. Generally, a referral period from 14 to 21 days will occur in which both internal (county divisions/departments) and external (Special Districts, state and federal agencies and homeowner's associations) can provide input on the proposal.

The applicant and the case manager discuss all comments received by referral agencies during the review process and look to find appropriate ways to respond, change or modify applications, depending on the types of comments received.

Homeowner's Associations

All registered Homeowner's Associations (HOAs) within a certain radius of the development proposal receive a referral from the county. The HOAs have the opportunity to provide comments and feedback on the proposal. HOA representatives can also provide comments during the Public Hearing phase of a development application.

Planning Commission

The Planning Commission reviews and comments on land use proposals during the Public Hearing phase of a development application. Appointed by the Board of County Commissioners, the Planning Commission will make a recommendation on a particular land use proposal to the Board of County Commissioners, or can approve, deny or condition a land use proposal as provided by county and/or state statutes.

The Planning Commission meets on every Wednesday, except the third Wednesday of the month and generally holds evening meetings that start at 6:00pm.

Board of County Commissioners

The Board of County Commissioners makes all final decisions related to rezoning and subdivision of land. They also have authority to approve, deny or condition applications for vacation of rights-of-way, special use reviews and can adopt or change land use regulations used in the county.

The Board meet every Tuesday morning at 9:00am and holds public hearings that include both business and land use case hearings. Land Use cases occur as part of the Public Hearing phase of a development application.

Citizens

Citizens have the ability to speak and provide feedback on any land use case listed on the Board of County Commissioner's public hearing agenda. A citizen has the opportunity to express opinion on the proposed land use case and advocate for action regarding the matter. Citizens that cannot attend a public hearing can also provide written comments regarding the land use case to the County, Planning & Zoning Division and/or County Commissioner's Office.

Technical Experts

Sometimes, an applicant or even County Staff will call upon a technical expert in a particular field or science to provide an opinion or comments on a land use application. In some situations, the technical expert may provide specific comments on an element of a land use application such as water, geology, hydrology, wildlife and so forth.

As with any individuals that participate in a land use case, testimony can be provided during the Public Hearing phase of a land use application or by written form submitted as part of the case file for the land use proposal.

How Are Decisions Made

Zoning determines the types of activity allowable on a specific area of land. Types of zoning include residential, commercial and agricultural. The Zoning Resolution and applicable Community Plan sets those criteria for rezoning of land. The Land Development Regulation sets the criteria for how land is subdivided.

When a land use decision occurs, the following steps exist:

- Identification of applicable review criteria;
- Consideration of facts showing how the application does or does not meet the applicable criteria;
- Decisions based on evaluation of the presented facts and how they respond to the criteria; and
- Project approval, approval with conditions or denial.

The Planning Commission and the Board of County Commissioners make their decisions at a Public Hearing. Public hearings occur in a legal manner, with decision makers rendering a legal judgment on an application. In fact, the review of an individual land use application is sometimes called a “quasi-judicial” decision.

Slightly different hearing procedures apply for “legislative” decisions. These entail the creation of new regulation, such as new land use regulation affecting the County as a whole or a large number of properties.

All regulations and land use decisions take place at a public hearing. At a typical hearing, the opportunity for public testimony follows a staff overview of the proposal, and an applicant presentation. Testimony in favor or against the application is presented. The applicant then has an opportunity for rebuttal. Rebuttal testimony is generally limited in scope to issues raised at the public hearing.

Planning Commission and Board of County Commissioners Focus - Land Use Decisions

	PC	BCC
Rezoning Decisions		
Does it meet Community Plan Policies?	✓	✓
Will it be compatible with surrounding and existing land uses?	✓	✓
Have appropriate mitigation measures been considered?	✓	✓
How have safety, welfare and public interest been satisfied?	✓	✓
What level of community interest exists in the proposal?	✓	✓
Have off-site impacts been assessed such as traffic, drainage, soil erosion, etc.?	✓	✓
Does a compromise exist that balances the interests of citizens and development?		✓
Will the rezoning promote a long-term and sustainable activity in a particular area that increases economic development and generates taxable revenue?		✓
Platting Decisions		
Does it meet Land Development Regulation and Zoning Resolution criteria?	✓	✓
Have technical issues related to items such as access, water, sanitation, lot size, topography, slope, etc. been resolved?	✓	✓
Have appropriate mitigation measures been considered?	✓	✓
How have safety, welfare and public interest been satisfied?	✓	✓



Some Common Questions About Public Hearings

Decision Maker Declarations

In quasi-judicial hearings, members of the hearing body will declare any conflicts of interests, “ex parte” communications and site visits if such events have occurred. These declarations provide for a fair, open public hearing process. All members need to have access to the same information that is available to the public for making decisions.

This is why members of the Planning Commission and Board of County Commissioners are encouraged not to discuss land use applications with citizens outside of a public hearing context. Such discussions would need to be disclosed in full as ex parte contacts may raise questions about the member’s impartiality and could cast doubts on the member’s vote.

Staff’s Role

The staff’s role in the public hearing process involves providing information to decision makers based on their professional analysis regarding whether the application meets applicable criteria. Staff reports do include recommendations; however, staff does not advocate for the project. Prior to the hearing, staff provide assistance to both applicants and the general public regarding how they might most effectively participate in the land use process.



When should you participate?

When you get a Notice of Community Meeting.

Responding to a land use proposal at this stage will allow you the most time to be involved. Prior to accepting an application for a rezoning and special use application, Jefferson County requires that the applicant hold a community meeting. In general, property owners within 500 feet will receive a letter in the mail notifying them of the request. The applicant will describe the proposal, answer your questions and solicit your feedback. By holding this meeting, the applicant will be encouraged to incorporate your feedback into the proposal or design.

When you receive a Notice of Application.

Reacting to a land use proposal at this stage will allow you to be aware that the formal review process has begun. Jefferson County requires that a notice be sent when an application for a rezoning, special use, preliminary plat, combination plat, or a final plat has been accepted by the county. The processing timeframe will vary from application to application, depending on the applicant's conformance with regulations and requirements, and the complexities of the case. During the review process you will be able to review the case file and monitor the applications progress.



It is important to get involved as early as you can so that you have time to have your questions answered, to do some background research, if needed, and to prepare testimony



When the property is Posted with a Sign.

Reacting to a land use proposal at this stage will allow you to prepare for speaking at a public hearing - but it will only allow you seven to 14 days to prepare! Jefferson County requires signs advertising the public hearing date be posted on the property 14 days prior to a hearing for a rezoning, special use, preliminary plat and combination plats and seven days prior to a hearing for final plat and exemption from platting. During this notification period, you will be able to review the case file and prepare for testifying at the hearing.

When the application is Heard at Public Hearing.

Testifying at a public hearing will allow your position to be placed on record immediately prior to the decision. In most cases, you will be allowed three minutes to present your opinion to the Planning Commission, Board of County Commissioners, and the applicant.

Want more information on the Land Use Notification Process? See the Citizen's Guide to Land Use Application Notification Process.



To be effective, your testimony must respond to the specific criteria that the decision makers can consider for a particular case. For subdivision proposals, refer to the Land Development Regulation, which contains specific review criteria for subdivision procedures. For rezoning proposals, refer to the Zoning Resolution and applicable community plan for the area. The Zoning Resolution contains criteria specific to assist in understanding development standards and the applicable Community Plan contains "policies" that must be used in evaluating the rezoning application request.

These criteria, plus any others that staff has determined to be relevant to the request, exist in the staff report. The staff report, which goes to public hearing, includes relevant criteria in more detail and can be obtained through the Planning & Zoning Division.

You may want to organize your testimony in a way that recognizes this decision making process. You may raise other criteria if you believe other criteria that are part of the community plan, Zoning Resolution and/or Land Development Code have not been considered. It is helpful to provide your reasoning regarding how you think the additional criteria apply.

It is important to recognize that decision makers often must balance from among many perhaps conflicting criteria. Decision makers also need to weigh the needs of the immediate neighborhood with the needs of the community as a whole.

Glossary of Terms

Appeal

A legal procedure in which a decision by one authority is reviewed by another; usually as a result of a challenge by an aggrieved person.

Applicant

A person who submits an application for a development process in Jefferson County.

Board of County Commissioners

A group of three individuals elected to office by the vote of citizens living in Jefferson County. Among their many roles, the Board must approve final decisions on rezoning and subdivision of land.

Codes, Covenants and Restrictions (CC&Rs)

Private party restrictions on property in a particular subdivision or neighborhood. CC&Rs do not involve local governments and must be enforced by a homeowner's association or property owner's group.

Community Meeting

A requirement to meet with interested citizens and neighbors to discuss a rezoning application or special use request prior to the application being accepted by the county.

Community Notification

A county requirement to notify affected property owners of a land application that has been accepted for review prior to a public hearing.

Community Plan

A specific long-range guide for future development in a particular area of the county. The plan has established policies for how development should occur and must be used by the decision-makers in evaluating rezoning applications.

Criteria/Review Criteria

A basis for making a decision. Specific criteria apply to different land use decisions.

Decision Maker

The individual or body that has authority to make a decision. Also relates to those who make decisions about land use and development proposals.

Development Standards

Specific requirements in the county's land development regulation and zoning resolution, which development must conform to at the time of review. Examples include circulations standards, land disturbance specifications, drainage requirements, soil standards, lot size, building height and so forth.

"Ex Parte" Communication

A reference to discussions or meetings with either affected parties or direct contacts involved in a particular application brought before a decision-making body, such as a Planning Commission or Board of County Commissioners. Generally, these decision-makers will disclose such discussions prior to hearing a proposal to ensure fairness and to avoid any potential issue of conflict related to their decision on a particular matter.

Findings

Statements of conclusion reached after the review and discussion of facts pertaining to a development application. The Board of County Commissioners generally adopts formal findings to document the basis for a land use decision.

Mitigation

The ability or process of lessening the impact created by a development through a variety of techniques that may include grading, landscaping, clustering of development and so forth.

Planning Commission

A group of volunteers, appointed by the Board of County Commissioners, which considers land use matters and makes policy decisions on long-term master plans. The Planning Commission holds public hearings when making decisions regarding specific land use requests.

Public Hearing

A formal legal proceeding before the Planning Commission or Board of County Commissioners at which the public can testify and a land use decision occurs.

Staff Report

An evaluation by county staff of a land use application relative to applicable regulations, community plans and other technical documents. Staff reports occur for all cases that go to a public hearing.

Testimony

Formal statements presented prior to, at or during a public hearing before an official body decides an issue or a land use case. Testimony can occur in writing or can be presented orally prior to the close of a public hearing.

Zoning Resolution

A regulation that establishes specific standards and procedures for the use and development of land, generally by the designation of specific "zones" where activities can occur. In addition, specific standards for development exist that regulate the type of architecture, lighting, landscaping, signs, parking and so forth associated with development.

Where you can go for more information and help

Review Land Development Regulation and Zoning Resolution:

The Land Development Regulation, Zoning Resolution and Community Plans exist online at <http://planning.jeffco.us> or can be obtained in the Planning & Zoning Division at the Courts & Administration Building in Golden, Colorado.

Contact the County's Planning & Zoning Division (303-271-8700)

The Planning & Zoning Division processes land use applications that require a public hearing. Generally, a planner resides on-call to answer questions; however, we encourage you to set up an appointment. The Planning & Zoning Division accepts most preliminary land use applications up until Tuesday at 12:00pm; with scheduled pre-application meetings with applicants occurring the following Thursday. If you are preparing an application, the county recommends that you schedule a "pre-application meeting" to review application requirements and procedures. An application packet with some guidance materials can be obtained in the Planning & Zoning Division office.

Local Government Resources

Jefferson County Regulations http://jeffco.us/planning/planning_T59_R71.htm#regulations Jefferson County land development regulation, zoning resolution and related land development documents can be found at this web site location. Hard copies can also be obtained in the Planning & Zoning Division.

Jefferson County Community Plans

http://jeffco.us/planning/planning_T59_R71.htm#plans
The site contains all community, land use and related policy plans used in unincorporated Jefferson County. Hard copies can also be obtained in the Planning & Zoning Division.

Guides

http://jeffco.us/planning/planning_T59_R71.htm#guides
Publications prepared by the Planning & Zoning Division include:

- Land Use Notification Process
- How does zoning differ from platting?
- Planning & Zoning Processes: A Citizens Handbook

State Government Resources

Colorado Revised Statutes

<http://www2.michie.com/colorado/lpextdll?f=templates&fn=fs-main.htm&2.0>

Contains all laws applicable to the State of Colorado including applicable provisions to statutory cities and counties, such as Jefferson County.

Colorado Department of Local Affairs

<http://www.dola.state.co.us/>

State department offers financial and technical assistance, emergency management services, property tax administration and programs addressing affordable housing and homelessness.

Other Resources

American Planning Association

<http://www.planning.org>

(312) 431-9100
(202) 872-0611

APA Colorado Chapter

<http://www.apacolorado.org>

APA Colorado
303/918.6771

The American Planning Association is organized to advance the art and science of planning and

to foster the activity of planning — physical, economic, and social — at the local, regional, state, and national levels.

Cyberbia – Internet Resources for the Built Environment

<http://www.cyberbia.org>

This web site contains a large directory of planning-related internet resources.

League of Women Voters -National Organization

<http://www.lwv.org>

The League of Women Voters, a non-partisan political organization, encourages the informed and active participation of citizens in government and influences public policy through education and advocacy.



Subdivision - Land Development Regulation: Required engineering standards such as drainage, grading, traffic improvements.

Zoning - Zoning Resolution: Permitted uses and standards such as lot size, height, setback, landscaping, parking.



National Programs Promoting Community Dialogues

National Issues Forum

<http://www.nifi.org>

National Issues Forums has a nationwide network of educational and community organizations that discuss nation-wide issues. These types of forums provide a way for citizens to exchange ideas and experiences with one another and make more thoughtful and informed decisions.

Study Circles Resource Center

<http://www.studycircles.org>

Study circles provide a simple way to involve community members in dialogue and action on important social and political issues.