

## PLAN REVISIONS AND AMENDMENTS

The Plan Revisions and Amendments process is considered an administrative change by the Arapahoe County Planning Commission. However, changes to the approved Comprehensive Plan and Subarea Plans will follow the procedures described below

### INTENT

Regular evaluation of the approved Comprehensive Plan (Complan) by the Planning Commission is necessary to provide an accurate statement of County development Goals and Policies based on current data and the needs of County citizens. Therefore, when changes in the social, physical or economic conditions of the County occur, it becomes necessary to reevaluate and change development goals and policies. In addition, consistency with the Comprehensive Plan is considered a fundamental criterion for a positive recommendation for zoning applications. The following procedures have been established to amend the Complan.

Generally, two types of amendments may be made to the Complan.

- A. Members of the community may initiate amendments only to the Comprehensive Plan Land Use Plan map or subarea plan maps. Such amendments shall be considered Major Amendments. Members of the community includes: individuals, landowners and/or their representatives, homeowners associations, and other parties affected by the plan.
- B. The Arapahoe County Planning Commission, either on its own or at the request of members of the community, the Board of County Commissioners, or the Planning Division, may initiate either major or administrative amendments which affect the Land Use Plan map, the goals, objectives, and policies of the Complan or any subarea plans.

Major amendments have a significant effect on the intent of the goals, objectives, policies, and maps of the Complan. Examples of these are as follows:

- A comprehensive update of the Complan conducted approximately every ten years.
- The preparation of additional or more specific elements of the Complan or subarea plans.
- The revision of elements or portions thereof (including maps) as new information becomes available.

Administrative amendments include changes that do not affect the goals, objectives, policies, or maps in any substantive way. Examples of these are as follows:

- Updating the Land Use Plan map to show areas newly designated as preserved or conserved.
- Updating the Land Use Plan map to show newly annexed areas or incorporated municipalities.
- Updating population and employment forecasts.
- Formatting changes.

## **AMENDMENTS INITIATED BY THE PUBLIC**

Plan amendments initiated by the public can be submitted and processed at any time during the year. The number of amendment requests that can be processed in any quarter may be limited by the Planning Division work program, which is set by the Planning Commission. Any amendment request deferred will be processed during the next quarter.

### *Approval Criteria*

All of the following criteria shall be considered by the Planning Commission when approving or disapproving Complan amendment requests. The applicant has the burden of proof to demonstrate that an amendment fully complies with these standards and regulations and meets the criteria for approval. Each application must demonstrate:

- A. Consistency with the spirit, intent, goals, objectives, and policies of the Complan.
- B. Compatibility with surrounding land uses and zoning.
- C. Compatibility with existing, natural, and environmental conditions of the proposed amendment and preservation of important natural features, riparian corridors, wildlife habitat and movement corridors, and historic resources.
- D. Adequate water supply, water and sewer treatment facilities, transportation networks, access, fire protection, school facilities, and parks and trails for the development.
- E. How existing and planned capabilities of the affected special districts can adequately handle the service demand.
- F. How social, economic, or land-use conditions of the County have changed or are in the process of changing in such a manner to support the proposed amendment to the Complan.

### *Procedure for Amendments Initiated by the Public*

*Presubmittal Meeting.* Prior to submittal of a Complan amendment application, the applicant shall meet with staff to review the proposal and discuss the procedures and submittal requirements. The applicant shall contact the Planning Division and schedule a presubmittal meeting which may include other referral agencies, as deemed necessary. The applicant shall provide the following:

- A. Project Narrative (per Section D of the *Submittal Requirements*), herein).
- B. Complan Amendment Map (per Section E of the *Submittal Requirements*, herein).
- C. Summary of initial meetings with stakeholders (homeowner associations, citizens, chambers of commerce, and groups such as the Four Square Mile planning committee).

Staff shall comment on the proposed amendment; its compliance with the intent of the amendment provisions; explain the amendment process; and identify any additional

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submittal requirements. A staff comment summary shall be provided to the applicant. The staff comment summary should not be considered an indication of the staff's recommendations regarding the proposal nor the Planning Commission's intention to approve or deny the amendment request.

*Informal Planning Commission Discussion.* At the discretion of the applicant, the applicant may request a discussion of the proposed amendment with the Planning Commission. This discussion will be scheduled as part of a study session at a regular meeting of the Planning Commission. The intent of this discussion is to provide the applicant with preliminary comments and issues that the Planning Commission has identified. The discussion should not be considered an indication of the Planning Commission's intention to approve or deny the amendment request.

*Amendment Application.* The Complan amendment application shall be submitted only after the presubmittal meeting has been completed and a copy of the comment summary has been provided to the applicant. Complan amendments shall then be processed as follows:

- A. The applicant shall submit the required information to the Planning Division. The submittal shall be reviewed for completeness within 10 working days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed until the deficiencies in the submittal have been remedied.
- B. The applicant shall submit an application fee deposit of \$7,500 payable to Arapahoe County Planning. At least 10 working days prior to final Planning Commission action, the Planning Division will calculate the actual cost of processing the plan amendment request. If the cost is less than the \$7,500 application fee deposit, the difference will be refunded to the applicant. If the cost is greater than \$7,500, the applicant shall submit an additional fee equal to the difference between the actual cost and \$7,500. The additional fee shall be submitted at least 5 working days prior to the Planning Commission publicly noticed hearing at which action on the amendment is scheduled. Failure to remit this fee prior to the meeting will result in withdrawal of the Comprehensive Plan Amendment application.
- C. For complete applications, staff shall notify the applicant of the referral agencies to receive referral packets. Referral packets shall be in unsealed envelopes large and durable enough to accommodate all packet materials, addressed to the appropriate referral agency, with all information identified in parts A, D, and E of the *Submittal Requirements*, properly folded and compiled. Referral packets shall also be provided to known homeowner associations within two miles of amendment areas (or the area of the subarea plan) and any other homeowner association potentially affected by the development.
- D. Staff shall mail the referral packets to the referral agencies. Staff shall mail notification letters to abutting landowners. The applicant shall submit any revised plans or documents for distribution to the referral agencies, as required by staff.

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- E. The referral agencies shall comment within 20 working days from the date of mailing a complete submittal unless the applicant grants an extension of no more than 10 working days. The applicant is encouraged to meet with the referral agencies, staff, and public interest groups to address any concerns prior to the end of the referral period. The amendment shall be referred to the Division of Planning of the Department of Local Affairs in conformance with C.R.S. §30-28-122.
- F. The applicant shall hold a neighborhood meeting in the affected area to discuss the proposed plan amendment. The applicant will prepare a summary of the meeting that shall include an explanation of how any issues identified at the neighborhood meeting have been addressed and names and addresses of all participants/attendees.
- G. The staff planner will review the referral comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and time, and prepare a staff report.
- H. The applicant shall be responsible for public notification in accordance with the *Public Notice Requirements* Section, herein.
- I. The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and take one of the following actions:
  - 1. Approve the request.
  - 2. Approve the request with conditions.
  - 3. Table for further study.
  - 4. Continue the request to a time and date certain in order to obtain more information and to take additional public testimony.
  - 5. Deny the request.
- J. The Planning Commission's decision shall be based on the evidence presented, and compliance with the standards for approval, as listed in the *Approval Criteria* section and shall be in the form of a resolution.
- K. The Planning Commission resolution shall identify the approved amendment map and be signed by the Planning Commission Chair.
- L. If the amendment request is approved, all post-approval requirements shall be completed, as identified in the *Approval Actions* section.

*Submittal Requirements.* The Complan amendment application shall include:

- A. Completed Land Use Application Form (copy available from the Planning Division).
- B. Application Fee Deposit (submit check for \$7,500 payable to Arapahoe County Planning at time of submittal).

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- C. Proof of Ownership, using information available from Arapahoe County's online GIS map, ArapaMAP.
- D. Project Narrative (8-1/2" x 11" document) supplemented with appropriate maps that describe the following:
  - 1. Intent of amendment.
  - 2. Conditions that have changed in the County to warrant the amendment.
  - 3. Consistency with the goals, objectives, policies, and intent of the Complan.
  - 4. Consistency with maps contained in the Complan.
  - 5. Consistency with regional plans including Metro Vision, the Regional Transportation Plan, etc.
  - 6. Compatibility with surrounding land uses, density, and zoning.
  - 7. Environmental conditions and hazards shown on the current Complan.
  - 8. Important natural features, riparian corridors, wildlife habitat, and movement corridors shown on the current Complan
  - 9. Historic resources identified on the current Complan.
  - 10. Relationship to the existing road network and transportation element of the Complan.
  - 11. Capabilities of, and impacts on, existing or planned special districts affected by the amendment.
  - 12. Availability of water supply and provision of water and sanitary sewage treatment.
  - 13. Availability of public facilities such as schools, parks and trails, libraries, fire stations, etc.
- E. Complan Amendment Map (24" x 36") illustrating or containing the following:
  - 1. Vicinity map at a scale of 1" = 2,000' clearly showing location of the amendment in relation to major roads, section lines, existing subdivisions, and other pertinent features.
  - 2. Legal description and acreage of the property submitted for amendment.
  - 3. Drawing of the area proposed to be amended, at an appropriate scale determined by staff, that includes the following:
    - i. Topography in the area at 10-foot contour intervals.
    - ii. Major roads on, or adjacent to, the site and their functional classifications.
    - iii. Existing and proposed Complan Land Use Plan map (or subarea plan map) land-use designations.
    - iv. Complan Land Use Plan map (or subarea plan map) designation of adjacent areas.

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- v. Any significant natural features or environmental conditions on or adjacent to the site.
- F. Stamped envelopes addressed to abutting landowners and landowners within one quarter mile of proposed amendment.
- G. A copy of the staff comments from the presubmittal meeting and any additional information, as requested by staff. A written response to all questions and comments raised through the presubmittal process is recommended.
- H. Evidence of ability to develop a sufficient water supply.

*Public Notice Requirements.* The applicant shall be responsible for public notification concerning public hearings. Such notice shall be made available to all residents and property owners in the area affected by the proposed amendment. If the area is within an adopted subarea plan, the affected area will be considered the planning area included in the subarea plan. The following methods shall be used:

- A. Communication with Homeowners Associations. At least 20 working days prior to the Planning Commission hearing, the applicant will provide written notice to the president of each homeowners association within the affected area. The Planning Division can provide the applicant with a list of homeowners associations in the county.
- B. Written Notice. At least 10 working days prior to the Planning Commission hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner and landowners within one quarter mile at such address shown in the records of the Arapahoe County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.
- C. At least 5 working days prior to the public hearing, the applicant shall submit the following to the Planning Division:
  - 1. An alphabetical list of the abutting landowners and landowners within one quarter mile.
  - 2. A map showing the site and the location of the landowners.
  - 3. A copy of the notice sent to the landowners.
  - 4. The certificate of mailing.

## **AMENDMENTS INITIATED BY THE PLANNING COMMISSION OR COUNTY STAFF**

### *Submittal Requirements*

Information submitted to the Planning Commission should be of sufficient detail to clearly explain the proposed amendment. A narrative describing reasons for the proposed amendment and maps or data supporting the amendment shall be included.

### *Major Amendment Procedure*

*Referrals.* All major amendments shall be sent out to appropriate referral agencies for comment. The referral agencies shall comment within 20 working days after receiving a submittal. The amendment shall be referred to the Division of Planning of the Colorado Department of Local Affairs in conformance with C.R.S. §30-28-122.

*Public Hearing.* The Planning Division shall schedule a public hearing before the Planning Commission and prepare a staff report. At least 10 working days before the Planning Commission hearing, staff shall publish a notice in at least one publication of *The Villager* newspaper and, if the proposed amendment is in the area east of E470, in *The I-70 Scout* and on the County website.

*Planning Commission Action.* The Planning Commission shall evaluate the proposed amendment, referral comments, staff report, and public testimony, and take one of the following actions:

- Approve the request.
- Approve the request with conditions.
- Table the request for further study.
- Continue the request to a date and time certain in order to obtain more information and to take additional public testimony.
- Deny the request.

### *Administrative Amendment Procedure*

As needed, the staff shall prepare a staff report describing narrative and map revisions to the Complan and provide that report to the Planning Commission. Following Planning Commission review and comment, the Planning Division Manager shall approve administrative amendments. No public hearing shall be required.

## **APPROVAL ACTIONS**

### *Planning Commission Approval*

The Planning Commission's decision on major amendments shall be in the form of a resolution. The Planning Commission resolution shall identify the proposed amendment map or narrative specifically and be signed by the Planning Commission Chair.

### *Plan Publication*

All amendments approved shall be included in the next publication of the Complan.

### *Plan Certification*

The Planning Commission shall certify a copy of the amended Complan to the Board of County Commissioners, as well as the planning commissions of all municipalities in the County.