

**Planning Commission
Staff Report**
May 21, 2015



Request:	Early Notification Procedures
Case Manager:	Joe Reverman, AICP

REQUEST

- Early Notification Procedures for applications made to Planning & Design Services

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This is a proposal to require certain people to get notice that an application has been filed with Planning & Design Services. Listed below are highlights of the proposal.

- The applicant bears the burden of this requirement.
- This notice will be in addition to other notices required by statute, ordinance or other regulation.
- This notice will not be applicable to staff approvable proposals.
- This notice will be required within 14 days of submittal of the application.
- For cases that require pre-applications, only the pre-application will require early notification.
- No notice will be required if changes are made as long as it is the same case type.

This proposal has been championed by Steve Porter for approximately two years and has gone through several iterations through discussions with the Policies and Procedures Committee. The initial proposal was to include this language in the Land Development Code. Ultimately it was agreed upon that this language would be placed in the Planning Commission's Bylaws and Policies, with final action being taken by the Planning Commission. The final language was approved by the Policies and Procedures Committee on September 12, 2014, although several concerns were raised by some of the Committee members.

STAFF ANALYSIS

Some members of the Policies and Procedures Committee, as well as staff of Planning and Design had some concerns with the proposal. The main concerns are listed here.

1. Although it is stated in the proposal that the burden of this notice will lie with the applicant, it would seem necessary for the staff of Planning and Design to take on some level of responsibility to ensure the requirement has been met, and enforce the requirement when it is not met. Current practice for meeting notification is for staff of Planning and Design to create a notification card, and to have the applicant supply the mailing labels, pay for postage, and place the cards in the US mail. Staff of Planning and Design also is responsible to send out notification to all persons that have signed up to receive notices of development in their Council District via email. If this proposal is adopted, it may be necessary to begin requiring applicants to bear more responsibility of all notification requirements.

2. Our existing notification processes seem to go above and beyond the practices of our peer cities. While Planning and Design is highly dedicated to ensuring exceptional notification to the community and especially adjoining property owners, this additional notification requirements may be unnecessary and possibly over burdensome on applicants, especially those applicants of smaller proposals without professional representation.

ATTACHMENT

1. Early Notification language recommended for approval by the Policies and Procedures Committee.

APPLICATION PROCEDURES.....3.0

3.04 Notice of Filing of Application

3.04.01 Notice of Filing of Application – Notice of any initial application (including applications by governmental entities), filed with the division of Planning & Design Services (PDS), related to (a) a zoning map or form district amendment, (b) a Detailed District Development Plan, General District Development Plan or detailed development plan for planned district developments, revised detailed district development plan or revised general district development plan, (c) a modification, deletion, or addition of a binding element or a condition of approval, (d) a conditional use permit, (e) a variance (except non-hearing variances), (f) a waiver, (g) a major subdivision or conservation subdivision, shall be given to certain persons or entities by the methods indicated in paragraph C. below. The submittal date shall be the date when PDS accepts the application as administratively complete, meaning an application determined to contain the information necessary to initiate agency review. For case types that require the pre-application process (i.e. zoning/form district map amendment, conditional use permit), this notification requirement shall be applied only to the pre-application submittal, and shall not be required at the time the formal application is submitted. Once notice for an application has been given according to this section, no additional notice shall be required just because of changes in the application, unless the application has become a new case in the system. The notice required by this section, however, shall be in addition to any notice of further actions or hearings otherwise required by statute, ordinance or other regulation. This provision shall not be applicable to staff approvable proposals.

3.04.02 The notice shall include the property address, the assigned case number, the name of the case manager, and a brief description of the request.

3.04.03 For applications mentioned in paragraph A above notice shall be given by the applicant, by depositing in the United States mail not more than fourteen (14) days following the submittal date of the application to persons required to receive notice of public meetings according to the current Land Development Code and Planning Commission Policies and Procedures, Email notification shall also be given to any person subscribed to the Notification for Development Proposals List for the Council District in which the subject property is located.

3.04.04 It shall be the duty of the applicant to furnish to the Division of Planning and Design Services the names and addresses of the parties notified as required above and a copy of the notice sent within seven (7) calendar days after such notices are mailed. Records maintained by the Jefferson County Property Valuation Administrator (PVA) may be relied upon conclusively to determine the identity and address of said owners. In the event a property described in this section is held in a cooperative or

condominium form of ownership, the person entitled to notice under this section shall be the president or chairperson of the owner group that administers the property in common ownership. A joint notice may be mailed to two or more co-owners of a property described in this section where those co-owners are listed in the Property Valuation Administrator's records as having the same address.

3.04.05 If the applicant does not submit the confirmation that the mailing took place within the fourteen (14) day period as mentioned in the preceding paragraph, then Planning & Design Services staff will cease all review of the application in question. Once the applicant submits the mailing confirmation to Planning & Design Services staff, then the application will be reinserted into the next current review cycle within the Case Management System, or the application will be docketed for public meeting if determined ready and complete by the case manager. The applicant will be responsible for any added costs associated with processing additional public meeting notices and/or meeting cancellation notices.

3.04.06 Cases that are noticed for their public meeting or neighborhood meeting less than fourteen (14) days after application submittal shall be exempt from these application notification requirements.