

Subject: PUBLIC NOTICE PROCEDURE

Date Issued: 9-23-11
Revision Issued: _____
Rescinded: N/A

1.1. PURPOSE

The purpose of this procedure is to establish the basic framework and requirements for public notice in association with Fountain Creek Watershed, Flood Control and Greenway District (District) review of land use applications and other decisions and hearings required by State law or other District rules, regulations and policies. (Procedures will be developed to address other aspects of land use application review, including submittal requirements and fees.)

1.2. BACKGROUND

There are several forms of public notice, including mailed and published, and other forms of notice provided as a courtesy by policy of the Board of the District, including mailed, posted, and published notice, that are provided to make citizens and property owners aware of land use applications and other actions impacting the use of land.

The type of notice may vary depending on the authority of the District. Within the 100-year floodplain south of the City of Fountain and north of the City of Pueblo, known as the Corridor in the enabling legislation for the District, the District has full land use authority. Outside of the Corridor within the Watershed Management Area, the District has recommending authority. (See map on Page 6.)

1.3. APPLICABLE STATUTES AND REGULATIONS

C.R.S. §§ 32-11.5-101 to 32-11.5-704 establishes the Fountain Creek Watershed, Flood Control and Greenway District and its authority in land use matters.

1.4. RESOURCES

(Reference forms, when available.)

1.5. GENERAL SUBMITTAL LIST

The submittals required to document notice are a copy of the mailing list (if applicable) and receipt or other proof of date of mailing, posting or publication. A copy of the sign to be posted on the project site shall be submitted. A copy of the mineral owner notification letter shall be submitted with the land use application.

1.6. DETERMINING NOTICE REQUIREMENTS

The District shall determine the proper notice requirements for all land use applications or actions based on the governing State law or other applicable District rules and regulations. Where

specific requirements are established by the District, they shall facilitate efficient processing of land use applications while providing reasonable notice to the public and provide the public the right to be heard. Generally, where the decision concerning a land use application or action is non-discretionary, provided the application meets the minimum regulatory standards, notice to the public is not required.

The time periods for public notice specified in this procedure are the minimum requirement. The Executive Director of the District has the authority to require longer public notice in the case of complex land use applications.

1.7. FLOWCHART AND TIMELINE

(Insert, when available.)

1.8. FORM OF ACTION

The decision of the District Board to establish the notice requirements for land use applications is considered effective at such time as the procedure is approved by the District Board.

1.9. RELATED PROCEDURES

(Reference other procedures, when available.)

1.10. TECHNICAL GUIDANCE

1.10.1. Required Notice by Development Application Type

The table at the end of this section summarizes the notice requirements for land use applications within the Corridor and outside of the Corridor within the Watershed Management Area.

Notice of a land use application outside the Corridor is considered a courtesy notice. Failure to meet the courtesy notice requirement shall have no effect on the decision, except that the decision making body may, at its sole discretion, delay a decision concerning a land use application where courtesy notice has not been given. However, for land use applications within the Corridor where a notice is shown to be required by State law or District rule or regulation, conformance with the notice requirement shall be a prerequisite to any action concerning the land use application or other item before the decision makers.

1.10.2. Mailed Early Notice

Early notice shall be provided by a mailed notice of the land use application and brief project description to adjacent property owners. The applicant is responsible for the mailed early notice prior to submittal of the land use application to the District or no later than three days after acceptance of the application by the District and at least 15 days prior to Technical Advisory Committee (TAC) or Citizens Advisory Group (CAG) meetings, whichever comes first. (The District may elect to hold a joint meeting of the TAC and CAG to expedite land use application

review.) The applicant shall provide the Executive Director with a mailing list and documentation of the date of mailing.

The Executive Director shall place a copy of the mailed early notice on the District website.

1.10.3. Mailed Adjacent Property Owner Notice

Adjacent property owner notice shall be provided by a letter or card mailed by the Executive Director at least 15 days prior to Board hearing, including a brief project description and the date, time and location of the Board hearing. For purposes of this notice, “adjacent” shall mean directly adjacent to the property that is the subject of the land use application.

The District may require a fee to cover mailing costs (in addition to the application fee) when the application is submitted.

1.10.4. Posted Notice

Posted notice shall be provided by placement of a sign by the applicant on the property that is the subject of the land use application in a location that is visible from public rights-of-way or places. Posting shall occur at least 15 days prior to the Board hearing. The applicant shall maintain the sign in good condition up until the time of the Board hearing and shall remove the sign after the hearing. The sign shall be at least 11 x 17 inches in size and of durable material to withstand outdoor conditions. The sign shall be in a format specified by the District and include language that a land use application on the property will be considered by the Watershed District Board on (date and time) at (place) and shall include contact information for the Executive Director.

The Executive Director may determine that posting of a sign is not required in the case of impractical or difficult site conditions.

1.10.5. Published Notice

The Executive Director or his/her designee shall post agendas for TAC, CAG, and District Board meetings, including land use items, at the customary locations at least 24 hours prior to meetings as specified in the annual Sunshine Law disclosure statement.

The Executive Director is responsible for published notice of meeting agendas and project-specific advertisements for land use applications in the Corridor at least 15 days prior to the Board hearing. The publications used to provide notice shall be as specified in the annual Sunshine Law disclosure statement.

The Executive Director or his/her designee shall post agendas and land use application materials for TAC, CAG, and District Board meetings on the District website prior to meetings.

1.10.6. Mailed Mineral Owner Notification

Mineral owner notification is required by State law prior to approval of certain land use applications. Following a title search within 30 days of submittal of the land use application to the District, notice shall be provided to mineral owners by the applicant via a mailed notice of the land use application and a brief project description. The notice shall include contact information for the Executive Director, should the mineral owner wish to provide comments.

1.10.7. Mailed Notice to Property Owners of Property that is the Subject of the Land Use Application

The notice to owners of the property that is the subject of the land use application shall be by a letter or card mailed by the Executive Director at least 15 days prior to Board hearing, including a brief project description and the date, time and location of the Board hearing. The District may require a fee to cover mailing costs when the application is submitted (in addition to the application fee).

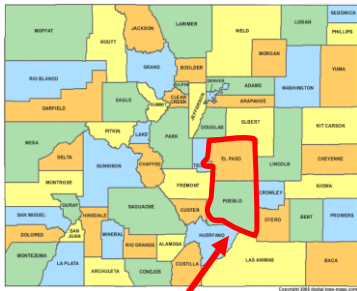
SUMMARY OF NOTICE REQUIREMENTS

Application Type	Notice Type					
	Mailed Early Notice	Mailed Adjacent Property Owner Notice	Posted Notice	Published Notice	Mailed Mineral Owner Notification	Mailed Notice to Owners of Property that is the Subject of the Land Use Application
<i>Land Use Application within the Corridor</i>	Letter mailed by Applicant within 3 business days of acceptance of land use application and at least 15 days prior to TAC or CAG meeting, whichever comes first Copy of mailed early notice is placed on District website by Executive Director	Letter or card mailed by Executive Director at least 15 days prior to Board hearing	Sign posted on the site of the land use application by Applicant at least 15 days prior to Board hearing Sunshine law posting of meeting agenda by Executive Director at least 24 hours prior to TAC, CAG and Board hearings	Project-specific advertisement published by Executive Director at least 15 days prior to Board hearing District website publication of TAC, CAG and Board hearing agendas and land use application materials	Letter mailed by Applicant within 3 business days of acceptance of land use application and at least 30 days prior to Board hearing	Letter or card mailed by Executive Director at least 15 days prior to Board hearing
<i>Land Use Application outside of the Corridor within the Watershed Management Area</i>			Sunshine Law posting of meeting agenda by Executive Director at least 24 hours prior to TAC, CAG and Board hearings	District website publication of TAC, CAG and Board hearing agendas and land use application materials		Letter or card mailed by Executive Director at least 15 days prior to Board hearing

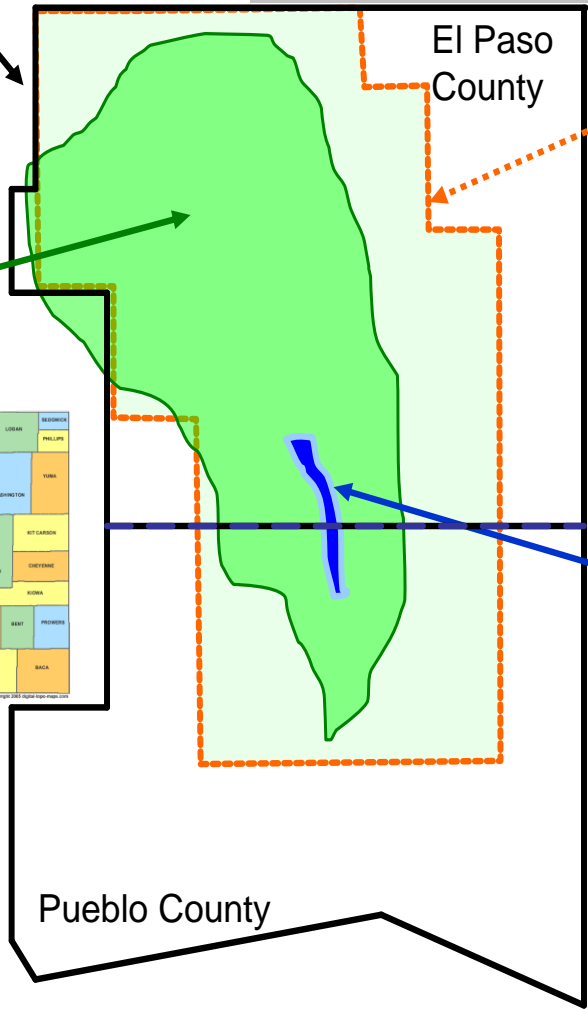
11.5-202 The "District":
 All of Both
 Counties

***Fountain Creek Watershed, Flood Control and
 Greenway District, created 2009***

**The hydrologic
 watershed:**
 (HUC # 11020003)



**Pueblo & El
 Paso Counties**



**11.5-103 (18) The
 Watershed
 Management Area:**
 slightly larger
 geographic area
 subject to future
 Fees. Legal
 description by
 Townships. Land use
Advisory Capacity

11.5-205 3b(I):
 The "Corridor,"
 the 100 Year
 Floodplain
 (FEMA) S. of
 Fountain & N. of
 Pueblo City
 limits. Limit of
 full land use
 authority.