

SUBSTANTIAL CHANGE SUBMITTAL CHECKLIST

APPLICATION REQUIREMENTS:

- _____ One original application form
- _____ One original Substantial Changes Questionnaire (page 4)
- _____ One digital or electronic copy of completed application materials, if required
- _____ One original map plus three copies which illustrates graphically how the parcel(s) existed **BEFORE** the substantial change and how the parcel(s) would exist **AFTER** the proposed substantial change
- _____ One copy of deed or legal instrument identifying applicant's interest in the property
- _____ One copy of affidavit and certified list of the names, addresses and the corresponding parcel identification number assigned by the Weld County Assessor of the owners' of property (the surface estate) within 500 feet of property being considered. This list shall be compiled from the records of the Weld County Assessor, the Weld County Website, www.co.weld.co.us, or a person qualified to do the task, and shall be current as of a date no more than thirty days prior to the date the application is submitted to the Department of Planning Services.
- _____ One copy of affidavit and certified list of the names and addresses of all mineral owners and lessees of mineral owners on or under the parcel of land being considered. The list shall be prepared from the real property records by a person qualified to do the task, and shall be current as of a date more than thirty days prior to the date the application is submitted to the Department of Planning Services. Note: Mineral Notification is in addition to that required by C.R.S. 24-65.5-102 through 104.
- _____ Application fees (page 2)

SUBSTANTIAL CHANGE PROCEDURAL GUIDE

<u>APPLICATION FEE</u>	<u>HEARINGS/MEETINGS</u>	<u>PROCESSING TIME</u>
\$ 2,000.00	Planning Commission Board of County Commissioners	75 days 45 days

Fees are non-refundable and due at time of application submittal. Fees are set by the Board of County Commissioners by Resolution. County Staff is not authorized to negotiate fees and cannot, under any circumstance, change, reduce, or amend the fees set forth in the Weld County Planning Fee Schedule.

PURPOSE

The purpose of this packet is to provide the applicant with information on the Substantial Change Application process found in Chapter 2, Article II, Section 2-3-10 of Weld County Code. A Copy of the Weld County Code is available online at www.co.weld.co.us (Quick Links – County Code). It is the responsibility of the applicant to be knowledgeable of the specific requirements of Substantial Change application process.

1. Except in those cases to which the requirements of Paragraph 1.A below apply, neither an applicant nor his successors in interest in property for which a land-use application was denied within the preceding five years may submit a land-use application or request a rehearing on a previously submitted application for any portion of the property contained in the original application unless the Board of County Commissioners has determined that, based upon a showing by the applicant, there has been a substantial change in the facts and circumstances regarding the application or that there is newly discovered evidence that the applicant could not have discovered with diligent effort at the time of the original application.
 - A. Upon approval of Ordinance 173-C, the Weld County Subdivision Ordinance, which became effective December 5, 1995, neither an applicant nor his successors in interest in property for which a Recorded Exemption application was denied within the preceding ten years may submit a Recorded Exemption application or request a rehearing on a previously submitted application for any portion of the property contained in the original application unless the Board of County Commissioners has determined that, based upon a showing by the applicant, there has been a substantial change in the facts and circumstances regarding the application or that there is newly discovered evidence that the applicant could not have discovered with diligent effort at the time of the original application.
2. "Substantial change in facts and circumstances" shall mean a substantial change in the land-use application, in the surrounding land-uses or in applicable provisions of the law.
3. A petition requesting rehearing on an application or permission to file another application for property previously denied a land-use permit shall be submitted to the Department of Planning Services for processing. The Department shall schedule a substantial change hearing before the Planning Commission or Board of County Commissioners. Land-use applications originally heard by only the Board of County Commissioners shall be scheduled before the board only. The Planning Commission shall consider the rehearing petition only if it considered the original land-use application. It shall review the petition and any supporting information. The Planning Commission shall consider whether the applicant has demonstrated that a substantial change in the facts or circumstances has occurred subsequent to the board's decision or that there was newly discovered evidence that the applicant could not have discovered with diligent effort at the time of the original application. The Planning Commission shall make a written recommendation of its findings to the Board of County Commissioners.
4. Legal notice of a substantial change hearing shall be published according to the method of publication for the original hearing. If originally heard before the Planning Commission, the Department of Planning Services shall be responsible for publication. If originally heard before the Board of County Commissioners, the Clerk to the Board shall be responsible for publication.
5. Notice of the substantial change hearing and the public hearing date shall be provided to owners of property located within five hundred feet of the parcel under consideration and owners and lessees of the mineral estate on or under the parcel under consideration. The notification shall be mailed, first class, not less than ten days before the scheduled public hearing. Similar notice shall also be provided any agency, body, or group who

received a referral request from the Department of Planning services on the original application. Notice will not be sent to property owners concerning land use matters, such as recorded exemptions, which were not sent when the original case was heard.

6. The Board of County Commissioners shall hold a substantial change hearing after the legal notice and notices to property owner, mineral owners and lessees, and referral agencies identified in items four and five have been completed. The legal notice and notification shall be done at least ten days prior to the board's hearing.
7. The Board of County Commissioners may grant such a petition when it determines that the applicant has demonstrated that a substantial change in the facts or circumstances has occurred subsequent to the board's decision or that there was newly discovered evidence not available to the applicant at the time the board considered the application. The board may deny the petition solely upon the contents of the petition or when deemed advisable by the board that the applicant has failed to demonstrate that a substantial change in the facts or circumstances have occurred subsequent to the board's decision or that there was newly discovered evidence that the applicant could not have discovered with diligent effort at the time of the original application. The board shall consider the applicant's rehearing petition, the Planning Commission's recommendation, oral testimony at the public hearings, written related information, and any other relevant material in making its decision.
8. When the Board of County Commissioners grants a rehearing petition, the applicant may file a new application with the Department of Planning Services. The application shall be processed in accordance with the requirements of the Weld County Zoning Ordinance or Weld County Subdivision Regulations.
9. No petition for rehearing may be granted where the decision of the Board of County Commissioners on a land-use application has been appealed or contested in any court of law, during the pendency of the court action.

SIGN POSTING

The Department of Planning Services will be responsible for posting a sign on the property under consideration in a location readily visible from the adjacent roadway(s). The sign will be posted at least ten days preceding the hearing date, both for the Planning Commission hearing and again for the Board of County Commissioners' hearing. The sign will be provided by the Department of Planning Services. The sign will be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, second sign at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way will be posted.

SUBSTANTIAL CHANGE QUESTIONNAIRE

Neither an applicant nor a successor in interest may submit any type of land use application within a five year period (ten years in the case of multiple recorded exemptions applications) following denial of a previous application involving the same property, unless the Board of County Commissioners has found, based on the applicant's rehearing petition, the Planning Commission's recommendation, oral testimony at the public hearings, written related information, and any other relevant material in making its decision at least one of the following criteria has been satisfied:

- A. Within the concept of a new application, the facts and circumstances of which are substantially changed from the initial application)
 - 1. Has the land-use application substantially changed? (eg, substantial changes in lot size or density, in internal or external roads, or, in the case of a rezoning, in the uses proposed)
 - 2. Have the surrounding land-uses substantially changed? (eg, has the adjacent land use changed during the period of time since the last application such that what would be compatible with the adjacent use has changed?)
 - 3. Have applicable provisions of the law substantially changed. (eg, the applicant is proposing using a different procedure so a different set of criteria apply or the applicable ordinance has been amended by the Board so the criteria have substantially changed)

OR

- B. Within the concept of rehearing the previously denied application.
 - 1. Is there newly discovered evidence that the applicant could not have discovered with diligent effort at the time of the original application?

SUBSTANTIAL CHANGE APPLICATION

FOR PLANNING DEPARTMENT USE	DATE RECEIVED: _____
RECEIPT/AMOUNT # _____ / \$ _____	CASE # ASSIGNED: _____
APPLICATION RECEIVED BY _____	PLANNER ASSIGNED: _____

PROPOSED TYPE OF SUBSTANTIAL CHANGE (check one)

- The land-use application has substantially changed.
- The surrounding land-uses have substantially changed.
- Applicable provisions of the law have substantially changed.
- There is newly discovered evidence that the applicant could not have discovered with diligent effort at the time of the original application

Case number under which you are requesting the substantial change: _____

Parcel Number _____ - _____ - _____ - _____ - _____

(12 digit number - found on Tax I.D. information, obtainable at the Weld County Assessor's Office, or www.co.weld.co.us)

Legal Description _____, Section ____, Township ____, North, Range ____, West

FEE OWNER(S) OF THE PROPERTY:

Name: _____
Work Phone # _____ Home Phone # _____ Email Address _____
Address: _____
City/State/Zip Code _____

APPLICANT OR AUTHORIZED AGENT *(See Below: Authorization must accompany applications signed by Authorized Agent)*

Name: _____
Work Phone # _____ Home Phone # _____ Email Address _____
Address: _____
City/State/Zip Code _____

I (We) hereby depose and state under penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my (our) knowledge. Signatures of all fee owners of property must sign this application. If an Authorized Agent signs, a letter of authorization from all fee owners must be included with the application. If a corporation is the fee owner, notarized evidence must be included showing the signatory has to legal authority to sign for the corporation.

Signature: Owner or Authorized Agent Date

Signature: Owner or Authorized Agent Date

AFFIDAVIT OF INTEREST OWNERS SURFACE ESTATE

Property Legal Description: _____

Parcel Number _____ - _____ - _____ - _____ - _____

(12 digit number - found on Tax I.D. information, obtainable at the Weld County Assessor's Office, or www.co.weld.co.us)
 (Include all lots being included in the application area. If additional space is required, attach an additional sheet)

THE UNDERSIGNED, being first duly sworn, states that to the best of his or her knowledge the attached list is a true and accurate list of the names, addresses, and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners' of property (the surface estate) within five hundred (500) feet of the property being considered. This list was compiled from the records of the Weld County Assessor, or a person qualified to do the task, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Department of Planning Services.

Signatures of all fee owners of property must sign this application. If an Authorized Agent signs, a letter of authorization from all fee owners must be included with the application. If a corporation is the fee owner, notarized evidence must be included indicating the signatory has the legal authority to sign for the corporation.

I (We) hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with or contained within the application are true and correct to the best of my (our) knowledge.

 Signature Date

 Signature Date

 Signature Date