

ORDINANCE NO. 2025-013

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 15.64 AND SECTION 17.04.060 OF THE CASTLE ROCK MUNICIPAL CODE REGARDING THE MAILING OF WRITTEN NOTICE OF PUBLIC HEARINGS TO NEIGHBORING PROPERTY OWNERS AND HOMEOWNER ASSOCIATIONS

WHEREAS, the Town of Castle Rock (the “Town”) is committed to providing interested Town property owners an opportunity to express their views and concerns on land use and development applications within Town boundaries; and

WHEREAS, to ensure full transparency, the Town Council finds and determines that the area within which written notice of a public hearing is sent should be expanded for large-scale development projects of a size equal to or greater than 40 acres; and

WHEREAS, the Town Council further finds and determines that such notice should also be sent to interested homeowner associations; and

WHEREAS, the Town Council, after taking into consideration the recommendations of Town staff, now desires to adopt the proposed amendments to Chapter 15.64 and Section 17.04.060 of the Castle Rock Municipal Code.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, AS FOLLOWS:

Section 1. Amendment. Subsection 15.64.080.E.1 of the Castle Rock Municipal Code is amended to read as follows:

15.64.080 - Landmark designation.

E. Proceedings by the Board on an ordinance approving an application for Landmark designation.

1. Notice.

- a. ~~POSTED NOTICE. Notice of time, date, place and a brief summary of explanation of the subject matter~~ TO THE GENERAL PUBLIC of the public hearing ~~on the ordinance~~ shall be posted on the property in a manner visible from all adjacent public rights-of-way at least ~~40~~ 15 days prior to the hearing.
- b. WRITTEN NOTICE. THE APPLICANT SHALL SEND WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF EXPLANATION OF THE SUBJECT MATTER OF THE PUBLIC HEARING BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED

BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE SENT TO THE OWNER OF EACH PROPERTY WITHIN 300 FEET OF THE PROPERTY THAT IS THE SUBJECT OF THE PUBLIC HEARING AND, IF APPLICABLE, THE HOMEOWNER ASSOCIATION IN WHICH THE SUBJECT PROPERTY IS LOCATED. IF THE TOWN IS THE APPLICANT, WRITTEN NOTICE SHALL ALSO BE SENT TO THE OWNER(S) OF THE PROPERTY THAT IS THE SUBJECT OF THE PUBLIC HEARING. THE DEPARTMENT MAY REQUIRE AN EXPANDED NOTIFICATION AREA IF THE DEPARTMENT REASONABLY DETERMINES THAT THE PROJECT HAS A SUBSTANTIAL REGIONAL IMPACT. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE TOWN AND/OR THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

Section 2. Amendment. Subsection 15.64.090.C of the Castle Rock Municipal Code is amended to read as follows:

15.64.090 - Demolition or relocation of non-Landmarked structures.

C. ~~Notice of the public hearing on a demolition or relocation request shall be accomplished in the same manner as in Paragraph 15.30.080.E.1 of this Code.~~

1. POSTED NOTICE. NOTICE TO THE GENERAL PUBLIC OF THE PUBLIC HEARING SHALL BE POSTED ON THE PROPERTY IN A MANNER VISIBLE FROM ALL ADJACENT PUBLIC RIGHTS-OF-WAY AT LEAST 15 DAYS PRIOR TO THE HEARING.
2. WRITTEN NOTICE. THE APPLICANT SHALL SEND WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF EXPLANATION OF THE SUBJECT MATTER OF THE PUBLIC HEARING BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE SENT TO THE OWNER OF EACH PROPERTY WITHIN 300 FEET OF THE PROPERTY THAT IS THE SUBJECT OF THE PUBLIC HEARING AND, IF APPLICABLE, THE HOMEOWNER ASSOCIATION IN WHICH THE SUBJECT PROPERTY IS LOCATED. THE DEPARTMENT MAY REQUIRE AN EXPANDED NOTIFICATION AREA IF THE DEPARTMENT REASONABLY DETERMINES THAT THE PROJECT HAS A SUBSTANTIAL REGIONAL IMPACT. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

Section 3. Amendment. Subsection 15.64.100.C of the Castle Rock Municipal Code is amended to read as follows:

15.64.100 - Amendment and removal of Landmark designation.

C. ~~Notice of the public hearings on a Landmarking status removal request shall be accomplished in the same manner as in Paragraph 15.64.080.E.1.~~

1. POSTED NOTICE. NOTICE TO THE GENERAL PUBLIC OF THE PUBLIC HEARING SHALL BE POSTED ON THE PROPERTY IN A MANNER VISIBLE FROM ALL ADJACENT PUBLIC RIGHTS-OF-WAY AT LEAST 15 DAYS PRIOR TO THE HEARING.
2. WRITTEN NOTICE. THE APPLICANT SHALL SEND WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF EXPLANATION OF THE SUBJECT MATTER OF THE PUBLIC HEARING BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE SENT TO THE OWNER OF EACH PROPERTY WITHIN 300 FEET OF THE PROPERTY THAT IS THE SUBJECT OF THE PUBLIC HEARING AND, IF APPLICABLE, THE HOMEOWNER ASSOCIATION IN WHICH THE SUBJECT PROPERTY IS LOCATED. THE DEPARTMENT MAY REQUIRE AN EXPANDED NOTIFICATION AREA IF THE DEPARTMENT REASONABLY DETERMINES THAT THE PROJECT HAS A SUBSTANTIAL REGIONAL IMPACT. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

Section 4. Amendment. Subsections 15.64.140.D.1 and F.2 of the Castle Rock Municipal Code are amended to read as follows:

15.64.140 - Alteration of a Landmark.

D. Board Proceedings on the Application for Alteration Certificate.

1. Notice.
 - a. ~~POSTED NOTICE. Notice of time, date, place and a brief summary of explanation of the subject matter~~ TO THE GENERAL PUBLIC OF THE PUBLIC HEARING SHALL BE POSTED ON THE PROPERTY IN A MANNER visible from all adjacent public rights-of-way at least ~~ten~~ 15 days prior to the hearing. ~~The Department shall be responsible for accomplishing the public notice.~~

- b. WRITTEN NOTICE. THE APPLICANT SHALL SEND WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF EXPLANATION OF THE SUBJECT MATTER OF THE PUBLIC HEARING BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE SENT TO THE OWNER OF EACH PROPERTY WITHIN 300 FEET OF THE PROPERTY THAT IS THE SUBJECT OF THE PUBLIC HEARING AND, IF APPLICABLE, THE HOMEOWNER ASSOCIATION IN WHICH THE SUBJECT PROPERTY IS LOCATED. THE DEPARTMENT MAY REQUIRE AN EXPANDED NOTIFICATION AREA IF THE DEPARTMENT REASONABLY DETERMINES THAT THE PROJECT HAS A SUBSTANTIAL REGIONAL IMPACT. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

F. Appeal of Board's denial of Relocation Certificate.

2. Notice. ~~Notice of time, date, place and a brief summary of explanation of the subject matter of the public hearing shall be posted on the property in a manner visible from all adjacent public rights of way at least 10 days prior to the hearing. The Department shall be responsible for accomplishing the public notice~~ THE APPEAL SHALL BE ACCOMPLISHED IN THE SAME MANNER SET FORTH IN SUBSECTION D.1 OF THIS SECTION.

Section 5. Amendment. Subsections 15.64.160.D.1 and F.2 of the Castle Rock Municipal Code are amended to read as follows:

15.64.160 - Relocation of a Landmark.

D. Board proceedings on applications for Relocation Certificates.

1. Notice.
 - a. POSTED NOTICE. ~~Notice of time, date, place and a brief summary of explanation of the subject matter~~ TO THE GENERAL PUBLIC of the public hearing shall be posted on the property in a manner visible from all adjacent public rights-of-way at least ~~10~~ 15 days prior to the hearing. ~~The Department shall be responsible for accomplishing the public notice.~~
 - b. WRITTEN NOTICE. THE APPLICANT SHALL SEND WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF EXPLANATION OF THE SUBJECT MATTER OF THE PUBLIC HEARING BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO

THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE SENT TO THE OWNER OF EACH PROPERTY WITHIN 300 FEET OF THE PROPERTY THAT IS THE SUBJECT OF THE PUBLIC HEARING AND, IF APPLICABLE, THE HOMEOWNER ASSOCIATION IN WHICH THE SUBJECT PROPERTY IS LOCATED. THE DEPARTMENT MAY REQUIRE AN EXPANDED NOTIFICATION AREA IF THE DEPARTMENT REASONABLY DETERMINES THAT THE PROJECT HAS A SUBSTANTIAL REGIONAL IMPACT. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

F. Appeal of Board's denial of Relocation Certificate.

2. Notice. ~~Notice of time, date, place and a brief summary of explanation of the subject matter of the public hearing shall be posted on the property in a manner visible from all adjacent public rights-of-way at least 10 days prior to the hearing. The Department shall be responsible for accomplishing the public notice~~ THE APPEAL SHALL BE ACCOMPLISHED IN THE SAME MANNER SET FORTH IN SUBSECTION D.1 OF THIS SECTION.

Section 6. Amendment. Subsections 15.64.200.E.1 and F of the Castle Rock Municipal Code are amended to read as follows:

15.64.200 - Approval for new construction and alterations to non-Landmarked properties, Craig and Gould neighborhood.

E. Board proceedings.

1. Notice.
 - a. POSTED NOTICE. ~~Notice of time, date and place of the public hearing and a brief summary of explanation of the subject matter~~ TO THE GENERAL PUBLIC of the hearing shall be posted on the property in a manner visible from all adjacent public rights-of-way at least ~~ten~~ 15 days prior to the hearing. ~~The Town shall be responsible for accomplishing the public notice.~~
 - b. WRITTEN NOTICE. THE APPLICANT SHALL SEND WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF EXPLANATION OF THE SUBJECT MATTER OF THE PUBLIC HEARING BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE

SENT TO THE OWNER OF EACH PROPERTY WITHIN 300 FEET OF THE PROPERTY THAT IS THE SUBJECT OF THE PUBLIC HEARING AND, IF APPLICABLE, THE HOMEOWNER ASSOCIATION IN WHICH THE SUBJECT PROPERTY IS LOCATED. THE DEPARTMENT MAY REQUIRE AN EXPANDED NOTIFICATION AREA IF THE DEPARTMENT REASONABLY DETERMINES THAT THE PROJECT HAS A SUBSTANTIAL REGIONAL IMPACT. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

F. Appeal of Board decisions. Within 21 days of the Board's decision regarding for new construction and or Alterations to non-Landmarked properties, an applicant may appeal any decision of the Board to the Town Council by filing a written notice of appeal with the Department within 21 days of the Board's decision.

1. Notice. ~~Notice of time, date and place of the public hearing and a brief summary of explanation of the subject matter of the hearing shall be posted on the property in a manner visible from all adjacent public rights of way at least 10 days prior to the hearing. The Town shall be responsible for accomplishing the public notice.~~ THE APPEAL SHALL BE ACCOMPLISHED IN THE SAME MANNER SET FORTH IN SUBSECTION E.1 OF THIS SECTION.

Section 7. Amendment. Chapter 15.64 of the Castle Rock Municipal Code is amended by the addition of a new section 15.64.205, which section reads as follows:

15.64.205 – Standard for compliance - notice.

- A. The standard for compliance with the notice provisions of this Chapter shall be substantial compliance. The Department shall determine if substantial compliance with these provisions has been demonstrated and that administrative decision shall be final and binding. In the event the Department determines that the notice does not meet the substantial compliance standard, such noticed hearing shall be vacated and the matter re-noticed.
- B. Notwithstanding any provisions of this section to the contrary, the following shall not affect the validity of any hearing, meeting or determination under this Chapter:
 1. The fact that any written notice was not mailed as required under any provision of this Chapter, provided that the applicant acted in good faith in making the mailing;
 2. The fact that written notice, mailed as required under any provision of this Chapter, was not actually received by one (1) or more of the intended recipients; or

3. The fact that signage, posted in compliance with any provision of this Chapter, was subsequently damaged, stolen or removed either by natural causes or by persons other than the person responsible for posting such signage or their agents.

Section 8. Amendment. Section 17.04.060 of the Castle Rock Municipal Code is hereby amended to read as follows:

17.04.060 - Notice for public hearing.

- A. All land use applications for which this Title mandates public hearings shall be subject to the requirements set forth in this Chapter. Noticing of public hearings is intended to provide for the opportunity for public participation or public information on land use and development applications within the Town.
- B. The applicant shall be responsible for providing written notice and certifying by affidavit that the posting of the property for the public hearing is in accordance with these requirements.
1. Written notice. Written notice of a public hearing shall be sent by first-class mail at least fifteen (15) days prior to the date on which the public hearing is to be held. Notice is considered sent on the date it is postmarked by the U.S. Postal Service. Written notice shall be sent to owners of the property which is subject of the public hearing and to owners of property ~~within five hundred (500) feet of the subject property~~ AND HOMEOWNER ASSOCIATIONS IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

DEVELOPMENT PROJECT	PROPERTY OWNERS	HOMEOWNER ASSOCIATIONS
(a) 40 ACRES OR MORE	WITHIN 1,500 FOOT-RADIUS OF PROJECT	WITHIN HALF MILE-RADIUS OF PROJECT
(b) EXCEPT AS PROVIDED IN SUBSECTIONS B.1.(d) AND (e) OF THIS SECTION, LESS THAN 40 ACRES	WITHIN 500 FOOT-RADIUS OF PROJECT	WITHIN HALF MILE-RADIUS OF PROJECT
(c) ANY DOWNTOWN SITE DEVELOPMENT PLAN		
(d) SINGLE RESIDENTIAL LOT, UP TO AND INCLUDING 10 UNITS	ADJACENT PROPERTIES	WITHIN PROJECT BOUNDARIES
(e) ANY LAND USE APPLICATION REQUIRING BOARD OF ADJUSTMENT APPROVAL		

~~;~~ provided, however, that ~~the Director~~ MANAGER, at the Director's discretion, may require an expanded notification area IF THE MANAGER REASONABLY DETERMINES THAT THE PROJECT HAS A SUBSTANTIAL REGIONAL IMPACT. In compiling the names and addresses of the notice recipients, the applicant may rely on the accuracy of the public records of Douglas County, Colorado, as those records exist thirty (30) days prior to the hearing.

2. Posted notice. The real property proposed to be developed shall be posted with a sign giving notice to the general public of the proposed development at least fifteen (15) days prior to the date on which the public hearing is to be held. For parcels of land exceeding ten (10) acres in size, two (2) signs shall be posted. The size of the sign is established in accordance with the standards set forth in the Development Services Procedure Manual, as amended from time to time. Such signs shall be generated by the Development Services Department and shall be posted on the subject property by the Town or, if directed by the Director, the applicant in a manner visible to the public and, whenever possible, at the nearest right-of-way adjacent to the property or, otherwise, at a location(s) reasonably calculated by the Director to afford the best notice to the public. Once the sign is posted, the applicant is responsible for ensuring the sign is maintained in accordance with the requirements set forth in the Development Services Procedures Manual.
 3. FOR PURPOSES OF THIS SECTION, "ADJACENT PROPERTY" MEANS A PROPERTY THAT SHARES A PROPERTY LINE, IN WHOLE OR IN PART, WITH, OR IS DIRECTLY ACROSS A STREET RIGHT-OF-WAY FROM THE SUBJECT PROPERTY.
- C. The Town shall post a notice of the hearing on the Town's website seven (7) days prior to such public hearing, in the usual and customary location within the website for such notices. For the purpose of this Section, website shall mean the Town's website www.CRgov.com.
 - D. At its expense, the Town may initiate community outreach and expand notification concerning an application or public hearing beyond the minimum requirements set forth in this Chapter.
 - E. Prior to the first noticed public hearing, the applicant or applicant's representative shall provide the Development Services Department affidavits demonstrating good faith and substantial compliance with Subsection B above. The form and content of the notice and affidavit shall comply with the standards set forth in the Development Procedures Manual.
 - F. The standard for compliance with the notice provisions of this Section shall be substantial compliance. The Director shall determine if substantial compliance with these provisions has been demonstrated and that administrative decision shall be final and binding. In the event the Director determines that the notice does not meet the substantial compliance standard, such noticed hearing shall be vacated and the matter re-noticed.

G. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE FOLLOWING SHALL NOT AFFECT THE VALIDITY OF ANY HEARING, MEETING OR DETERMINATION UNDER THIS TITLE 17:

1. THE FACT THAT WRITTEN NOTICE WAS NOT MAILED AS REQUIRED UNDER THE PROVISION OF THIS SECTION, PROVIDED THAT THE APPLICANT ACTED IN GOOD FAITH IN MAKING THE MAILING;
2. THE FACT THAT WRITTEN NOTICE, MAILED AS REQUIRED UNDER THE PROVISION OF THIS SECTION, WAS NOT ACTUALLY RECEIVED BY ONE (1) OR MORE OF THE INTENDED RECIPIENTS; OR
3. THE FACT THAT SIGNAGE, POSTED IN COMPLIANCE WITH THE PROVISION OF THIS SECTION, WAS SUBSEQUENTLY DAMAGED, STOLEN OR REMOVED EITHER BY NATURAL CAUSES OR BY PERSONS OTHER THAN THE PERSON RESPONSIBLE FOR POSTING SUCH SIGNAGE OR THEIR AGENTS.

~~G~~-H. Notice of an application that has been remanded to Planning Commission in accordance with Subsection 17.04.090.E shall be by website notice five (5) days prior to the public hearing of the Planning Commission.

Section 9. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgement shall not affect the remaining provisions of this ordinance.

Section 10. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 1st day of April, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 15th day of April, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Tara Vargish, Director of Development Services

