

PITKIN COUNTY
BOARD OF ADJUSTMENT
PUBLIC NOTICE REQUIREMENTS

Land Use Code Section 2-20-100

For all decisions that require a public hearing, public notice shall be provided pursuant to this section.

Development Applications

Prior to a public hearing on a development application, notice shall be provided to the public, pursuant to the terms of this section.

(1) CONTENT

Every notice shall include:

- (a) The name and mailing address of the applicant.
- (b) The type of development application sought.
- (c) Date, time and place of the hearing, (if a hearing is required) or the last date on which comments regarding the application will be received by the County (if a hearing is not required).
- (d) The address and legal description of the subject property if applicable.
- (e) A summary of the development application under consideration.
- (f) Identification of the decision-making body conducting the hearing (or making the decision, if no hearing is required).
- (g) Such other information as may be required to fully appraise the public of the nature of the application.

(2) PUBLICATION

The Community Development Director shall cause notice of the hearings to be published one time in a newspaper of general circulation in the County as follows:

- (a) For matters in which the Board of County Commissioners is the decision-making body, at least fourteen (14) and no more than ninety (90) days prior to the hearings.
- (b) For matters in which the Board of Adjustment is the decision-making body, at least seven (7) and no more than ninety (90) days prior to the hearings.

(3) POSTING

- (a) Posting of notice shall be made by the applicant by posting a sign in a conspicuous place on the property subject to the development application. The form of the sign shall be obtained from the Community Development Department. The sign shall be placed on the property at least fifteen (15) days prior to the public hearing, and shall be maintained in readable condition in the same location until the date of the public hearing.
- (b) The sign shall be made of suitable, waterproof materials, shall be not less than twenty-four (24) inches wide and thirty-six (36) inches high, and shall be composed of letters not less than one (1) inch in height.

(c) The applicant shall provide a signed and notarized affidavit in a form as specified by the Community Development Director attesting to the date that the sign was posted. A photograph of the posted sign must accompany the affidavit.

(d) It is the applicant's duty to ensure that required posted notice remains in place and in readable condition for the period specified above, to replace the posted notice if it is removed or becomes unreadable during that period, and to remove the sign within one (1) week after the public hearing.

(4) MAILING

(a) The applicant shall obtain copy of the notice from the Community Development Department.

(b) At least thirty (30) days prior to a public hearing before the Board of County Commissioners, and at least seven (7) days prior to a public hearing before the Board of Adjustment, the applicant shall send the required form of notice to all owners of property within 300 feet of the property that is subject to the development application, as follows. If the application is for approval of oil and gas extraction or mineral extraction, notice shall be provided to both the current surface owners and current subsurface owners of the parcels of land within which the facility is proposed to be located, as well as the current surface owners of those parcels of land adjacent to the parcels within which the facility is proposed to be located.

(c) For purposes of the notice mailing, the applicant shall use the names and addresses on the current tax records of Pitkin County as they appeared no more than sixty (60) days prior to the date of the public hearing. It shall be the applicant's responsibility to obtain the required addresses.

(d) Notices shall be sent to property owners within 300 feet of the subject site by first class, postage prepaid U.S. mail. The applicant shall deliver to the Community Development Department, prior to any scheduled public hearing, meeting, or any administrative decision that requires a public notice, an affidavit confirming that the required mailed notices have been completed in accordance with the provisions of this subsection (4).