

How to do a Public Notice

**NOTE: The applicant is entirely responsible for public noticing.
Mistakes in your public noticing may result in cancellation or invalidation of your hearing.
Please take the time to do your noticing correctly.**

Background

The purpose of public noticing is to alert affected or interested parties that your application is occurring so that they may contribute their feedback to the review of your application. All applications that require public review before the Planning and Zoning Commission and/or City Council, with the exception of conceptual reviews, and some applications that are reviewed administratively require public noticing. The public noticing is entirely the responsibility of the applicant and must be completed in accordance with sections 020.030.060 and 070.060.030(f) of the Municipal Code, a copy of which is attached on page 11. **If your public noticing is incorrect or late, it may result in the cancellation or invalidation of your hearing.**

Purpose of this packet

The purpose of this packet is to assist you in the preparation and posting of a public notice according to the Glenwood Springs Municipal Code. It is not meant to substitute for careful review of the applicable sections of the Municipal Code which are attached to the end of this packet. If you have questions about public noticing requirements we urge you to contact your attorney or a Community Development staff member at (970) 384-6411. We recommend that you review the noticing requirements and your public notice with an attorney and/or a Community Development staff member even if you have completed public noticing in previous applications.

Applications requiring public noticing

Following are examples of applications requiring public noticing. If your type of application is not on this list, please contact a Community Development staff member at (970) 384-6411 upon submitting your application to check if public noticing is required:

Variances
Major and Minor Site/Architectural Plan Reviews
Master Plans
Location & Extent Reviews
Preliminary Plans
Special Use Permits/Special reviews
Condominiumizations requiring public hearings
Planned Unit Developments (PUDs)

Annexations
Licenses to encroach
Appeals
Re-zoning or amendments to the zoning requirements
Amendments to previously approved permits or conditions of approval

Overview of public noticing & proofs of public noticing

Following is an overview of the public noticing steps. The remainder of this packet leads you through each of these steps in greater detail.

1. **Writing a notice.** You will write a public notice that lists what actions you are requesting in your application and other pertinent information that provides the public with additional background. (pg. 3-6)

2. **Public noticing.** You will notify the public of your application in the following three (3) ways:
 - a. Publish your public notice twice in the Glenwood Post-Independent newspaper. (pg. 7)
 - b. Post a public notice sign on your property. (pg. 7)
 - c. Mail your public notice to owners of all real property within 300 feet of any boundary or edge of the subject property/parcel. (pg. 8)

3. **Proof of public notice.** You will provide the Community Development Department with the following three (3) items as proof of public noticing after it is completed but prior to your public hearing:
 - a. A signed and notarized proof of public notice affidavit (pg. 9-11)
 - b. A signed and notarized proof of publication from the Post-Independent (pg. 9)
 - c. A list of names and mailing addresses of the owners of record of all property within 300 feet of the subject property that you mailed the notice to (pg. 9)

STEP 1 – Writing a public notice

Overview

Your first step is to write a public notice. You will publish this notice in the newspaper and send it to the neighboring property owners.

The Community Development Department has a suggested format (See page 4). Examples of completed notices are on pages 5 and 6. We do offer and recommend that you have one of the Community Development staff review your public notice once you've finished writing it and prior to sending it out because some notices include mistakes that we may catch, or in many cases, the application includes variances that the applicant is unaware of which must be included in the notice if they are to be considered at the hearing.

Information to include

We recommend that your public notice includes the following information. For the exact wording of the public noticing requirements, see subsections 020.030.060 and 070.060.030(f) on page 11 of this packet.

- The time, date, and location of the hearing*** (Check with planning staff on hearing date and time.)
- Whether the hearing is in front of the Planning and Zoning Commission or City Council***
- The names of the applicant and all owners of the subject property***
- The current zoning of the property***
- A brief description of the project***
Examples: “a 9-lot subdivision for single-family homes and townhomes” or, “a 9,000 sq. ft. building including retail and offices” or, “a 2,340 sq. ft. single-family home in the hillside preservation overlay zone.”
- The legal description or address of the subject property***
-The legal description may be either the lot number and subdivision name or the metes and bounds description prepared by a licensed surveyor or engineer
- A description of the purpose of the hearing and all actions that will be requested***
-List ALL permits, subdivisions, licenses, zoning variances, etc., that you will request. In other words, list any action you will be requesting at the hearing. **If an action isn't listed in your public notice, it cannot be considered at the hearing.**
-If you will be requesting any design variances, it is sufficient to make a statement that the application includes requests for design variances. You need not list them out separately like you must do for zoning variances. If you are unsure which variances are for zoning or design, contact the Community Development Department.

The following is a suggested format for public noticing. However, the applicant is responsible to meet the legal requirements of noticing and should refer to the requirements as outlined in the Glenwood Springs Municipal Code (page 11 of this packet).

PUBLIC NOTICE

Please take notice that the Glenwood Springs _____
(Planning and Zoning Commission or City Council)

will conduct a public hearing to consider an application for _____

for property located at _____

in the City of Glenwood Springs, Colorado. The application is submitted by _____
_____ and the property is owned
by _____

_____. The public hearing will be held
on _____, 20____, at _____ p.m. in the Council Chambers,
Glenwood Springs City Hall, 101 W. 8th Street, Glenwood Springs, Colorado. Additional information
on the application is available for review at the Community Development Department at
City Hall, or by calling (970) 384-6411.

Signature of Applicant

SAMPLE PUBLIC NOTICE #1

Following is a sample public notice written for a request for a special use permit for an automobile washing facility in the M/1-mixed use corridor zoning district. It demonstrates an acceptable format for a public notice.

PUBLIC NOTICE

Please take notice that the Glenwood Springs Planning and Zoning Commission will conduct a public hearing to consider an application for a special use permit to allow an automobile washing facility in the M/1-mixed use corridor zoning district.

The property is located at 1234 Main Street and is legally described as Lot 2, Moose Snout Subdivision.

The property is zoned M/1-mixed use corridor. The property is owned by Eleanor Johnson and the application is submitted by Elegant Architecture, LLC.

The public hearing will be held on January 22, 2019 at 6:00 p.m. in the Council Chambers, Glenwood Springs City Hall, 101 W. 8th Street, Glenwood Springs, Colorado. Additional information on the application is available for review at the Planning Department at City Hall, 101 W. 8th Street, Glenwood Springs, Colorado 81601, or by calling (970) 384-6411.

SAMPLE PUBLIC NOTICE #2

Following is a sample public notice written for a request for a minor site/architectural plan review, special use permit, and variances for a drive-through restaurant. It demonstrates an acceptable format for a public notice.

PUBLIC NOTICE

Please take notice that the Glenwood Springs Planning and Zoning Commission will conduct a public hearing to consider an application for a major development permit, special use permit, and variances for a 4,000 square foot drive-through restaurant. The application includes the following variance requests: a variance for up to 23 foot-candle (fc) light trespass at the property line which exceeds the maximum allowed trespass of 5 fc in lighting district 2, a reduction in the required number of parking spaces by 2 spaces, and a front yard setback variance of 12 ft. which is 8 ft. less than the required 20 ft. setback.

The property is located at 1234 Main Street and is legally described as Lot 3, Apple Creek Subdivision Planned Unit Development, in the City of Glenwood Springs, Colorado, and is zoned C/PUD. The application is submitted by Mountain Development, Inc., and the property is owned by Sam and Deborah Foster.

The public hearing will be held on January 22, 2019 at 6:00 p.m. in the Council Chambers, Glenwood Springs City Hall, 101 W. 8th Street, Glenwood Springs, Colorado. Additional information on the application is available for review at the Planning Department at City Hall, 101 W. 8th Street, Glenwood Springs, Colorado 81601, or by calling (970) 384-6411.

STEP 2 – Publishing, Posting, and Mailing the Notice

Part A – Publishing your notice – Timing & Procedures

- ❖ **Contact.** You are required to publish your public notice twice in the Post-Independent newspaper. Contact the Post-Independent directly to arrange these publications. You can email publications to legals@postindependent.com
- ❖ **First publication.** You will arrange the first publication to occur between ten (10) and fifteen (15) days prior to the public hearing. This date range is listed in the second column on the public noticing deadlines on page 12-13. So, for instance, if your application was scheduled for the June 25 hearing, you must arrange for your first publication to occur between June 10 and 15.
- ❖ **Second publication.** Arrange to have the second publication of your notice in the newspaper occur exactly seven (7) days after the first publication.
- ❖ **Lead time.** Be aware that the newspaper needs a couple days of lead time to publish your notice. Additional time may be necessary if your publication date falls close to a holiday observance. Contact the Post Independent for details well in advance of the dates you want to publish.

Part B – Posting your notice sign – Timing & Procedures

- ❖ **Blank signs.** You are required to post a public notice sign on the subject property. Blank public notice signs are available at the Community Development Department for you to fill in with the information pertinent to your application. The format of this sign is similar to your written notice and needs to list all the actions you are requesting.
- ❖ **Location.** Post the sign in a location such that it is visible from the adjacent right-of-way. How you do this is up to you. If your property is adjacent to two rights-of-way, please obtain two signs and post them such that there is a sign visible from each right-of-way.
- ❖ **Timing.** You must post your sign at least ten (10) days prior to the hearing. The deadline to post the sign is listed in the third column on the public noticing deadlines on pages 12-13. So, for instance, if your application was scheduled for a June 27 hearing, you must arrange for your sign to be posted by June 16 at the latest.
- ❖ **Weather.** Your sign must be visible and readable for the ten days prior to your hearing. If you believe weather may ruin the sign and make it illegible, you may want to consider some sort of weatherproofing such as lamination.

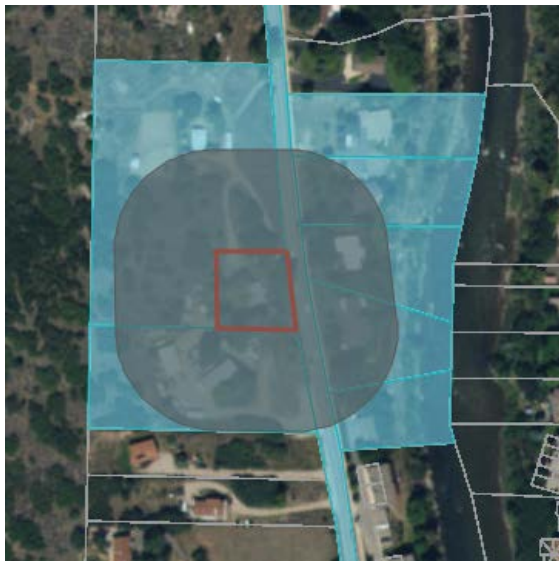
Part C – Mailing your notice – Timing & Procedures

- ❖ **Scope.** You are required to mail your public notice to everyone who owns property within 300 ft. of any property line of the subject property. For an example, see the diagram below. If you are in doubt as to how far 300 ft. is, we recommend that you err on the high side and notice owners further than 300 ft. If you miss even one property owner within 300 ft., including condominium owners, it can result in cancellation or invalidation of your hearing.

- ❖ **Timing.** This notice must be mailed out at least ten (10) days prior to the hearing. The deadline to mail the notice is listed in the third column on the public noticing deadlines on pages 12-13. So, for instance, if your application was scheduled for a June 27th Planning and Zoning Commission hearing, you must mail your notice by June 16th at the latest.

Addresses and ownership information. You are required to use the most current information on file with the Garfield County Assessor for the names and addresses of the property owners you send your notice to. These names and addresses are considered the legal owners of record. The County Assessor is located at 109 W. 8th Street in Glenwood Springs. Alternatively, if you are familiar with the use of parcel maps and the assessor’s database, you may choose to access these tools via the Garfield County website at <http://gis.garfield-county.com/> Select “Land Explorer.” Type in your address or parcel number. You may use the buffer tool on this website to measure 300 ft. from all boundaries of your property and print the resulting list of addresses. Contact the County Assessor’s office at 970 945-9134 for assistance.

- ❖ Once you look up the parcel numbers of the properties on the parcel maps, you can plug these into the assessor’s database to obtain the names and addresses of the property owners. You may also contact the Garfield County Assessor’s office at 970 945-9134 for assistance in obtaining a list of properties within 300 ft; however, please be aware the applicant is responsible for the accuracy of this list.
- ❖ **Condominium owners.** If there are condominiums within 300 ft. of the edge of your property, make sure that you send your notice to each condominium owner plus the Homeowners’ Association (HOA). Condominium unit parcel numbers are often listed in the margins of the parcel maps. If the map indicates that a parcel contains condominiums, but individual parcel numbers are not provided on the map for each unit, verify with the Assessor whether the parcel currently contains condos and obtain the parcel number for each unit as well as any common areas that are owned by a Homeowners Association.
- ❖ **Certified mail.** You are not required to send your notice via certified mail. However, we recommend sending your notice this way as having certified mail receipts on file may eliminate confusion if a property owner believes that they have not received their notice.



 = Subject Property

Determining which properties to notice. Select the buffer tab and set distance to 300 and measurement unit to feet. Click the buffer button and then click on the desired parcel on the map. The buffer will highlight all properties within 300 feet and generate a list of addresses of record. This 300 foot distance can extend across streets as evidenced in this diagram. The owners of record of any properties contained within this area must be noticed, even if only a sliver or corner of their property is within this area. Public notices must be sent to all condo owners and the HOA.

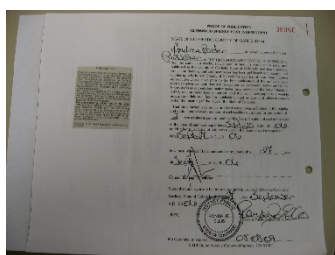
STEP 3 – Providing proof of public noticing

You are required to submit the following three items as proof of public noticing. Submit these items to the Community Development Department prior to the hearing. It is helpful if we have these items a couple days in advance of your hearing so that we can check to make sure they are correct. Note, however, that the Post-Independent cannot provide a proof of publication until they have run the second newspaper publication.



Part A – Notarized proof of public notice affidavit

Instructions:
Complete the proof of public notice form on page 11 and have it notarized.



Part B – Notarized proof of publication from the Post-Independent

Instructions:
Obtain a notarized proof of publication from the Post-Independent. The newspaper will not be able to do this for you until they have run the second newspaper publication. You may also obtain a notarized copy of the Proof of Publication in an electronic format and submit this to Community Development if you wish.



Part C – List of names and addresses

Instructions:
Provide us with a list of the names and addresses of all individuals and entities that you mailed the public notice to. You can print this list directly from the Garfield County GIS website where you applied the distance buffer. It is helpful if you also include the corresponding parcel numbers for each of these properties, but it is not required. If you mailed your notices via certified mail, you may provide a copy of the certified mail receipts for us to keep on file in the record of your application.

*****Make sure you submit all 3 proofs of public noticing to the Community Development Department prior to your hearing.**

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PROOF OF PUBLIC NOTICE

I hereby affirm that Public Notice requirements of the Municipal Code of Glenwood Springs have been met for the Public Hearing before the

_____ (Planning and Zoning Commission or City Council)

to be held on _____.

Attached are:

- 1. Notarized Proof of Publication from the Glenwood Springs Post Independent.

Dates Published: _____ and _____

- 2. A list of names and addresses of owners of record of all property within 300 feet of the subject property.

Date mailed: _____

The property was posted with a sign or signs meeting the specifications of the City of Glenwood Springs Community Development Department.

Date posted: _____

Name: _____ Applicant

Date: _____

Subscribed and sworn to before me, a notary public in and for the County of _____, State of Colorado, this _____ day of _____ 20____, A.D.

Witness my hand and official seal

(SEAL)

Notary Public

My commission expires: _____

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Glenwood Springs Municipal Code
Subsections 020.030.060 and 070.060.030(f) regarding public noticing

020.030.060 Public hearings.

Except for regular and special meetings and work and conference sessions of the City Council and boards and commissions, all public hearings required by this Code shall be held only after public notice of the same is given by the City in accordance with the following procedures:

(1) Notice of the time, place and purpose of the hearing shall be published two (2) times in two (2) weekly successive publications of the official newspaper designated by the City, the first of which shall be at least ten (10) days and no more than fifteen (15) days prior to the hearing.

(2) Written notice of the time, place and purpose of the hearing shall be sent by United States mail, first class postage prepaid, properly addressed, at least ten (10) days prior to the hearing date to all persons as are entitled to receive such notice under this Code.

(3) All notices shall contain such additional information as may be required by this Code for the particular hearing to be held.

(4) A fee of not less than twenty dollars (\$20.00) shall be charged for publication and actual administrative costs, unless otherwise provided in this Code.

(5) Except as otherwise provided in this Code, the City shall cause all publications to be made and notices to be mailed; however, the responsibility for the accuracy of any notice, publication and mailing shall, in each case and in all particulars, remain that of the person or entity initiating the same.

(Code 1971 §1-15)

070.060.030(f) Scheduling and Notice of Public Hearings.

(1) Scheduling

- a. If an application is subject to a public hearing per Table 060.1: Summary of Development Review Procedures, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.
- b. The public hearing shall be scheduled to allow sufficient time to prepare a staff report per 070.060.030(e)(3).

(2) Public Hearing Notice

a. General Notice Requirements

All public hearings required by this Code shall be preceded by the notices identified in Table 060.1: Summary of Development Review Procedures.

b. Responsibility of Party Seeking Hearing

The applicant or other person seeking the public hearing shall be responsible for the accuracy of and proper publication, mailing, and posting of notice of the public hearing, and such persons shall bear all costs incurred in connection with giving notice of the public hearing.

(3) Notice Format and Content

a. Published and Mailed Notice

1. Required published or mailed notices shall:
 - i. Identify the application type;
 - ii. Describe the nature and scope of the proposed project;
 - iii. Identify the location subject to the application;
 - iv. Identify the date, time, and location of the hearing being noticed;
 - v. Identify where and when the application and associated materials may be inspected; and
 - vi. Indicate opportunity to appear at the public hearing.
2. Published notice shall appear twice in a newspaper of general circulation in the city. The first notice shall appear at least 10 days but not more than 15 days prior to the scheduled hearing. The second notice shall appear exactly seven days following publication of the first notice.
3. Mailed notices shall be sent via first class mail to all property owners as listed in the records of the Garfield County tax assessor's office within 300 feet of the subject property, as measured from property boundaries.

b. Posted Notice

1. Required posted notice shall include at least one sign on the subject property at least 10 days prior to the public hearing. Required sign(s) shall be provided by the City. The applicant shall be responsible for posting the required sign(s). The sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.
2. The Director may require additional signs based on access and configuration of the property.
3. Required posted notice shall:
 - i. Identify the application type;
 - ii. Describe the nature and scope of the proposed project;
 - iii. Identify the date, time, and location of the hearing being noticed; and
 - iv. Identify a telephone number for additional information.

c. Notice to Mineral Estate Owners and Lessees

The applicant shall provide notice by certified mail, return receipt requested, to all mineral owners and lessees on the subject property for development applications in accordance with C.R.S. §24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. The burden of determining mineral estate owners and lessees shall be on the applicant.

d. **Certification of Notice**

The applicant shall provide certification that proper notice has been provided, including photographic evidence (for posted notices) and a signed affidavit. The format of such certification shall be established by the Director. The applicant shall submit the certification to the Director prior to the scheduled public hearing.

(4) **Constructive Notice**

a. **Minor Defects in Notice Shall Not Invalidate Proceedings**

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

b. **Failure to Receive Notice Shall Not Invalidate Action**

Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Code.

2019
CITY OF GLENWOOD SPRINGS
PLANNING & ZONING COMMISSION
Public noticing deadlines for regular meetings

Hearing Date	First notice must be published in this timeframe. Second notice must be published exactly seven days after first publication	Deadline for mailing notice and posting sign
January 22	Jan 7 – Jan 12	January 12
February 26	Feb 11 – Feb 16	February 16
March 26	Mar 11 – Mar 16	March 16
April 23	Apr 8 – Apr 13	April 13
May 28	May 13 – May 18	May 18
June 25	June 10 – June 15	June 15
July 23	July 8 – July 13	July 13
August 27	Aug 12 – Aug 17	August 17
September 24	Sept 9 – Sept 14	September 14
October 22	Oct 7 – Oct 12	October 12
November 26	Nov 11- Nov 16	November 16
December 17	Dec 2 – Dec 7	December 7

Be advised, you must submit your notice to the *Glenwood Springs Post Independent* a minimum of two days in advance of date you wish to publish the ad. Be aware that holidays may require an earlier submission.

CITY COUNCIL HEARINGS WHERE PLANNING APPLICATIONS ARE HEARD:

Council Hearing Date	First notice must be published in this timeframe. Second notice must be published exactly seven days after first publication	Deadline for mailing notice
January 7	Jan 2 – Jan 7	Jan 7
February 21	Feb 6 – Feb 11	Feb 11
March 21	Mar 6 – Mar 11	Mar 11
April 18	April 3 – April 8	April 8
May 16	May 1 – May 6	May 6
June 20	June 5 – June 10	June 10
July 18	July 3 – July 8	July 8
August 15	July 31 - Aug 5	Aug 5
September 19	Sept 4 – Sept 9	Sept 9
October 17	Oct 2 – Oct 7	Oct 7
November TBD	TBD	TBD
December 19	Dec 4 – Dec 9	Dec 9

Be advised, you must submit your notice to the *Glenwood Springs Post Independent* a minimum of two days in advance of date you wish to publish the ad. Be aware that holidays may require an earlier submission.