Public Works and Development
Lima Plaza Campus – Arapahoe Room
6954 S. Lima St., Centennial, CO 80112

REGULAR MEETING OF THE ARAPAHOE COUNTY PLANNING COMMISSION TUESDAY, NOVEMBER 15, 2016 AT 6:30 P.M.

GENERAL BUSINESS ITEMS

APPROVAL OF THE MINUTES FROM OCTOBER 18, 2016 *(Click here to view the draft minutes.)*	**VOTE:**

REGULAR ITEMS

ITEM 1: *(Click here to view the packet.)*	**Case No. F16-002, Uinta Way / Comprehensive Plan Amendment**		
LOCATION:	1739 S Unita Way, 1683 S Uinta Way, & 1593 S Uinta Way	**VOTE:**	
ACREAGE:	2.38 acres, 2.65 acres, 2.41 acres – total 7.44 acres		**IN FAVOR**
EXISTING ZONING:	R-A Residential-Agricultural (minimum lot size 2.41 acres)		**OPPOSED**
PROPOSED USE:	Single-Family Residential Lots		**ABSENT**
APPLICANTS:	Mary Oleson, Jim and Kathryn Latsis, Will and Lois MaccPhee		**ABSTAIN**
CASE MANAGERS:	Planner, Julio Iturreria Engineer, Chuck Haskins		
REQUEST:	Amend Land Use Designation within Four Square Mile SubArea Plan Map for three lots from 1 DU/Ac to 1-to-2 DU/Ac for Single-Family Detached Residential	☐ **CONTINUED TO:**	
MOTION SUMMARY:		**Date:** _____	
ITEM 2: *(Click here to view the packet.)*	**Case No. W16-002, Land Development Code (LDC) Amendments re: Multi-Chapter Clean-Up**		
LOCATION:	Unincorporated Arapahoe County	**VOTE:**	
ACREAGE:	N/A		**IN FAVOR**
EXISTING ZONING:	N/A		**OPPOSED**
PROPOSED USE:	Various minor code amendments		**ABSENT**
APPLICANT:	Arapahoe County		**ABSTAIN**
CASE MANAGERS:	Planner, Jason Reynolds; Engineer, Cathy Valencia		
REQUEST:	Request a positive referral for a Land Use Code Amendment	☐ **CONTINUED TO:**	
MOTION SUMMARY:		**Date:** _____	

ANNOUNCEMENTS:

- **A special meeting of the Planning Commission meeting is scheduled for November 22, 2016.**
- **Planning Commission agendas, Board of County Commissioner agendas, and other important Arapahoe County information may be viewed online at *www.arapahoegov.com* or you may contact the Planning Division at 720-874-6650.**

PLANNING COMMISSION MEMBERS:

Mark Brummel -	**Richard Rader -**	**Paul Rosenberg, Chair -**
Diane Chaffin -	**Jane Rieck -**	**Richard Sall -**
Brian Weiss, Chair Pro-Tem -		

Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Please contact the Planning Division at 720-874-6650 or 720-874-6574 TDD, at least three (3) days prior to a meeting, should you require special accommodations.

MINUTES OF THE REGULAR MEETING OF THE ARAPAHOE COUNTY PLANNING COMMISSION TUESDAY, OCTOBER 18, 2016

ATTENDANCE	A regular meeting of the Arapahoe County Planning Commission was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code. The following Planning Commission members were in attendance: Paul Rosenberg, Chair; Brian Weiss, Chair Pro-Tem; Mark Brummel; Richard Rader; and Jane Rieck. Also present were: Robert Hill, Senior Asst. County Attorney; Jason Reynolds, Current Planning Program Manager; Jan Yeckes, Planning Division Manager, Diane Kocis, Oil & Gas Specialist, Tammy King, Zoning Administrator, Caitlyn Cahill, Animal Control Supervisor, Bryan Weimer, Transportation Division Manager, and members of the public.
CALL TO ORDER	Chair Rosenberg called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.
DISCLOSURE MATTERS	There were no Planning Commission member conflicts with the matters before them.
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	**The motion was made by Mr. Weiss and duly seconded by Ms. Rieck to accept the minutes from the <u>September 20, 2016</u> Planning Commission meeting, as presented.** **The motion passed unanimously.** **The motion was then made by Mr. Brummel and duly seconded by Mr. Rosenberg to accept the minutes from the <u>September 27, 2016</u> Planning Commission meeting, as presented.** **The motion passed unanimously.**
REGULAR ITEMS:	
Item 1:	**Case No. W16-001, Land Development Code Revisions Re: Solar – Diane Kocis, Oil & Gas Specialist, Public Works and Development (PWD) – This case was continued from 09-27-2016.**

The audio recording is the official County record of this meeting.
Written minutes are a summary of the meeting and provided as a courtesy only.

	Ms. Kocis introduced the case and established jurisdiction. She reported the case was county-initiated to modify Section 12-1900 of the Land Development Code (LDC) to change the name of 12-1900 from "Oil and Gas Facilities" to "Energy Facilities" and include small scale solar facilities entitled "Energy Facilities" in order to provide an expeditious application and review process for small scale solar facilities, where an applicant has executed an acceptable Memorandum of Understanding (MOU) with the County. She explained the MOU provided conditions, under which, an operator could develop and operate future community solar projects or newly expanded facilities administratively. Ms. Kocis stated the proposed process was similar to the Oil & Gas process and was consistent with the Comprehensive Plan, relative to energy. She stated staff recommended approval based on the findings outlined in the staff report. There was discussion around the time required to approve small scale solar facilities in other jurisdictions. It was noted Jefferson County had a much faster process (2-4 weeks); Pueblo and Adams counties had processes that took 45 to 120 days; Boulder, Weld, and Lincoln counties had review and approval times between 4 and 6 months. Ms. Rieck expressed her concern that solar applications would be given a rubber stamp approval if we adopted the administrative process. There were discussions on impacts of a solar facilities compared to oil and gas, impact fees, area required for a 2MW facility, land development application approval timelines, and requiring buffering for solar facilities. Mr. Rosenberg opened the hearing for public comment. Jon Sullivan, Sunshare, complimented staff. He said with this new process the cases would get professional review while moving projects forward. There were no further public comments. The public hearing was closed. There were discussions on the appearance of rubber stamp approvals, timeline, 1041 projects for Use by Special Review (USR) going to the Planning Commission, and Solar facilities having fewer impacts than Oil & Gas facilities. **It was moved by Mr. Brummel and duly seconded by Mr. Weiss, in the case of W16-001 – Land Development Code Amendment, Chapter 12 Specific Regulations, modification of Section 12-**

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	1900, Oil and Gas Facilities, that the Planning Commission read the proposed code amendment and staff report and considered additional information presented during the public hearing and found themselves in agreement with staff findings one (1) through four (4) as set forth in the staff report dated October 6, 2016, and recommended the case favorably to the Board of County Commissioners, with the following two (2) conditions of approval: **1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text and may relocate definitions to Chapter 19.** **2. Modifications to Section 12-1900 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.** **The vote was:** **Mr. Weiss, Yes; Ms. Rieck, No; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Rosenberg, Yes.**
Item 2:	**Case No. W15-003, Land Development Code Revisions Re: Seasonal Farm and Ranch Events – Tammy King, Zoning Administrator, Public Works and Development (PWD)** Ms. King introduced the case and established jurisdiction. She reported the county-initiated application would amend the Land Development Code (LDC) to update Chapters 2, 5, and 19 to better address Seasonal Farm and Ranch Events and the definition of Rodeo. She provided an overview of the public process, including referrals and noticing. Ms. King said the proposed changes would meet identified needs to the extent possible and staff supported the change. There were discussions about process for auctions in agricultural areas / Temporary Use Permits (TUPs). Mr. Rosenberg opened the hearing for public comment. There were no public comments. The public hearing was closed. Ms. Rieck stated staff did a good job with citizen outreach.

The audio recording is the official County record of this meeting.
Written minutes are a summary of the meeting and provided as a courtesy only.

	It was moved by Ms. Rieck and duly seconded by Mr. Rader, in the case of W15-003 – Land Development Code Amendment to amend Chapters 4, 5, and 19 to address Seasonal Farm and Ranch Events, that the Planning Commission read the proposed code amendment and September 26, 2016 staff report and considered additional information presented during the public hearing and found themselves agreement with staff findings one (1) through four (4) as set forth in the staff report dated September 26, 2016, and recommend the case favorable to the Board of County Commissioners with the following two (2) conditions of approval: **1. Minor modifications to the text identified as necessary are required prior to incorporation of this amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.** **2. Modifications to Chapters 4, 5, and 19 of the Land Development Code will be effective and integrated into the existing LDC, upon approval by the Board of County Commissioners, following a public hearing.** **The vote was:** **Mr. Weiss, Yes; Ms. Rieck, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Rosenberg, Yes.**
STUDY SESSION ITEMS:	
Item 1:	**Rural Transportation Fee Discussion – Bryan Weimer, Transportation Division Manager** Mr. Weimer led a study session to discuss the implementation of a rural transportation fee. He presented slides that would be used at a public meeting on October 19, 2016 at the Fairgrounds. He stated 3,000 landowners, developers, builders, and referral agencies had been notified of the proposed impact fee.
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.

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ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
November 15, 2016
6:30 P.M.

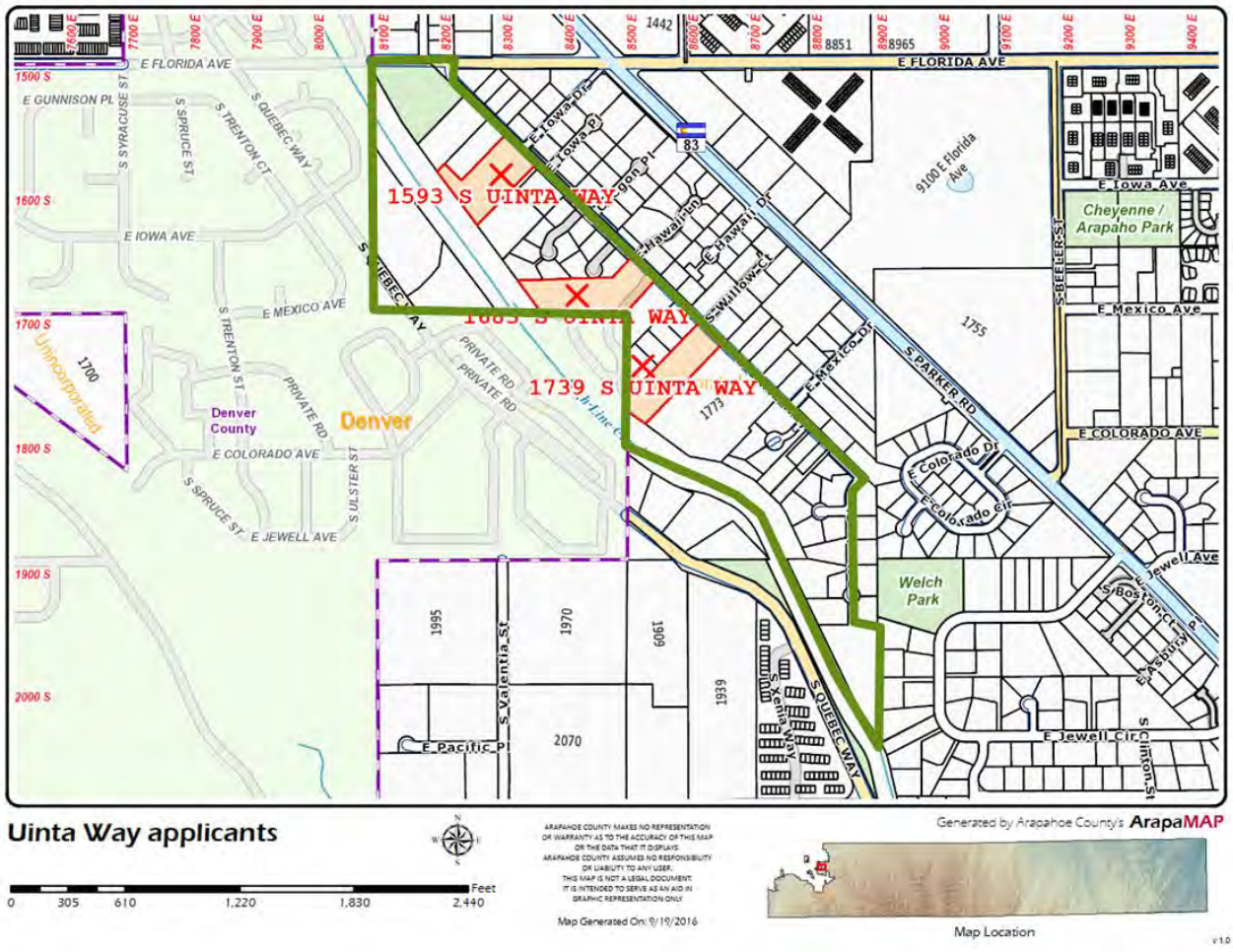
CASE #F16-002, UINTA WAY COMPREHENSIVE PLAN AMENDMENT

Planning Case Manager: Larry Mugler/Planner through Julio Iturreria/Long Range Planning Program Manager, Planning Division

October 31, 2016

PROPOSAL:

The owners of three properties located at 1739 South Uinta Way, 1683 South Uinta Way, and 1593 South Uinta Way, are proposing revisions to the County's Four Square Mile Subarea Plan, an element of the Arapahoe County Comprehensive Plan, to change the land use designation for their properties from Single-Family Residential with a density of no more than one dwelling unit per acre (1 DU/Acre) to Single-Family Residential with a density in the range of one to two dwelling units per acre (1-2 DU/Acre).



The subject properties being considered for this Subarea Plan Amendment are located generally south of Florida Avenue and north of Jewell Ave, between South Uinta Way and the Arapahoe/Denver county line.

The subarea plan anticipates residential uses at 1 DU/Acre for a larger area along the west side of Uinta Way that includes these three properties. Lots along the east side of Uinta Way are currently within the 1-2 DU/Acre land use category of the subarea plan. The affected portion of the subarea plan is shown on the map above.

STAFF RECOMMENDATION:

Staff recommends **approval** of Case Number F16-002 based on the findings, and with conditions of approval, outlined in this report.

I. BACKGROUND INFORMATION

Comprehensive Plan

The Planning Commission adopted the Four Square Mile Subarea Plan in February 2005. As part of that plan, the land use designations for properties along Uinta Way were established. In 2010, County Planning Staff engaged the neighborhoods of the Four Square Mile Neighborhoods Association to consider whether their residents saw a need either for a comprehensive update or smaller-area updates to the subarea plan. No changes were requested by the Four Square Mile neighborhoods in follow-up to the information provided to the homeowners' associations for review and discussion.

In January 2014, the Planning Commission approved Chapter V of the Comprehensive Plan, which provides a process for citizens to propose amendments to the Comprehensive Plan and its various subarea plans. At that time, fees were also adjusted to help facilitate any changes that may be needed to elements of the Comprehensive Plan. These changes resulted from an internal review of the Land Development Code, which identified lack of a defined process for amending the Comprehensive Plan to be a deficiency that needed to be addressed. The decision was made to incorporate that process into the Comprehensive Plan document rather than the Land Development Code.

In late 2015, in response to inquiries over a period of time, County Planning Division Staff proposed a change to the entire 1 DU/Acre area along the west side of Uinta Way and recommended the 1-2 DU/Acre designation as consistent with overall development patterns in the neighborhood. The analysis for this proposal was addressed in the staff report for the May 17, 2016, Planning Commission public hearing. Following the hearing, Planning Commission action resulted in denial of the proposed change, thereby retaining the 1 DU/Acre density designation. The Planning Commission is the decision authority for the Comprehensive Plan and related subarea plans.

In August 2016, a group of property owners elected to move forward with a request specific to three properties based on comments made during the May 2016 Planning Commission hearing that some individuals may find a more specific, smaller-area proposal to be

appropriate, whereas a larger-area proposal including property owners with no plans to further subdivide was not.

While individual applications to change the zoning on the three noncontiguous properties could move forward either with or without this additional step, approval of the requested Comprehensive Plan amendment would result in consistency between the subarea plan recommendation for these three properties and requests for rezoning that may be submitted sometime in the future. Additional factors could be taken into account during the Preliminary Development Plan or other rezoning action to more specifically define either (a) an approved density within the overall subarea plan range, or (b) a minimum lot size, or (c) an approved maximum number of lots from each property.

This legislative action, if approved, would amend the subarea plan map for the identified parcels. It currently limits the density for those parcels to 1 DU/Acre or a lesser density. The amendment would change the recommended density to 1-2 DU/Acre.

Out of 41 residential lots currently within the 1 DU/Acre area of property west of Uinta Way, eight (8) lots are larger than 1.0 acre in size. The other 33 lots are already smaller than 1.0 acre lot size and are therefore inconsistent with a 1 DU/Acre density. Two of the three lots included in the subject application already contain one single-family residence. The table below illustrates the maximum development potential of these lots (a) consistent with the current subarea plan and (b) if the amendment is approved.

The 13 total units calculated represent only the maximum number consistent with the proposed density. The actual number of lots resulting from further subdividing the three properties may be less than or equal to 13 depending on such factors as location of the existing home if retained on the lot, minimum lot size requirements established for each lot, minimum setbacks established for each existing and new home, and any easements or access improvements needed to each property.

Address	***Acres***	***Maximum Number of Units***		
		Existing # Homes	Current 1 DU/Ac	If Amended To 1-2 DU/Ac
1593 S Uinta Way	2.41	1	2	4
1683 S Uinta Way	2.65	1	2	5
1739 S Uinta Way	2.38	0	2	4
Totals	7.44	2	6	13

Before the lots could be subdivided and developed, the property owner would need to request a zoning change since all three lots are presently zoned R-A, which has a minimum lot size of 2.41 acres. Any such subsequent rezoning would be have to be brought before the Planning Commission for its recommendation and before the Board of County

Commissioners for its approval. The action on the pending Comprehensive Plan application will not change the zoning on the subject properties or facilitate further subdivision of land without these additional approvals through the public hearing process.

II. DISCUSSION

Staff reviewed this application for compliance with the Comprehensive Plan, the Four Square Mile Subarea Plan, and development patterns and activity within the planned area and considered comments from referral agencies and individuals providing comment by the time of the Staff Report. A summary of the analysis is as follows:

1. Comprehensive Plan:

The request is an amendment to the subarea plan. The plan amendment process sets forth five criteria for reviewing plan amendments. These are listed below with a discussion of the consistency of the request to each criterion.

A. ***Consistency with the spirit, intent, goals, objectives, and policies of the Comprehensive Plan.***

The Four Square Mile Subarea Plan contains the following goal regarding residential development: *Limit new residential development on local streets to 1 du/ acre, 1-2 du/ acre, 1-3 du/acre, with a maximum of 1-6 dwelling units per gross acre according to the attached land use map.* Both the existing plan map and the proposed amendment are consistent with this goal.

B. ***Compatibility with surrounding land uses and zoning.***

The requested 1-2 DU/Acre for three lots on the west side of Uinta Way would be consistent with the current density designation on the east side of South Uinta Way and, if approved through subsequent PUD or rezoning application, would still provide for larger lot sizes than 60 percent of the residential lots west of South Uinta Way that are within, but inconsistent with, the 1DU/Acre land use area as currently developed.

C. ***Compatibility with existing, natural, and environmental conditions of the proposed amendment and preservation of important natural features, riparian corridors, wildlife habitat and movement corridors, and historic resources.***

Lots in the range of 0.5 acre would maintain the low density character in this neighborhood, providing a reasonable buffer to adjacent open space along the Highline Canal. Flexible lot sizes maintaining the range of 1-2 DU/Acre may also meet these goals and would be subject to review for suitability at the time of any request to rezone property to facilitate further subdivision.

D. ***Adequate water supply, water and sewer treatment facilities, transportation networks, access, fire protection, school facilities, and parks and trails for the development.***

The three parcels are in a neighborhood with the full range of urban services, which are adequate to support the proposed change in density.

E. ***How existing and planned capabilities of the affected special districts can adequately handle the service demand.***

The special districts affected by this request have indicated the capability to serve the proposed change.

F. ***How social, economic, or land-use conditions of the County have changed or are in the process of changing in such a manner to support the proposed amendment to the Comprehensive Plan.***

The two homes on the affected parcels were constructed in 1949 and 1981. Since 1981, many of the parcels along Uinta Way and its intersecting streets have developed at densities higher than two units per acre. Each of the subject parcels is abutted by at least one lot of less than one acre in size with several adjoining lots being less than 0.5 acre. The proposed amendment would bring these three parcels into consistency with the majority of the neighborhood.

2. Referrals:

Staff sent out referral letters to 16 homeowners' associations, 15 key groups, and over 120 individuals, requesting that referral responses be submitted during the outside referral comment period, from August 26 to September 16, 2016. All but 3 of the referral responses received (total of 8 responses) were "No Comment." The comments received are summarized and addressed below.

Arapahoe County Engineering	No comment
Arapahoe County Open Space	Do not expect any negative effect on park, trail or open space services
Cherry Creek Schools	No comment
City and County of Denver	The proposed policy change from 1 DU/Acre to 1-2 DU/Acre appears to be consistent with the surrounding single-family density and will continue to offer a sufficient transition to Denver neighborhoods on the opposite side of the High Line Canal.
Cunningham Fire District	No comment
Tri-County Health Dept.	After review, no comments
U.S. Post Office	No comment
Xcel	No Apparent Conflict
Four Square Mile Neighborhoods Association	No response received.
Additional Citizen Comment	Written comments through letters and emails received by the time of the Staff Report are attached. Letters include 3 in support of the request and 12 opposed to the request

III. STAFF FINDINGS

Staff has reviewed the proposal and supporting documentation and referral comments as detailed in this report. Based on review of applicable goals and policies as stated in the Comprehensive Plan, Staff finds:

1. These proposed revisions to the Four Square Mile Sub-area Plan comply with the goals of the Arapahoe County Comprehensive Plan and better reflect existing conditions along Uinta Way between Florida Avenue and Jewell Avenue.
2. The Arapahoe County Planning Commission has the authority to amend provisions of the Four Square Mile Subarea Plan as proposed by this revision.
3. The net density in the area west of Uinta Way is already developed to a density within the 1-2 DU/Acre range when evaluated across the 41 residential lots currently designated as 1 DU/Acre on the Four Square Mile Subarea Plan Map.

IV. STAFF RECOMMENDATION

Based on the three (3) findings described above, Staff recommends **approval** of this Amendment **with the following conditions of approval**:

1. Minor modifications to the text identified as necessary through final review are required prior to incorporation of this Amendment into the existing Four Square Mile Subarea Plan. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. An attachment to this report illustrates the changes to be made to the Four Square Mile Subarea Plan Map if the Planning Commission approves the request. Staff, in conjunction with the County Attorney's Office, is hereby authorized to update the map.

V. DRAFT MOTIONS

Motion for Approval: *This motion is consistent with the staff recommendation.*

In the case of F16-002 Uinta Way Comprehensive Plan Amendment, the Planning Commission has read the proposed plan amendment, staff report and attachments and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through three (3) as set forth in the Staff report dated October 31, 2016, and find that the proposed amendment meets the criteria set forth in the Comprehensive Plan for amendments, and **approve** the application **with the following conditions:**

1. Minor modifications to the text identified as necessary through final review are required prior to incorporation of this Amendment into the existing Four Square Mile Subarea Plan. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. An attachment to this report illustrates the changes to be made to the Four Square Mile Subarea Plan Map if the Planning Commission approves the request. Staff, in conjunction with the County Attorney's Office, is hereby authorized to update the map.

Motion for Denial: *This motion is not consistent with the staff recommendation.*

In the case of F16-002 Uinta Way Comprehensive Plan Amendment, the Planning Commission has read the proposed plan amendment and staff report and has considered additional information presented during the public hearing. We do **not** find

ourselves in agreement with Staff findings set forth in the Staff report dated October 31, 2016, and therefore **deny** the application **based on the following findings:**

1. ***(State new or amended findings to support a motion for denial)***

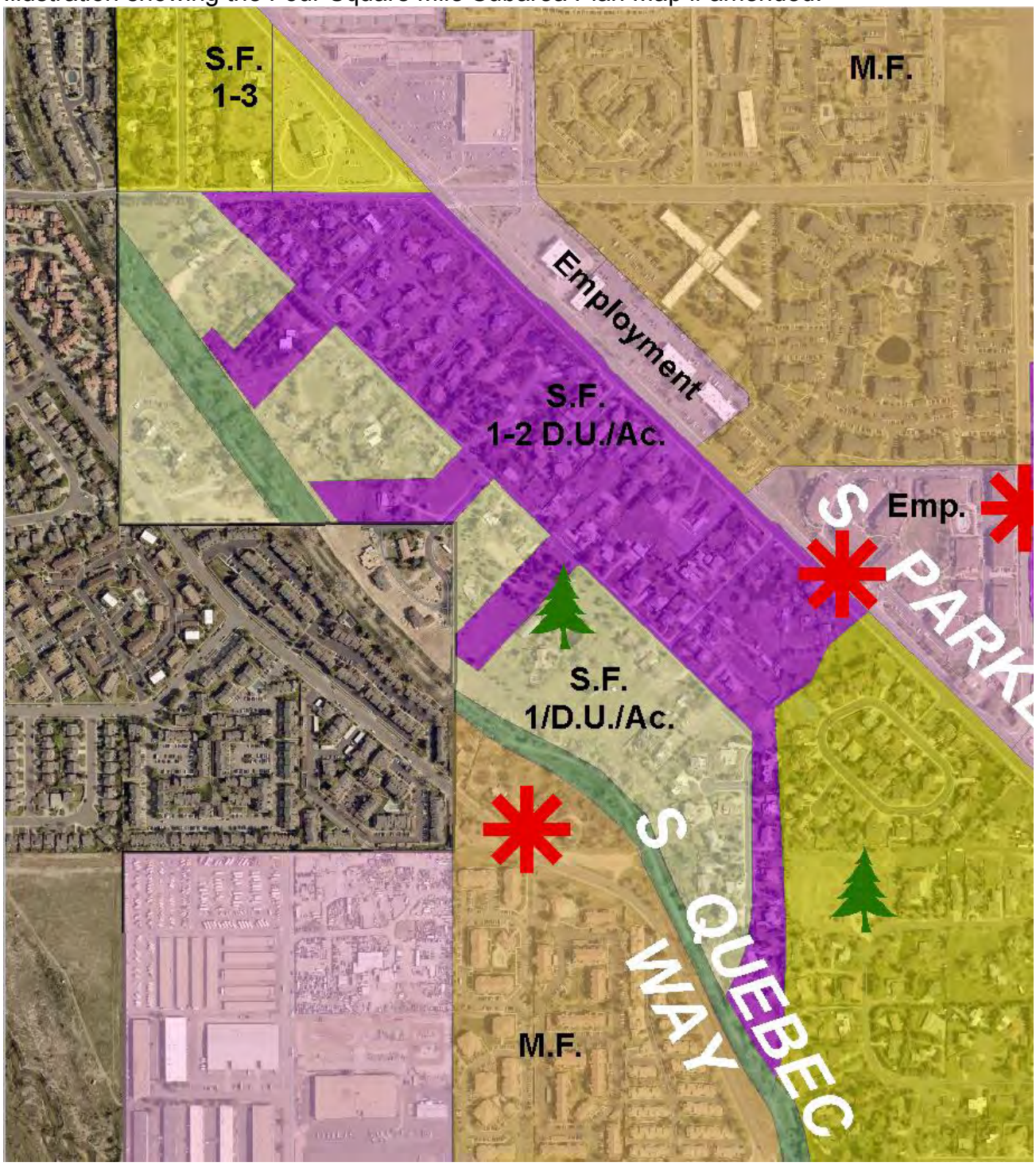
Motion to Continue:

In the case of F16-002 Uinta Way Comprehensive Plan Amendment, I move to **continue** the **[public hearing for] [action on]** this item to **[Date, 2016]**, date certain, 6:30 p.m., at this same location, **[to obtain additional information] [to further consider information presented during the public hearing]**.

Attachments:

- Illustration showing the Four Square Mile Subarea Plan map, if amended
- Referral comments (only the referral agencies that responded have been included with this Staff report)
- Public comment letters received by the time of the staff report (any letters received after the staff report is sent out will be provided to the Planning Commission and will also be included as part of the public hearing record)

Illustration showing the Four Square Mile Subarea Plan Map if amended.



Referral Comments Received

September 15, 2016

Julio Iturreria
Arapahoe County Planning Division
6924 S Lima St
Centennial CO 80112

RE: Uinta Way amendment to 4 Square Mile Subarea Plan
Project No. F16-002
TCHD Case No. 4061

Dear Mr. Iturreria:

Thank you for the opportunity to review and comment on the proposed updates to the 4 Square Mile Subarea Plan to allow 2 du per acre for the properties located at 1739 S Uinta Way, 1683 S Uinta Way, and 1593 S Uinta Way. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has no comments.

Please feel free to contact me at (720) 200-1585 or lbroten@tchd.org if you have any questions regarding TCHD's comments.

Sincerely,

Laurel Broten, MPH
Land Use and Built Environment Specialist, TCHD

CC: Sheila Lynch, Steve Chevalier, TCHD

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Cherry Creek School District

Arapahoe County
Colorado's First

Public Works and Development
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611
www.co.arapahoe.co.us
Planning Division
Referral Routing

Case Number / Case Name:	**F16-002** **Uinta Way amendment to 4 Square Mile Subarea Plan**
Planner:	**Julio Iturreria and Larry Mugler**
Date:	**August 26, 2016**
Date to be returned:	**September 16, 2016**

	Arapahoe County Agencies				
X	Attorney / Arapahoe County	Robert Hill			
X	Planning/Arapahoe County	Jan Yeckes			
X	Engineering / Arapahoe County	Chuck Haskins			
X	Arapahoe Library District	Janel Maccarrone			
X	Open Space / Arapahoe County	Raymond Winn			
X	Sheriff / Arapahoe County	1 to Brian McKnight 1 to Glenn Thompson			
	Referral Agencies				
X	City and County of Denver	Caryn Champine			
X	Fire District	Cunningham FD			
X	Post Office Growth Coordinator	K. Summerfield			
X	School District/Cherry Creek	D. Strohfus			
X	Tri-County	Sheila Lynch			
X	XCEL	Donna George			
X	Cherry Creek Valley W&S	John Warford			
X	Four Square Mile Neighborhood	Mark Lampert			

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

	COMMENTS:	SIGNATURE
☒	Have NO Comments to make on the case as submitted	
☐	Have the following comments to make related to the case:	

City and County of Denver

Hi Julio,

Thank you for the reminder. Denver CPD did review the Subarea Plan amendment request and find no objections to the request. The proposed policy change from 1 DU/Ac to 1-2 du/ac appears to be consistent with the surrounding single family density and will continue to offer a sufficient transition to Denver neighborhoods on the opposite side of the High Line Canal.

Thank you,
Caryn Champine

Caryn M. Champine | Director
Planning Services, Community Planning and Development | City and County of Denver
p: (720) 865-2940 | caryn.champine@denvergov.org

DenverGov.org/CPD | @DenverCPD | Take our Survey

From: Raymond Winn
Sent: Tuesday, September 20, 2016 11:32 AM
To: Julio Iturreria <JIturreria@arapahoegov.com>
Cc: Jason Reynolds <JReynolds@arapahoegov.com>; Roger Harvey <RHarvey@arapahoegov.com>; Shannon Carter <SCarter@arapahoegov.com>
Subject: RE: F16-002 Uinta Way's new amendment to the 4 Sq Mile Subarea

Julio,

Open Spaces has no additional comments on this case that were not already mentioned in the previous sub-area plan comments submitted by Roger.

This case has NOT shown up in my Accela work tasks so I had NO IDEA that OS needed to comment. I am very busy and stopping what I am doing to comment on cases creates difficulties for my work flow process. Please use Accela for ALL future cases in which you require our comments.

Ray Winn
Open Spaces Planner
Arapahoe County Open Spaces
6934 S. Lima Street, Suite A, Centennial, CO 80112
Office: 720-874-6551
rwinn@arapahoegov.com

Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

September 14, 2016

Arapahoe County Public Works and Development
6924 South Lima Street
Centennial, CO 80112

Attn: Julio Iturreria and Larry Mugler

Re: Uinta Way Amendment to 4 Square Mile Subarea Plan, Case # F16-002

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed **Uinta Way Amendment to 4 Square Mile Subarea Plan** and has **no apparent conflict** with the requested amendment to the sub area plan.

Please be aware PSCo owns and operates existing natural gas and electric facilities within the subject properties. The property owner/developer/contractor must contact the **Builder's Call Line** at https://xcelenergy.force.com/FastApp (Register so you can track your application) **or** 1-800-628-2121 and complete the application process for any new gas or electric service, or modification to existing facilities. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center** at 1-800-922-1987 to have all utilities located prior to any construction.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado

Julio Iturreria

From: Chuck Haskins
Sent: Tuesday, September 20, 2016 5:25 PM
To: Julio Iturreria
Subject: RE: F16-002 Uinta Way's new amendment to the 4 Sq Mile Subarea

Julio,

I really don't have any comments on this proposal. The additional units will generate approximately 100 vpd and would meet our waiver requirement for a TIS. Please let me know when this is scheduled for PC as I would expect questions on traffic.

Thanks

Chuck

Arapahoe County
Colorado's First

Public Works and Development
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611
www.co.arapahoe.co.us

Planning Division

Referral Routing

Case Number / Case Name:	**F16-002** **Uinta Way amendment to 4 Square Mile Subarea Plan**
Planner:	**Julio Iturreria and Larry Mugler**
Date:	**August 26, 2016**
Date to be returned:	**September 16, 2016**

	Arapahoe County Agencies				
X	Attorney / Arapahoe County	Robert Hill			
X	Planning/Arapahoe County	Jan Yeckes			
X	Engineering / Arapahoe County	Chuck Haskins			
X	Arapahoe Library District	Janel Maccarrone			
X	Open Space / Arapahoe County	Raymond Winn			
X	Sheriff / Arapahoe County	1 to Brian McKnight 1 to Glenn Thompson			
	Referral Agencies				
X	City and County of Denver	Caryn Champine			
X	Fire District	Cunningham FD			
X	Post Office Growth Coordinator	K. Summerfield		9/7/2016	
X	School District/Cherry Creek	D. Strohfus			
X	Tri-County	Sheila Lynch			
X	XCEL	Donna George			
X	Cherry Creek Valley W&S	John Warford			
X	Four Square Mile Neighborhood	Mark Lampert			

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

	COMMENTS:	SIGNATURE
☒	Have NO Comments to make on the case as submitted	
☐	Have the following comments to make related to the case:	

Arapahoe County
Colorado's First

Public Works and Development
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611
www.co.arapahoe.co.us

Planning Division

Referral Routing

Case Number / Case Name:	**F16-002** **Uinta Way amendment to 4 Square Mile Subarea Plan**
Planner:	**Julio Iturreria and Larry Mugler**
Date:	**August 26, 2016**
Date to be returned:	**September 16, 2016**

	Arapahoe County Agencies				
X	Attorney / Arapahoe County	Robert Hill			
X	Planning/Arapahoe County	Jan Yeckes			
X	Engineering / Arapahoe County	Chuck Haskins			
X	Arapahoe Library District	Janel Maccarrone			
X	Open Space / Arapahoe County	Raymond Winn			
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X	Tri-County	Sheila Lynch			
X	XCEL	Donna George			
X	Cherry Creek Valley W&S	John Warford			
X	Four Square Mile Neighborhood	Mark Lampert			

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	COMMENTS:	SIGNATURE
☒	Have NO Comments to make on the case as submitted	9/13/2016
☐	Have the following comments to make related to the case:	

Citizen Comments
In support of request

Dear Mr. Iturreria,

I was the president of the Mountain View Gardens HOA until January of 2016, at which time I declined to serve further. The strident voices of a few residents of this community have drowned out any reasonable suggestions which any other resident might make, and the anger with which they have infused their rhetoric is intimidating, to say the least. There was a survey conducted, I will grant that, but the wording was such that you would be daft to check the box for anything other than "wide open spaces." I think this is the same kind of logic that prevailed when the original Four-Square Mile Long-Range Open Space plan was developed: "Do you want the area to remain open so that you can see the mountains and watch foxes and deer roam freely, or do you want closely-packed housing with its attendant crime, traffic, and evil people wandering our streets?" Obviously, people "voted" then for the "open spaces" and they voted this year the same way.

I know that you at the county are trying to be patient with the overwrought rhetoric and (as I noted in the transcript from the meeting with Nancy Jackson and Jason Reynolds) not-so-veiled threats of removal from office. But you do need to know that there are very many of us who know that the 2 houses per-acre, or even the compromise 1-house per 3/4 acre is more than fair.

Thank you for your patience and endurance, Carol A. Murphy
1564 S Uinta Way
Denver, CO 80231

I want to state that I support the application for an amendment to the Mountainview Gardens sub area plan. I have been a resident since 1998. I myself experienced first hand the opposition to my developing my property. Our neighborhood is mostly 1/3 of an acre lots which I feel strongly should be the guidelines for new development. Property owners should not be subjected to more stringent guidelines sought by property owners with small lots themselves.

Jeffrey Reiss

JAMES V. NEELY
1626 SOUTH WILLOW COURT
DENVER, COLORADO 80231

October 12, 2016

ADDRESS: jiturreria@arapahoegov.com

SUBJECT: Four Square Mile Sub-Area Plan Change – Latsis/MacPhee/Oleson

I am writing to support the proposal to Amend the Four Square Mile Sub-Area Plan to provide "Single Family – One-to-Two (1-2) Dwelling Units per Acre" for those parcels of land which lie Southwest of South Uinta Way, and in particular those which are owned by Latsis, MacPhee and Oleson.

Contrary to those individuals who are actively and vociferously opposing this change, these three property owners directly involved have the basic right to develop and build on their properties consistent with the density factors which already exist for their neighbors.

Of the 45 properties Southwest of South Uinta Way, which would be affected by this amendment, 37 (82%) already have their dwellings on less-than-acre lots, and of those thirty seven, 27 dwellings (60%) are on lots of less than half-acre.

Surely the 82% (37) majority are not entitled to deny any one of the minority of owners their basic property rights, especially when that 82% cannot show in any way that they would suffer any real or consequential damages if any of the other owners choose to avail themselves of the same rights which the 82% already enjoy (i.e., in general, one dwelling per half acre).

Some of the objectors/opponents claim they could be damaged because there might be increased traffic on South Uinta Way which could adversely affect their convenience, safety or life style. However, existing traffic studies show that the capacity of South Uinta Way would not even come close to being exceeded if the proposed amendment were enacted.

Others claim that "… The larger land parcels throughout the neighborhood give the neighborhood a romantic country feel," and that putting more houses on those parcels will diminish that aspect of their perceived life styles. Well now, are the 82% entitled to "romantic country feel" at the expense of the minority of other owners (however, undefined or ill-defined that "romantic country feel" may be)?

The Fifth Amendment to the United States Constitution provides that "No person shall be … deprived of … property, without due process of law; nor shall private property be taken for public use without just compensation." Government action – or inaction – which deprives some property owners of rights which other contiguous property owners already have, endorsed or not by government, could be construed to constitute an unlawful taking, and without just compensation. If the objectors/opponents wish to preserve their so-called "romantic country feel," they should

individually and/or collectively endeavor to purchase these “larger land parcels” and hold them, use and enjoy them, and romanticize them as they then see fit.

Included with the copies of the United States Constitution which they freely distributed, the Pacific Legal Foundation expresses the opinion that:

“Acquiring, owning, using, and enjoying private property are not mere privileges government can grant or deny at its discretion. The right to private property is the most fundamental of all civil rights we enjoy, and preserving it ensures the preservation of other basic rights guaranteed in the Constitution.”

And Further:

“A society whose government does not recognize or protect the right to private property is a society that has no foundation upon which long-term safety, security and prosperity can exist. When the right to private ownership of property is taken away or diminished, the incentives that fuel creativity, initiative, and the efficient use of natural resources are extinguished. The result – a nation dies from within. …”

In keeping with that opinion, and as a resident of the neighborhood at issue, I fervently recommend and hope that my government will uphold the property rights of Latsis, MacPhee and Oleson, and approve the Amendment which will ENSURE (not grant), without further obstruction, that those property owners can use their properties in a manner already enjoyed by the 82% majority.

Sincerely,

S/James V. Neely

Citizen Comments
Opposing the request

Arapahoe County Public Works and Development
David M. Schmit, P.E. Director
September 12, 2016

(Re: 1603 So. Uinta Way
Denver, CO 80231
Case No. F16-002
Uinta Way Comprehensive Plan Amendment
033280032 (021) ET AI)

Dear Sir:

As a homeowner in the Four Square Mile Sub-Area I am requesting that Arapahoe County maintain our "Single Family One Dwelling per Acre" category.

The neighborhood has been an oasis of beauty used by so many for recreation and exercise along the High Line Canal. But Case No. F16-002 Uinta Way Comprehensive Plan Amendment would double the current building allowance! Excessive increase!

Arapahoe County's mission statement wisely has protected the area.

"Enhancing your quality of life through exceptional delivery and efficient use of public funds."

Only 3 families have applied for a "plan amendment" to double the dwelling per acre status - evidently having chosen to "monetize" their properties. Their proposed amendment would damage the open atmosphere and "quality of life" of the community.

Please deny Comprehensive Plan Amendment
Case No. F-16-002, Uinta Way

In the survey conducted early in 2016 two-thirds of all the residents opposed increasing density. Please support the current "Single Family One Dwelling per Acre."

Case No. F-16-002, Uinta Way Comprehensive Plan Amendment should be defeated!

Thank you!
Elizabeth Asnicar
Co-owner
1603 So. Uinta Way
Denver, CO 80231

Elizabeth J. Asnicar
(PO Box 941
Lyons, CO 80540)
303-823-5552

cc: Margaret Hoeppner Co-owner
(1573 So. Uinta Way
Denver, CO 80231)

September 29, 2016

email?

Dear Mr. Paul Rosenberg,

We are writing to inform you of a growing concern we have with Arapahoe County Planning processes, systems, and staff.

At the May 17, 2016 Arapahoe County Planning Commission meeting there was a vote taken on a developer's request for amendment to the Four Square Mile Subarea Plan **Case No. F15-001which failed** by vote of the Planning Commission. We believe it is well known to both the Planning Department and Planning Commission that the neighborhood strongly opposed this effort as well.

Now, the Arapahoe County planning and development staff are again working with, and possibly strongly supporting, the **same developer to duplicate the exact same request** to amend the Four Square Mile Subarea Plan, which is now **Case No. F16-002.**

This amendment would dramatically change the neighborhood that many current homeowners and taxpayers purchased knowing the current zoning standards. The neighborhood has repeatedly spoken against this proposed amendment in significantly larger numbers to the developer, to the planning department staff, to the planning commission and to the county commissioners.

We would also like to provide comment to the planning departments findings when completing the Comprehensive Plan checklist in their assessment of the Four Square Mile Sub-area. This becomes important when considering additional amendments to Comprehensive Plan for Four Square Mile Sub-area.

Our comments will be reflected in the following order: 1st Checklist Criteria, 2nd Staff Findings, and 3rd Comments reflecting these property owner responses.

Criteria: Intent of Amendment

Findings: Provide equitable and more flexible land development options for property owner applicants.

Comments: What are missing from this assessment is the rights of those of us who purchased (and pay taxes) in this neighborhood because of the current zoning requirements and planned unit development process.

Criteria: Environmental conditions and hazards shown on the current Comp Plan

Findings: No known adverse environmental conditions exist on the subject properties.

Comment: Environmental protection is less immediately evident than economic development. The findings provided by the Planning Department staff for the Planning Commission's consideration do not reflect an inventory of current natural resources quality and use and how do these findings compare to current Arapahoe County Planning Department standards and guidelines. More concerning is the lack of attention of findings related to the cumulative impact of all current development.

Rosenberg

Criteria: Important natural features, riparian corridors, wildlife habitat, and movement corridors shown on the current Comp Plan

Findings: No specific natural features on the subject properties are noted in the current Comp Plan. Riparian corridors, wildlife habitat, and movement corridors are largely accommodated by the Highline Canal adjacent to the subject properties.

Comment: We are confident that all homeowners within the 4 Square Mile Sub Area have reported the presence of wildlife that the Arapahoe County Animal Control staff will repeatedly report that the wildlife is protected species and that staff is not able to assist the homeowners (tax payers) in dealing with the animals. Other environmental issues without evidence of study include: water quality, loss of plant species, soil erosion, air quality and noise pollution.

Criteria: Relationship to the existing road network and transportation element of the Comp Plan

Findings: Per an Arapahoe County traffic study completed in response to the staff-initiated Comp Plan Amendment, the proposed amendment does not adversely impact the existing road or transportation element.

Comment: All developments generate traffic and consider access, ability to move through out, pedestrian and parking. Mountain View Gardens has a long history of negotiating with Arapahoe County and Colorado Department of Transportation dealing with serious access issues to the current neighborhood. The traffic capacity for E Florida Avenue at the western end of this Sub Area Planning area is well beyond capacity creating significant additional passing through traffic "trips" circulating to Parker Road via S Unita Way. Additional traffic from additional property development will result in a cumulative detriment to the neighborhood significantly effecting walking ability in the neighborhood. We would request to see the details of the traffic study that found no adverse impact.

We would like to offer one more comment specifically related to the current Arapahoe County Land Development Code Proposal for new Residential Zone Districts. Appreciating that current rules and processes are "complicated and time consuming" (Arapahoe County Planning Division staff), there may be need for revising internal structures and processes. What is of great concern is that the Arapahoe County Planning Division staff are identifying that some current residential development needs as "obsolete". We would suggest that applying broad sweeping zoning recommendations without regard to local impact, may be considered progressive, yet cumulatively cause significant deterioration in property values.

The developers have the option of requesting a zoning change in their specific property and present to all stakeholders the actual proposed development plan. The property owners who have submitted this request purchased in the neighborhood with existing zoning and Comprehensive Plan. The repeated request for amendment to the Comprehensive Plan appears to be an apparent effort of Arapahoe County Planning Division to honor the rights of 3 property owners, they are in effect denying the rights and the land value of the more than 50 property owners.

We ask that you reconsider your position and oppose the developer's request for amending the Comprehensive Plan for the Four Square Mile Sub Area.

Rosenberg

Sincerely,

Edmund Casper, MD
Colleen Casper, DNP, RN, MS

Cc:
Commissioner Nancy Jackson
DSchmit@arapahoegov.com (Director of Planning)
JIturreria@arapahoegov.com (Long Range Planning Program Manager)
JYeckes@arapahoegov.com (Planning Division Manager)
Reynolds@arapahoegov.com (Current Planning Program Manager)

Dear Arapahoe County Planning Commissioners:

The Case No F16-002, Uinta Way Comprehensive Plan Amendment is yet another attempt by the same folks who pushed Arapahoe County late last year to change the subarea plan. Now they are trying once again to ignore the overwhelming wishes of the neighborhood and turn the west side of Uinta into just another suburban street with homes crammed in as tightly as possible.

In 2015, this same group of residents, one of whom is a major developer, approached the Planning Department asking to have the subarea plan changed on the west side of Uinta Way from one acre per home to half-acre per home. The Planning Department then initiated that amendment. Our Mountain View Gardens HOA conducted a survey of the neighborhood and over 2/3 of the neighbors voted against increasing the density. As you know at the May 17, 2016, you wisely voted to leave the subarea plan unchanged and not increase the density from one acre per home to half-acre per home.

Why is this coming up again? And why the preferential treatment for these 3 parcels? This is a slippery slope which will, over the years, result in this unique area which abuts the Highline Canal being turned into just another suburban housing development. This area is valuable because of the larger parcels. One neighboring lot just sold for in excess of a million dollars to a gentleman who is going to build ONE house. People do not need to subdivide their land into small parcels in order to realize substantial profit.

This is a question of land use. There is not another section of land like this in the entire Denver area., If passed this amendment will devalue *my* properties and the properties of many other people in this neighborhood. The rural character of the west side of Uinta Way is a major part of our homes' values. This is a financial issue for all of us.

There are extremely valid concerns about this issue that have nothing to do with money or property rights. These include *quality of life* for the other property owners, the *value of the area as a wildlife corridor, the infrastructure ramifications including the need to possibly widen the street and install sidewalks.*

When two of these three property owners bought their properties they did so because of the open character of the neighborhood. Now they wish to change the very essence of the neighborhood which they previously valued so highly. The third party is a developer who purchased the property from an elderly widow at a price substantially below market value and will make a large profit at the expense of the rest of us.

A profit for a few does not justify the financial loss for the many. Please vote against this amendment. Thank you for your consideration.

Fred and Margaret Hoeppner
1573 S Uinta Way
Co-owners of 1603 S Uinta Way

Jason Reynolds

From:	MARGARET <margarethoeppner@comcast.net>
Sent:	Friday, October 21, 2016 12:56 PM
To:	Jan Yeckes; Jason Reynolds; Julio Iturreria; Dave Schmit
Subject:	Position of the MVG HOA Board re: Subarea Plan proposed amendment

Dear Jan, Jason, Julio and David,

The Mountain View Gardens HOA Board of Directors met on October 19, 2016 at 6:30 PM and after discussion voted 5/1 to recommend that the West Side of South Uinta Way be maintained at 1 DU per acre as stated in the Four Square Mile Subarea Plan. The Board believes that persons who wish to develop their properties should apply for a zoning change as is outlined by Arapahoe County.

Thank you for considering our position on this important matter.

Margaret Hoeppner, Co-President of MVG Board of Directors

October 2, 2016

To Jan Yeckes and the members of the Planning Commission:

I am writing in opposition to F16-002. I support the 4 Square Mile Master Plan that keeps the west side of S Uinta Way at 1 (one) dwelling unit/ acre. My husband, Irwin, and I oppose increased density on the west side of S. Uinta Way.

My name is Rochelle Dworet Cohen. I have lived at 1849 S Xenia Ct in the Brockman sub-division, in unincorporated Arapahoe County for over 32 years. When we built in 1983, the Mountain View Gardens neighborhood was mostly open space with houses scattered few and far between. We were the first to build in Brockman. Florida was closed to auto traffic and S Uinta Way was a dirt road bordered by fields where wildlife bred and native vegetation thrived. Our area is still unique, as it rises out of the Denver Valley at the western edge of the Great Plains. Even today newcomers announce that they didn't even know this area existed, only 8 miles from downtown Denver! ! It is the reason people have moved to this neighborhood

We are no "cookie cutter" neighborhood. Over the decades, we have confronted developers who have had no regard for the uniqueness of Mountain View Gardens. Even today, those that have benefitted from the beauty of the neighborhood for decades, now want to increase the density, especially on their property. Then, they can sell to the highest bidder, grab their money and run, leaving their friends and neighbors with the consequences of too much development (10 car trips/per house/day according to the County traffic experts) on a 30 foot wide road that is already a bottleneck. When Mr. Brockman created his sub-division on the edge of the Great Plains in the mid 1970s, he was "tormented" with County requirements, according to his widow. Our street is 50 ft wide, with sidewalks, gutters and buried utilities. In addition, Hilda Brockman confirmed that the average gross lot size is 3/4 acre. The land use along the west side of S Uinta Way, outside of Brockman reflected the more expansive properties with no more than 1 DU/acre. The road is 30 ft wide, lined with 100 year old trees, almost no sidewalks, and above ground power lines.

Preserving our tiny enclave makes us good neighbors to both the "old timers" who stay and the" new comers" who fell in love with MVG. Many of us have testified in front of Planning and the Commissioners many times. We care about our environment, the wildlife, the vegetation, the safety of our neighbors as we walk animals and push strollers dodging traffic on S Uinta Way. We, who want to conserve what we can for future generations to enjoy, ascribe to ETHOS, Greek origin, meaning "the distinguishing character or tone of a racial, religious, social or *other* group", i.e. our community. In contrast, some prefer the Latin, Ego, "the individual as aware of himself". For instance, one neighbor lamented a couple years ago that if a developer bought her property, she could lose the forest of huge trees her late husband planted by hand. Now she is ready to sell to the developer who ignores the 4 SM Comprehensive Plan for his own personal gain. Developers want the most profit possible. They can talk the talk, but rarely do they do the walk. MVG just had the example of the same developer who could have put one house on a piece of land that was platted for 2 houses. Instead of preserving more open space and complying with the 4 SM plan of 1 DU/acre, this developer built 2 houses on the property because he could. It is the "nature" of developers. I refer you to the parable of the scorpion hitching a ride across the pond on the back of the trusting frog.

My desire to preserve MVG has nothing to do with how I feel personally about individual neighbors, but 3 property owners should not be allowed to do irreparable damage to a neighborhood of almost 100 homes. I want to see MVG retain its unique ambiance as much as possible. Both in surveys in 2010 and 2016, sent to all the residents, the responses showed that 2/3 of the responders voted to keep development on the west side at 1 DU/acre. The will of the neighborhood should be respected by the Planners.

Respectfully yours,

Rochelle Dworet Cohen

URGENT....WE NEED YOU

NOVEMBER 15, 6:30 p.m. at Arapahoe County Lima Plaza, 6954 S. Lima Street, Centennial 80112 in the Arapahoe Room (same building as Motor Vehicles).

The Planning Commission will be hearing the petition to amend our sub-area plan to allow doubling the density on 3 large properties on the west side of Uinta.

We fought this same proposal to change all the properties on the west side in May... and we won. Now, 3 properties are seeking to make the same change. We only prevailed before because everyone showed up at the hearing and spoke out. We need **you** to come and speak out again.
If you need a ride, email elisaatty@aol.com or call 720-312-0517. We will coordinate vehicles to make sure everyone can get there.

This is not opposition to our neighbors...this is opposition to a plan to dramatically change our neighborhood. We are concerned about the increased traffic, safety, the loss of our rural feel and of wildlife, damage to the flora, and preserving the area we've all come to love. Once the land is developed, it is changed and lost forever. Please come and be heard!

Sent from my iPhone

Begin forwarded message:

From: ELISAATTY@aol.com
Date: October 26, 2016 at 10:17:28 PM MDT
To: elisaatty@aol.com, bobnevans@gmail.com, bobnevins@gmail.com, stalheim@q.com, denverlaura@hotmail.com, margarethoeppner@comcast.net, mary.colleen@comcast.net, paula@bovolaw.com, irvshell@comcast.net, luciecl@comcast.net, zanpash@msn.com, lsgilchrist@comcast.net, patrickekowaleski@gmail.com, drdebcoyle@gmail.com, rondolores2@aol.com, dtharbeck@msn.com, nottinvail@aol.com, nancy4848@mac.com, susan@speroandco.biz, scnlp@earthlink.net, nezgeorge@gmail.com, luciecl@outlook.com, lucieclusa@gmail.com, vansteenhouse@gmail.com, shirleybeverly@me.com, samuilhelena@aol.com, Trishangel@aol.com
Subject: Flyer.

Hi all! I'm attaching the Flyer we are distributing first...we will do other flyers as we get closer to the hearing. Dave is going to print these on bright paper and put one in each person's mail box. We need each of you to print up a handful of these, and walk around to your neighbors and hand it to them while you talk to them. The 4 talking points right now are this:

1. Explain what is happening...the proposal is to amend the sub-area plan for 3 large properties. The same thing we fought in May for the whole West side...now it is for 3 properties. Talk to your neighbors about traffic safety, noise, loss of wildlife, that we haven't seen the plans for 2 of the large properties so we don't know what they are planning to build, and that there is a better way to do this...ie thru a zoning change request where they have to show what they are actually planning instead of this blanket change to our sub-area plan.
2. Every person has GOT to show up at the hearing and speak in opposition to this...If people are nervous about speaking, we can coach and help them prepare. If people need a ride...contact me and I'll get them there.
3. Write a letter to the planning board in opposition to the plan. Get names, email addresses of your neighbors and we can send them templates to use for their letters.
4. If they can contribute, we are paying for a lawyer to help us. This helps preserve all our property and it's values. We need everyone to chip in. Some people are paying as much as $1500 for the lawyer but we need everyone to pay what they can afford...even if it is $100, $500, whatever.

Print these on bright paper so it doesn't get lost in the shuffle.

Thanks! Elisa

1573 S Uinta Way
Denver, CO 80231
October 9, 2016

Mr Brian Weiss, Planning Commissioner
Public Works and Development, Arapahoe County
Lima Plaza, 6924 S Lima Street
Centennial, CO 80112

Dear Commissioner Weiss:

On May 17 of this year you and three of your colleagues bravely voted not to increase the density on the west side of South Uinta Way. We as a neighborhood are grateful for that. Now the same amendment is coming up again but this time it is worded for three properties to be changed. These three belong to the same three property owners who approached the Planning staff late last year and asked how to change the Subarea plan.

South Uinta Way is a relatively narrow street which is currently experiencing increased traffic due to the new homes that Denver permitted adjacent to the Highline Canal which are accessed from Uinta Way. Some of those homes are not yet occupied which will increase traffic even more. We are concerned that the infrastructure will have to be increased if this first step to alter the subarea plan is adopted. This is only the first assault on the neighborhood. If the amendment passes there will be other developers pushing to increase the density. The Mission Statement of Arapahoe County "Enhancing your quality of life through exceptional delivery and efficient use of public funds" would not seem to promote excessive profit for a tiny minority at the expense of the majority.

If approved this will drastically change the ambience of the neighborhood forever. This area provides a balance to the increased development that is occurring on the north side of Parker Road and provides a wildlife corridor and mountain views. Towering 100 year old ponderosas line So Uinta Way. This is an unique oasis. People invested their savings in homes here because of the rural atmosphere and open feel. Not a day passes that someone doesn't say to me "Wow, I never knew this was here! It's so beautiful!" Arapahoe County is enhanced by this small piece of rural paradise which is our neighborhood.

We urge you to stay strong and vote once again to preserve our neighborhood. As you may remember a survey was done of the neighborhood which indicated that 2/3 of the residents oppose increasing the density. We realize that because of the current housing boom in Denver there is pressure to develop parcels but this boom will not continue forever, and we fear we will be left with a neighborhood which is just another crowded suburban street. Please vote against the amendment, #F16-002. Thank you for your consideration.

Sincerely yours,
Fred and Margaret Hoeppner

1573 S Uinta Way
Denver, CO 80231
October 9, 2016

Ms. Jane Rieck, Planning Commissioner
Public Works and Development, Arapahoe County
Lima Plaza, 6924 S Lima Street
Centennial, CO 80112

Dear Commissioner Rieck:

On May 17 of this year you and three of your colleagues bravely voted not to increase the density on the west side of South Uinta Way. We as a neighborhood are grateful for that. Now the same amendment is coming up again but this time it is worded for three properties to be changed. These three belong to the same three property owners who approached the Planning staff late last year and asked how to change the Subarea plan.

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Sincerely yours,
Fred and Margaret Hoeppner

1573 So Uinta Way
Denver, CO 80231
October 6, 2016

Ms. Dianne Coffin, Planning Commissioner
Public Works and Development, Arapahoe County
Lima Plaza, 6924 S Lima Street
Centennial, CO 80112

Dear Commissioner Coffin:

On May 17 of this year you and three of your colleagues bravely voted not to increase the density on the west side of South Uinta Way. We as a neighborhood are grateful for that. Now the same amendment is coming up again but this time it is worded for three properties to be changed. These three belong to the same three property owners who approached the Planning staff late last year and asked how to change the Subarea plan.

South Uinta Way is a relatively narrow street which is currently experiencing increased traffic due to the new homes that Denver permitted adjacent to the Highline Canal which are accessed from Uinta Way. Some of those homes are not yet occupied which will increase traffic even more. We are concerned that the infrastructure will have to be increased if this first step to alter the subarea plan is adopted. This is only the first assault on the neighborhood. If the amendment passes there will be other developers pushing to increase the density. The Mission Statement of Arapahoe County "Enhancing your quality of life through exceptional delivery and efficient use of public funds" would not seem to promote excessive profit for a tiny minority at the expense of the majority.

If approved this will drastically change the ambience of the neighborhood forever. This area provides a balance to the increased development that is occurring on the north side of Parker Road and provides a wildlife corridor and mountain views. Towering 100 year old ponderosas line So Uinta Way. This is an unique oasis. People invested their savings in homes here because of the rural atmosphere and open feel. Not a day passes that someone doesn't say to me "Wow, I never knew this was here! It's so beautiful!" Arapahoe County is enhanced by this small piece of rural paradise which is our neighborhood.

We urge you to stay strong and vote once again to preserve our neighborhood. As you may remember a survey was done of the neighborhood which indicated that 2/3 of the residents oppose increasing the density. We realize that because of the current housing boom in Denver there is pressure to develop parcels but this boom will not continue forever, and we fear we will be left with a neighborhood which is just another crowded suburban street. Please vote against the amendment, #F16-002. Thank you for your consideration.

Sincerely yours,
Fred and Margaret Hoeppner

1573 S Uinta Way
Denver, CO 80231
October 6, 2016

Mr. Richard Radar, Planning Commissioner
Public Works and Development, Arapahoe County
Lima Plaza, 6924 S Lima Street
Centennial, CO 80112

Dear Commissioner Radar:

On May 17 of this year you and three of your colleagues bravely voted not to increase the density on the west side of South Uinta Way. We as a neighborhood are grateful for that. Now the same amendment is coming up again but this time it is worded for three properties to be changed. These three belong to the same three property owners who approached the Planning staff late last year and asked how to change the Subarea plan.

South Uinta Way is a relatively narrow street which is currently experiencing increased traffic due to the new homes that Denver permitted adjacent to the Highline Canal which are accessed from Uinta Way. Some of those homes are not yet occupied which will increase traffic even more. We are concerned that the infrastructure will have to be increased if this first step to alter the subarea plan is adopted. This is only the first assault on the neighborhood. If the amendment passes there will be other developers pushing to increase the density. The Mission Statement of Arapahoe County "Enhancing your quality of life through exceptional delivery and efficient use of public funds" would not seem to promote excessive profit for a tiny minority at the expense of the majority.

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Sincerely yours,
Fred and Margaret Hoeppner

Dear Member of the Planning Commission:

Regarding the proposed Uinta Way – Comprehensive Plan Amendment(F 16-002), I would like to urge you to vote to uphold the Four-Square Mile Sub-Area plan, as it was originally developed in 2005. I do not wish to see the Subarea Comprehensive Plan amended to allow the density for the properties at 1739 South Uinta Way, 1683 South Uinta Way and 1593 South Uinta Way to be increased from 1 dwelling unit per acre to 2 dwelling units per acre.

The impact on traffic flow, given the impending completion of Long's Park, the approved Illif Avenue project that will add 121 single-family housing units and the approved 95-unit Sky Mark Apartments, is unknown and not addressed by the current traffic study.

A factor publicly considered in the Planning Commission's May 17 vote to deny Comprehensive Plan Amendment (F16-001), which was an identical umbrella amendment that pertained to the larger area but included the subject property of the amendment before us now, was the opinion that the remedy provided by a lot-specific zoning variance application was, and always had been, available to address the plans of any individual property owner. Therefore, the need to amend the Subarea Comprehensive plan was not warranted. This current effort is similarly not warranted.

I would urge the applicants to apply for a zoning variance for their individual properties. That is the correct process in that it allows for a presentation of the scope of the project and encourages neighbors to sit down together in a discussion that may reach a compromise more agreeable to all.

I implore you to stand firm and reject this amendment.

Sincerely,

Dave Stalheim
8422 East Oregon Place
Arapahoe County, 80231

APPLICATION MATERIALS

Arapahoe County
Colorado's First

Public Works and Development
6924 S. Lima Street
Centennial, Colorado 80112
Phone: 720-874-6650
www.arapahoegov.com

Land Development Application

Form must be complete

Land Development Application materials received after 2pm shall be date stamped received the following working day.

APPLICANT/REPRESENTATIVE: Mary Oleson, Jim and Kathryn Latsis, Will and Lois MacPhee	ADDRESS: 1739 S. Uinta Way 1683 S. Uinta Way 1593 S. Uinta Way PHONE: 303-696-0086 FAX: EMAIL: jklatsis@comcast.net	SIGNATURE: NAME: William MacPhee Lois MacPhee TITLE: Mary Oleson
OWNER(S) OF RECORD: Same as above	ADDRESS: Same as above PHONE: FAX: EMAIL:	SIGNATURE: Mary Oleson NAME: Kathy Latsis Kathryn Latsis TITLE:
ENGINEERING FIRM: N/A	ADDRESS: PHONE: FAX: EMAIL:	CONTACT PERSON: Jim Latsis

Pre-Submittal Case Number:	Pre-Submittal Planner: Jan Yeckes	Pre-Submittal Engineer: Sue Liu

Parcel ID no. (AIN no.)	1973-21-4-02-011, 1923-21-4-02-005, 1973-21-4-02-024
Parcel Address or Cross Streets:	1739 South Uinta Way, 1683 South Uinta Way, 1593 South Uinta Way
Subdivision Name & Filing No.:	Mountain View Gardens
Related Case Numbers: (Preliminary/Final Development Plan, Rezoning, and / or Plat)	

	EXISTING	PROPOSED
Zoning:	R-A	R-PSF
Case/Project/Subdivision Name:		
Site Area (Acres):	2.38, 2.65, 2.41	
Floor Area Ratio (FAR):		
Density (Dwelling Units/Acre):	1	1-2
Building Square Footage:		
Disturbed Area (Acres):		

CASE TYPE (Administrative Case types are shaded in Gray)

☐ Preliminary Development Plan or Major Amendment ☐	☐ Location & Extent or Major Amendment ☐	☐ Administrative Site Plan	☐ Preliminary Plat
☐ Master Development Plan or Major Amendment ☐	☐ Rezoning - Conventional	☐ Administrative Amendment to _____(PDP, FDP, etc.)	☐ Final Plat
☐ Final Development Plan or Major Amendment ☐	☐ Land Development Code Amendment	☐ Technical Amendment to _____(PDP, FDP, etc.)	☐ Minor Subdivision
☐ Planned Sign Program or Major Amendment ☐	☐ Use by Special Review or Major Amendment ☐	☐ Commercial Mobile Radio Service (CMRS/cellular antennas)	☐ Subdivision Exemption
☐ Vacation of Right of Way/Easement/Plat	☐ Use by Special Review – Oil and Gas	☐ Plat Correction	☐ Replat (Major)
☐ 1041 – Areas & Activities of State Interest – Use by Special Review ☐	☐ Special District Title 30 ☐ Title 32 ☐	☐ Administrative Oil & Gas Use by Special Review (AOGUSR)	☐ Administrative Replat
☒ Comprehensive Plan	☐ Rural Cluster	☐ Street Name Change	☐ _____

THIS SECTION FOR OFFICE USE ONLY

Case No:		Planning Manager:		Engineering Manager:	
Planning Fee:	Y N $	Engineering Fee:	Y N $	TCHD Fee? ☐	$

This application shall be submitted with all applicable application fees. Submittal of this application does not establish a vested property right in accordance with C.R.S. 24-68-105(1). Processing and review of this application may require the submittal of additional information, subsequent reviews, and/or meetings, as outlined in the Arapahoe County Land Development Code.

August 12, 2016

Mary Oleson
1739 South Uinta Way
Denver, CO 80231

Jim and Kathryn Latsis
1683 South Uinta Way and
8875 E. Mexico Dr.
Denver, CO 80231

Will and Lois MacPhee
1593 South Uinta Way
Denver, CO 80231

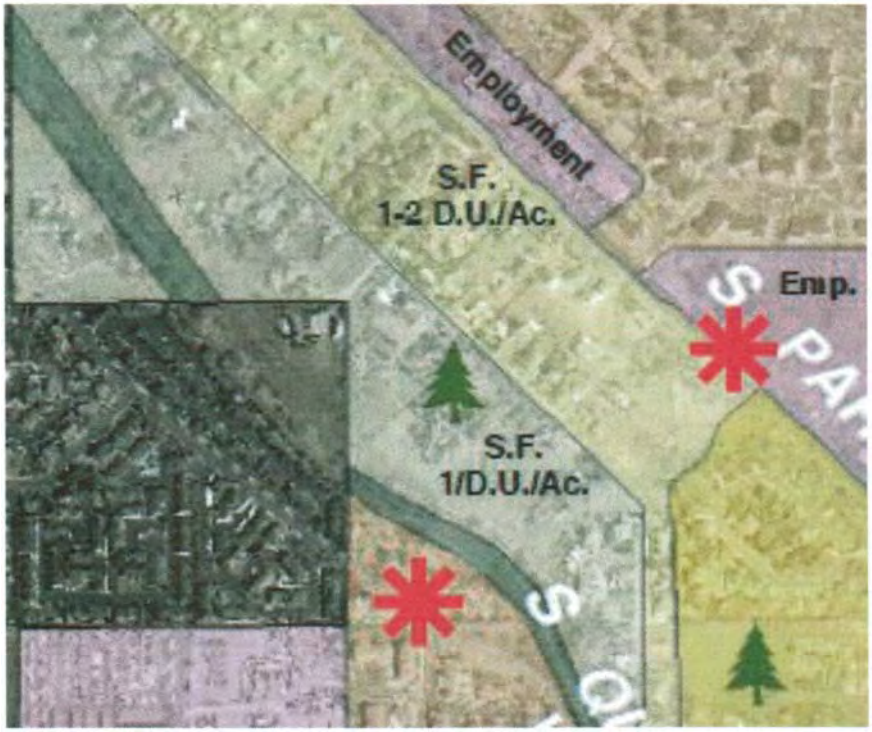
Re: Sub Area Plan Amendment for 1739 South Uinta Way, 1683 South Uinta Way, and 1593 South Uinta Way Letter of Intent

Dear Public Works and Development:

Per the recommendation put forth at the Public Hearing dated May 17, 2016, as per the Planning Commission, the owners of the properties located at 1739 South Uinta Way, 1683 South Uinta Way, and 1593 South Uinta Way respectfully have applied for a sub area plan amendment to allow 1-2 Dwelling Units per Acre.

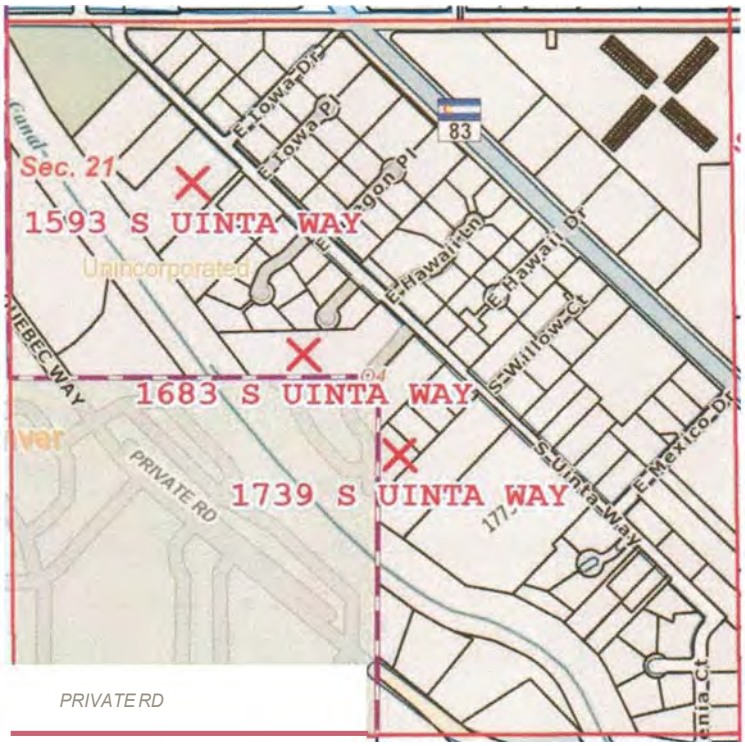
The property owner applicants attended the Four Square Mile neighborhood meeting on August 11, 2016 and announced their intent as per the agenda and minutes dated, August 11, 2016.

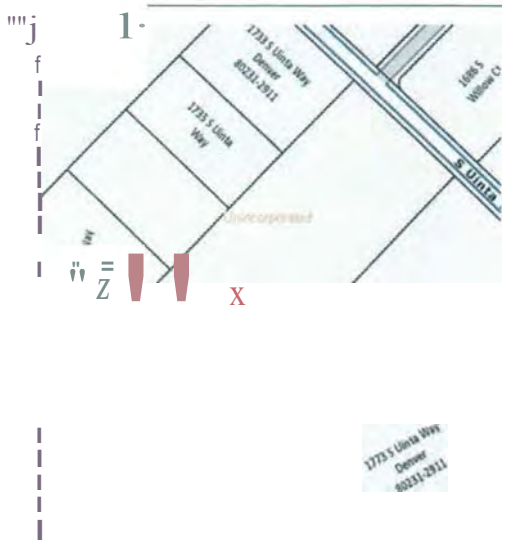
The subject properties being considered for this Sub Area Plan Amendment are contained generally south of Florida Avenue, north of Jewell Ave, between South Uinta Way and the Arapahoe/Denver county line.



8875 East Mexico Drive, Denver CO 80231 303.696.0086 office · 303.696.0087 fax · www.latsiscustomhomes.com

The specific properties owned by the applicants are as follows:



1739 South Uinta Way	2.38 Acres	1973-21-4-02-011 

1683 South Uinta Way	2.65 Acres	1973-21-4-02-005
1593 South Uinta Way	2.41Acres	1973-21-4-02-024

At present, per the staff report presented at the May 17, 2016 Public Hearing, the densities along the west side of Uinta, taken as a whole, do not meet the 1du/ac land use designation. This section of South Uinta Way is also the only 1du/ac designation within the Four Square Mile Subarea Plan boundary. The property owner applicants do not believe it is appropriate or equitable to continue to cause a limited number of properties on the west side of South Uinta Way to provide the neighborhood transit ion to the Highline Canal and Denver neighborhoods, or to serve as a buffer for the 90+ other homes in the neighborhood on properties averaging .3 acres in size. Long's Pine Grove, a 2.88 acre park at the intersection of East Florida Avenue and South Uinta Way creates a buffer for the neighborhood and will provide safe access to other Arapahoe County open space via the Highline Canal.

On June 30, 2016,the property owner applicants attended a pre-submittal meeting with Arapahoe County Planning, Engineering, and SEMSWA staff to understand the requirements and cost involved in submitting for development. Subsequently ,the property owner applicants were advised the next step in the land development process would be to submit for a sub area plan amendment to address their concerns regarding density and flexibility in their land use objectives as per the Planning Commission's recommendation.

If the Planning Commission were to approve the property owner applicants' request to change the density from 1du/ac to 1-2 du/ac, the property owner applicants would, at their option, apply for a zone change, and/or a subdivision of their individual properties via the appropriate processes found within the Arapahoe County Land Development Code. Rezoning of land requires public hearings before the Planning Commission and the Board of County Commissioners . Creating additional lots within an approved zone district requires a plat approved by the Board of County Commissioners .

Per Chapter V of the Comprehensive Plan, applicants must address a checklist of items when submitting for a sub area plan amendment . The property owner applicants believe their request for an amendment complies with the criteria identified. Responses from public entities noted are the result of the previous staff-initiated amendment heard at the 5/17/2016 public meeting.

1. Intent of Amendment	Provide equitable and more flexible land development options for property owner applicants.
2. Conditions that have changed in County to warrant amendment	Additional development within neighborhood that does not comply with the current sub area plan. Improved access to infrastructure for applicant properties .
3. Consistency with goals, objectives, policies, and intent of the Comp plan	Requested 1-2 DU/acre is consistent with density designation on east side of South Uinta Way and is lower density than surrounding 4 Square Mile residential.
4. Consistency with maps contained in the comp plan	Request is consistent with maps in the comp plan.
5. Consistency with regional plans including Metro Vision, the Regional Transportation Plan, etc.	Consistent with current regional plans.
6. Compatibility with surrounding land uses, density, and zoning	The Mountain View Gardens neighborhood in which the three applicant properties reside consists of single family residential structures . The density ranges from one home on a large multi-acre parcel to one home on a .24-acre lot. The majority of the neighborhood, on both the east and west sides of South Uinta Way, consists of one house per 1/3 acre on R-PSF zoned lots. Zoning consists of R-A, R-1, R-2 (obsolete), R-3 (obsolete), and R-PSF. **The amendment would allow the applicant properties to be more consistent with the land use, density, and zoning that currently exists in the neighborhood.**

7. Environmental conditions and hazards shown on the current Comp Plan	No known adverse environmental conditions exist on the subject properties.
8. Important natural features, riparian corridors, wildlife habitat, and movement corridors shown on the current Comp Plan	No specific natural features on the subject properties are noted in the current Comp Plan. Riparian corridors, wildlife habitat, and movement corridors are largely accommodated by the Highline Canal adjacent to the subject properties.
9. Historic resources identified on the current Comp Plan	No historic resources for the subject properties are noted in the current Comp Plan
10. Relationship to the existing road network and transportation element of the Comp Plan	Per an Arapahoe County traffic study completed in response to the staff-initiated Comp Plan Amendment, the proposed amendment does not adversely impact the existing road or transportation element.
11. Capabilities of, and impacts on, existing or planned special districts affected by the amendment.	None identified at this time.
12. Availability of water supply and provision of water and sanitary sewage treatment.	Per Cherry Creek Valley Water and Sanitation response to staff initiated amendment, letter dated February 23, 2016 "Water and Sewer service is available ..."
13. Availability of public facilities such as schools, parks and trails, libraries, fire stations, etc.	Public facility responses to staff-initiated Comp Plan Amendment dated 5/17/2016 as follows: **Arapahoe County Open Spaces:** Letter dated March 16, 2016 states "that the amendment change would be minimal and do not expect any negative effects on open space services." **Arapahoe Library District:** No Comment **Cunningham Fire District:** No Comment on the Comprehensive Plan amendment/ letter of intent **Cherry Creek School District:** The Cherry Creek School District has no comment on this change.

We appreciate your consideration in this matter.

Regards,

Mary Oleson
Jim and Kathryn Latsis
Will and Lois MacPhee

MOUNTAIN VIEW GARDENS HOMEOWNERS' ASSOCIATION SURVEY

RECEIVED NOVEMBER 7, 2016

INCLUDES COMMENTS BOTH
IN SUPPORT OF THE APPLICATION
AND
OPPOSED TO THE APPLICATION

Dear Jan,

Here is a copy of the survey we did of the neighborhood regarding the amendment to change the density. Please include this with the other letters to the commissioners.

Thank you —

Mary Jane Hoeppner

MOUNTAIN VIEW GARDENS HOME OWNERS' ASSOCIATION

March 18, 2016

Jan Yeckes
Planning Division Manager
Arapahoe County
Lima Plaza
6924 S Lima St
Centennial, Co 80112

RECEIVED
NOV 07 2016
ARAPAHOE COUNTY
PLANNING DIVISION

Re: Case #F16-001

Dear Ms Yeckes,

In response to the proposed amendment for the 4 Square Mile Subarea Plan, the Mountain View Gardens Home Owner's Association conducted a survey of property owners within the boundaries of the subarea.

An explanation of the proposed amendment, a map of the area, and a survey form was provided to owners of the 94 Arapahoe County properties within our boundaries.

We tallied the results using two different methods.

1) One vote per property
2) One vote per owner of a property

We received responses from 90 individuals representing 63 out of the 94 properties.

1) Survey results based on 1 vote per property:

2 Compromise, 3 Neutral, 18 In Favor, 40 Opposed

2) Survey results based on owners of property:

3 Compromise, 5 Neutral, 23 In Favor, 59 Opposed

Included on the survey form was space for comments. We received many excellent comments both in favor of and opposed to the proposed amendment. We have included a copy of those comments with this letter, and would encourage you to read all in order to understand the concerns of all respondents related to this amendment.

Thank you,

Mountain View Gardens Home Owners' Association
Judy Wiese
Secretary
1778 S Uinta Way
Denver, CO 80231-2912

Encl: Mountain View Gardens – Subarea Plan Survey Results

Mountain View Gardens - Subarea Plan Survey Results

1) **Vote based on one (1) vote per property:**

2 Compromise, 3 Neutral, 18 In Favor, 40 Opposed, 31 Properties did not complete survey (Total: 94 Properties)

2) **Vote based on surveys received:**

3 Compromise, 5 Neutral, 23 In Favor, 59 Opposed (Total: 90 Individuals)

All Comments Received:

COMPROMISE	How about a compromise as discussed in the past of one per 3/4 ac
COMPROMISE	I am in favor of a compromised 3/4 of an acre/house. I would like to preserve the wildness of the West side, but also to be fair to those of us who own land. For instance someday I might like to build a small house for myself & give(sell) my home to my children. I am not in favor of a 1/2 acre because w current building size of homes, this takes most of the lot. i would like to keep our community feel, one that is special.
COMPROMISE	Possibly if development was done responsibly, but I would hate to see any new development like that done on Packard's property. Homes are nice enough, but homes are practically sitting on top of each other, and so close to road, that they do not correspond with the look and feel of the rest of the neighborhood. I also wonder if there isn't some way to negotiate a win/win option. Could the owners/developers agree to only the 25 total homes and agree to respect current easements such as keeping homes back from the edge of Uinta? I believe that works out to about 1.50 homes per acre.
IN FAVOR	1. The survey should allow only one survey response (vote) per property owner. This is typical of most homeowners' associations, where one membership (e.g., vote) is allowed per property. Due to the wording in the survey instructions: "More than one survey per household is permitted if there are multiple property owners in that household", I am, in addition to other individual property owners, being discriminated against as an individual owner. 2. This proposed amendment is a matter of property rights. I have lived on the west side of Uinta for 44 years and own one of the pieces of property in question (2.38 acres). Neighbors who live on 1/2 acre or less (on either the west or east side of Uinta) should not be allowed to dictate that I can have only 1 house per acre on my property. it is unfair. 3. The overall density of Mt View Gardens is less than any development in the 4 square mile area, including Cherry Creek Country Club. 4. A change in density is not going to attract tract homes. Recently built homes in Mt View Gardens and High Line Ridge homes nearby (Denver) have sold for around a million dollars. 5. I am submitting 3 survey responses (votes) because I own 3 properties.
IN FAVOR	-Density should be kept equal in our neighborhood. - Owners can keep their lots as large as they like as long as it is no smaller than 2 du/acre. - Both sides of Uinta Way should protect the ruralness of our neighborhood by landscaping.
IN FAVOR	Going from 1 dwelling unit per acre to 1-2 per acre is not dense, from my point of view. I support allowing the residents with large lots, the freedom to subdivide in this way and I don't think it will ruin the neighborhood.
IN FAVOR	I believe those of us who live on parcels of less than 1 acre should consider that we would not have homes in this neighborhood if someone else had not sold and developed their property.
IN FAVOR	-I think it is grossly unfair to restrict the zoning of the remaining 15% of Mountain View Gardens to match the other 85%. -There is no reason for this restriction except for "not in my backyard" sentiment.
IN FAVOR	Only fair thing to do.

IN FAVOR	Our neighborhood has grown gradually and nicely with valuable homes on 1/3 acre lots. The additional tax revenue (property taxes) from an increase in density trend will add to our needed infrastructure improvements, police support, schools and other meaningful areas.
IN FAVOR	There have already been way too many comments on this subject.
IN FAVOR	We believe the changes and additional new home development are positive for the home values in the area.
OPPOSED	After 45 years of living here we are highly opposed to the possibility of Increased Density!
OPPOSED	I am adamantly opposed to the increased density that is being proposed. I love the country feel I have in this area and appreciate the amount of acreage allowed for each home. It allows for a plethora of wildlife that is rare in the city limits. I hope you will reconsider and NOT ALLOW an increase in the density of homes for the MVG area.
OPPOSED	I am against making a legislative action by Arapahoe County to increase in the zoning regulations for our community and the sub-area plan. There is an opportunity for any owner of property to apply for a varience for density. The application allows neighbors to have an input on this decision. Do not take this right away from the other property owners by making another density increase law that is a rubber stamp for developers.
OPPOSED	I am definitely opposed to increased density. Thank you.
OPPOSED	I am Opposed to Increased Density WITHOUT ACCOUNTING FOR NEIGHBORHOOD SERVICES. In respect of the historic non-gridiron pattern of existing housing any County Master Planning, before allowing lots below 1 acres size, should show neighborhood impacts on neighborhood services. This preview, for public notice, could be done before County acts on zoning approval of lots smaller than 1 acre. To show needed area improvements in street capacity, sidewalks, street lighting, electricity, gas, sewer and storm drainage systems, and cost distributions thereof.
OPPOSED	I am sad we have to address this again, as my husband worked so hard on this twice before he passed,
OPPOSED	I am strongly opposed to increasing density on the W side of Uinta to 1/2 acre lots. There will be a big impact on traffic, and all of the home owners will have to pay for the infrastructure improvements that developers are not responsible for. Thanks for doing this survey.
OPPOSED	I believe the neighborhood is better if we retain the "Estate Quality" properties on the west side of S. Uinta Way. However, some increased density seems perfectly reasonable.
OPPOSED	I do think sometimes density could be increased, case by case.
OPPOSED	I have lived in the area for 18 years and I chose this neighborhood because of the spacious landscaping. I love being along the highline canal and I enjoy the spacing of the homes as they are now. I grew up in Iowa where we tended to have more land for each home and that is what I appreciate about this area. It is unique and I hope it stays that way. It is difficult to find a neighborhood like it in Denver and that is why I am opposed to the increased density.
OPPOSED	I have lived on this property my entire life and saw the fight that the neighborhood went through dealing with this same issue ten years ago, and feel if the zoning is changed now it completely detracts from the time and energy people spent already stopping this type of zoning.
OPPOSED	I think that this would ruin the appeal of our neighborhood.
OPPOSED	Increased traffic on Uinta Way is becoming dangerous to foot traffic
OPPOSED	Increasing the legal density brings no value to the existing neighborhood, but would benefit developers who have their financial at heart. Increased density would decrease safety from vehicles & crime. We have been proud of our more rural feel in Mountain View Gardens. This is an unnecessary action since the current plan was adopted in 2005 & reaffirmed in 2010 to reflect the values in the community. This density is only desired by potential developers & takes away property rights for neighbors.
OPPOSED	It would take away the character of the neighborhood. We cannot already handle the increase traffic. It would decrease home values due to effecting the character and creating crowding.
OPPOSED	Lets preserve the rural character of the west side of Uinta Way. The financial gain of 3 people should not rule the day!

OPPOSED	MVG is a unique enclave which deserves to be protected. All our property values should be considered. If this goes thru the rural atmosphere with wildlife, native plants and trees will be lost. Many of our properties will be devalued while three owners/developers cash out and leave the area.
OPPOSED	It is not fair for a minority group (<10%) of MVG property owners to impose a change of the existing MVG plan to increase dwelling density that will impact all MVG property owners. The current plan allows for a 15% increase in dwellings. MVG is a one road area that would be significantly impacted by doubling the potential increase in dwellings to 30% as authorized in the proposed amendment. A decrease in property values and quality of life along with increases in traffic, infrastructure demands, and property taxes would likely result for all existing MVG property owners. All of the property owners of MVG have accepted the current plans in place and are entitled to reside under its current requirements, provisions, and benefits. The majority of MVG property owners should not be forced to bear the burdens of the proposed amendment which is put forth by a small minority group of property owners solely for their own financial gains.
OPPOSED	My husband and I highly value the open and rustic landscape that exists on the West side of South Uinta Way. The uniqueness of the landscape, in this close-in location, is highly desired and valued. Increasing the density will significantly and negatively impact the esthetics treasured in out neightborhood. In addition, the existing wildlife will be negatively impacted as well.
OPPOSED	one reason we bought property in this area is because it is zoned low density. The drainage, streets, sidewalks... Are not capable of a higher density
OPPOSED	The character of our neighborhood will drastically change if this amendment is approved. The 2 houses crammed on the Packard property give a clear indication of how the west side will look if the owner/developers have their way.
OPPOSED	The properties border high line canal, an important wildlife corridor. The existing zoning should remain.
OPPOSED	The west side of S Uinta Way gives the neighborhood its name and identity. it is the entry way across the water board property, the Highline, the Denver Valley to the front range mountains. These property owners can sell at a fair price or build and still maintain the integrity of the neighborhood. it is our community as well as their property.
OPPOSED	This would be a huge mistake to say the least, and more importantly a slap in the face for the homeowners currently living here. We moved here because of the location and the size of the lots. This is nothing more then some greedy builder's trying to suck every penny out of a beautiful area. The builder's say this isn't a big deal but it is. They need to move on to another section of town and leave this one alone. If this is allowed this will only be the begining and it will destroy a pristine area.
OPPOSED	Twenty five years ago I move here because of the limitations on the density of housing. I don't want to change any density restrictions in Mountain View Estates.
OPPOSED	We are already seeing the effects of increased density from the "Denver Triangle" development that was allowed to use Uinta Way. Further increases will mandate additional infrastructure, including the widening of Uinta Way. More traffic will ruin the nature of the neighborhood and turn it into just another jumble of cull de sacs. We all moved to this neighborhood because of its look and feel. Don't ruin it.
OPPOSED	We would like to retain the beauty of the area and to leave the density as it currently exists. To walk along Uinta without having to dodge autos is a pleasure. You also meet and can converse with your neighbors who are also taking advantage of the unique environment.
OPPOSED	while it is true that certain areas on west side of uinta have greater than 1:1 density, the density doesn't exceed 3:1. I would not be in favor of any density more than 3:1 and much more favor larger home sites at 1:1 that reflect the traditional look and feel of this neighborhood. I believe the market would justify the larger lots.
OPPOSED	Would take away from overall character of the neighborhood, would increase traffic and congestion.

OPPOSED	Please see attached letter that we sent to the planning board. Letter to planning board: As residents of Mountain View Gardens, we are writing to express our position against a density increase in our neighborhood on the West side of S. Uinta Way. We chose to purchase a home in MVG because of its unique rural feel. We love that it is an established neighborhood with a variety of homes on large lots, so unlike most other cramped, cookie-cutter neighborhoods in Denver. We love the abundance of wildlife that make their home in the natural spaces between our homes. We enjoy watching owls, coyotes, raccoons, rabbits, and the occasional deer that inhabit the meadows and trees. An increase in density would reduce or eliminate all of this, and turn MVG into just another typical neighborhood. We are also very concerned about the amount of traffic on Uinta Way. This is the only street residents can walk on. It does not have sidewalks, and an increase in traffic would be dangerous and threaten the tranquil feel we all treasure. In the three years since we purchased our home, developers have bought several of the few remaining vacant lots and crammed as many houses as possible onto them. There was also a quaint old farmhouse on Uinta with horses in the back yard that my children enjoyed visiting. When the owner passed away, it was bought by a neighborhood developer who built two large custom homes in its place—nice for the builder, but not for the rest of us who can no longer enjoy that bucolic ambiance. The homeowners who purchased homes on acreage many years ago have enjoyed their lovely properties for decades. It does not seem fair that when they are ready to leave MVG, they should be able to subdivide their lots and permanently alter the character of this special neighborhood for the rest of us. With the rise in property values, and the extreme desirability of acreage in an urban setting, these property owners will still be able to sell their homes at a premium. Please help us maintain our neighborhood's unique rural ambiance by keeping the current density at one dwelling per acre.

ADDITIONAL CITIZEN COMMENT
IN <u>SUPPORT</u> OF APPLICATION

RECEIVED AFTER
OR PREVIOUSLY NOT INCLUDED
WITH STAFF REPORT PACKAGE
PROVIDED TO PLANNING
COMMISSIONERS AT THE
NOVEMBER 1, 2016 PC MEETING

REPRESENTS ADDITIONAL
LETTERS AND EMAILS RECEIVED
AS OF NOVEMBER 8, 2016
12:00 NOON

9/12/16

Dear Planning Commission Members and Staff,

As you know, this issue has been before you or your predecessors several times over the last decade and each time the majority of the neighborhood voices opposition. However, in my opinion, this should not be about what's popular, but rather what's fair and just.

Mountainview Gardens began as 5 to 10+ acre horse properties in the mid 1900's and over the years has developed into a low density community, **90% of which are ¼ to ½ acre lots**. Had the current comp plan restrictions been in place from the beginning, nearly all of the owners who are opposed to this change would not have had the opportunity to live in this neighborhood. But now that the majority of the residents have been able to purchase homes on small lots, they are adamantly opposed to anyone else doing the same. What strikes me as especially hypocritical is that more than a dozen people who are opposed to this change are new residents, having moved into the neighborhood in the last 10 years. Nearly all on lots smaller than ½ acre.

In contrast, two of the three owners who are requesting this comp plan change have lived in the neighborhood for more than 40 years. They have seen homes go up all around them for decades, but are now being told that it is up to them to preserve the rural character of the neighborhood. It is simply not fair that these few property owners have to bear this burden.

In order to rally the opposition, some have made claims that traffic will be a problem, water and sewer infrastructure is insufficient, Uinta would have to be widened, and that huge numbers of mature trees would be destroyed. The referral letters that you have received have proven these claims to be false. The impact on the neighborhood would be minimal. The majority of developable land has already been developed.

Further, the additional density that would be allowed by changing the comp plan from 1 Du/Acre to 1-2 DU/Acre has also been grossly exaggerated. Each of the 3 properties asking for the comp plan change would probably end up being 3 or 4 homes on each parcel (rather than 2 currently allowed), which would work out to approximately .60 to .80 acre lots (still among the largest lots in the community). And as you all know, even if the comp plan is changed, the owners must still go through a rezoning process and public input would be a part of that process. That, combined with drainage and other engineering constraints, would limit the approved density to well above the ½ acre lot minimum.

As one planning commission member stated the last time this was brought up – this is a simple case of owners of small lots trying to keep their neighbors property as their own private park. It happens all the time and should not be allowed.

Regards,

Rich Laws
8931 E Wesley Ave
Denver CO 80231

Jason Reynolds

From: Loismacphee@gmail.com
Sent: Monday, November 07, 2016 12:03 PM
To: Jason Reynolds; Jan Yeckes; Julio Iturreria
Subject: F16-002 Four Square Mile Sub-Area Plan Change - Latsis/MacPhee/Oleson

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From: Jean Thayer [mailto:thayerpauljean@aol.com]
Sent: Thursday, October 20, 2016 12:17 PM
To: jiturreria@arapahoegov.com
Subject: SUBJECT: Four Square Mile Sub-Area Plan Change - Latsis/MacPhee/Oleson

We are writing to support the proposal to Amend the Four Square Mile Sub-Area Plan to provide "Single Family – One-to-Two (1-2) Dwelling Units per Acre" for those parcels of land which lie Southwest of South Uinta Way, and in particular those which are owned by Latsis, MacPhee and Oleson.

It is our belief that these three property owners directly involved have the basic right to develop and build on their properties consistent with the density factors which already exist.
This would not significantly change the character of the neighborhood.

Sincerely,

Paul and Jean Thayer

Jason Reynolds

From: Loismacphee@gmail.com
Sent: Monday, November 07, 2016 11:59 AM
To: Julio Iturreria; Jason Reynolds; Jan Yeckes
Subject: F16-002 Latsis, MacPhee, Oleson parcels

From: Ruth Windmiller <rwindmiller@msn.com>
Date: November 4, 2016 at 2:18:57 PM MDT
To: "jiturreria@arapahoegov.com" <jiturreria@arapahoegov.com>, "wmmacphee@gmail.com" <wmmacphee@gmail.com>
Subject: Latsis, MacPhee, Oleson parcels

To: jiturreria@arapahoegov.com

From: Allan and Ruth Windmiller

Re: Support for Four Square Mile Area Plan Amendment for parcels owned by Latsis, MacPhee, and Oleson

We are writing in support of a Four Square Mile Area Plan Amendment to permit one-to-two single family homes per acre for parcels located southwest of South Uinta Way and owned by the parties named above. A similar density was recently approved on the Lambright parcel (3 units on 2.25 acres) located at Mexico and South Uinta Way.

The existing developed land parcel sizes in the Four Square Mile Area are virtually all either less then one acre sites or 1/2 acre sites. Uniform land density plans in this area are a matter of consistency in County land planning particularly when such density plans create no hardship on adjoining parcels. Further, to deny one group of land owners the same density rights that the adjoining neighbors have in this neighborhood is likely unlawful.

We ask that you please approve the plan amendment permitting one-to-two dwelling units per acre considering that these property owners have the basic right to build on their land consistent with the density factors which already exist, and do not significantly change the character of the established neighborhood.

Allan and Ruth Anne Windmiller

1899 S. Xenia Court

Denver, Colorado 80231

ADDITIONAL CITIZEN COMMENT
<u>OPPOSED</u> TO APPLICATION

RECEIVED AFTER
OR PREVIOUSLY NOT INCLUDED
WITH STAFF REPORT PACKAGE
PROVIDED TO PLANNING
COMMISSIONERS AT THE
NOVEMBER 1, 2016 PC MEETING

REPRESENTS ADDITIONAL
LETTERS AND EMAILS RECEIVED
AS OF NOVEMBER 8, 2016
12:00 NOON

Jan Yeckes

From: dalinda hajek <dalinda246@gmail.com>
Sent: Monday, November 07, 2016 8:49 PM
To: Jan Yeckes; Dave Schmit; Jason Reynolds; JIturreria@arapahoegov.org
Subject: Possible increase in housing density on West side of Uinta in Mountain View Gardens

Against this proposal please!!! Please pass my opposition to this increase in density
Thank you Dalinda Hajek 1801 S Uinta way Denver Co 80231

Jason Reynolds

From: timothydudley@comcast.net
Sent: Sunday, November 06, 2016 9:23 PM
To: Jason Reynolds
Subject: 4 Square Mile Sub Area Plan

Dear Mr. Reynolds,

I am writing once again to oppose any change to the 4-square mile sub area plan that would allow for increased density in our neighborhood.
As you know, the last time the issue was presented to the county, the neighborhood expressed strong objections to any increase in density and the measure was defeated, as it was in 2005 and 2010.

Now the issue is back and we must again express our strong objections.
We do not want to see the neighborhood become another densely packed series of homes. Uinta Way cannot support the traffic safely despite what traffic standards may say. There are no sidewalks and many residents routinely walk in the street. Deer and coyotes play along the canal and frequent our neighborhood. Hawks circle overhead.

The owners of the three parcels in question are free to use the zoning process if they would like to develop their properties in a clear and transparent way.
Please do not change our sub-area plan!
Sincerely,
Tim Dudley

1573 S Uinta Way
Denver, CO 80231
October 31, 2016

Arapahoe County Planning Commissioners
Public Works and Development
6924 S Lima Street
Centennial CO 80112

Dear Planning Commmissioners:

I am writing to you regarding the proposed amendment to the SubArea Plan which is scheduled to be decided on November 15, 2016. My understanding is that you voted against this in May of this year and I am puzzled why this is even coming up again. The three properties involved actually amount to 40% of the total area that would have been changed in May. This is the same exact request, just dressed up in different clothing.

I have live here for the last 45 years, and believe this little section is an important asset to Arapahoe County. The property values here have steadily increased partially because of the rural character and the beautiful mountain views as well as the wildlife. One of the large parcels here recently sold for over a million dollars for a gentleman who wishes to build one house. The subdividing of properties is not necessary for people to make a large profit.

This amendment if passed will forever change the character of our home and neighborhood. I urge you to vote against the amendment.

Thank you for your consideration,

Fred Hoeppner

Jan Yeckes

From: Lucie Laipenieks <luciecl@outlook.com>
Sent: Monday, November 07, 2016 5:49 PM
To: Jan Yeckes
Subject: My letter in OPPOSITION to F16-002 in Mountain View Gardens.
Attachments: 6. Letter to Planning Commissioners and Planning Staff, Nov 6, 2016.docx

Dear Planning Staff,

I'm attaching hereto my letter in OPPOSITION to F16-002 in Mountain View Gardens. Please make sure the Commissioners get a copy of this letter. I'm also mailing the letter addressed to each commissioner. Please be sure to deliver those copies since they are in the U.S. Mail and addressed individually to each commissioner.

Thank you.

Sincerely,

Lucie C. Laipenieks

Denver, Colorado, November 6, 2016

Dear Planning Commissioners and Planning Staff,

I wanted to address the issues in regard to F16-002.

I have lived on the West Side of Uinta for over 20 years at 1723 S. Uinta Way. I happen to own one of the large properties on the West Side which is more than 1 acre. I **OPPOSE** the proposed changes.

I bought this land, rated residential agriculture **BECAUSE** of the zoning which provided for adequate open space in the neighborhood. This neighborhood cannot take additional traffic, which has gotten dangerous over the last few years. This is especially true since the County is putting a park at Uinta and Florida which will attract even more cars into our tiny neighborhood.
This place is a "gem". It is a unique area full of wildlife. I bought this property over 24 years ago and have enjoyed the foxes, coyotes, hawks, owls, eagles, deer, and the flora in the area. Loss of those things is irreparable.

The neighborhood has already been heard on this issue twice before: In the poll, 2/3 were against it. At the May hearing, the opposition was overwhelming and the Commission denied the change.

Now, here we are again.

This is simply wrong that 3 land owners can attempt to circumvent the will of the neighborhood and change what we all bought when we bought our land. This is denying OUR property rights by trying to make a change after we purchased our property. This application should be denied.

Sincerely,

Lucie C. Laipenieks
1723 South Uinta Way
Denver, CO 80231-2911

Jan Yeckes

From: mhajek@aol.com
Sent: Monday, November 07, 2016 8:35 PM
To: Jan Yeckes; Dave Schmit; Jason Reynolds; Julio Iturreria
Subject: Proposed increased density on west side of S Uinta Way in 4square area

Hi,
I'll be brief: for similar reasons as lots of my neighbors I vehemently oppose any more additional high density developments on West side of Uinta where I lived for last 17 years. I love nature and this rural feel was a main reason why we moved here in first place. I understand some development will happen, but please lets have some restrain and let's not "give in" to just plain greed and let's see how far we can push this density issue. Maybe let's compromise and agree on 3/4 at the most !!! Because these new houses being build here are "huge" and there is not enough land left for wild life, vegetation-trees & greenery etc....
Thank you very much for listening. and passing our voices to county commissioners.
Sincerely Martin Hajek 1801 S Uinta Way, Denver Co 80231

Jan Yeckes

From: ELISAATTY@aol.com
Sent: Monday, November 07, 2016 9:20 AM
To: Jan Yeckes; Julio Iturreria; Jason Reynolds
Cc: Dave Schmit; elisaatty@aol.com
Subject: F16-002
Attachments: mvghoafinalletterfromelisa.pdf

Dear Planning Commission Staff,

I'm attaching my letter regarding the above referenced matter and in OPPOSITION to the proposed amendment to the sub area plan. Please include it in the packet to go to the Planning Commission Board member prior to the hearing on 11-15-16. Thank you for your attention.

Sincerely,

Elisa Moran

11-7-16

Dear Planning Commissioners and Planning Staff,

I wanted to address the issues in regard to F16-002.

I have lived on the West Side of Uinta for 29 years at 8451 E. Oregon Place. I have loved my neighborhood and my neighbors all of those years. However, I **OPPOSE** the proposed changes.

I'm listing below my reasons for opposition.

1. **Safety:** There is a traffic study which shows that on a Wednesday in February, 2016, there were 587 car movements on Uinta and 270 car movements on Mexico. Additional homes will mean additional car movements on a street with **no sidewalks** for pedestrians, dogs, strollers, bikes. Part of that study seemed to indicate that those car movements and additional ones will ONLY use Uinta or ONLY use Mexico. My experience is that many, many of the cars in our area are coming off of Florida, cutting down Uinta, then using Mexico to get to Parker Road. Thus, they are using BOTH streets. Not only will that continue, but the proposal for higher density will then INCREASE the number of cars on a street where it is becoming increasingly dangerous to walk dogs or children.

2. **Process:** This sub-amendment change isn't necessary. It would be a better process to deny it at this stage and then allow homeowners to seek a zoning change because at that point in the process, they must present an actual proposed version of what they want to build and where, on the property, they are planning to place homes, drainage, driveways etc. At that point, we can actually see what is being planned instead of wholesale changing the sub-area plan at this stage when we can't see what is going on.

3. **Landowners Rights**: Big land owners have been arguing that it is their "Right" to build out their properties. However, they ignore the fact that they didn't buy their land with the thought that they could build 2 houses per acre. They bought knowing it was zoned at 1 per acre. Therefore, the argument that we are trying to take their "rights" is a false argument. To the contrary, we all bought believing the surrounding land would only have one house per acre on it. So, if anything, this sub-area amendment infringes upon the rights of the surrounding landowners who bought believing the large, unique lot size would remain as zoned.

4. **Infrastructure:** It is unclear what additional infrastructure may be needed with more homes, including street widening, sidewalks, drainage, sewer, water, etc. Until you figure that out, we certainly should not be making a blanket change of our sub-area plan.

5. **Park Development on Uinta/Florida**: A park is being built at the intersection of Uinta and Florida. We don't yet know about parking there, access points and how much additional driving/parking will occur once the park is developed. This blanket sub-area plan should not go forward until that is determined.

6. **Aesthetics**: This is a unique area full of wildlife. We bought here 29 years ago and have enjoyed the foxes, coyotes, hawks, owls, eagles, deer, and the plant life in the area. Loss of those things is irreparable. Once gone, it cannot be regained. Not all money-making schemes are worth the loss of our wildness. I don't believe you should vote to "pave paradise and put up more houses"...to quote a song. Once gone, it is gone forever.

7. **Loss of quiet enjoyment of our property**: More construction means more noise and disruption to neighbors like me who bought thinking I'd only have to live through the addition of one house per acre. Every time a new house is being built, the amount of construction traffic is unbearable...making it even more dangerous to try to walk a dog or a stroller on Uinta.

8. **Loss of property values:** There is a serious threat of loss of property value since we believe our property value is due, in part, to our unique rural neighborhood so close to the city, full of wildlife, plants, and room to breath and see the mountains. Loss of that makes us just another Denver Suburb with houses crowded together.

9. **The neighborhood has spoken 3 times on this very issue:** This commission heard from the neighborhood. 1)In a poll taken this year, 2/3 were against this. 2)At the May, 2016 hearing, the opposition was overwhelming and the Commission voted, denying the application. 3) Our elected homeowners association voted overwhelmingly to oppose this. To now try to come in through the back door and re-do this, seeking another bite at the apple, is simply a perversion of the democratic processes.

10. **The Sub-Area Plan:** There is a reason we have a sub-area plan. That way everyone knows what is being planned for the area. To allow 3 homeowners to change it in a way that dramatically and drastically changes all of our expectations is unfair and unnecessary. Instead, the Sub-Area plan is controlling and should remain that way. If a landowner wants to change zoning, they should go through the county process which provides for that process. Then, the neighborhood can decide if we agree or disagree with the individual proponents.

In sum, those who want to put in more homes should be required to abide by the prior ruling of the commission. If each one individually wants to follow the process of the county, they can do so by submitting a full plan so we know what is being proposed and we can effectively review and discuss the feasibility of their proposals.

To do it this way, by trying to back-door this process is simply wrong.

Sincerely,

Elisa Moran

RECEIVED

NOV 02 2016

ARAPAHOE COUNTY
PLANNING DIVISION

October 28, 2016

Dear Members of the Planning Commission:

Regarding the proposed Uinta Way – Comprehensive Plan Amendment(F 16-002), I would like urge you to vote to uphold the Four-Square Mile Sub-Area plan, as it was originally developed in 2005. I do not wish to see the Subarea Comprehensive Plan amended to allow the density for the properties at 1739 South Uinta Way, 1683 South Uinta Way and 1593 South Uinta Way to be increased from 1 dwelling unit per acre to 2 dwelling units per acre. Approval of this amendment may set a precedent, and provide an incentive, for the increased development of the larger neighboring properties.

Two of the three applicants , namely MacPhee and Oleson, were unable to present to their neighbors any plans for their property at a recent neighborhood meeting. They said that they have no plans. They are not sincere in their application. They are simply using this process to increase the development potential of their property and the sale price. They will not build, they will sell. And, with the county having opened the door to increased density, the purchaser will likely ask that even greater density be allowed.

We implore you reject this amendment.

Sincerely,

Dave Stalheim
8422 East Oregon Place
80231

ARAPAHOE COUNTY PLANNING COMMISSIONERS
PUBLIC HEARING
18 October 2016
6:30 PM

W15-002 Land Development Code Minor Amendments to Multiple Chapters for Corrections, Updates, and Adjustments

Jan Yeckes, Planning Division Manager November 4, 2016

PROPOSAL
Planning Staff proposes to update specific provisions within Chapters 12 – Specific Regulations, 13 – Zoning Procedures, 14 – Subdivision Regulations, 16 – Standard Notes, 17 – Notice and Notification, and 19 – Definitions, for corrections, updates and adjustments in regulations of the Land Development Code.

STAFF RECOMMENDATION
Staff recommends approval of Case Number W15-002 based on the findings outlined in this staff report and with the conditions as noted.

I. BACKGROUND INFORMATION

Staff monitors and tracks corrections, clarifications and modifications needed to the Land Development Code as we work with the document and encounter difficulties that result in errors in land development applications or noticing, require interpretation by staff and users, or fill gaps in regulations that are found to cause problems with the application and implementation of the Land Development Code. The list of amendments proposed with W15-002 were found to be minor in nature and not of significant controversy or public concern and are therefore brought forward collectively as a minor "clean-up" amendment of the Code. Additional changes of greater complexity may be brought forward separately at a future time. At this time, Staff is proposing to revise the Land Development Code to address the following:

- Section 12-500 Temporary Structures
  - Add case types allowing temporary construction yard and/or office

- Section 12-600 Temporary Uses and Temporary Use Permits
  - Removed a duplicate word

- Section 12-1200 Parking Regulations
  - Change reference of "handicapped" to "accessible"
  - Clarify that compact parking standards are for projects approved prior to prohibiting compact parking
  - Update chart to reference Americans with Disabilities Act (ADA)
  - Adding reference to administrative process for 10% reduction in parking, currently addressed only under Administrative Amendments section
  - Add a standard for "Assisted Living Residence" to parking requirement list
  - Rewrite of "Restaurant" parking requirements list

- Section 12-1300 Lighting Regulations
    - Add provision for Planning Manager to waive the line-of-sight illumination requirement if there are no residential uses abutting the subject site and/or the light trespass does not reach property zoned or used for residential purposes at the time the light fixture is installed (eliminates conflicts for internal commercial lot-lines that necessitate waivers)

- Section 12-1400 Landscape Regulations
    - Clarify use of drainage easements and detention ponds as approved landscape area

- Section 12-1900 Oil and Gas Facilities
    - Clarify the requirements for a sign for notification prior to submittal of an application

- Chapter 13 Zoning Procedures
    - Clarify calendar days vs. business days for process timelines
    - Change all references to "chair"
    - Remove references to compact parking, as the code was previously amended to prohibit compact parking
    - Replace "handicapped" with "accessible"
    - Update hearing room from "Briarwood Ave" to "Lima Street"

- Chapter 14 Subdivision Regulations
    - Clarify calendar days vs. business days for process timelines
    - Clarify "Board" = "Board of County Commissioners"
    - Clarify the Vacation process
    - Clarify title commitment expiration

- Chapter 16 Standard Notes
    - Update numbering and remove acronyms
    - Clarify when notes are applicable
    - Add note for including fire lanes in the parking enforcement program
    - Remove address requirement from notary block

- Chapter 17 Notice and Notification
    - Add Oil and Gas and Conventional Zoning to noticing requirements
    - Change posting to "15 calendar days" to reduce legal noticing errors

- Chapter 19 Definitions
    - Add definition of "Accessible"

Copies of the proposed changes to these code sections are attached to this Staff Report.

II. DISCUSSION AND FINDINGS

Staff reviewed this application for compliance with the Comprehensive Plan and Zoning Regulations and reviewed all background activity and comments from referral agencies. A summary of the analysis is as follows:

1. Comprehensive Plan and Align Arapahoe:

The revisions proposed are consistent with the purpose and direction of the Comprehensive Plan in that these revisions provide additional language to guide development within the County, specifically meeting Strategy GM 2.2(a), which provides direction to amend the County's Development Regulations to Achieve Consistency with the Comprehensive Plan. These modifications to amend Chapters 12, 13, 14, 16, 17, and 19 help to provide clarity, up-to-date terminology and standards.

The proposed amendment promotes the "fiscal responsibility" and "quality of life" Align Arapahoe goals by ensuring a more efficient review process, a decrease in the need for staff and users of the Land Development Code to make interpretations, reduces the likelihood of errors in applications and processes, and addresses gaps or inconsistencies with current needs within the land development regulations.

2. Referrals and Noticing:

Staff sent referrals during the month of October to the attached list of agencies; few responses and no objections were received. Staff also posted the referral letter, hearing notice and draft regulations to the Public Works and Development Department's Public Notices web site for review. Notification of the public hearing was published in The Villager and I-70 Scout newspapers.

III. STAFF FINDINGS

Staff has reviewed the proposal and supporting documentation and referral comments, as detailed in this report. Based on review of applicable goals and policies as stated in the Comprehensive Plan, staff finds:

1. The proposed changes to the referenced Chapters 12, 13, 14, 16, 17 and 19 within the Land Development Code are in conformance with the Arapahoe County Comprehensive Plan.

2. Arapahoe County has the authority to amend provisions of the Land Development Code as proposed by this revision.

3. Modifications proposed comply with the applicable LDC Amendment policies and procedures as set forth in the LDC, including public notification requirements. Notice was provided in both The Villager and the I-70 Scout newspapers.

4. The proposed changes promote the public health, safety, and welfare of the unincorporated county.

IV. STAFF RECOMMENDATION

In the event that the Planning Commission concurs with the Staff's findings, as stated above, and wishes to forward a recommendation for Approval of the amendment to Chapters 12, 13, 14, 16, 17 and 19, as proposed or with changes, Staff has recommended the following Conditions of Approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapters 12, 13, 14, 16, 17 and 19 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

V. DRAFT MOTIONS

A. Motion for Approval as Submitted: *This action would be consistent with the Staff recommendation.*

In the case of W15-002 – Land Development Code Amendment to update specific provisions within Chapters 12 – Specific Regulations, 13 – Zoning Procedures, 14 – Subdivision Regulations, 16 – Standard Notes, 17 – Notice and Notification, and 19 – Definitions, for corrections, updates and adjustments in regulations of the Land Development Code, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Staff report dated November 4, 2016, and recommend that the Planning Commission forward to the Board of County Commissioners a recommendation for **approval of the amendments as submitted**, with the following two (2) conditions of approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapters 12, 13, 14, 16, 17 and 19 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

B. Motion for Approval with Changes:

In the case of W15-002 – Land Development Code Amendment to update specific provisions within Chapters 12 – Specific Regulations, 13 – Zoning Procedures, 14 – Subdivision Regulations, 16 – Standard Notes, 17 – Notice and Notification, and 19 – Definitions, for corrections, updates and adjustments in regulations of the Land Development Code, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Staff report dated November 4, 2016, and recommend that the Planning

Commission forward to the Board of County Commissioners a recommendation for **approval of the amendments with the following changes** and with the following two (2) conditions of approval:

Changes to the proposed text:

1. *Changes should be read as part of the motion to approve. The Planning Commission may generally note the changes to be accomplished and direct staff to modify the text with language determined to accomplish the intended purpose prior to forwarding the recommendation to the BOCC.*
2. *….*

Conditions of Approval: *Any changes to the following conditions should be stated as part of the motion.*

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapters 12, 13, 14, 16, 17 and 19 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

C. Motion for Denial: *This action would not be consistent with the Staff recommendation.*

In the case of W15-002 – Land Development Code Amendment to update specific provisions within Chapters 12 – Specific Regulations, 13 – Zoning Procedures, 14 – Subdivision Regulations, 16 – Standard Notes, 17 – Notice and Notification, and 19 – Definitions, for corrections, updates and adjustments in regulations of the Land Development Code, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We do not find ourselves in agreement with Staff findings set forth in the Staff report dated November 4, 2016, and therefore recommend the Board of County Commissioners **deny** the application **based on the following findings:**

1. *As part of the motion, state new or amended findings to support a motion for denial.*

D. Motion to Continue:

In the case of W15-002 – Land Development Code Amendment to update specific provisions within Chapters 12 – Specific Regulations, 13 – Zoning Procedures, 14 – Subdivision Regulations, 16 – Standard Notes, 17 – Notice and Notification, and 19 – Definitions, for corrections, updates and adjustments in regulations of the Land Development Code, I move to **continue** the [public hearing for] [action on] this item to [Date, 2016], date certain, 6:30 p.m., at this same location, [to obtain additional information] [to further consider information presented during the public hearing].

Attachments

- Proposed text revisions to specific sections of Chapters 12, 13, 14, 16, 17 and 19, red-lined to show changes from currently adopted text.

Public Works and Development
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611
www.co.arapahoe.co.us

Planning Division Phase II Outside Referral Routing Form

Subject: **W15-002 LDC Update**
Planner: **Jason Reynolds Current Planning Program Manager, Tammy King, Zoning Administrator**
Date: **11 October 2016**
Date to be Returned: **25 October 2016**

Processed By Planning Staff:

☐	ACCORD WEST	
☐	ACWWA/MERRICK	
X	ADAMS CTY PLANNING	
☐	AIRPORT OR MILITARY BASE	
X	ARAPAHOE CTY ASSESSOR	KAREN HART
X	ARAPAHOE CTY ATTORNEY	TOM MCNISH
X	ARAPAHOE CTY ENGINEERING	
☐	ARAPAHOE CTY MAPPING	PAT HUBERT
☐	ARAPAHOE CTY OIL & GAS	DIANE KOCIS
☐	ARAPAHOE CTY OPEN SPACE	
☐	ARAPAHOE CTY PLANNING	
X	ARAPAHOE CTY SHERIFF	BRIAN MCKNIGHT
☐	ARAPAHOE CTY WEED CTRL	RUSS JOHNSON
X	ARAPAHOE CTY ZONING	TAMMY KING
☐	ARAPAHOE LIBRARY	
X	ARAPAHOE PARK & REC DISTRICT	
☐	AURORA CENTERTECH METRO DIST	
X	AURORA FIRE	
X	AURORA PLANNING	
X	AURORA SCHOOL DIST 28J	
X	BENNETT FIRE PROTECTION	
	BENNETT PLANNING	
☐	BENNETT PO	
X	BENNETT SCHOOL DISTRICT	
☐	BIJOU TELEPHONE CO-OP	
☐	BOARD OF VET MEDICINE- STATE OF COLORADO	
X	BOW MAR PLANNING	
☐	BUCKLEY AIR BASE	
X	BYERS BUS DEV COUNCIL	
X	BYERS FIRE DIST 9	
X	BYERS PARK & REC	
☐	BYERS PO	
X	BYERS SCHOOL DIST 32J	
X	BYERS W&S	
X	CASTLEWOOD W&S	
X	CCBWQA- CHERRY CREEK BASIN WATER	
X	CCVW&S- CHERRY CREEK VALLEY W&S	
☐	CDOT-DEPT OF TRANSPORTATION EAST 1	
☐	CDOT-DEPT OF TRANSPORTATION REG 6	
☐	CENCON PLANS REVIEW	

☐	CENTENNIAL 25 METRO DIST	
☐	CENTENNIAL AIRPORT	
☐	CENTENNIAL AIRPORT CTR OA	
☐	CENTENNIAL DOWNS METRO	
☐	CENTENNIAL E CORP CTR ARC	
X	CENTENNIAL PLANNING	
☐	CENTURYLINK	
☐	CHAPPARAL METRO DIST	
☐	CHERRY CREEK BUS CTR ARC	
X	CHERRY CREEK SCHOOL DIST	
X	CHERRY CREEK STATE PK	
X	CHERRY CREEK VILLAGE W&S	
X	CHERRY CREEK VISTA PARK & REC	
X	CHERRY HILLS VILLAGE PLANNING	
X	COLORADO DIV OF WATER RES- STATE ENG	
X	COLORADO PARKS AND WILDLIFE	
☐	CGS- COLORADO GEOLOGICAL SURVEY	
X	COLUMBINE VALLEY PLANNING	
X	COMANCHE CROSSING METRO DIST	
☐	CONOCO PHILIPS PIPELINE- AMARILLO	
☐	COPPERLEAF METRO DIST 1-9	
☐	COTTONWOOD METRO DIST	
X	CUNNINGHAM FIRE	
☐	DEER TRAIL CONS DIST	
X	DEER TRAIL FIRE	
X	DEER TRAIL PLANNING	
☐	DEER TRAIL PO	
X	DEER TRAIL SCHOOL 26J	
X	DENVER PLANNING CPD	
☐	DENVER P.O. GROWTH COORDINATOR	ERLINDA MARTINEZ
☐	DENVER S. ECONOMIC DEVELOPMENT COUNCIL	
X	DENVER WATER	
X	DEPT OF HEALTH & ENV -STATE OF CO	
☐	DIA	
☐	DIVISION OF OIL & PUBLIC SAFETY	
☐	DIVISON OF REAL ESTATE- CO	
X	DIVISION OF WATER RESOURCES STATE ENGINEER	
☐	DOUGLAS CTY ENGINEERING	
X	DOUGLAS CTY PLANNING	
☐	DOVE VALLEY METRO DIST	
☐	DOVE VALLEY BUS PK ARC	
☐	DRCOG DENVER REGIONAL COUNCIL OF GOVTS	

☐	E-470 PUBLIC HWY AUTH	
X	ECCVW&S-EAST CHERRY CRK VALLEY W&S	
☐	EAST ARAPAHOE METRO DIST	
☐	EASTERN ADAMS CO METRO DIST	
X	EAST END ADVISORY-HOLLINGSWORTH	
X	EAST END ADVISORY-GARIN	
X	EAST END ADVISORY-COOK	
X	EAST END ADVISORY-CRISMON	
X	EAST END ADVISORY-KROH	
☐	EAST SMOKY HILL METRO DIST	
X	ELBERT CTY PLANNING	
X	ENGLEWOOD PLANNING	
☐	ENGLEWOOD PO	
X	ENGLEWOOD SCHOOL DIST	
X	ENGLEWOOD W&S	
☐	ENGLEWOOD CITY UTILITIES	
X	FOUR SQ MILE AREA	
X	FOXFIELD PLANNING	
☐	FRONT RANGE AIRPORT	
X	GLENDALE FIRE PREVENTION	
X	GLENDALE PLANNING	
☐	GOLDSMITH GULCH SANITATION	
☐	GOLDSMITH METRO DIST	
☐	GREENWOOD S METRO DIST	
X	GREENWOOD VILLAGE PLANNING	
X	HAVANA W&S	
☐	HIGHLAND PK METRO	
X	HI-LIN W&S	
☐	HILLS AT CHERRY CRK METRO DIST	
X	HOLLY HILLS W&S	
X	INVERNESS W&S AND METRO DIST	
☐	IREA	
☐	IPACC ARC	
X	JEFFERSON CTY PLANNING	
☐	KINGS POINT METRO DIST	
☐	LANDMARK METRO DIST	
X	LITTLETON FIRE DIST	
X	LITTLETON PLANNING	
☐	LITTLETON PO	
X	LITTLETON SCHOOL DIST 6	
☐	LIVERPOOL METRO DIST	
X	LONE TREE PLANNING	
☐	LOST CRK GROUNDWATER MGMT	
☐	NORTH KIOWA BIJOU GROUNDWATER DIST	
☐	OIL AND PUBLIC SAFETY	
☐	PANORAMA METRO DIST	
☐	PANORAMA PK ARC	
☐	PARKER JORDAN METRO DIST	

X	PARKER PLANNING	
☐	PARKER REC DIST	
☐	PINEY CRK VIL METRO DIST	
☐	RTD	
☐	RANGEVIEW METRO DIST	
X	REAP – I-70 CORRIDOR	JACK KEEVER
X	REAP-	MATT REAY
☐	RACQ-REGIONAL AIR QUALITY COUNCIL	
X	SABLE ALTURA FIRE	
X	SEMSWA	
X	SHERIDAN FIRE	
X	SHERIDAN PLANNING	
X	SHERIDAN SCHOOL	
X	SKYLINE FIRE	
☐	SMOKY HILL METRO DIST	
X	SOUTH ARAPAHOE SANITATION	
X	SOUTH ENGLEWOOD SANITATION	
X	SOUTH METRO DENVER CHAMBER OF COMMERCE	
X	SOUTH METRO FIRE	
X	SOUTH SUBURBAN PARKS & REC	
☐	SOUTHEAST PUBLIC IMPROVEMENT METRO DIST	
☐	SOUTHGATE AT CENTENNIAL METRO	
X	SOUTHGATE W&S	
X	SOUTHWEST METRO W&S	
☐	STATE LAND BOARD	
X	STRASBURG FIRE	
X	STRASBURG SCHOOL 31J	
X	STRASBURG PARKS & REC	
☐	STRASBURG PO	
☐	SUBURBAN METRO DIST	
X	TRI-COUNTY HEALTH	
☐	U.S. ARMY CORPS OF ENGINEERS	
☐	UNION PACIFIC	
X	URBAN DRAINAGE	
☐	VERMILLION CREEK METRO	
☐	WASHINGTON COUNTY PLANNING	
X	WELD COUNTY PLANNING	
☐	WEST ARAPAHOE CONSERVATION DIST	
☐	WILLOW TRACE METRO	
X	WILLOWS WATER DIST	
☐	XCEL ENERGY	

Homeowners Associations

☐	ALTON PARK	
☐	ANTELOPE HILLS	
☐	ARAPAHOE LAKE #01	
☐	BRISTLECONE AT TALLGRASS	
☐	CCNA- CHERRY CREEK NEIGHBORHOODS	
☐	CHERRY CREEK CC MASTER	
☐	CHERRY CREEK FARM	
☐	CHERRY CREEK VISTA I	
☐	CHERRY CREEK VISTA 16	
☐	CHERRY CREEK CONDO	
☐	COLONY @ CHERRY CREEK	
☐	COLUMBINE LAKES TA	
☐	COPPERLEAF HOA	
☐	COPPERSTONE CONDOS	

☐	CREEKVIEW AT RIVER RUN	
☐	DRY CREEK CROSSING	
☐	FARM AT ARAPAHOE CTY	
☐	HIGHLINE GLEN	
☐	HUNTERS RUN	
☐	MESA SUBDIVISION	
☐	ORCHARD GATE	
☐	PARAGON	
☐	RIVER ROCK HOA	
☐	SADDLE ROCK RIDGE	
☐	SAXONY HOA	
☐	TUSCANY SOUTH MA	
☐	VINTAGE EAST	
☐	WIND STREAM CONDO	
☐	WINDSONG CONDO	

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

(PLEASE CALL IF QUESTIONS 720-874-6650)

	COMMENTS:	SIGNATURE
☐	Have **NO** comments to make on the case as submitted	
☐	Have the following comments to make related to the case:	

SECTION 12-500 TEMPORARY STRUCTURES

12-501 INTENT

The intent of this section is to provide for the regulation of temporary structures. For the purposes of these Regulations the term "temporary" shall mean a period of up to one year, unless otherwise permitted.

12-502 GENERAL REQUIREMENTS AND PROCEDURES

Prior to the erection and use of a temporary structure, the applicant shall be required comply with the following:

A. A site plan showing the location of structures, setbacks and any other pertinent information shall be submitted to the PWD Building Division for review and conformance with all applicable zoning district requirements in which the structure is to be located.

B. The temporary building permit granted by the PWD Building Division shall expire one (1) year from the date of issuance, unless otherwise provided herein. The applicant may reapply before the expiration of the original temporary building permit for a continuation of the permit. Upon a showing of hardship and/or evidence that a permanent structure is being constructed upon the property, the PWD Building Division may issue additional temporary permits. However, in no event shall a maximum of more than two (2) permits be granted per structure. All temporary structures shall be in violation of these Regulations at the expiration of the second permit, and shall be removed.

C. All written requests for renewal of a temporary permit shall be submitted to the PWD Building Division a minimum of ten (10) working days prior to the expiration date.

D. Prior to the issuance of the permit by the PWD Building Division, the applicant shall post an appropriate bond with the County, as required.

E. The applicant shall meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as may be required by Arapahoe County.

12-503 PERMITTED TEMPORARY STRUCTURES

12-503.01 Temporary Residence

A temporary residence shall be permitted only in the A-E, A-1 and A-2 zoning districts upon obtaining required building permits.

12-503.02 Temporary Construction Yard and/or Office.

1. A parcel used for the storage of construction materials and/or a temporary structure for a construction office to be used for managing a construction job may be permitted in all districts with the following restrictions:
2. The structure and/or parcel are/is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, etc.
3. While construction is occurring, a temporary construction office and/or construction yard may be permitted provided that it is located within the area of a recorded Final Plat, an approved Final or Master Development Plan, Administrative Site Plan, Subdivision Development Plan, Location & Extent or Use by Special Review.
4. The temporary construction office may be used as a security office but shall not be used as living quarters.

12-503.03 TEMPORARY RESIDENTIAL SALES OFFICES (MODEL HOMES)

Temporary residential sales offices for the sale of units in an area shall be permitted with the following restrictions:

1. Sales shall be limited only to those units within the platted subdivision in which the office is located.
2. The temporary structure shall be located within the area of a recorded Final Plat.
3. The use of a temporary residential sales office may require the posting of a bond with the PWD Building Division.
4. Sales offices within model homes shall meet criteria as may be established by PWD Building Division regulations, as set forth within the County Building Code, etc.

12-503.04 FIREWORKS STANDS

Fireworks stands shall be permitted upon compliance with the following provisions:

1. Fireworks stands shall not be permitted in residential zoning districts.
2. Fireworks stands shall not be permitted within 75' of residential structures.
3. Fireworks stands shall be located no closer than fifty feet (50') from all property lines.
4. Proof of compliance with Arapahoe County Ordinance No. 86-1 shall be submitted with an application for a fireworks stand permit, including proof of insurance.
5. A minimum of 15 parking spaces are to be provided for customers.
6. The PWD Engineering Services Division has granted access approval.
7. Fireworks stands must be located within the boundaries of a fire protection district, and comply with all applicable district requirements.
8. No stand shall be permitted to operate prior to June 15th or after July 7th.
9. Fireworks stands must comply with the provisions of the Arapahoe County Building Code, and meet the minimum requirements of the 2006 International Fire Code applicable to temporary structures.
10. The net weight of the pyrotechnic composition of fireworks stored at the site shall be limited to 125 pounds (where the net weight if the pyrotechnic composition is not known, it shall be presumed that 25 percent of the gross weight of the fireworks, including packaging, equals the net weight of the pyrotechnic composition of the fireworks) : except that storage in excess of 125 pounds is permitted at the site if stored in a approved magazine that is located outside of the sales area and a minimum of 100 feet from inhabited buildings, 20 feet from all property lines, 30 feet from automobile parking and 50 feet from flammable liquids or fuels.
11. Proof of permission to occupy the site (for example, a lease or rental agreement) must be provided.
12. Permit fees shall be $500.00 plus a $250.00 deposit which is refundable if the permitee completely cleans up the site and calls for a clean-up inspection prior to July 13.

12-503.05 CHRISTMAS TREE LOTS

Christmas tree lots shall be permitted upon compliance with the following provisions:

1. Christmas tree lots shall not be permitted in residential zoning districts.
2. Any structure(s) associated with the operation of a Christmas tree lot shall be erected no closer than fifty feet (50') from all property lines, and shall be anchored in such a manner as to withstand normal wind pressure, be safe from collapse, and be constructed in such a manner so as not to create a health, safety and/or welfare violation(s).
3. Christmas tree lots shall not be erected prior to the weekend after Thanksgiving, nor remain after January 1.
4. Proof of compliance with Arapahoe County Ordinance No. 85-1 shall be submitted with an application for a Christmas tree lot permit.

5. That a minimum of 15 parking spaces are to be provided for customers.
6. That the PWD Engineering Services Division has granted access approval.

12-503.06 STORAGE CONTAINERS/PODS.

Allowed providing the following:

1. Shall not be located in the public right of way
2. Shall not be closer that 5' from a side or rear property line
3. Shall not block access
4. Shall not exceed the height of an allowed accessory structure
5. Shall be located in areas of least visibility
6. Must be removed from the site no later than 10 days after construction activity has ceased or for no more than seven (7) consecutive days for the purpose of moving or estate sale.

SECTION 12-600 TEMPORARY USES AND TEMPORARY USE PERMITS (Rev. April 21, 2015)

12-601 PURPOSE

The following regulations are provided to accommodate certain uses of land or buildings that are short term and temporary in nature and are not listed as allowed or permitted uses under a current zoning approval for the property. These temporary uses shall be regulated so as to avoid incompatibility between such uses and surrounding areas. This section is not intended to apply to those temporary structures that are regulated in section 12-500 of this Code.

12-602 TEMPORARY USES ALLOWED

A Temporary Use Permit may be issued by the Zoning Administrator for the following uses:

A. Seasonal sales or events including, but not limited to pumpkin sales lots, fruit and vegetable stands, corn mazes, hayrides, haunted houses ~~and~~, and other similar temporary uses not subject to the Temporary Structure regulations in section 12-500.

B. Circuses and carnivals.

C. Outdoor entertainment and outdoor assembly events including but not limited to fairs, festivals and concerts.

1. Each property shall be limited to no more than four (4) such events per calendar year, which shall not be held on consecutive weekends, and which shall have a collective duration (duration refers to actual event time exclusive of setup and breakdown) of no more than ten (10) days per calendar year unless otherwise provided in conjunction with an approved Planned Unit Development), Use by Special Review or other development approval, and except as otherwise provided in this Section.

2. The Zoning Administrator may approve additional events and/or additional days for such events within a calendar year if the property for which the Temporary Use Permit is requested has a pending and complete application for a Preliminary Development Plan, Final Development Plan or other applicable land use approval to establish the use approved through the Temporary Use Permit as a permanent use on the property. Additional events and/or days may be approved only during the time frame that the application is pending; however, in no event shall additional events or days be approved for a timeframe that is more than three years after the application was first submitted.

D. Art, cultural, educational, or other similar exhibits and displays.

E. Swap meets/flea markets for no more than three (3) consecutive days.

F. Farmers markets, subject to the requirements of Section 12-2300.

G. Outdoor sporting or athletic events.

H. Temporary parking.

I. Temporary construction staging areas.

J. Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the zone district and surrounding land uses.

12-603 REQUIRED PERMIT

A. A Temporary Use Permit approved by the Zoning Administrator or the Board of County Commissioners shall be required for all uses listed in this Section and shall be issued prior to the commencement of the use.

B. The issuance of a Temporary Use Permit shall not relieve the applicant of any other license or other regulatory requirement of the County or any other public agency.

C. In lieu of the Zoning Administrator making a decision on the Temporary Use Permit application, the Zoning Administrator has the discretion to refer any application to the Board of County Commissioners ("Board") for its consideration and final decision at a public hearing. In such event, the Board shall make its decision based on the requirements of this Section. Compliance with the notice requirements in section 12-607 is required prior to the Board's public hearing. At such public hearing, the Board may approve, approve with conditions, modify, or deny the application.

12-604 SPECIFIC REQUIREMENTS

A. A Temporary Use Permit shall be valid for a period of time requested and approved in the application but no longer than one year from the date of approval, unless the Zoning Administrator specifies a shorter period of time.

B. The applicant may apply before the expiration of the original Temporary Use Permit for an extension of such permit. The Zoning Administrator may approve an extension to the original time period granted with the permit as long as the extension does not exceed the time limits stated above. All requests to extend a Temporary Use Permit shall be submitted to the Zoning Administrator a minimum of ten working days prior to the expiration date.

C. No more than two separate Temporary Use Permits may be approved to operate at the same time for the same property.

D. Hours of operation shall be limited to daylight hours unless otherwise approved.

E. Temporary Use Permits may only be approved for properties in the A-1, A-E, A-2, B-1, B-3, B-4, and B-5 Zone Districts, as well as in non-residential areas of a PUD.

12-605 APPLICATION REQUIREMENTS

An application for a Temporary Use Permit shall be submitted to the Zoning Administrator at least sixty (60) days prior to the date of the requested use, unless such time period has been waived by the Zoning Administrator. If the size and scale of a proposed temporary use is such that it would reasonably be anticipated that a review and decision could take longer than sixty (60) days, then it is strongly recommended that the application be submitted at least ninety (90) days prior to the date of the requested use in order to ensure adequate time for review and decision (please consult with the Zoning Administrator if there are any questions as to the appropriate submittal timeframe). An application for a Temporary Use Permit shall be accompanied by a filing fee in an amount established by separate resolution of the Board of County Commissioners and shall include the following information, unless waived by the Zoning Administrator:

A. A site plan showing the location of the proposed use, structures, setbacks, parking, and other pertinent information in conformance with all applicable zoning requirements.

B. A written description of the proposed use, including the requested length of permit and hours of operation, the estimated attendance, and the estimated number of employees, vendors, or staff.

C. A legal description of the lot or property on which the requested use is to be conducted. If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.

D. A signage plan for the proposed use.

E. Anticipated noise levels.

F. Lighting plan.

G. Traffic control plan and traffic study.

H. Dust control measures.

I. Provision of water and sanitation.

J. Emergency response plan and evacuation plan.

K. A narrative addressing the approval criteria in Section 12-609.

L. Such other information as deemed necessary by the Zoning Administrator.

12-606 REVIEW PROCESS

The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. The applicant shall be required to address any issues or deficiencies in connection with application submittal. If necessary, a meeting will be held to discuss any issues that need to be resolved. If necessary, the applicant will then submit an amended application, plan or other materials, as appropriate, to the County. Once the submittal is determined to be complete, the referral process may begin.

The entire application shall be referred for review to the following:

A. All adjacent property owners unless the Zoning Administrator has expanded the notification boundary as appropriate to ensure adequate notice;

B. Arapahoe County Public Works and Development;

C. Arapahoe County Sheriff's Department;

D. Tri- County Health Department;

E. The applicable fire protection district; and

F. Any other person or entity designated by the Zoning Administrator.

All referral comments shall be sent to the Zoning Administrator within fourteen (14) calendar days of receipt of the referral materials, unless a longer period of time has been specified by the Zoning Administrator.

12-607 PUBLIC NOTICE REQUIREMENTS

If a Temporary Use Permit application has been referred to the Board of County Commissioners for a final decision, the property shall be posted with a sign at least ten (10) calendar days prior to the scheduled hearing and shall otherwise comply with the posting requirements in Chapter 17 of the Land Development Code. The applicant shall also mail a notice of public hearing to all adjacent property owners no later than ten (10) calendar days prior to the public hearing date. The form of such notice shall otherwise comply with the mail notification requirements of Chapter 17 of the Land Development Code. The Zoning Administrator may expand the notification boundary as appropriate to ensure adequate notice.

12-608 DECISION ON APPLICATION

A Temporary Use Permit may be approved, modified, conditioned or denied by the Zoning Administrator, or by the Board of County Commissioners (when referred to it by the Zoning Administrator for its final decision).

12-609 APPROVAL CRITERIA

The Zoning Administrator or Board of County Commissioners may approve a Temporary Use Permit application provided that all of the following criteria, unless deemed inapplicable, have been met:

A. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

B. That the proposed site is adequate in size and shape to accommodate the temporary use.

C. The site is suitable for the proposed use, considering any hazards, drainage, environmental constraints and topography.

D. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate or otherwise mitigated by a traffic control plan, and that adequate provisions for pedestrian safety have been made.

E. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at acceptable alternate locations.

F. That the proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of the proposed location of the activity.

G. The proposed use will not have an adverse impact on roads, public services or facilities, unless otherwise mitigated to standards approved by the County.

H. The proposed use is compatible with the zone district in which the use is proposed.

I. The proposed temporary use is not of such a nature, duration, size, or scale that it would be better accomplished through a rezoning of the subject property.

12-610 CONDITIONS OF APPROVAL

In approving an application for a temporary use permit, the Zoning Administrator or Board of County Commissioners may impose such conditions as are deemed necessary to ensure that the activity will not be detrimental to the general health, safety and welfare, or the existing amenities and quality of the surrounding area. These conditions may involve any pertinent factors affecting the operation of the temporary use, and may include, but are not limited to the following:

A. Provision of temporary parking facilities and safe and convenient vehicular access.

B. Regulation of nuisance factors such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gasses and heat.

C. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.

D. Provision of sanitary and medical facilities.

E. Provision of solid waste collection and disposal.

F. Provision of a potable water supply.

G. Provision of security and safety measures.

H. Regulation of signs.

I. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested.

J. Submission of a bond or other form of security to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event, that the property will be restored to its former condition, and that the estimated cost of services provided by County or other governmental entity necessary for a Temporary Use are covered.

K. Submission of a site plan indicating and detailing all information requested.

L. Requirement that the approval of the Temporary Use Permit is contingent upon compliance with applicable provisions of any other regulations.

M. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this Section.

12-611 REVOCATION.

Upon ten days' prior written notice to a permittee of the County's intention to revoke a Temporary Use Permit and after a hearing, such permit may be revoked by the Zoning Administrator or the Board of County Commissioners if one or more of the following conditions exist:

A. Circumstances have been changed by the applicant to such a degree that one or more of the findings of fact contained in the approval can no longer be made in a positive manner.

B. The Temporary Use Permit was obtained by misrepresentation or fraud.

C. One or more conditions of the temporary use permit has not been fulfilled or complied with.

D. That the use is in violation of any statute, ordinance, law, or regulation.

In addition to the above, the Zoning Administrator may revoke a Temporary Use Permit without prior notice and a hearing if a temporary use is conducted in such a manner as to pose an immediate danger to the health, safety, and welfare of the public.

SECTION 12-1200 PARKING REGULATIONS

12-1201 INTENT

All development proposals within unincorporated Arapahoe County shall make provisions for adequate off-street parking as an accessory use. Off-street parking areas shall provide adequate space for access, parking, vehicle and pedestrian circulation, and loading and unloading. They shall be safe, efficient, and attractive, and be designed in accordance with the following guidelines.

12-1202 LOCATION OF PARKING AREAS

12-1202.01 GENERAL LOCATION

All private parking areas created for the use of a building or use shall be placed on the same lot and within the same zone district as the building or use. All public parking facilities can function and be located independent of an associated use.

12-1202.02 MULTI-FAMILY

Unless specifically allowed, parking areas for multi-family housing should not be placed in the front setback. In those instances where parking is allowed in the front setback, landscaping, berming, or other forms of buffering and screening are required.

12-1202.03 TANDEM PARKING IN MULTI-FAMILY

Tandem parking spaces in multi-family shall not be counted towards the minimum required on-site parking spaces.

12-1202.04 ~~HANDICAP~~ ACCESSIBLE PARKING

All parking areas are required to provide ~~handicap~~ accessible spaces in accordance with the American's with Disabilities Act (ADA).

12-1202.05 USE OF PARKING FACILITIES

A. No designated off-street parking facilities shall be used for the repair, display, service, or sales of any good or service unless expressly and specifically approved by the County.
B. No area required by the County for the use of private off-street parking shall be used by any party as a commercial parking lot.
C. Any parking spaces designated for guest only shall be signed and enforced by the HOA.

12-1202.06 COMPACT CAR PARKING

~~The use of compact parking is prohibited.~~ Unless previously authorized on an approved site plan such as a Final Development Plan (FDP) or other Site Plan approved under prior versions of the Land Development Code, compact parking spaces are prohibited. Code sections related to compact parking spaces are included to help administer existing, grandfathered compact parking spaces. For such previously approved parking areas of 20 spaces or more, a maximum of 20 percent of the required parking spaces may be designated as compact.

12-1203 MARKING STANDARDS FOR PARKING SPACES

~~12-1203.01 GENERAL~~

All parking spaces shall be marked and maintained on the pavement and any directional markings/signs shall be installed and maintained as required by the approved parking plan. Accessible parking shall comply with markings and signage requirements required under the American With Disabilities Act (ADA), 42 U.S.C. 12101 *et. seg.*, as amended, and regulations

promulgated under the ADA, as amended. Signs shall conform to the Manual on Uniform Traffic Control Devices (MUTCD)

~~**12-1203.02 HANDICAP PARKING**~~

~~Each handicap parking space shall be marked with a free standing or wall mounted sign using the standard uniform words and/or symbols that signify the space as parking for the handicap only. In addition, the handicapped symbol shall be painted on the pavement.~~

12-1204 DESIGN STANDARDS FOR PARKING AREAS

12-1204.01 ACCESS

Each required off-street parking area shall have adequate access to a public street or other thoroughfare. Alleys, where they are utilized, shall only be used as a secondary means of access to a lot or parcel.

12-1204.02 OFF-STREET LOADING AREAS

All off-street loading areas that face a public right-of-way shall be appropriately screened from view using a masonry wall, dense vegetated landscape, landscaped berm or other method as approved by Planning staff.

12-1204.03 LANDSCAPING

These landscape requirements apply to all parking lots, in accordance with the standards described herein.

A. Interior landscaped parking islands shall not satisfy any of the minimum requirements for landscaping or open space. If the number or size of the parking islands exceeds County minimum requirements, the excess shall be credited towards the required landscaping or open space. The required interior landscaped area (planted islands) shall not be transferred to the parking lot perimeter. Distribution of required interior island plantings within the parking lot shall be approved based upon the specific design.

B. Landscaping may not be required for a service parking lot that is typically screened from public view by fences, walls and/or buildings.

C. Landscaped islands within parking lots shall meet the following requirements:
   1. All parking areas in excess of forty (40) spaces shall have at least one (1) interior landscaped island (minimum of 6 feet in width) per 40 spaces. Arapahoe County will require 10 square feet of landscaping per required parking stall, contained in an island with or without curbing.
   2. Any landscape island that is 6 ft. x 36 ft. or greater shall include a minimum of two (2) deciduous or coniferous trees, six (6) shrubs and/or acceptable groundcover. Any landscape island less than 6 ft. x 36 ft. shall include a minimum of one (1) deciduous or coniferous tree and three (3) shrubs and/or acceptable groundcover.
   3. Landscaped parking lot islands greater than 100 square feet in area shall have one additional shrub for each additional 15 square feet or fraction thereof, in area.
   4. When landscaped islands exceed 2000 square feet, plant materials quantities may be calculated at a rate of two (2) trees or five (5) shrubs, or an acceptable combination of trees and shrubs, for every 600 square feet of area in the island.
   5. Landscaped parking lot islands shall be located in such a manner as to divide and break up the expanses of paving.
   6. No landscaping within landscaped islands shall obstruct visibility of vehicles entering, maneuvering in, or exiting the parking lot.

7. Plantings or other landscape elements in the sight distance triangle shall comply with the Arapahoe County Streetscape Guidelines in Section 18-100 herein.

12-1204.04 BUFFERING

A. When a parking lot is placed between the public right-of-way and any structure, a berm or other approved visual screen (see Section 12-1204.04.02) shall be required between the right-of-way and the parking lot.

B. Where a parking lot boundary adjoins a property zoned for any residential use, a minimum landscape buffer of 20 feet from such lot boundary shall be required. Grasses or other acceptable groundcovers, trees and shrubs shall be planted within the landscaped buffer area. In addition, one or more of the following may be required:
   1. An earthen berm with average side slopes no greater than 3:1
   2. A view-obscuring fence
   3. A decorative wall a minimum of three (3) feet in height
   4. A three (3') foot hedge

C. Where planting is prohibited by the existence of an easement, additional setbacks for the parking lot will be required to provide for the landscaped buffer.

12-1204.05 LIGHTING

All lighting used to illuminate off-street parking areas shall be arranged as to reflect light glare away from abutting properties and abutting streets.

12-1204.06 USABLE PARKING SPACES

Any parking space which, in the judgment of the Planning Division or Engineering Services Division, is unusable due to maneuverability difficulties or which does not have clear access shall not be approved by Arapahoe County.

12-1205 PARKING PLAN REQUIREMENTS

All final development, subdivision development or administrative site plans must contain the following parking information as a minimum:

1. Number, location and dimension of parking stalls
2. Widths of drive aisle
3. Landscaping - type, location, and method of irrigation
4. Surface treatment for parking areas and sidewalks
5. Scale and north arrow
6. Location of adjacent public/private streets, points of access and property boundaries
7. Location of traffic directional arrows, signage and markings
8. Location of loading areas, ~~handicap~~ accessible spaces, and other special features
9. Location of detention areas for drainage
10. Location, height and type of proposed lighting
11. Sight Distance Triangles at intersections

12-1206 DESIGN STANDARDS FOR PARKING SPACES

The following tables establish the minimum parking stall space and aisle dimensions for full size automobile spaces. As a general policy, off-street parking spaces situated at less than a 45-degree angle will not be permitted unless designated as parallel parking spaces. ~~Within parking areas of 20 spaces or more, a maximum of 20 percent of the required parking spaces may be designated as compact. The ratio of full to compact size parking stalls shall be no less than 80:20.~~

[see Parking Stall Dimension Table]

PARKING STALL DIMENSION TABLE

FULL –SIZE AUTOMOBILE				
	Angle in Degrees 0/Parallel Parking	**Angle in Degrees** 45	**Angle in Degrees** 60	**Angle in Degrees** 90
Width	8’	8.5’	8.5’	9’
Length	20’	19’	19’	~~17’~~ 18’
Aisle Width 2-Way	20’	24’	24’	24’
Aisle Width 1-Way	18’	18’	18’	24’

~~HANDICAP~~ AMERICANS WITH DISABILITIES ACT PARKING	
Number of Stalls	~~The American’s with Disabilities Act requirements must be met with respect to the number of stalls.~~ Parking areas shall provide the number of vehicle and van-accessible spaces required by the ADA, Currently, one van-accessible space is required for every six or fraction of six required ADA spaces.
Access Aisle ~~/ Paired Stalls~~	Paired handicap parking stalls will require a 5’ common access aisle. ADA parking stalls shall provide an access aisle meeting ADA standards. Currently, the required aisle width is five feet (5’) and two (2) ADA spaces may share an aisle.
Width of Stall	~~12’~~ Stall width shall meet current ADA standards. Standard ADA spaces shall be eight feet (8’) in width and van-accessible spaces shall be eleven feet (11’) in width.
Height/Length of Stall	18’
Note: ADA regualtions may supersede the dimensional standards shown in this table. At the time of the adoption, these standards mee the ADA requirments	

12-1207 GENERAL PROVISIONS

A. USE NOT SPECIFIED

In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a similar use shall apply. In the case of any discrepancies, the decision of the Planning Division Manager shall apply.

B. PARKING SPACE CALCULATION

In calculating the required number of parking spaces, any fraction of a space shall equal one space.

C. PARKING REDUCTION REQUEST

~~In the case where an applicant believes the required parking amounts are excessive, as they pertain to the proposed use,~~ As part of a land use application, the applicant may submit a request with justification ~~to the Planning Division Manager for a reduction of parking requirements~~ request for a reduction of parking requirements to the Planning Manager. ~~The Planning Division Manager will notify the applicant of his/her decision within one week of application submittal.~~ The Planning Manager may allow reductions up to 10% of total required parking through an administrative land use process.

D. PRIVATE STREETS

Private Roadways with parking restrictions also follow Section 12-1208.01 for additional parking requirements.

12-1208 OFF-STREET PARKING BY LAND USE AND EQUIVALENCY UNIT

AUDITORIUM OR SIMILAR PLACE OF PUBLIC ASSEMBLY -THE GREATER OF:
1 space per three fixed seats, or
1 space per 100 square feet of floor area

BANK/CREDIT UNION/SAVINGS & LOAN
4 spaces per 1000 square feet of floor area, plus
6 stacking spaces per drive-up window

BAR/LOUNGE/NIGHT CLUB, OR SIMILAR PLACE OF ASSEMBLY
1 space per three seats, plus
1 space per employee on maximum shift

BEAUTY PARLOR/BARBER SHOP
3 spaces per operator, plus
1 space per employee on maximum shift

BOARDING HOUSE
1 Space per bedroom, plus
1 space per employee on maximum shift

BOWLING ALLEY
3 spaces per lane, plus
1 space per employee

CAR DEALERSHIP/RECREATIONAL VEHICLES OR BOATS SALES
1 space per 1,000 square feet of auto display area, plus
1 space per employee on maximum shift

CAR WASH/DETAIL SHOP
1 space per employee on maximum shift, plus
2 spaces per bay or stall

CHURCH (PLACES OF WORSHIP) - THE GREATER OF:
1 space per three fixed seats, or

1 space per 100 square feet of floor area

DAY CARE/NURSERY
1 space per 250 square feet, gross floor area

FIRING RANGE (ARCHERY/SKEET/RIFLE OR GUN)
1 space per platform, plus
1 space per employee on maximum shift

FRATERNITY/SORORITY HOUSE
3 spaces per bedroom, plus
1 space per employee on maximum shift

FUNERAL HOME/MORTUARY
1 space per 100 square feet of floor area open for public use
1 space per 333 square feet of office area

GROUP HOME
Youth: (18 years and younger)
2 spaces per home, plus
1 space per eight beds

Adult:
1 space per bedroom, plus
1 space per caregiver/employee

Elderly: (exclusive for persons 60 years or older)
.33 space per bedroom, plus
1 space per caregiver/employee

GAS STATION/REPAIR GARAGE
1 space per employee on maximum shift, plus
3 spaces per bay or stall

GOLF COURSE
2 spaces per hole, plus
1 space per employee on maximum shift

MINIATURE GOLF/DRIVING RANGE
3 space per hole or platform, plus
1 space per employee on maximum shift

HOSPITAL OR SIMILAR HEALTH FACILITY
1 space per two employees, plus
2 spaces for each bed, plus
5 spaces for loading and unloading

HOTEL/MOTEL
1 space per guest room, plus
1 space per employee on maximum shift, plus parking spaces as required for associated uses such as restaurant, lounge, or conference rooms

INDUSTRIAL USE: MANUFACTURING/PROCESSING/ASSEMBLY
1 space per 333 square feet of floor area, or
1 space per employee on maximum shift

INDUSTRIAL USE: LABORATORY- THE GREATER OF
1 space per 300 square feet of floor area, or
1 space per employee on maximum shift

LIBRARY/MUSEUM/GALLERY
1 space per 300 square feet of floor area

LUMBER YARD
1 space per 250 square feet of floor area in main sales building

MINI-STORAGE UNITS
1 space per 100 units, plus
1 space per employee, plus

MOBILE HOME PARK
2 spaces per mobile home, plus
1 guest parking space per four mobile home spaces

MOBILE HOME SALES
1 space per 1000 square feet of display area, plus
1 space per employee on maximum shift

MOTOR VEHICLE REPAIR/TIRE STORE
1 space per employee on maximum shift, plus
3 spaces per bay or stall

NURSING HOME, ASSISTED LIVING RESIDENCE OR SIMILAR EXTENDED-CARE FACILITY
1 space per two employees, plus
1 space per two beds

OFFICE USES
4 spaces per 1000 square feet of floor area, plus
1 space for each company-related vehicle in addition to employee and customer parking

POST OFFICE OR SIMILAR PUBLIC BUILDINGS
1 space per 300 square feet of floor area, plus
1 space for each agency-owned vehicle

RECREATIONAL USES (I.E., SWIMMING POOLS, SKATING RINKS, HEALTH CLUBS, SPAS)
1/2 space per person based on UBC occupancy, plus
1 space per spectator seat

TENNIS/RACQUETBALL OR OTHER COURT GAMES
2 spaces per court, plus

1 space per employee on maximum shift

RESIDENCE
All residential development on private roads shall follow Section 12-1208.01 for additional parking requirements.

Single Family:
2 spaces per dwelling unit

Single Family Attached:
2 spaces per dwelling unit
0.25 guest space per unit

Multi Family Dwelling:
1.5 spaces per one bedroom unit,
2 spaces for two and three bedroom units.
2.5 spaces for four bedroom units, plus
0.25 guest space per unit

RESTAURANT
The greater of 1 space per three seats or ~~1 space per 50~~ 12 spaces per 1,000 square feet of G.F.A., plus
~~1 space per employee on maximum shift, plus~~
~~2~~ 1 space~~s~~ for loading

Drive-in Restaurant
The greater of 1 space per 3 seats or 1 space per 100 square feet of floor area, plus
10 stacking spaces per drive-up window, plus
1 ~~spaces per employee on maximum shift~~ space for loading
Note: Outdoor seating up to 1/3 of the amount of indoor seating may be provided with no additional parking. Any additional outdoor seating over 1/3 of the amount of indoor seating must provide an additional 1 space per 3 seats.

RETAIL OR WHOLESALE (LARGE ITEMS I.E., FURNITURE, APPLIANCES ETC.)
1 space per 300 square feet sales area, plus
1 space per 1000 square feet of warehouse area, plus
1 space per employee on maximum shift

RETAIL/SERVICE ESTABLISHMENT
1 space per 250 square feet of floor area
6 stacking spaces per drive-up window

SCHOOLS- PRIVATE & PUBLIC
Preschool:
1 space per each employee, plus
1 space per five children, plus
5 stacking spaces for loading and unloading
Elementary School:
1 space per employee, plus
1 space per five seats in auditorium/assembly area

Middle School: the greater of-
1 space per ten students, or
1 space per five seats in auditorium or main assembly area

High School
1 space per employee, plus the greater of:
1 space per ten students, or
1 space per five seats in auditorium/main assembly area

College/University or Vocational School
1 per employee, plus
1 per 50 square feet of classroom area

THEATER
1 space per three seats, plus
1 space per employee on maximum shift

UTILITY FACILITY - MAJOR
To be determined through approval process

WAREHOUSING
1 space per 1,000 square feet of floor area, plus
1 space per 400 square feet of retail/wholesale/office area, plus
1 space per loading dock

12-1208.01 PARKING REQUIREMENTS ON PRIVATE ROADS

A. Developments utilizing private roads with parking restricted to one side of the street shall be required to accommodate a minimum of one on-street parking space per dwelling unit. If the street configuration does not accommodate the required parking than an alternative shall be provided that meets the Design Requirements for Private Road Guest Parking (Section 12-1208.02 All requirements for off-street parking from Section 12-1208 apply).
B. The on-street parking accommodation requirement may be modified through the provision for a Parking Reduction Request in Section 12-1207. All applicable Fire District and PWD Engineering requirements apply to parking requests.

12-1208.02 DESIGN REQUIREMENTS FOR PRIVATE ROAD GUEST PARKING

A. Guest parking may be placed in pullouts, centralized parking lots, in driveways off of alleys or accommodated by a widening of the roadway.
B. Guest parking shall conform to minimum dimensional requirements for full size parking spaces as described in this section.
C. Guest parking shall otherwise conform to the requirements of the Land Development Code, Roadway Design and Construction Standards and Private Roadway Standards.

12-1209 ADDITIONAL INFORMATION

12-1209.01 TEMPORARY OR OVERFLOW FACILITIES

Arapahoe County will also consider proposals for parking areas designed to act as temporary or overflow facilities. These facilities would be designed to provide additional parking in areas that may experience peak parking requirements which exceed the capability of the existing parking area. The overflow area would be constructed so as to not create additional impervious surface that would

promote additional water runoff. These facilities are required to be located on or adjacent to the site of the principle use.

12-1209.02 JOINT USE

Joint Use facilities are allowed for those sites where it is proven that hours of operation for the various uses are substantially different or staggered, the recommended number and configuration of spaces is met by all uses and facilities, and there is evidence of an agreement for joint use. A joint use parking agreement is required and must detail the terms of the agreement. All involved and affected parties must commit to the fact that the uses will not require the parking spaces at the same time. Should the terms of the agreements change, including hours of operation for facilities, or change in use, new agreements will be required to be submitted with the FDP/SDP amendment to allow the County to reevaluate the parking requirements.

12-1209.03 MIXED USES

In the case of mixed uses in a single parcel or within a single building, the total number of off-street parking spaces should be the sum of the need of each individual use.

12-1209.04 PHASING

Parking areas may be phased in conjunction with the phasing of the associated structure or use. All landscaping plans should be done with consideration of placement and configuration of parking areas at build-out.

12-1209.05 INCREASED OR DECREASED PARKING DEMAND

The number of off-street parking spaces or loading spaces may be increased or decreased proportionately when a building or use undergoes an increase or decrease in the gross floor area, number of dwelling units, seating capacity, number of employees, or other unit of measurement specified hereinafter as a means for determining required off-street parking requirements. These changes must be approved by the County in conjunction with the approval of changes made to any applicable Development Plans.

SECTION 12-1300 LIGHTING REGULATIONS

12-1301 INTENT

The purpose of the outdoor illumination standards are to:

1. Provide adequate lighting for safety and security;
2. Reduce light pollution, light trespass, glare, sky glow impacts, and offensive light sources;
3. Prevent inappropriate, poorly designed or installed outdoor lighting;
4. Encourage quality lighting design, light fixture shielding, uniform light intensities, maximum lighting levels within and on property lines, and lighting controls;
5. Promote efficient and cost effective lighting and to conserve energy; and
6. Provide an environmentally sensitive nighttime environment that protects significant wildlife habitat.

12-1302 APPLICABILITY

The lighting standards contained in this Chapter shall apply to all exterior lighting, including illumination from outdoor signs and any interior lighting from buildings or structures that affect the outdoor environment, unless otherwise excepted or exempted herein. All uses that require Arapahoe County approval of a Final Development Plan, Master Development Plan, Administrative Site Plan, Subdivision Development Plan or Use by Special Review shall conform to these lighting standards.

1. Conformance at the Time of Building Permit Application: These requirements shall be met prior to a final inspection for any building permit for new development or any redevelopment in accordance with the appropriate process requirements for the application.
2. Replacement of Fixtures: If an existing non-standard light fixture is removed, it shall only be replaced with a conforming light fixture or fully shielded and mounted and in compliance with Illuminating Engineers Society of North America (IESNA) standards for full cut-off.
3. Replacement of Lamps: To the extent that compliance with this section can be achieved by replacement of a lamp within a light fixture, such lamp shall be replaced after failure of the lamp.
4. Single Family Detached Development: The lighting standards contained herein shall not apply to SFD except for the following: a) existing unshielded mercury vapor light fixtures shall be removed, replaced or shielded after failure of the lamp with light fixtures or shields that meet the requirements of this section, and b) all replacement lighting and lighting for new SFD development shall meet requirements for glare and light trespass as set forth in Section 12-1301and Section 12-1303. SFD on parcels consisting of 100 acres or larger and zoned A-E and A-1 shall be exempt from any of the lighting standards contained herein.
5. Exemptions: The standards of this section shall not apply to the following types of exterior lighting:
    a) Ornamental Lighting: Ornamental landscape lighting where the maximum wattage of any single light fixture does not exceed the equivalent of fifteen watts incandescent or one hundred lumens and is not used from 12:00 a.m. to dusk
    b) Strings of Light: Strings of light on residential properties shall be exempt from the requirements of this chapter.
    c) Aviation Lighting: Lighting used exclusively for aviation purposes. All heliport lighting shall be turned off when the heliport is not in use.
    d) Right-of- Way Lighting: Public lighting located within the right-of-way is exempt from these lighting regulations except for requiring full cut-off fixtures on luminaries greater than 3,200 lumens (section 24-82-902, C.R.S.)

12-1303 OUTDOOR LIGHTING DESIGN STANDARDS

For all lighting subject to these regulations, no person shall install or maintain any exterior lighting that fails to meet the requirements of this section. Exterior lighting shall meet the following design standards:

1. Shielded from View: The illumination from a lamp that emits more than 900 lumens shall be fully shielded from view from adjacent properties and public right-of-ways, except as otherwise permitted herein. Fixtures shall meet the IES standards for fully shielding, full cut-off and mounting of fixtures.
2. Light from Buildings and Signs: Illuminance levels shall not exceed 10 footcandles measured as initial horizontal illuminance, except as otherwise permitted herein. The initial illuminance level is measured following 100 hours of operation. The illuminance levels at building entrances and windows may exceed the maximum allowed by 100% to a distance of 5 feet from the building in order to accommodate light spillage from within the building and light from signage. The maximum outdoor illuminance level must be achieved at a distance of 10 feet from the building or use.
3. Maximum Initial Line-of-Sight Illuminance: PWD staff may request an analysis of line-of-sight on a case-by-case basis dependent on site conditions. The maximum initial line-of-sight illuminance is measured at the property line, measured five and one-half feet above grade aimed in a direct line of sight to the brightest light fixture visible from such point, shall not exceed 0.3 footcandles for non-residential or 0.1 footcandles on residential properties. The Planning Division Manager may waive this requirement if there are no residential uses abutting the subject site and/or the light trespass does not reach the property zoned or used for residential purposes at the time the light fixture is installed.
4. Light Source Requirements: All outdoor light fixtures should utilize one the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), high pressure sodium and LED. Alternatives are permitted provided they are authorized by the Planning Division Manager and meet the requirements for an Exception as detailed in Section 12-1303.01 based on IESNA (Illuminating Engineers Society of North America) recommendations.
5. Signs: Pan channel signs (letters only) shall not exceed maximum luminance ratings (unit of brightness). Enforcement will occur on a complaint basis for LED or luminance greater than 1000 candela per meter squared or 1000 nits. All lighting of signage shall comply with the adopted Signage Regulations (Section 12-300).
6. Standards for Lights adjacent to Property Zoned Residential or Next to Public Right-of-Way: Any light fixture located within fifteen feet from a property line within or next to a residential zoning district, or within ten feet of a public right-of-way shall be:
    a) Aimed away from the property line or right-of-way;
    b) Classified as a IESNA Type Ill or Type IV; and
    c) Shielded on the side facing the residential property or public right-of-way.
7. Maximum Light Fixtures on Poles: There shall be no more than two light fixtures per pole except for sports lighting and lighting for public recreational facilities.
8. Canopy lighting: Lighting fixtures mounted on canopies shall be installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy and parallel to the ground. A full cut off light fixture may project below the underside of a canopy. All light emitted by an under canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. No lighting except that permitted by the sign ordinance, shall be permitted on the top or sides of a canopy.
9. Flag Poles: A flagpole may be illuminated by one upward aimed fully shielded spotlight light fixture which shall not exceed 3500 lumens (50 watts metal halide). The light fixture shall be placed as close to the base of the flagpole as reasonably possible.

10. Strings of Lights: No person shall use a string of lights on property with non-residential uses except for the following:
    a. Strings of lights may only be used if:
        i. They are approved by the Planning Division Manager as part of an outdoor illumination plan or landscape plan approved by the Planning Commission and/or Board of County Commissioners. Such plan must comply with all of the standards of these regulations. The use of such lighting shall be to create ambiance and pleasing pedestrian spaces in an energy efficient manner. Low wattage or low voltage fixtures and luminaries are required. Such lighting is limited to pedestrian areas including plazas, patios, landscape features, and primary entries into buildings. No such illumination is allowed in any required landscaped setback adjacent to a street; or
        ii. For lighting displays from the last Thursday in November through the last Thursday in January.

12-1303.01 EXCEPTIONS

The Planning Division Manager or designee is authorized to grant exceptions to these regulations in accordance with the following standards:

A. Equivalent Material: The Division Manager may approve any such alternate provided that the proposed design, material or method provides an approximate equivalent method of satisfying the standards of these regulations and comply with IESNA recommendations.
B. Exceptions: The Division Manager may grant an exception from the provisions of this section if the Division Manager finds that:
    1. There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the exception is sought, which circumstances or conditions are unique to such land, buildings or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the subdivision:
    2. The granting of the exception will generally be consistent with the purpose of this section and will not be injurious to the subdivision or otherwise detrimental to the public welfare; and
    3. The exception is a minimum change that provides the relief requested.
C. Temporary Lighting Exemption: The Division Manager may grant an exception from the requirements of this section for temporary structures and uses that comply with Sections 12-500 and 12-600 of the Zoning Regulations, if the Division Manager finds the following:
    1. The proposed lighting is designed in such a manner as to minimize light trespass and glare as described in Section 12-1301.

12-1304 SUBMITTAL PROCESS

When a lighting plan is necessary through a FDP, MDP, ASP, SDP or USR, the submittal requirements are determined by those regulations. When an approved PDP, ASP, FDP, SDP or USR does not adequately address lighting, these regulations shall govern. When an application is not part of a formal subdivision or zoning application and is being processed through the building permit process, the following standards and process will be required.

12-1305 SUBMITTAL REQUIREMENTS

A. These requirements may be modified as deemed necessary by the Planning Division Manager or designee.
B. Lighting plan requirements:
    1. A site plan showing the location of all buildings and building heights, parking, and pedestrian areas on the lot or parcel;
    2. The location and description including mature height of existing and proposed trees;

3. The location and height above grade of all light fixtures including building mounted fixtures;
4. The type and lumen rating and wattage of each lamp source;
5. The general style of the light fixture such as cut-off, lantern, coach light, globe, and a copy of the manufacturers catalog information sheet and IESNA photometric distribution type, including any shielding information such as house side shields, and internal and exterior shields;
6. Control descriptions including type of controls (timer, motion sensor, time clock, etc.), the light fixtures to be controlled by each type, and control schedule. How lights shall be controlled during post-curfew hours must be addressed in the plan;
7. Aiming angles and diagrams for sports lighting light fixtures;
8. A photometric plan, which shows the initial horizontal illuminance on a ten feet by ten feet minimum grid across the entire site and a minimum of ten feet beyond the lot or parcel property line. The grid shall also indicate maximum to minimum uniformities for each specific use area such as parking and circulation areas, pedestrian areas, and other common public areas; and
9. If required by staff, a lighting calculation indicating "Maximum Initial Line-of-Sight Illuminance" as described in Section 12-1303 (3).

12-1306 DESIGN REQUIREMENTS

The style, color and design of the fixtures shall be compatible with the overall design concept and use of materials for the building, site and area of the lighting plan.

12-1307 INSTALLATION AND MAINTENANCE STANDARDS

A. Operation and maintenance cost of the lighting system shall be the responsibility of the property owner.
B. Requirements for maintenance shall include replacement of bulbs and light fixture, regular cleaning and replacement of light fixtures as needed.

12-1308 HOURS OF OPERATION

A. Standards for the Operation of Light Fixtures: All light fixtures shall operate in accordance with the requirements of this section.
   1. Pre-curfew: Pre-curfew light levels shall meet the standards specified in Section 12-1309.
   2. Post-curfew: Post-curfew light levels shall meet the standards specified in Section 12-1309. Post-curfew lights shall be operated as follows:
      a) When Lights are to be Turned Off: Lights shall be controlled by automatic timers and turned off by 10:00 PM or within one hour of the close of the facility unless otherwise stated in the chart. After 10:00 p.m., controls such as motion sensors are required during post-curfew hours. Motion sensors or timers may also be used to activate additional lighting during emergency situations.
      b) Parking Lot Light Fixtures: All parking lot light fixtures, except the minimum necessary for security, shall be extinguished by 10:00 p.m. or within one hour after the close of the facility, and remain extinguished until dusk or one hour prior to the commencement of business, whichever is later. Security levels may include one of the following as determined by the Planning Division Manager: 1) no more than one footcandle, 2) 80% reduction in light level, or 3) one pole mounted fixture near the main entrance(s).
      c) Non-Essential Lighting: All non-essential lighting shall be turned off after the close of business or 10:00 p.m. whichever is more restrictive. Non-essential lighting includes but is not limited to lighting of landscaping, architectural features, tennis courts, ball fields, etc.

12-1309 MAXIMUM LIGHTING STANDARDS

A. No person shall operate any device, which makes light in excess of the levels specified in this section. Light from any light fixture shall not exceed any of the following limits for its appropriate zoning district classification or use classification set forth in the table below. Any request to vary from these standards must be approved through Section 12-1303.01 for an Exception. In the event an applicant requests lighting levels at the higher levels specified by any use classification, such area shall use the minimum amount of light necessary to light only the use area. The remaining area on such a property shall use the lower standards for the zoning district classification.

B. The following charts specify the lighting criteria based upon general land use categories. The land uses are divided between the Urban Service Area, Rural Area, and Eastern Community Planning Areas as defined by the Comprehensive Plan.

Urban Service Area

	Single family Attached, Multi-family residential	**Commercial, office, industrial**	**Public & semi-public use**
Maximum initial horizontal illumination	5 f.c. building entries and parking lots	10 f.c. building entries and parking lots, 20 f.c. under canopies, 20 f.c. on a **limited basis.	10 f.c. building entries and parking lots
Maximum initial lamp lumens rating for all cut-off luminaries	3,500 lumens or 8500 lumens for six or more parking spaces	21,500 lumens or 24,000 lumens for 5 acre parking lots or greater	13,500 lumens
Post-curfew maximum initial horizontal illuminance rating	Entry lights may be left on. All other lighting except for parking lot and pedestrian circulation in commons areas shall be turned off	Landscape, building façade and non-circulation lighting shall be turned off. Parking lots with more than 2 poles and pedestrian circulation lighting shall be reduced to *security levels.	Landscape, building façade, and non-circulation lighting shall be turned off. Parking lots with more than 2 poles and pedestrian circulation lighting shall be reduced to *security levels.
Controls	Required post curfew	Required post curfew	Required post curfew
Maximum allowable pole height (includes base and luminaries)	20 feet in parking lots 15 feet in all other areas	25 feet in parking lots (35 feet for parking lots of 5 or more acres in size) 20 feet in all other areas	20 feet in parking lots within or adjacent to residential zones, otherwise 25 feet

Urban Service Area/Rural Area/Eastern Community Planning Areas

	Parking structures/covered parking use	**Private Recreation**	**Public Recreation Use**	**Emergency Facility Use**
Maximum initial horizontal illumination	10 f.c. within structure and at vehicle and pedestrian entries. 50 f.c. at the entrances for up to 20 feet during daylight hours. 5 f.c. for uncovered portions of parking areas and external pedestrian circulation areas.	The lesser of 30 f.c. or the IESNA standards for the specific sports venue. 5f.c. in parking lots and pedestrian areas	The lesser of 50 f.c. or the IESNA standards for the specific sports venue. 5 f.c. in parking lot and pedestrian areas.	5 f.c. at bldg. Entries, under canopies and emergency parking areas. 5 f.c. in parking lots and pedestrian circulation areas
Maximum initial lamp lumens rating for all cut-off luminaries	13,500 lumens	23,000 lumens for sports field 8500 lumens in other areas	107,000 lumens (sports fields only) 13,500 lumens in other areas	8500 lumens
Post-curfew maximum initial horizontal illuminance rating	Same as pre-curfew except that all non-circulation and non-parking area lighting shall be turned off.	No lighting except that for minimum *security levels permitted after curfew	Sports field or court lighting to be turned off 30 minutes after last event. 3 f.c. max for pedestrian circulation and parking areas for a maximum of one hour after last event. *security levels thereafter.	Same as pre-curfew except landscape, recreational and non-circulation lighting shall be turned off
Controls	Automatic day-light controls required	Required post curfew	Required post curfew	Required post curfew
Maximum allowable pole height (includes base and luminaries)	15 feet on uncovered upper parking levels	20 feet in residential zones, 25 feet in all other zones.		20 feet in parking lots that are within or adjacent to residential zones, otherwise 25 feet

*Security levels may include one of the following as determined by the Planning Division Manager:
1) 1 f.c. or less, 2) 80% reduction in lighting equipment left on, or 3) one pole mounted fixture near the main entrance(s).

**A limited basis may include a main feature such as the front row of vehicles, a highlighted vehicle on a pad, retail canopies similar to gas stations and fast food canopies as long as the lighting equipment is full cutoff.

Rural Area/Eastern Community Planning Area

	1) Single Family/ Attached Multi-family residential	**2) Commercial, office, industrial-B-1,B-3, B-4, I-1, I-2, MU**	**3) Public & semi public use- schools, churches**
Maximum initial horizontal illumination	5 f.c. building entries and parking lots	5 f.c. building entries and parking lots, 15 f.c. under canopies	5 f.c. building entries and parking lots
Maximum initial lamp lumens rating for all cut-off luminaries	3,500 lumens	13,500 lumens (250 watts on 35 foot poles)	8,500 lumens
Post-curfew maximum initial horizontal illuminance rating	Entry lights may be left on. All other lighting except for parking lot and pedestrian circulation in commons areas shall be turned off	Landscape, building façade and non-circulation lighting shall be turned off. Parking lots with more than 2 poles and pedestrian circulation lighting shall be reduced to *security levels.	Landscape, building façade, and non-circulation lighting shall be turned off. Parking lots with more than 2 poles and pedestrian circulation lighting shall be reduced to *security levels.
Controls	Required post curfew	Required post curfew	Required post curfew
Maximum allowable pole height (includes base and luminaries)	20 feet in parking lots 15 feet in all other areas	25 feet in parking lots (35 feet for parking lots of 5 or more acres in size) 20 feet in all other areas	20 feet in parking lots within or adjacent to residential zones, otherwise 25 feet

*Security levels may include one of the following as determined by the Planning Division Manager: 1) 1 f.c. or less, 2) 80% reduction in lighting equipment left on, or 3) one pole mounted fixture near the main entrance(s).

**A limited basis may include a main feature such as the front row of vehicles, a highlighted vehicle on a pad, retail canopies similar to gas stations and fast food canopies as long as the lighting equipment is full cutoff.

SECTION 12-1400 LANDSCAPING REGULATIONS

12-1401 INTENT

To provide landscape standards which visually enhance developments and provide a more compatible and aesthetic atmosphere. Landscaping will improve the livability of residential neighborhoods, enhance the appearance and customer draw of commercial areas, buffer land uses, improve compatibility of adjacent land uses, increase property value, screen undesirable views and contribute to the image and appeal of the overall community. Sensitive site design ensures that a reasonable balance is struck between the rights of the individual to develop and maintain their property and the rights of the community to live, work, shop and recreate in a pleasant and attractive surrounding.

12-1402 APPLICABILITY

These landscape standards apply to all development included in a Final Development Plans, Administrative Site Plans, Use By Special Review applications, or Subdivision Development Plan. However, general landscape criteria are established with the PDP. All open space shall be landscaped. Individual lots within a single family detached (SFD) development are excluded from these landscaping requirements as well as any development in the A-2, A-1, R-A, A-E and R-1 zone districts. Landscaping requirements shall apply within residential developments for landscape tracts, parks, perimeter buffers or other areas as determine by these regulations.

12-1403 GENERAL INFORMATION

12-1403.01

Landscaping is the treatment of pervious surfaces with organic/inorganic plant materials such as grass, ground cover, trees, shrubs, ornamental clump grasses and other horticultural materials. The plan may include other decorative surfacing such as wood chips, crushed stone or other mulch materials.

12-1403.02

Where there is significant existing vegetation on site, staff may require an inventory of plant material. Existing trees shall be saved on the property unless otherwise approved through the review process.

12-1403.03

Xeriscape plant materials are strongly encouraged. All landscape material shall be in compliance with the standards of the American Association of Nurserymen. All plant material shall have a habit of growth that is normal for the species and shall be of sound health, vigorous growth, and free from insect pests, diseases and injuries. All plants shall equal or exceed the measurements specified on the plan.

12-1403.04

A. All planting materials and methods must be approved by the Arapahoe County Weed Control Inspector. Weed control methods may need to be employed prior to construction and/or the installation of the landscape plan.
B. The following list of drought-tolerant plant material are suggestive of the range of choices available. Listings are taken from the complete Denver Water Board's drought–tolerant plant listings, which are supported by Arapahoe County. For an extensive list of such plant materials, refer to the Denver Water Board's current list:

Turf Grasses:	**Deciduous Trees:**
Blue Grama	Ash, Marshall's Seedless
Buffalo Grass	Ash, Summit

Crested Wheatgrass
Smooth Brome
Turf Type Tall Fescue
Any approved native seed mix *

Deciduous Shrubs > 6'
Canada Red
Cranberry, High-bush American
Lilac, common

Evergreen Trees
Pine, Austrian
Pine, Scotch pine
Pine, Ponderosa
Pine, Pinion
Juniper, Rocky Mountain

Ground Cover
Hen and Chicks
Periwinkle
Creeping Phlox
Snow-in-summer
Goldmoss Sedum-Stonecrop
'Dragon's Blood' Sedum

Vines
Western Clematis
Hall's Honeysuckle
Virginia Creeper
Greenleaf Wintercreeper
Purpleleaf Wintercreeper

Chokecherry, Canada Red
Honey Locust, Skyline
Maple, Amur
Plum, Newport

Deciduous Shrubs <6' Chokecherry,
Burning Bush
Currant, alpine
Dogwood, variegated
Potentilla, brush cinquefoil
Sage, silver
Spirea, Anthony Waterer

Evergreen Shrubs
Juniper, buffalo
Juniper, tam
Juniper creeping

Sub-Shrub Ground Cover
Creeping Mahonia
Blue Chip Juniper
Hughes Juniper

Ornamental Grasses
Big Bluestem
Japanese Blood Grass
Plume Grass

* An approved native seed mix is an appropriate seed mix that is supported by the Soil Conservation Districts or any other landscaping authority.

This list is derived from the extensive list of drought-tolerant plants provided by the Denver Water Board. All plants on the extensive list are recognized by Arapahoe County. In addition, with the assistance of the Soils Conservation District, the County will also consider any other drought tolerant native/adaptive species on a case-by-case basis. Should a plant/tree be designated a noxious weed, it will automatically be removed from the recommended drought-tolerant plant listings.

12-1403.05

The use of weed free seed, gravel or fill dirt is required as approved by the Arapahoe County Weed Control Inspector. The use of competitive grasses, shrubs or trees that provide sufficient ground cover may be required where weed problems already occur or may occur in the future. Plant species that appear on the Colorado State Noxious Weed lists are unacceptable for use in proposed landscaping.

12-1403.06

The open space and landscape requirements stated herein are in addition to any public land dedication requirements, unless otherwise determined by the Board of County Commissioners.

12-1404 AREAS TO BE LANDSCAPED

Landscaping for private and public parks shall comply with Section 12-1400 herein.

A. All portions of a site not occupied by structures, water bodies, streets, roads, driveways, sidewalks, plazas, patios, parking areas and other vehicle use areas are required to be landscaped in accordance with these standards unless excluded in Section 12-1400 above.

B. For undeveloped areas with natural vegetation, up to 50 percent of the natural area may be allowed to count toward the minimum requirement, as determined by the Planning Division Manager. The percentage of these areas eligible to partially satisfy the minimum requirement will be determined based upon its effectiveness to function as a buffer and enhance the visual and natural attributes of the site.

C. All development sites, excluding single family detached development, shall feature consistently landscaped areas along the front, sides and rear property lines. At the discretion of the Planning Division Manager, exceptions may be made for situations such as attached structures that cross property lines, property lines that lie within the extents of paved roadways, and other unanticipated situations as long as the resulting plan meets the intent of these regulations by providing a complete landscape design which will visually enhance developments and provide a more compatible and aesthetic atmosphere as required in Section 12-1401 of these requirements.

D. A 20-foot landscape buffer is required where non-residential development abuts residential development.

E. Drainage easements and detention ponds ~~shall~~ **may** be included as landscaped **or other open space** areas upon approval by the PWD Department. Detention ponds with earthen walls and **a** maximum 4:1 slope are the preferred design. However, when required by site constraints, other design solutions may be submitted to the PWD Department for approval. ~~shall be considered but other design solutions shall require PWD Department approval for credit to the requirements. Any landscaping materials planted in a drainage easement in addition to ground cover shall be approved by the PWD Department.~~

12-1405 AREAS THAT DO NOT QUALIFY AS LANDSCAPING

A. Paved portions of parking lots, open air showrooms, outdoor display areas, roads or service areas at, above or below ground level.

B. The portion of pedestrian and/or bike paths as well as sidewalks that are crossed by motor vehicle circulation routes.

C. Paved medians including concrete, asphalt, brick, decorative pavers, etc. (See Streetscape Guidelines in Section 12-1400 herein).

D. Public rights-of-way shall be excluded only when planned for future widening per PWD Department standards.

12-1406 LANDSCAPING REQUIREMENTS

A. Within a required landscaped area for residential development, the following ratios apply for single family detached, single family attached and multifamily development:
    1. Lots 3,999 square feet (R-PSF) to 5,000 square feet as an average lot size require one (1) tree and ten (10) shrubs or an acceptable combination of trees and shrubs per 2,000 square feet of landscaped area.
    2. Lots less than 3,999 square feet as an average require one (1) tree and ten (10) shrubs per 1,000 square feet of landscaped area.
    3. These ratios of trees and shrubs may include an acceptable combination of trees and shrubs for the area required to be landscaped. A determination for landscape ratios will be made on a case-by-case basis for landscape tracts (including rights-of-way) within filings that include residential development with mixed densities based upon the location and use of the tract.

B. Within a required landscaped area for commercial, industrial and business development, the following ratios apply:
    1. One (1) tree and ten (10) shrubs, or an acceptable combination of trees and shrubs, for every 1,000 square feet of landscaped area.
    2. Ornamental clump grasses may be exchanged for up to fifty percent of the required shrubs at a ratio of three ornamental clump grasses for one shrub if one gallon clump grasses are selected.
    3. Ornamental clump grasses may be exchanged for up to fifty percent of the required shrubs at a ratio of one ornamental clump grass for one shrub if five gallon clump grasses are selected.

C. Proposed open space quantities above the minimum requirements (per Section 13-100 Land Development Code) shall be excluded from the requirements of Sections 12-1406.01 and 12-1406.02 listed above. Landscaping may be required based upon the intent of these regulations and will be reviewed on a case-by-case basis by the PWD Department.

D. All required landscaped areas shall be served by a functioning automatic irrigation system unless otherwise approved by the PWD Department.

E. Minimum requirements stated herein may be modified based upon the proposed use, design of adjacent uses, and overall impact and scale of the project.

F. The landscaping materials shall be distributed throughout the landscaped areas in order to avoid over massing of plant materials or obstructing views determined important through the development review process. Trees and shrubs shall be configured in appropriate groupings.

G. Any landscaping around a fire hydrant shall be placed such that a three foot clear space is maintained at all times.

H. Landscaping shall be protected from vehicles by the placement of wheel stops, curbs or other acceptable means.

I. Temporary irrigation methods shall be required when native seed mixes or other low water plantings are utilized requiring temporary irrigation.

12-1407 PLANT SPECIFICATIONS

The following minimum sizes apply wherever landscaping is required:

PLANT SPECIFICATIONS	
Trees	**Minimum Size**
Deciduous Trees*	2.0 Inch Caliper
Ornamental Trees	1.5 Inch Caliper
Coniferous Trees	8' Height adjacent to public R-O-W 6' Height in other locations
Shrubs	5 Gallon container
Ornamental Clump Grass	5 gallon container grasses will be counted as 1 shrub. 1 gallon container grasses may be counted as 1/3 shrub.
Groundcover	No minimum size; spacing shall provide 80% groundplane coverage within 2 years.

**Russian Olive trees are prohibited on landscaping plan.*

12-1408 LANDSCAPE PLAN

The landscape plan shall be prepared at a scale that allows for maximum clarity of the proposal and must be approved by the staff planner. The landscape plan is one or more sheets included in the FDP, ASP, SDP or USR document.

A. Dimension all easements, pedestrian walkways and pedestrian- oriented areas (existing and proposed), and types of surface materials.

B. Delineate the total gross square footage of the total planting area, including areas to be maintained in a natural state (undeveloped) and/or established with native seed.

C. Draw plant materials at three-fourths of mature size.

D. Identify common and botanical names, size and quantities of materials to be used. Identify trees, shrubs, lawn areas and groundcover areas (organic and inorganic). Provide explanations of any substitutions requested to meet required amount of landscaping materials.

E. Identify and show dimensions of all landscape elements including fences, walls, border edge treatments, berms, water features, bike racks, trash enclosures, street furniture and recreational facilities, as applicable. Details of landscape features or structures may be required on the landscape plan as determined by the PWD Department.

F. In order to preserve significant natural vegetative areas, trees, wildlife habitat and landscape features, the landscape plan shall locate and identify and when necessary dimension these natural features in accordance with PWD Department requirements. A tree preservation plan with specific construction limits and protective fencing and mulching may be required.

G. Show planting details, including typical methods of planting.

H. Delineate existing and proposed grades with 1-foot contours.

I. Indicate sources of irrigation water and types of irrigation used. This may be provided on a separate 8.5" x 11" sheet included with the site plan narrative. If source is a private well, provide evidence of landscape irrigation rights. Information regarding specific design techniques used to prevent water infiltration or damage at the street section may be requested by the PWD Department.

J. In the event the site is served by a well which prohibits landscape usage, a waiver of the landscape requirements noted herein will not be granted. The applicant will be required to obtain an off-site water source with acceptable documentation. Landscaping shall comply with Section 12-1400 herein.

K. Landscaping shall comply with the requirements for sight distance triangles in accordance with Arapahoe County Streetscape Guidelines, Section 18-100 herein.

L. All landscaping within the County rights-of-way, or landscaping close enough to affect the horizontal or vertical clearance of the right-of-way, shall comply with the Arapahoe County Roadway Design and Construction Standards and the Arapahoe County Storm Drainage Design and Technical Criteria Manual.

12-1409 REQUIREMENTS WITHIN COUNTY RIGHTS-OF-WAY AND MEDIANS

All landscaping within the County rights-of-way and medians shall comply with the Arapahoe County Streetscape Guidelines stated in Section 18-100 of this document. The types, sizes and locations of landscape materials and features will be established during development review by the PWD Department. Medians and rights-of-way must comply with the following:

A. The landscaping of any County rights-of-way or median associated with a residential development project based upon an approved landscape plan shall begin prior to the issuance of building permits for 20% of the dwelling units approved in the project.
B. Plant materials are required based upon Section 18-100 listed above.

12-1410 REQUIREMENTS WITHIN DETENTION AREAS

All development within a detention area shall be approved by the PWD Department in order to ensure compliance with approved drainage plans. Regional detention facilities are exempt from these requirements unless otherwise determined by the Board of County Commissioners. Within detention areas, the following types and quantities of plant materials and other improvements shall be required in accordance with the PWD Department review:

A. A functioning, automatic irrigation or a temporary irrigation method when native seed mixes or other low water plantings are utilized requiring temporary irrigation.

B. Natural and/or man made landscaping features including grass seed mix or other ground cover approved during the development process for type, size, quantity and location.

C. The installation of trees, shrubs and drought tolerant grasses of a species and quantity approved by the County.

D. Development projects abutting residential lots may require fencing as determined by the PWD Department.

E. In instances where on-line detention areas are located in the 100-year flood plain, landscaping requirements may be adjusted to the specific requirements of the Urban Drainage and Flood Control District.

F. Access to the detention pond shall be secured for maintenance purposes.

12-1411 MAJOR DRAINAGEWAYS

Major drainageways (basin tributary area of 130 acres or more per Urban Drainage and Flood Control District requirements) shall be maintained in the natural topography of the channel and piping or channels with side slopes exceeding 4:1 will not be allowed to convey the drainage.

12-1412 REQUIREMENTS WITHIN PUBLIC AND PRIVATE PARKS

Public park requirements for landscaping improvements will be established during the development review process, which includes the agency/district receiving the park. Private parks shall be located and configured to serve as useable park area with the following improvements:

A. A minimum of one (1) tree and ten (10) shrubs, or five (5) trees and no shrubs, for every 5,000 square feet of area.

B. A functioning automatic irrigation system.

C. Natural and/or man made landscaping features including turf grass sod, grass seed mix or other ground cover, of types, sizes, quantities and in locations approved by the development process.

D. The County may additionally require trails, lights, parking lots, playgrounds, play courts, benches, signs and other amenities suitable for the developed open space.

E. The landscaping of all parks within a residential development project shall be completed prior to the issuance of building permits for more than 50% of the dwelling units approved in the project unless otherwise approved by the Board of County Commissioners. Any failure to complete the required landscaping by the deadlines specified herein shall result in withholding of Certificates of Occupancy until compliance with the requirement occurs.

F. In instances where parks are located in the 100-year flood plain, landscaping requirements may be adjusted to the specific requirements of the Urban Drainage and Flood Control District and the Arapahoe County Engineering Division.

G. All parks shall be designed to blend with adjacent areas. Slopes shall not exceed 4:1 unless specifically allowed by the PWD Department.

12-1413 ENFORCEMENT OF LANDSCAPING REQUIREMENTS

No certificate of occupancy for any structure located on property where landscaping is required shall be issued unless all landscaping has been satisfactorily installed. Prior to the issuance of certificate of occupancy, all landscaping shall be inspected by the County for compliance with the approved landscape plan.

A. In cases where the property owner desires to occupy a building prior to completion of all landscaping, the County may issue a certificate of occupancy for the building. However, no

outdoor storage shall be permitted until all landscaping has been completed. In order to obtain a certificate of occupancy prior to completion of all landscaping, the property owner shall enter into an agreement with the County, providing for the completion of all landscaping by the property owner within a specified period of time, not to exceed six months from the date of issuance of the certificate of occupancy. Said agreement shall also require the property owner to provide acceptable collateral to the County in form of a letter of credit, cash or certified funds guaranteeing satisfactory completion of all landscaping. If a letter of credit is used, it shall be in the same format as required for a subdivision improvement agreement. The amount of collateral shall be in an amount equal to 115% of the estimated cost of landscaping and shall be based on a cost estimate of labor and materials prepared by a qualified professional. Upon written request of the property owner, the Planning Division Manager may grant one extension to the term of the agreement, not to exceed 6 months, for good cause shown, provided that the collateral is also extended for that period of time.

B. The collateral held by the County shall be released when it has been determined by the County that all landscaping has been satisfactorily completed. If the property owner has failed to install the required landscaping within the period of time specified in the landscaping agreement, the County shall use the collateral to complete the required landscaping.

C. The property owner shall be responsible for the maintenance of all required landscaping, on private property, including but not limited to, weeding, watering, fertilizing, pruning, mowing and removal of litter. The property owner shall be responsible for the replacement of all dead, diseased or substantially damaged plant materials with the same or similar type as set forth in the approved landscape plan. Replacement shall occur within the next planting season and shall not, in any event, exceed one year.

D. The County and Developer may enter the following Agreement to guarantee completion of landscaping requirements by providing collateral to obtain a Certificate of Occupancy prior to completion of all landscaping.

LANDSCAPING AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 20___, by and between _____ (hereinafter referred to as "Developer") and Arapahoe County.

WHEREAS, Section 12-1413 of the Arapahoe County Land Development Code requires that all landscaping be completed prior to the issuance of a certificate of occupancy; and

WHEREAS, the above section allows a developer to obtain a certificate of occupancy and to occupy a building prior to the installation of all required landscaping by providing collateral guaranteeing such installation; and

WHEREAS, the Developer is the owner of property subject to the County's landscaping requirements and located at _____ _____ (street address) and more particularly described as _____ (legal description); and

WHEREAS, the Developer has not completed all landscaping and wishes to provide collateral to obtain a certificate of occupancy prior to completion of all landscaping; and

NOW, THEREFORE, the parties hereto agree as follows:

1. The Developer shall construct and install, at its own expense, all of the required landscaping as set forth in the approved Landscape Plan and more particularly described in Exhibit A, attached hereto and incorporated by reference herein.

2. To secure and guarantee performance of the Developer's landscaping obligations as set forth herein, the Developer agrees to provide the County with collateral in the form of _____ in the amount of $_____, 115% of the estimated cost of labor and materials for the required landscaping. The estimated cost is attached hereto and incorporated by reference herein as Exhibit B. The term of the above collateral shall be a period of at least one year from the date of this Agreement.

3. The Developer agrees to complete the installation of all required landscaping as set forth herein by no later than _____.

4. Upon installation of the landscaping required by the approved Landscape Plan and inspection by the County to confirm compliance with said Plan, the County shall release the collateral provided by the Developer.

5. In the event the Developer fails to install all of the landscaping within the above specified period of time, the Developer authorizes the County to use the collateral deposited with the County to install all required landscaping and further grants the County, and its authorized agents, permission to enter onto the subject property to install such landscaping.

Developer: _____

By: _____

_____(Title)

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Subscribed, sworn to and acknowledged before me this _____ day of _____, 20___,

by _____ of _____.

Witness my hand and official.

My commission expires: _____

_____
Notary Public

ARAPAHOE COUNTY

By:_____
Dave Schmit, P.E.
Director of PWD

SECTION 12-1900 OIL and GAS FACILITIES

12-1901 INTENT

The intent of this Section 12-1900 is to describe the Use by Special Review process and approval criteria for Oil and Gas Facilities. Notwithstanding any other language in the Land Development Code to the contrary, an Oil and Gas Facility or related site preparation or development, including any such Facility that requires a Colorado Oil and Gas Conservation Commission ("COGCC") permit, may not commence without first obtaining Use by Special Review approval, regardless of the zone district or category in which the operation will be located. Oil and Gas Facilities are specifically allowed in all zone districts, including Planned Unit Developments, subject to Use by Special Review approval and subject to obtaining other required permits and approvals, unless and to the extent otherwise stated in these regulations.

12-1902 RELATIONSHIP TO SECTION 13-900

This Section provides an Administrative Use by Special Review approval process for Oil and Gas Facilities where an applicant has executed an acceptable Memorandum of Understanding ("MOU") with the County and meets other administrative approval criteria, as set forth in further detail below. In the event that an applicant has executed an MOU and obtains approval for an Administrative Use by Special Review for a particular Oil and Gas Facility, compliance with the procedures and criteria in Section 13-900 (Use by Special Review) is not required. In other situations, in order to obtain Use by Special Review approval, the applicant must comply with the provisions of Section 13-900 (Use by Special Review), except to the extent modified in 12-1912 of this Section or waived by the Public Works and Development Department ("PWD") Director or the Board of County Commissioners ("Board").

12-1903 ADMINSTRATIVE APPROVAL CRITERIA

In order to obtain Administrative Use by Special Review approval, an Oil and Gas Facility shall first satisfy the following criteria, except to the extent waived by the PWD Director or by the Board:

12-1903.01 Memorandum of Understanding
An MOU acceptable to the County must have been executed by the applicant and the County and currently be in full force and effect, and the Oil and Gas Facility as proposed must be in compliance with the provisions of the MOU.

12-1903.02 Satisfy Submittal Requirements
The application and exhibits for the Administrative Use by Special Review must satisfy all applicable submittal requirements in this Section.

12-1903.03 Environmental/Public Health and Safety Impacts
The Oil and Gas Facility as proposed for approval shall not involve any site specific conditions that present significant and material impacts to public health, safety or welfare, or the environment, that cannot be adequately mitigated through conditions agreed to by the applicant in the MOU or by conditions imposed upon the Administrative Use by Special Review approval.

12-1903.04 Emergency Service Providers

The Oil and Gas Facility applicant must provide a commitment to serve ("will serve") letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.

12-1904 ADMINISTRATIVE PROCESS

12-1904.01 Pre-Submittal Meeting

Prior to submitting an application for an Administrative Use by Special Review for an Oil and Gas Facility, the applicant is required to attend a pre-submittal meeting with representatives of the PWD, unless waived. At the pre-submittal meeting the applicant will receive direction from County staff that will assist in preparing a complete application for submittal to the County. The applicant will need to obtain a list of applicable referral entities that will be sent a referral packet.

12-1904.02 Review for Completeness

Upon receipt of an Oil and Gas Use by Special Review application and fee, referral packets and associated application materials, the Planning Division staff of the PWD shall review the materials submitted to determine if the application is complete and consistent with the standards set forth in this Section.

12-1904.03 Concurrent Referral and Review

County staff will refer the complete application for a fourteen (14) working day review by the various divisions of the PWD and the County Attorney's Office, as deemed appropriate. An application may require review by outside agencies such as the U. S. Army Corps of Engineers, if the project impacts a floodplain, and may also be referred to any life-safety providers, adjacent jurisdictions, local public health department, and others as may be deemed appropriate.

12-1904.04 Address Deficiencies

The applicant will be notified of any outstanding issues in connection with application materials upon completion of this review and will be required to address any issues or deficiencies in connection with the application materials. If necessary, a meeting will be held to discuss any issues that need to be resolved. If necessary, the applicant will then submit an amended application, plan or other submittals, as appropriate, to the County for verification that deficiencies have been addressed by the applicant. If the above described outstanding issues cannot be resolved, the PWD Director may refer the case to the Board for its consideration.

12-1904.05 Final Review

Upon acceptance of the final copy of the application and exhibits by the PWD, the application materials will be forwarded for final review by the PWD Director.

12-1905 ADMINISTRATIVE SUBMITTAL REQUIREMENTS

A Submittal Requirements Matrix is available from the Planning Division outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on Planning Division review. The following items are required as part of an Oil and Gas Facility application submittal:

12-1905.01 Pre-Submittal Notes or Waiver
Notes from the pre-submittal meeting pertaining to the application, or signed waiver of pre-submittal meeting form.

12-1905.02 Application Form
A completed Oil and Gas Facility application form. Application forms are available from the PWD.

12-1905.03 Application Fees
Application Fee Schedules are available from the PWD.

12-1905.04 Plan
An Oil and Gas Facility Plan drafted in accordance with 12-1906 of this Section.

12-1905.05 Engineering Documents
The following Technical Engineering documents are required by the Engineering Services Division of the PWD unless otherwise waived by the Engineering Services Division staff:

12-1905.05.01 Construction Plans
If applicable, Construction Plans for the proposed Oil and Gas Operation's public improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements, prepared in accordance with the latest version of the Arapahoe County Infrastructure Design and Construction Standards and Stormwater Management Manual.

12-1905.05.02 Pavement Design Report
If applicable, a Pavement Design Report prepared in accordance with the latest version of the Arapahoe County Infrastructure Design and Construction Standards.

12-1905.05.03 Grading Erosion and Sediment Control
If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Arapahoe County Grading, Erosion, and Sediment Control ("GESC") Manual.

12-1905.05.04 Truck Traffic Report
A Truck Traffic Report prepared in accordance with the latest version of the Arapahoe County Infrastructure Design and Construction Standards for Traffic Impact Studies. Such report shall also identify the source and location of any water to be used by the Oil and Gas Facility.

12-1905.05.05 Drainage Study/Technical Drainage Letter/Plan
If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Arapahoe County Stormwater Management Manual.

12-1905.05.06 Floodplain Modification Study
A Floodplain Modification Study prepared in accordance with the latest version of the Arapahoe County Stormwater Management Manual, if the proposed Oil and Gas construction disturbance or operation encroaches into the 100-year floodplain, or the access is crossing a major drainageway as defined by the latest version of the Arapahoe County Stormwater Management Manual.

12-1905.06 Surface Owner Documentation
Documentation, if any, as to whether the surface owner has authorized the proposed Oil and Gas Facility.

12-1905.07 Additional Information
Additional information may be requested by the PWD Department as deemed appropriate to process the application and the PWD Director may also waive the submittal of any information required above as deemed appropriate.

12-1906 OIL AND GAS OPERATIONS PLAN

12-1906.01 Plan Format
All plans will be 11" x 17" format. No plans shall contain copyright restrictions or public use restrictions.

12-1906.02 Cover Sheet
The cover sheet shall have a title block with the reference to an Administrative Use by Special Review, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the COGCC Permit number when approved. Upon approval, the first sheet will be signed by the PWD Director.

12-1906.03 Impact Area Map
The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all existing oil and gas wells within the one-mile impact area, locations of all water wells within ½ mile of the proposed Oil and Gas Operation, and all existing and proposed roads within the one-mile impact area.

12-1906.04 Drilling Operation Plan
The third sheet shall provide a site plan of drilling operations with drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County, prior to submitting the application for the Administrative Use by Special Review. The layout of the drilling equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

12-1906.05 Production Plan
The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. A seed mix shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility submitted for approval.

12-1906.06 Signage Plan/Sign Detail
A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise complaints.

12-1906.07 Final Plan

Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Plan. The final copy of the Plan shall be paper. The drawing shall contain the information listed above unless otherwise specified by the County staff.

12-1907 NOTICE OF APPLICATION REQUIREMENTS

The applicant shall provide written notification by U.S. Mail to owners of parcels adjacent to the parcel on which the Oil and Gas Facility is proposed that an application for a Administrative Use by Special Review for an Oil and Gas Facility has been filed with the County. The Notice of Application shall meet the format prescribed by the County and shall be mailed at or before the time of filing the application for the Oil and Gas Facility with the County. The property owner of record, as identified in the County Assessor's property records, shall provide the basis for notifications.

The applicant shall provide a sign that shall meet the format prescribed by the County. The sign shall be posted at or before the time of filing the application for the Oil and Gas Facility with the County.

12-1908 APPROVAL/DENIAL OF ADMINISTRATIVE USE BY SPECIAL REVIEW

12-1908.01 Action to Approve, Conditionally Approve or Deny

Unless there are any issues that have not been resolved by the applicant, the County will exercise its best efforts to process the Administrative Use by Special Review for an Oil and Gas Facility within thirty (30) calendar days from the date of complete submittal by the applicant, or at such time as proof of the COGCC permit approval is provided, whichever is later. The Administrative Use by Special Review can be administratively approved, approved with conditions or denied. Written notice of the decision shall promptly be provided to the applicant, and, if denied, the notice shall include a statement of the reason(s) for denial. The thirty (30)-calendar day timeframe counts only as the County's processing time and does not include the applicant's response time.

12-1908.02 PWD Director's Discretion to Refer to the Board

In lieu of the PWD Director making a decision on an application, the Director has the discretion to refer any application for Administrative Use by Special Review or amendment thereto to the Board for its consideration and decision at a public hearing. In such event, the Board shall make its determination based upon the requirements of this Section; however, unless waived by the Board, compliance with the notice requirements set forth in Sections 13-905.02 A. and 13-905.03 B. is required prior to the Board hearing. At such public hearing, the Board may approve, approve with conditions, or deny the application.

12-1908.03 Expiration of Approval

An approval of the Administrative Use by Special Review shall only be valid for five (5) years unless the Oil and Gas Facility is substantially commenced prior to the expiration of such timeframe.

12-1908.04 Permits Required Prior to Commencement of Operations

If applicable, an Access Permit, GESC Permit, and Oversize/Overweight Vehicle Permit shall be required prior to the development of the Oil and Gas Facility. A Floodplain Development Permit shall be required prior to any work within a floodplain. A Building Permit may be required prior to construction of certain structures within the Oil and Gas Facility.

12-1909 APPEAL OF DECISION ON APPLICATION FOR ADMINSTRATIVE USE BY SPECIAL REVIEW

An applicant may appeal the PWD Director's denial of an application for an Administrative Use by Special Review for an Oil and Gas Facility, or any conditions of approval, to the Board of County Commissioners for a de novo hearing. The applicant must file the appeal within fourteen (14) calendar days of the date of the Director's decision by submitting a letter of appeal to the Planning Division Manager. Thereafter, the matter will be scheduled on the next available agenda of the Board. At such hearing, the Board may affirm, reverse or modify the decision of the PWD Director, based upon the criteria set forth in Section 12-1903.

12-1910 MOU PROVISIONS AS CONDITIONS OF APPROVAL

An approval of an Administrative Use by Special Review for an Oil and Gas Facility shall automatically include as conditions of approval all provisions of the MOU executed by the applicant, except to the extent waived by the PWD Director or the Board.

12-1911 ADMINISTRATIVE AMENDMENT

If the applicant or operator proposes changes from the plans approved through the Administrative Use by Special Review, including any changes in the source or location of water to be used by the Oil and Gas Facility, the applicant or operator is required to submit an amendment to the application showing the changes, unless such requirement has been waived by the PWD Director. The proposed amendment will be reviewed by PWD staff and, if applicable, PWD Staff may require additional information. The amended application will need to meet all requirements of this Section and be approved in writing by the PWD Director, or the Board (if the Board approved the original application), prior to implementation.

12-1912 NON-ADMINISTRATIVE APPROVAL PROCESS

Use by Special Review approval for an Oil and Gas Facility may also be requested through the process described in Section 13-900 of this Code, subject to the following modifications:

12-1912.01 Plan Format
The site plan shall comply with the requirements of Section 12-1904 above in lieu of the provisions of Section 13-904. In addition, the final document shall be submitted in paper form instead of Mylar, notwithstanding the language of Section 13-905.06.

12-1912.02 Other
The applicant shall not be required to submit a letter from a water and sanitation district, notwithstanding the language of Section 13-903.07, and shall not be required to comply with Section 13-903.08.

12-1912.03 Expiration of Approval An approval of a Use by Special Review shall only be valid for five (5) years unless the Oil and Gas Facility is substantially commenced prior to the expiration of such timeframe.

12-1913 COGCC AND COUNTY APPROVALS REQUIRED

Development of the Oil and Gas Facility shall not commence until and unless any required permits from COGCC, and a Use by Special Review (administrative or non-administrative) from the County, have both been approved.

CHAPTER 13 ZONING PROCEDURES

SECTION 13-100 PLANNED UNIT DEVELOPMENT (P.U.D.)

13-101 INTENT

13-101.01 The alteration of established land uses and/or development criteria, can substantially affect the overall planning of unincorporated areas in Arapahoe County. Therefore a rezoning process has been established, in accordance with the Administrative Provisions of this document, to provide for the review of land use and/or development criteria revision requests.

13-101.02 As defined in the Definitions Chapter of these regulations, a Planned Unit Development is an area of land controlled by one or more landowners to be developed under unified control or unified plan of development for a number of residential, commercial, educational, recreational, or industrial uses or any combination of the foregoing, the plan for which may not correspond to lot size, bulk or type of use, lot coverage, open space and/or other restrictions of the existing land use regulations.

13-101.03 The P.U.D. process is intended to prevent the creation of a monotonous urban landscape by allowing for the mixture of uses which might otherwise be considered non-compatible, through the establishment of flexible development standards, provided said standards:

A. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.
B. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.
C. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.
D. Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.
E. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
F. Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.
G. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.
H. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.

I. Enhance the usable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.

13-101.04 The criteria, just stated, must be addressed prior to approval of any P.U.D. requests, and are intended to provide clarity of purpose and direction for applicants, neighbors, concerned citizens, and Arapahoe County decision-makers.

13-101.05 In a standard P.U.D., the development standards are established after the completion of two steps: the Preliminary and Final Development Plans. The final document must achieve the County's nine stated goals for P.U.D. zoning, and must comply with all other applicable restrictions of the Regulations. The preliminary development plan ("PDP") establishes general land uses and siting restrictions, including proposed site development criteria. Through these proposed criteria, the PDP must show, in general terms, how the development will achieve the standards for planned-unit development zoning. The FDP must meet the PDP-minimum development standards and also be an application which is desirable overall when weighed against the P.U.D. standards.

13-101.06 Another form of P.U.D. available for certain types of development proposals is the Master Development Plan ("MDP"). At the time of creation, and until later expanded by resolution of the Board of County Commissioners, the MDP is available only for Office Park Developments and Light Industrial Park Development, as defined in the Definitions Chapter of these regulations. Retail may be allowed as a use by special review within a MDP proposal. Multifamily residential may also be allowed as a use by special review and will be considered as a secondary use within a proposed or existing MDP. The process creates a single development plan that is more refined and more precise than that required for a PDP, while allowing the developer flexibility in establishing specific building architecture and site layout details, to the extent set forth in the MDP, through a subsequent Administrative Site Plan (ASP) approval process. The MDP enables a staff-level review of individual site plans as provided in the MDP. An MDP may be accompanied by a development agreement, which may contain additional standards, restrictions or conditions related to the development; may provide guidance for the interpretation and implementation of the MDP; and may establish vested property rights pursuant to C.R.S. 24-68-101, et. seq. Section 13-112 of these Regulations. An MDP also may qualify for establishment of vested property rights as a site specific development plan, all as further described in Section 13-112 of these Regulations.

13-102 GENERAL PROVISIONS

13-102.01

All applications for amending the Zoning Map after the adoption of these Regulations shall follow either the procedures outlined herein for a PUD or those described for rezoning to a conventional zone district (see Section 13-200).

13-102.02

Zone changes may be initiated by the Arapahoe County Planning Commission, the Arapahoe County Board of County Commissioners, by the owner of record, or by joint application of the owner of record together with a potential purchaser under a bona fide contract and/or agreement for sale.

13-102.03
When zone changes are initiated by the Arapahoe County Planning Commission or by the Arapahoe County Board of County Commissioners, the owners of record and/or contract purchaser shall be notified by certified mail of the intended zone change. The Planning Commission and/or Board of County Commissioners shall adhere to posting, publication, and hearing procedures.

13-102.04
All Planned Unit Development Applications, including applications for modified uses and setbacks in a conventional zone district, shall follow the P.U.D. procedure outlined in this chapter. For purposes of mapping, notice and general information, the P.U.D. shall be identified with a label of the zone district most closely resembling the use(s) requested. For example, if the owner wishes to develop their land with a modification to the uses specified in the B-1 district, the P.U.D. will be labeled as B-1 P.U.D. The identification of the zone district is only to establish a general category of uses. The development criteria shall be the criteria stated on the P.U.D. The development criteria stated for the zone district shall be applicable only when the P.U.D. fails to address the criteria at issue.

13-102.05
The owners of land wishing to develop their land under the A-E, A-1, A-2 or F zoning district shall be required to submit a Zoning Plan along with Preliminary and Final Plats (if necessary). The Zoning Plan shall show how the proposed development conforms to the requirements set forth in these Regulations for the appropriate district (i.e., permitted uses, building heights, minimum lot area, setbacks, etc.).

13-102.06
Amendments to an existing P.U.D. require either the signature of all owners listed on the P.U.D. signature document, or in cases where the signature of all owners is not attainable, the signature of the owners(s) of the proposed amendment plan. For amendment cases where governing P.U.D. owner signatures cannot be obtained, the Planning Division Manager shall send a notice letter to all owners listed on the governing P.U.D. signature stating there may be impacts to their property and recommend they evaluate those possible impacts. Such notice shall be sent no less than 30 days prior to the Planning Commission public hearing.

13-102.07
Amendments to approved P.U.D. documents, which do not qualify for the Administrative Amendment procedure as defined in these regulations, are to follow the processes described in this Chapter.

13-102.08
The Board of County Commissioners shall have the power to condition approval of individual land use applications upon the receipt of signatures of additional persons with record interests in the land which is the subject of the land use application. Signatures of persons that appear on a land use application or on a final version of an approved land development plan shall constitute such person's irrevocable consent to the action requested or reflected on or in the document.

13-102.09
The Planning Division Manager will have the right to add or waive requirements as may be recommended.

13-102.10
All new FDP's, PDP's, ASP's and MDP's from the date of this ordinance revision must meet the requirements of the Parking, Landscape and Lighting sections of this Land Development Code.

13-102.11
All PUD's shall allocate minimum unobstructed open space based upon the net site area as follows:

Industrial	20%
Commercial	20% single story; 5% for each additional story, up to a maximum of 35%
Residential – Single Family	10%
Residential – Moderate Density	30%
Residential – High Density	35%

13-103 GENERAL PROCESS (PDP, FDP, STREAMLINED FDP, AND MDP)
The Standard Planned Unit Development process requires the execution of both a Preliminary Development Plan (PDP), and a Final Development Plan (FDP).

13-103.01 PRELIMINARY DEVELOPMENT PLAN (PDP)
A. A Preliminary Development Plan, as defined in the Definitions Chapter of these regulations, is the first step in establishing land uses and siting restrictions for a parcel of land. The uses and siting restrictions permitted by the PDP set the general parameters with which the development must comply. The uses, minimums and maximums provided in the PDP will be reviewed at the Final Development Plan stage to further determine the appropriateness for the particular site and neighborhood.
B. Once a PDP has been approved, an FDP which complies with the terms, conditions and requirements of the approved PDP must be submitted and approved prior to the issuance of building permits for improvements to any site or sites within the project covered by the PDP.

13-103.02 FINAL DEVELOPMENT PLAN (FDP)
A. A Final Development Plan, as defined in the Definitions Chapter of these regulations, is the second step in establishing approval of land uses and siting restrictions for a development. This document provides specific information on the uses to be permitted and the manner in which they may be situated on the property.
B. If the submitted Final Development Plan proposes substantial criteria changes from those approved on the Preliminary Development Plan, the applicant may be required to amend the PDP prior to submitting the Final Development Plan. The thresholds for determining whether an Amendment to an approved Preliminary and/or Final Development Plan can be processed administratively can be found in the Administrative Amendment section of these regulations.

13-103.03 STREAMLINED FINAL DEVELOPMENT PLAN (FDP)
A. The intent of the streamlined FDP Review Process is to conduct one public hearing with the Planning Commission and then have the Board ratify the Planning Commission

decision without conducting a second public hearing. Using this process, applications may be processed in a timely manner while allowing for public review.

B. The Streamlined FDP Review Process applies only to FDP applications submitted within PDP's that were applied for (or amended to comply with this Section) after November 1, 1999. Such applications shall be referred to in this Section as "eligible FDP applications". The new process will not be available for FDP applications arising out of a PDP applied for or acted upon prior to November 1, 1999 unless the text of the PDP specifically allows for review under this Section.

C. For purposes of this section, the Final Development Plan establishes land use siting restrictions for a development necessary to ensure that the final site design satisfies each of the PUD zoning goals set forth in these Regulations. The FDP document provides specific enforceable standards relating to the land uses and the manner in which they will be situated on the property.

13-103.04 MASTER DEVELOPMENT PLAN (MDP)

A. A Master Development Plan, as defined in the Definition Chapter of these regulations, is an alternative to the standard Planned Unit Development process available for Office Park Developments and Light Industrial Park Developments or other eligible types of development as the Board may determine in the future. Retail may be considered as a use by special review within these office and light industrial park developments. Multifamily residential may also be considered as a use by special review within these office and light industrial park developments. The process for approval of an MDP shall be the same as the process for approval of an FDP (except that an approved PDP shall not be a prerequisite for submission or approval of an MDP).

B. Preliminary, Final and Master Development Plans requested on parcels located within the "Area of Special Interest" shall also be required to follow those procedures.

C. Although prepared before final architectural and site layout details are determined, the MDP sets forth one or more proposed development scenarios for the project. It also establishes development parameters that are more refined and more precise than those set forth in the PDP. The MDP shall commit to provide infrastructure and required public improvements as set forth in a master subdivision improvements agreement, approved in connection with the MDP or related subdivision approvals, covering the entire project and each phase thereof. The MDP may also establish conditions on approval of subsequent ASPs (Administrative Site Plan) to assure that construction of or payment for infrastructure, and/or dedication of public easements, rights of way or sites, occurs when warranted in light of the stage of development within the MDP. Except as otherwise provided in the MDP, ASP applications and applications for building permit approvals may be processed concurrently.

D. No ASP applications shall be submitted until the obligations of the master subdivision improvement agreement for public or private improvements related to such ASP application has either been constructed and approved by the County or appropriate collateral for such improvements has been accepted by the County. Each MDP shall establish the signatures required to authorize amendments to the MDP or rezonings of property within the MDP. To assure that free-standing non-Professional Office uses are consistent with the general office character of the overall development, the MDP may establish appropriate conditions and restrictions on such uses (including, but not limited to, size, architecture, site layout, signage, siting restrictions and other physical constraints, and/or conditional approval subject to Use By Special Review procedures prior to or in conjunction with review of ASP submittals).

13-104 SUBMITTAL PROCESS FOR PDP, FDP AND MDP

13-104.01

Applicants are required to meet with the Planning Division prior to formal submittal of a PDP, FDP or MDP request (unless waived by the Planning Division Manager) in order to obtain input into the appropriateness of the request. Unless the MDP states otherwise, a pre-submittal meeting shall be necessary with each ASP, unless waived by the Planning Division Manager or unless the Planning Division is unable to hold the pre-submittal meeting within 5 business days after a written meeting request is received by the Planning Division Manager or his designee.

13-104.02

Following the Pre-submittal meeting, the applicant must complete all of the requirements of the Formal review process as prescribed by the PWD Department. Any portion of the Formal submittal requirements may be waived in writing by the Planning and/or Engineering Division Managers. (contact the Planning Division for details)

13-104.03

As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is **up to** 30 **calendar** days and can be extended by up to 30 additional **calendar** days by mutual consent of the applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period or extension period shall be deemed approval.

13-104.04

Following referral agency review, the applicant and PWD Department staff will meet to discuss the applications readiness for the Planning Commission hearing. If the PWD Department determines that the application is not ready for hearing, the applicant will be required to revise the application per County and outside referral agency comments.

13-104.05

Once the PWD Department assesses that the application is ready to proceed to the Planning Commission, a reserved date will be set.

13-104.06

The Development Plan submittal, along with the available comments of the Planning and Engineering Staff and appropriate referral agencies shall be presented at a public hearing to the Planning Commission, which shall inform the applicant of its recommendations.

13-104.07

Following the recommendation by the Planning Commission, the staff planner shall schedule the Development Plan (when applicable) with the Board of County Commissioners for final consideration. The applicant shall be notified of the hearing date and time.

13-104.08 Board of County Commissioners

A. The Board of County Commissioners will take one of the following actions at the hearing: 1. approve as submitted; 2. approve with conditions; 3. continue or table to a date certain (for further information, etc.); 4. take the request under advisement; 5. or deny.

B. The Board may utilize standard conditions of approval and standard motions for approval which incorporate other requirement conditions, limitations or restrictions. The Board's decision shall be based upon the evidence the record relating to the application, applying the standards set forth in this Chapter For MDP applications, in evaluating the application against the standards in this Chapter the Board may consider the fact that the MDP will allow for expedited, administrative approvals of buildings following MDP approval, and may deny approval in cases where the Board determines that sound zoning and planning principles are best served by a public hearing process for final site plans. The Board may also impose conditions upon approval of ASPs, which conditions shall be stated in the MDP, as necessary to ensure that the development will not occur in advance of the availability of necessary infrastructure, permits, dedications or easements.

13-104.09

If denied by the Board, the submittal of a new application and processing fee shall be required in order to pursue the proposed development. The resubmittal of a Development Plan application for the same or substantially same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one year period from the date of such denial. The applicant may appeal the decision of the Planning Division Manager or designee, in writing, to the Board within 10 **calendar** days from the date of the decision. The Manager may allow an application to be withdrawn, without prejudice, at any time during the process.

13-104.10

The applicant shall be responsible for public notice, prior to the Planning Commission and Board of County Commissioners hearings, in compliance with the public notice requirements in Chapter 17 of this Land Development Code.

13-104.11

"Notice of Public Hearing" sign(s) shall be removed from the subject property within two (2) weeks of the hearing which it advertises.

13-104.12

Once the Board of County Commissioners acts on a PDP or FDP request, the applicant and/or duly appointed representative will be notified of the Commissioners' decision as soon as practicable. Copies of the Board of County Commissioners Resolution may be obtained at the office of the Board of County Commissioners. The official County Zoning Map is revised after the Board of County Commissioners Chair~~man~~ signs the final reproducible mylar of the Preliminary Development Plan (or, in the case of rezoning to an A-E, A-1, A-2 or F district, the Zoning Plan).

13-104.13

Building permits may be issued after the Board of County Commissioners Chair~~man~~ signs the final reproducible mylar of the Final Development Plan (assuming the land has been final platted prior to or concurrent with Final Development Plan approval, if necessary).

13-105 STREAMLINED FDP PROCESS

13-105.01 SUBMITTAL AND PROCESS

Eligible FDP applications shall be reviewed in accord with criteria and standards outlined in this section. Application submittal and processing for PDP and associated FDP applications

will occur in accord with standards outlined in these regulations. Public posting and mailing notification shall conform to standards outlined in Chapter 17 of this ordinance.

13-105.02 ANALYSIS

13-105.02.01 PDP Minimum Requirements

All PDP applications submitted after November 1, 1999, and all eligible FDP applications, shall comply with PUD standards of these regulations and with the requirements of this Section. The applicant shall have the burden of proving that the application fulfills all applicable standards and requirements in the Land Development Code, and shall include with the application written evidence and analysis to show the application is sufficient and in compliance with this requirement.

13-105.02.02

PDP applications shall be accompanied by evidence and analysis establishing, for each use proposed, that;

A. The uses, on each site permitted by the application, meet the standards for PUD zoning in these Regulations;
B. There is a public need for each use permitted by the application, and for each amendment to zoning criteria permitted by applications for PDP amendments; and
C. The application contains sufficient restrictions to prevent the submission of FDP applications that do not fulfill the zoning analysis.

13-105.02.03

Staff shall require that applicants submit sufficient site-specific analysis and evidence to clearly define the proposed land uses and the manner in which they are to be situated on the plan. Such analysis and evidence shall include, but not be limited to:

A. Compatibility of each proposed land use with other uses proposed within and allowed adjacent to the proposed PDP plan area;
B. Existing and proposed traffic patterns and access locations;
C. Mitigation of noise for uses within and adjacent to the proposed PDP plan area;
D. Buffering and screening of dissimilar uses within and adjacent to the proposed PDP plan area;
E. Lot size requirements;
F. Evidence to show the plan meets existing County parking standards;
G. Architectural character and standards;
H. Landscaping standards; and
I. Any other potential impacts associated with development of the proposed plan

13-105.02.04

If the land within the application has not been platted and multiple sites are contemplated, the PDP shall include minimum requirements for lot size, access, and screening to ensure that the final siting of allowed uses will satisfy current PUD standards

13-105.02.05

The Planning Division shall have the authority to require that more information be submitted or depicted prior to or after referrals are sent and received to ensure that the ramifications of the PDP application are clear and easily understood. Such information will allow staff to address and resolve issues that arise as a result of analysis by staff, referral agencies or citizen comment.

13-105.02.06

All PDP's shall include a statement describing the owner, tenant, mortgagee or owners association signatures required on any administrative or formal application for amendment of the PDP. Unless otherwise specified on the PDP application, the PDP will contain a statement that an application for amendment will be eligible for processing and approval so long as it is signed by the owner(s) of all sites upon which the amendment will apply, without regard to whether the amendment is authorized or approved by the owners association, tenants, mortgagees or adjacent owners.

13-105.02.07

The requirements and standards set forth in the PDP shall comply with all applicable requirements in the Land Development Code, and shall otherwise achieve the goals of the Comprehensive Plan and the Land Development Code. Only defined terms and uses shall be included within a PDP.

13-105.02.08

Eligible FDP Review. Platting of lots within a PDP shall be consistent with the zoning analysis supporting the PDP. The analysis of whether specific land uses shall be permitted on specific site shall not be a part of the FDP review because such analysis will occur at the PDP stage.

13-105.03 ACTION

A. For all eligible FDP applications, the Planning Commission will take one of the following actions at the hearing: 1. approve (as submitted or with additional conditions); 2. continue or table to a date certain (for information, etc.); 3. take the request under advisement to a date certain; 4. or deny.
B. The Planning Commission may utilize standard conditions of approval and standard motions for approval, which incorporate other requirement conditions, limitations or restrictions. The Planning Commission's decision shall be based upon the evidence presented, the record relating to the application, and applying the standards set forth in this section.
C. Following Planning Commission action, the FDP application shall be placed on the consent agenda of the Board of County Commissioners for final action. The case will be scheduled for ratification by the Board of County Commissioners, unless prior to ratification, a majority of the Board members desire that the application be scheduled for a public hearing. If the application is rescheduled for a Board of County Commissioners public hearing, the hearing shall be *de novo*, and the Board's action shall be based upon the record developed at the Board hearing. The applicant shall be notified of the County's decision to schedule the application as a public hearing, and shall be responsible for complying with the County's notice requirements for the hearing.

13-105.04 REQUEST FOR BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

A. Any person or agency affected by the Planning Commission decision on a FDP application may request that a public hearing be held with the Board of County Commissioners by presenting a written objection to the Board and Planning Division Manager within 10 **calendar** days of the Planning Commission action. Following receipt of a written objection, County staff will inform the Board and applicant of such written objection. The case may be scheduled for a public hearing if a majority of the Board of

County Commissioners members desire to conduct a public hearing and the public hearing shall be *de novo*. The Board's action on any request for review of the Planning Commissions decision shall be based upon the record developed at the Board hearing.

13-106 GENERAL SUBMITTAL REQUIREMENTS - (PDP AND FDP PLANS)

A. The Planning Office provides a Submittal Requirements Matrix; this matrix lists all required items to submit a project, including the number of copies required for each item. Other submittal requirements may be required based on the Planning Division review.
   1. Completed land use application (Available from the Planning Division office)
   2. Application fee (Fee Schedule available from the Planning Division office)
   3. Written Letter of Intent that explains, justifies, and validates the request, stating all facts relied upon and provides documentation where possible. (A detailed description
   4. is available from the Planning Division office)
   5. Proof of ownership, which includes a current or updated title insurance policy or title commitment no more than ~~ninety days~~ six (6) months old.
   6. A notarized letter of authorization from all landowners permitting a representative to process the application with a disclaimer that no other party's consent is required.
   7. Preliminary or Final Development Plan Exhibit with all supporting documents required by staff (per Chapter 13, herein). The format for all plans and plats shall be in upper sans serif. Font size shall be readable when plans are reduced to an 11x 17 inch size. No plans or plats shall include copyright restrictions.
   8. Technical Report: Phase I (PDP) and Phase III (FDP) drainage plans shall be initially submitted to the Planning Division. The staff planner shall forward the plans to the Arapahoe County Engineering Division.
   9. Technical Report: A Traffic Study prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless otherwise waived by the Engineering Division.

13-107 PLAN EXHIBIT (PDP only)

The Preliminary Development Plan shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. Project name, type of proposal (Preliminary Development Plan, P.U.D. Amendment, etc.), legal description of the total land area, date of the drawing, scale and north arrow.
B. Vicinity map with north arrow (scale of 1"=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.
C. Both existing and proposed zoning of the site. Existing zoning and densities (or, in the case of non-residential zoned properties, approved floor area ratios) of adjacent properties.
D. Existing land uses and densities which are requested to continue until development. Specify requested duration of existing uses.
E. Proposed densities of the development at full build-out in residential units per gross acre and/or non- residential gross floor area ratios (F.A.R.).
F. Proposed land uses for the entire plan, the total square footage and acreage of each use, and the percentage of the entire plan of each use.

G. Proposed site development criteria, including setbacks, distances between structures, maximum building heights, unobstructed open space, maximum lot coverage of structures, parking ratios and any other criteria, as appropriate.
H. If the application is a P.U.D. Amendment, a chart comparing the criteria on the latest approved Preliminary Development Plan with the criteria proposed by the P.U.D. Amendment, including uses permitted, maximum building heights, unobstructed open space, maximum lot coverage of structures, setbacks, distances between structures, parking ratios and any other criteria, as appropriate. (A blank Development Comparison Chart can be obtained from the PWD Department.)
I. Proposed general locations of structures and parking, if known.
J. Proposed criteria for signage types, locations and maximum dimensions, if known. (If not stated, the Sign Code contained herein shall govern).
K. Estimated size and general location of public sites.
L. Existing and proposed right(s)-of-way widths for all existing/proposed internal and external roadways.
M. Existing and proposed public and/or private roadways and their conceptual points of access to adjacent and/or external roadways.
N. Existing topography with contour intervals of two feet (2') or less, tied to U.S.G.S. or other acceptable datum.
O. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.
P. Owner(s) of Record signature block, and notary. (See Chapter 16).
Q. Applicable notes approved by the Board of County Commissioners which regulate the development (Airport Influence Area note, off-site improvements note, etc.).
R. Planning Commission review statement and Board of County Commissioners signature block.
S. Additional information may be requested by the PWD Department, as appropriate to the request, and information required above may be waived by the Planning Division Manager if it is deemed to be inappropriate to the request.
T. Lettering for all plans needs to be upper case sans serif. All lettering must be a minimum 12-point font unless otherwise approved b the Planning Division Manager or designee.
U. The County will not accept any plans or plats that have copyright restrictions.
V. All Standard Notes, Certificates and dedications required by the Arapahoe County staff shall be included on the plat as described in Chapter 16 herein. Any modifications to these notes must be approved by the County Attorney. All Standard Notes not meeting these specifications shall be removed.

13-108 PLAN EXHIBIT (FDP only)

The Final Development Plan shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. Project name, type of proposal (Final Development Plan), legal description of the Plan's land area, date of the drawing, scale, north arrow and existing zoning of the site.
B. Vicinity map with north arrow (scale of 1"=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.

C. Commercial Development: The graphic location, dimensions, maximum heights and gross floor area of all existing and proposed structure(s), the use(s) to be contained within, and the location of entrances and loading points/service areas.
D. Residential Development: Graphic representations showing the building types proposed, i.e. single family detached, single family attached, or multifamily. Graphic representations should also identify the general height of dwelling units, i.e. 1, 1 1/2, 2, 2 1/2, or 3 stories in height and graphically include the general layout, elevation, and perspective of detached garages to determine if they are one or two story in height. Perspectives should be provided to clearly identify the design and character of standard streetscapes and open space areas.
E. Chart comparing all of the regulations and requirements of the proposed Final Development Plan with those of the approved Preliminary Development Plan regarding the proposed use(s), building heights, gross floor area, residential density, gross floor area ratios, setbacks, open space, parking ratios, etc.
F. Existing and proposed finished grade topography at two foot (2') contours or less tied to a U.S.G.S. or other acceptable datum.
G. All proposed curb cut and driveway locations and dimensions, off-street parking locations, dimensions and total numbers by type (full size, ~~compact, handicap~~ accessible, etc.), and types of surfacing, such as asphalt paving, concrete, gravel, etc.
H. Location(s) and dimension(s) of all existing access points on immediately adjacent properties.
I. Public and private utility service lines and/or main lines with appurtenances, and location(s) and dimension(s) of all existing/proposed easements.
J. All walks, open areas and recreation areas, with a description of these improvements.
K. Location of outdoor trash receptacle systems.
L. Provision for access by emergency vehicles.
M. Location and dimension and surface treatment of drainage easements, volume capacity of all drainage ponds, and the size of the outlet restrictor.
N. An illustrative landscape plan showing locations and general types of all Proposed landscaping materials, including fences, walls, planters and any other landscaping features. (Refer to Chapter 12).
O. A signage plan describing and illustrating the size, location, type and material of all signs.
P. Location, type and height of lighting devices. (Refer to Chapter 12).
Q. Commercial: Representative architectural elevations of all sides of proposed structures which show building heights, colors and general textures of materials to be used on the exterior of the proposed buildings.
R. Residential: See Chapter 13
S. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.
T. Approved Owner(s) of Record signature block and notary (Chapter 16).
U. Applicable notes approved by the Board of County Commissioners which regulate the development (Airport Influence Area note, off-site improvements note, etc.).
V. Planning Commission review statement and Board of County Commissioners signature block.
W. Additional information may be requested by the Planning Division as appropriate to the request. Information required above may be waived by the Planning Division Manager if it is deemed to be inappropriate to the request.
X. Lettering for all plans needs to be upper case sans serif. All lettering must be a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

Y. The County will not accept any plans or plats that have copyright restrictions.
Z. All Standard Notes and Certificates required by County Staff shall be included on the Plan as described in Chapter 16. Any modifications to these notes must be approved by the County Attorney. All notes not meeting these specifications shall be removed.

13-109 MASTER DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

A. The Master Development Plan establishes development parameters and restrictions that provide a greater level of detail than that required for a PDP but a lesser degree of detail than that required for an FDP or ASP. These parameters and restrictions establish reasonably certain and predictable land use entitlements upon which both the County and the developer may rely, while allowing the developer flexibility in establishing specific building architecture and site layout details through a subsequent ASP approval process. The MDP will also set forth specific development restrictions and limitations that are known, such as view corridor and perimeter screening requirements.
B. Included within the MDP will be at least one depiction of a potential finished development scenario. Unless so stated in the MDP or in an accompanying development agreement (if any), the depictions will not be construed as the only permitted site layout but will be construed only as illustrations of one of the possible development scenarios. Even though an MDP may depict a single building in a particular location, a later ASP which depicts multiple buildings in the same general location will still be eligible for approval (and vice versa), and shall be approved if the submittal otherwise complies with the MDP. Unless otherwise provided on the MDP, multiple principal structures may be approved for construction on a single Lot. Unless otherwise provided on the MDP, previously approved FDPs for property within the MDP shall be treated as deemed approved ASPs.
C. The MDP shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The MDP submittal shall contain all information required for a PDP submittal, as specified in this Chapter, except that the information set forth in paragraph 13-107.H shall not be required. The MDP submittal shall additionally include the following information, provided that staff may waive any requirement that it deems unnecessary or unduly burdensome under the circumstances of a particular submittal:
    1. A completed application form, which shall include the project name, a narrative description of the proposed MDP, and contact information for applicant and consultant team members involved with the MDP submittal.
    2. Proof of ownership.
    3. A description of the permitted uses (subject only to ASP review), conditional uses (subject only to ASP review), uses allowed by special review, maximum building heights, maximum gross floor area, maximum gross floor area ratio, minimum setbacks, minimum open space, minimum parking ratios and other development standards proposed in the MDP, together with a comparison of the MDP standards and uses with the existing zoning standards. A comparison chart shall be included on the MDP document.
    4. A description of the approximate quantity, size, general location, type and material of signs, and any applicable or proposed conditions, restrictions or limitations. At the applicant's discretion, this requirement may be satisfied by a

master sign plan for the project approved in conjunction with the MDP or at any time thereafter.

5. The geographic location, quantity, dimensions, heights and gross floor area of all existing structures, along with a statement describing how the existing structures will be incorporated into the MDP; the approximate geographic location, architectural character, quantity, dimensions, heights and gross floor area of all proposed structure(s); the conceptual location of building entrances and loading points/service areas; the proposed use(s) to be contained within such structures; and any applicable or proposed conditions, restrictions or limitations. The applicant shall also describe any FDPs approved for property included within the MDP and state the extent to which such FDPs are intended to be incorporated within or otherwise survive approval of the MDP.
6. Locations of existing access points on immediately adjacent properties (which shall be updated as necessary in conjunction with each subsequent ASP). A general description and geographic location of the proposed approximate curb cut and driveway locations and dimensions, and proposed approximate off-street parking locations and ratios, and any applicable or proposed conditions, restrictions or limitations.
7. Proposed finished grade topography at two (2) foot contours or less, tied to U.S.G.S. datum.
8. A description of the type and height of lighting devices, and any applicable or proposed conditions, restrictions or limitations.
9. A graphic depiction of landscape standards, street cross-sections showing all landscape materials, street perspectives depicting the streetscape theme, and criteria for proposed irrigation systems, caliper of deciduous trees, height of evergreen trees, and gallon size of shrubs, and any applicable or proposed conditions, restrictions or limitations. All landscaping will comply with Arapahoe Landscape Standards in accordance with Chapter 12 herein.
10. A general description of width and turning parameters for emergency vehicles access.
11. If applicable, a general description of proposed sidewalks, walkways, open areas and recreation areas, and outdoor trash receptacle systems, and any applicable or proposed conditions, restrictions or limitations.
12. Location and description of existing public and private utility service lines and main lines, together with the locations and dimensions of any existing easements, and any applicable or proposed conditions, restrictions or limitations.
13. Traffic Study which may be in the form of a previously-approved master traffic study for the development if certified as current and reliable and in conformance to all existing County requirements). In addition, following approval of an MDP, the County may require annual master traffic study updates, utilizing data collected within 2 months of the date of the update. Each update must provide a certified analysis prepared by a Colorado licensed professional traffic engineer which states that traffic conditions, columns and movements and intersection levels of service existing as of date of the update conform in all respects to the traffic projections and analysis set forth in the Master Traffic Study. The update shall include data and analysis conforming to the County's "Guidelines for Traffic Impact Studies" then in effect, including but not limited to: (i) Intersection Capacity Analysis; (ii) Current 24-hour bi-directional traffic counts for all roadways in and adjacent to the MDP; (iii) Critical Movement Analyses; (iv) Progression Analyses; (v) graphical and tabular comparative analyses of the traffic generation within the Project MDP that was analyzed (and predicted) by

the Master Traffic Study and the current traffic generation within the Project MDP; (vi) graphical and tabular comparative analyses of the projected increases in background traffic analyzed by the Master Traffic Study and the actual increase in background traffic; and (vii) warrant study projections for all traffic control devices, including but not limited to signalization and acceleration and deceleration lanes. If the Code requirements relating to traffic are amended after the approval of the Master Traffic Study, the updates must analyze the infrastructure requirements and restrictions required by the Code and propose a means acceptable to the Board for complying with the new requirements. The updates must be certified by Colorado licensed professional traffic engineer based upon the studies and analyses conducted by or under the supervision of such engineer.

14. Drainage Report (which may be in the form of a previously-approved master drainage report for the development.
15. A copy of all current recorded covenants, conditions and restrictions applicable to the property, and all other private architectural and use guidelines and restrictions in effect at the time of submittal, together with a description of any changes proposed to take effect prior to or after the adoption of the MDP, to the extent then known.
16. A depiction of one or more possible buildout scenarios for the development, which complies with the assumptions and limitations of the underlying traffic and drainage studies, and complies with all applicable conditions, restrictions and limitations shown on the MDP.
17. Architectural design guidelines for the development with graphic illustrations depicting the architectural character, of structures and exterior wall materials, and any applicable or proposed conditions, restrictions or limitations.
18. If appropriate, suggested language regarding appropriate conditions and restrictions on the uses set forth in the MDP submittal (including, but not limited to, siting restrictions and other physical constraints, or conditional approval subject to Use by Special Review procedures prior to, or in conjunction with, review of ASP submittals).
19. A statement describing the owner, tenant, mortgagee, or owner association signatures required on any administrative or formal application for amendment of the MDP. Unless otherwise specified by the MDP applicant, the MDP will contain a statement that an application for amendment will be accepted for processing so long as it is signed by the owner(s) of all sites upon which the amendment will apply, without regard to whether the amendment is authorized or approved by the owners association, tenants, mortgagees, or adjacent owners within the MDP.
20. Proposed language addressing the need, if any, for platting, easement or fee interest (such as right-of-way and parks) dedications, infrastructure funding or construction prior to, concurrent with or subsequent to submission of ASP applications.
21. Proposed language, if any, regarding concurrent submittal and review of subsequent ASP applications and building permit applications pursuant to the MDP.
22. Board of County Commissioners, Planning Commission and Owner signature/approval blocks.
23. The Planning Division shall have the authority to require more information be submitted or depicted prior to or after referrals are sent, for the purpose of ensuring that the ramifications of the MDP are clear and easily understood, and

for the purpose of addressing and resolving issues which arise as a result of analysis by staff, referral agencies or citizen comments.

24. The submittal requirements are provided to guide the preparation of the MDP. Final plan content shall be determined through the referral process, staff and Planning Commission analysis, and ultimately, the conditions of the Board of County Commissioner approval.

13-110 ADMINISTRATIVE SITE PLAN PROCESS AND SUBMITTAL REQUIREMENTS WITHIN AN MDP

Site plans for areas located within and MDP shall be processed as ASP(s) unless otherwise specified by the MDP process. See Chap 13, Section 400, Administrative Site Plan for information regarding the processing of an ASP.

13-110.01 MDP DESIGNATION

The MDP may designate uses by special review within all or designated areas of the MDP. Retail and multifamily residential uses may be considered within a MDP through the Use by Special Review (USR) procedures. Development of a site for a use designated as a use by special review shall follow the Use by Special Review procedures set forth in these Regulations, as modified by this paragraph. Upon approval of an application for a USR within the MDP, the applicant shall prepare a reproducible final mylar(s) for signature by the Chair~~man~~ of the Board of County Commissioners, which shall be titled an "ASP for Use by Special Review" for the described site (rather than the "Use by Special Review Plan" required for a non-ASP use by special review). The approved ASP for Use by Special Review shall establish the same entitlements and shall have the same effect as a complete ASP approved pursuant to the procedure set forth below.

13-110.02 PERMITTED USES AND CONDITIONAL USES (SUBJECT ONLY TO ASP REVIEW)

A. Development of a site for uses designated on the MDP as permitted uses (subject only to ASP review) and conditional uses (subject only to ASP review) shall follow the procedures set forth below. Unless the MDP specifically states otherwise, ASP applications for improvements which do not require Use by Special Review approval under the MDP may be submitted after (i) the execution, submission and approval of the MDP final mylar and the master subdivision improvement agreement applicable to the development, (ii) the obligations of the master subdivision improvement agreement for public or private improvements related to such ASP application have either been constructed and approved by the County or appropriate collateral for such improvements has been accepted by the County, and (iii) completion of any other additional review and analysis which the MDP requires to be submitted prior to such submittal. An ASP may cover proposed development of a single or multiple lot(s), and may include a single or multiple primary structure(s) together with any accessory structures. An ASP application must comply with all requirements of the MDP and these regulations, and must comply with the assumptions and limitations of the drainage and traffic studies/reports then in effect for the MDP.

B. A determination of whether a requested non-Professional Office use (such as light industrial, office/warehouse, office/showroom, research and development, hotel and conference facilities, child care facilities, health clubs, retail, multifamily residential, restaurants or other uses) is appropriate to include within a particular development shall be made in connection with review of the application for an MDP with appropriate conditions and limitations included at the time of approval of an MDP.

C. A determination of whether a requested non-Light Industrial use (such as office/showroom, hotel and conference facilities, child care facilities, health clubs, retail, multifamily residential, restaurants or other uses) is appropriate to include within a particular development shall be made in connection with review of the application for an MDP or PDP, with appropriate conditions and limitations included at the time of approval of an MDP, PDP, or FDP.

13-110.03 PROCESSING OF ASP APPLICATIONS WITHIN AN MDP

A. County staff may require the applicant to appear at one or more staff or referral agency meetings to present the application, to respond to specific questions, or to provide further information or analysis concerning the application.

B. A site may have only one approved site plan in effect at any given time. Approval of an ASP application shall constitute rescission of any previously approved but unbuilt ASP or FDP. If a previously approved ASP or FDP includes property covered by the later approved application, the prior plan approval is rescinded.

C. Planning staff shall approve ASP applications which comply with the MDP and these regulations and with the assumptions and limitations of the traffic and drainage studies/reports then in effect for the MDP.

13-110.04 ADMINISTRATIVE APPEAL OF DENIED APPLICATION

The Board shall have the power to deny an ASP application, which, if approved, would result in the violation of an approved FDP or MDP. The Board of County Commissioners may, by resolution, adopt administrative review or appeal procedures for review of denied ASP applications or for review of conditions attached to conditionally approved ASP applications. County processing of ASP applications shall not be final until any available administrative review or appeal procedures are concluded. Applicants shall exhaust any administrative review or appeal procedures in effect prior to exercising any right of judicial review.

13-110.05 APPROVAL CRITERIA

See Chap 13, Section 402 - (Administrative Site Plan) Approval Criteria.

13-110.06 SUBMITTAL PROCESS

See Chap 13, Section 403 - (Administrative Site Plan) Submittal Process.

13-110.07 GENERAL SUBMITTAL REQUIREMTNS

See Chap 13, Section 404 - (Administrative Site Plan) Submittal Requirements.

13-110.08 PLAN EXHIBIT

See Chap 13, Section 405 - (Administrative Site Plan) Plan Exhibit.

13-110.09 OTHER SUPPORTING DOCUMENTS

13-110.09.01 TRAFFIC STUDIES

A. Documentation of conformance with the master traffic study, in the form of a letter update certified by the applicant's engineer as accurate, complete and current as of the date of the letter, which shall be valid for all ASP applications submitted within twelve (12) months of such letter update.

B. A traffic analysis is certified by a Colorado licensed professional traffic engineer that demonstrates, the reasonable satisfaction of the County's Engineering Services Division, that the site design complies with the assumptions and limitations of the then-current version of the Master Traffic Study. The submittal must analyze the traffic demands based upon the maximum occupancy of the development depicted in the ASP application, and shall include (i) new local ground counts, (ii) formal warrant studies as set forth in the Code or the latest edition of the Manual of Uniform Traffic Control Devices for all traffic control devices (including signals and acceleration/deceleration lanes) identified in the Master Traffic study, and (iii) intersection and access point level of service analysis.

13-110.09.02 DRAINAGE STUDIES

Documentation of conformance with the master drainage report, in the form of a Phase III drainage report for the site(s) covered by the submittal. A drainage report, complying with the Board's content and certification requirements for Phase III drainage reports, that demonstrates (i) that the site plan drainage and infrastructure will comply with the Master Drainage Plan, (ii) that sufficient capacity exists, or will be constructed in advance of the projected drainage impacts for all on-site and off-site drainage conveyance facilities required to serve the development described in the application, (iii) that sufficient volume exists to detain the drainage from the Site in conformance with the Master Drainage Plan, (iv) an accounting of the utilization and capacity of the regional detention facilities serving the application which shows available volume to detain the utilization and capacity of the regional detention facilities serving the application which shows available volume of the facilities to detain the drainage from the developed Site, through graphical and tubular analyses which include the total volume of the facilities, the flows from all sources, the volume available presently and after development as depicted in the application, and the volume remaining after the proposed development.

13-110.09.03 RESERVED FOR G.E.S.C. REQUIREMENTS

13-110.09.04 SUDIVIDISION IMPROVEMENT AGREEMENTS

Proposed changes or updates to the approved master subdivision improvement agreement language or cost estimates, if any, needed to ensure that sufficient collateral remains available to secure construction of the improvements associated with the site as developed within the schedule recommended by the County Engineering Services Division.

13-110.09.05 ACCESS TO ASSETS NOT OWNED BY THE DEVELOPER

If development or use of the site as contemplated by the ASP submittal requires the use of property, facilities, or infrastructure owned or controlled by others (such as encroaching into easements, access across other sites or off-site, or use of drainage outfalls or infrastructure under the control of districts or private parties), the submittal is

not eligible for processing unless it includes evidence demonstrating that each owner or controlling district of such property, facilities, or infrastructure has granted permission, either in the form of the Board standard easement or other document acceptable to the County Attorney, to use such property, facilities or infrastructure in the manner contemplated by the ASP or otherwise required by the Code.

13-110.10 RESTRICTIONS ON APPROVALS AND PERMITS

County staff does not have the authority to approve ASP applications that exceed the parameters of the MDP or these regulations. Permits issued for development within a site subject to an MDP may contain such conditions as are necessary to ensure compliance with the MDP and with the assumptions and limitations of the traffic and drainage studies associated with the MDP, as those restrictions, assumptions and limitations may be modified as a result of updates to the traffic and drainage studies. Following the termination of the vesting period, if any, associated with the MDP, additional requirements may be imposed on ASP applications received thereafter.

13-110.11 EXPIRATION OF APPROVAL

13-110.11.01

Failure by the applicant to submit all required documentation within 60 days of approval render approval of the development plan voidable resulting in the necessity for a new submittal of the development plan. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Division.

13-110.11.02

The Planning Division Manager or Designee may grant extensions of time up to twelve (12) months, upon a written request by the applicant or staff for good cause being shown. Good cause may include but not be limited to: signatories are out of state or country, or a major change was requested by the Board of County Commissioners.

13-110.11.03

An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines. List any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or Subdivision Regulations that have occurred since approval of the development plan.
These changes may affect the plan and the anticipated time schedule for completing the platting process. A Fee Schedule is available from the Planning Division office. Additional review of the development plan may occur, resulting in additional conditions as applicable.

13-110.11.04

The denial of an extension by the Planning Division Manager may be appealed to the Board in writing within ten (10) working days of the decision by the Planning Division Manager.

13-110.12 VESTED PROPERTY RIGHTS PROVISIONS

13-110.12.01 GENERAL

In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended (the “Vested Property Rights Act”), an applicant may seek approval of a “vested property right” either by approval of a “site specific development plan” or by approval of a “development agreement” relating to the proposed development. The following approvals shall be eligible for vesting as “site specific development plans”: Final Development Plans on property that has received

final plat approval by the Board of County Commissioners, qualifying Master Development Plans (described below), and Administrative Site Plans, or such other plans as the Board may designate in an agreement entered into by the County and the landowner. An approved ASP shall automatically be entitled to the same vested rights as have been granted pursuant to the Vested Property Rights Act for the MDP to which the ASP relates, for the same period of vesting which remains for the MDP at the time the ASP is approved.

13-110.12.02 VESTED PROPERTY RIGHTS

Vested property rights, either through a site-specific development plan or a development agreement, may be sought concurrently with or subsequent to approval of a particular development plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought. Unless otherwise specified in a development agreement, the grant of vested property rights shall neither preclude nor require compensation for the application of County ordinances and regulations of general applicability, including but not limited to building, fire, plumbing, electrical and mechanical codes and drainage, flood control, water quality, roadway and other regulations and requirements. The process for seeking a "vested property right" is separate from the process for seeking approval of a development plan. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

13-110.12.03 SITE SPECIFIC DEVELOPMENT PLAN PROCEDURE

The process for establishing a "vested property right" for FDPs, qualifying MDPs and ASPs shall follow the process for approval of a Final Development Plan. This process shall include posting the subject property with a notice of a public hearing relating to a vested property right, publishing notice of the public hearing and providing mail notification of the public hearing to adjacent property owners. If approved, the vesting shall last for a period of three years. This period may be extended by the County to the extent permitted by the Vested Property Rights Act. In considering whether to approve a site specific development plan, the Board may consider whether the applicant has established that the County is able to comply with the requirements of C.R.S. §24-68-105(1) for the vested period without being required to pay compensation to the affected landowner, without injury to others and without requiring variances, exemptions or waivers of County policies, regulations or rights then in effect. The applicant will present certified engineering analyses establishing that the existing and planned infrastructure serving the plan is or will be sufficient, at the time development occurs, to meet the projected demand upon such infrastructure during the vested period. The applicant shall also comply with all other requirements of the County for establishment of vested property rights which may be imposed by resolution of the Board of County Commissioners from time to time. An MDP may be considered to qualify as a site specific development plan for vested property rights purposes following a determination by the Board of County Commissioners that the MDP contains sufficient restrictions, and that any forecasts of future off-site developed land uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan, to justify the administrative approval of final site plans as allowed by the MDP and these regulations. This determination may be requested at the time of the MDP application, or may be requested after approval of the MDP in connection with an application for vested property rights.

13-110.12.04 DEVELOPMENT AGREEMENT PROCEDURES

The process for establishing a "vested property right" relating a development agreement shall involve negotiation of an agreement between the County and the developer. After a proposed

development agreement has been negotiated by staff and the applicant, the Board shall conduct a public hearing at which it shall consider and take action on the proposed development agreement. This process shall include posting the subject property with a notice of the public hearing, publishing a notice of the public hearing and providing mail notification to adjacent property owners. The County shall consider and act upon requests for vested property rights in its sole discretion. To provide guidance to applicants, and not as a limitation on the discretion of the Board of County Commissioners, the County may consider the following in determining to grant vested property rights: (i) whether the plan or project is sufficiently well-defined to justify vesting for the period proposed, (ii) whether there are sufficient corresponding benefits to the County and its citizens to justify granting any or all of the vested property rights requested for the development, (iii) whether any forecasts of future off-site land uses, infrastructure, traffic and drainage conditions are reliable throughout the vesting period, as those studies are required to be updated from time to time; (iv) other factors as outlined in resolutions or policies of the Board, and (v) recommendations, if any, of citizens, County staff and referral agencies. If approved, a development agreement may establish vested property rights for a period exceeding three years to the extent permitted by the Vested Property Rights Act. A development agreement may vest property rights created in previously or contemporaneously approved Final Subdivision Plats, PDPs, FDPs, MDPs, ASPs, master sign plans, master drainage plans, master traffic studies, customized review and approval processes, and any other development approval or process determined by the Board to be advisable under the circumstances, together with all amendments to any such development approvals and processes

13-110.12.05 NOTICE OF APPROVAL OF VESTED PROPERTY RIGHT

Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication no later than fourteen days following approval.

SECTION 13-200 CONVENTIONAL ZONING

13-201 INTENT

To provide a process to amend the Zoning Map of any zoning district. A rezoning plan is required whenever a rezoning is proposed from one zone district to another zone district. Therefore, a rezoning process has been established, in accordance with the Administrative Provisions of this document, to provide for the review of land use and/or development criteria revision requests. The criteria listed below shall be considered by the Planning Commission and Board in the review of all rezoning applications. All rezoning applications must meet the following standards:

13-201.01

Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.

13-201.02

Assure compatibility between the proposed development, surrounding land uses, and the natural environment.

13-201.03

Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.

13-201.04

Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.

13-201.05

Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

13-201.06

Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.

13-201.07

Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.

13-201.08

Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.

13-201.09
Enhance the useable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.

13-201.10
Ensure the application complies with the requirements of this Resolution and the Arapahoe County Comprehensive Plan.

13-202 GENERAL PROVISIONS

13-202.01
All zone categories, whether straight zoned or PUD zoned, remain subject to further regulation by Arapahoe County except to the extent of legally enforceable vested rights.

13-202.02
Amendments to the requirements, uses and standards of straight zone districts will not automatically affect the requirements, uses and standards of already zoned property, unless so stated in the amendment or in subsequent amendments.

13-202.03
Following approval of a conventional rezoning, an Administrative Site Plan/~~s~~Subdivision development plan may be necessary in accordance with Chapter13.

13-203 GENERAL PROCESS, SUBMITTAL REQUIREMENTS, AND EXPIRATION OF APPROVAL PROCEDURES

All Rezoning applications shall follow the PDP requirements (per Chapter 13 herein). The Rezoning exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

13-203.01
The title block shall contain the following: A-B-C REZONING PLAN County of Arapahoe State of Colorado, A part of 1/4 Section X, Township Y South, Range Z West of the 6th P.M.

13-203.02
Legal description of the subject property. A metes-and-bounds or description to the centerline of any abutting and adjacent streets shall be used. The area of the rezone in acres or square feet shall be included.

13-203.03
A rezoning request statement, indicating the current zoning classification of the subject property, and the zoning classification requested.

13-203.04
A rezoning map, a graphic representation of the subject property and the adjacent streets and properties showing:

13-203.04.01
Subject property – based on the legal description, and using a scale of one inch/ 100 feet or larger, show the subject property with the existing and proposed zoning, any existing

buildings and structures, any one-hundred year floodplains, topographic contours, and related physical conditions that may influence the rezoning request.

13-203.04.02
Adjacent properties and parcels – show the adjoining properties and include information on existing zoning, existing land uses(s), and existing project/ property names, if known.

13-203.04.03
Adjacent streets – show all adjacent streets and list street names, street classification, right-of-way widths, and existing level of improvement.

13-203.04.04
Vicinity map – at a scale of 1"/ 2000', with a north arrow and an emphasis on the major roadway network within one mile of the subject property.

13-203.04.05
Standard certifications, to include:

1. Owner's signature block, with dateline and title line.
2. Planning Commission Recommendation block
3. Board of County Commissioners approval block
4. Surveyor Certification

13-203.04.06
A Case Number line in the lower left-hand corner of the rezoning map sheet

13-203.04.07
Other items as required by the County shall be shown on the rezoning map.

SECTION 13-300 SMALL LOT RESIDENTIAL DEVELOPMENT

13-301 INTENT

A. These regulations are intended to address small lot residential developments for both single family detached and attached developments as defined as those developments with 25% of lots under 6,000 square feet in size. These requirements are designed to minimize the objectionable impacts of small lot development such as: the canyon-like effects from large homes on smaller lots, a congested feeling within development due to inadequate open space, monotonous use of setbacks, and associated street shading in the winter time.
B. A determination of the acceptability of a proposed small lot subdivision which meets the Intent of this section will depend on issues such as: maximum building coverage, maximum volume of a building on a lot, staggered or varied setbacks, architectural variety, alternatively loaded garages, open space amenities, landscaping features and privacy fencing details.
C. The street frontage shall not be dominated by garages or driveways. Careful consideration must be made for building and garage placement in order to mitigate the dominance of the garage along the street frontage.
D. A small lot subdivision will be further evaluated when proposed on narrower streets than the public roadway standards with restricted parking. This evaluation will include proper

mitigation for the increased density and congestion due to narrower streets. All applicable Fire District and PWD Engineering requirements shall apply.

13-302 GENERAL PROVISIONS

A. The following standards are supplemental to the existing standards for a Preliminary or Final Development Plan or a Conventional Rezoning as applicable.
B. For developments containing lots under 6,000 square feet, the development must be aesthetically pleasing, provide reasonable levels of private open space and limit height, mass and configuration of structures to avoid canyon-like or wall-like streetscapes, thereby preventing an over crowded feeling. Solid fences should not be placed on lot lines or be visible from the street unless they can be incorporated without contributing to this same wall-like or over crowded feeling. Consistency in fencing type should be incorporated into the design.
C. When private open space on the lots is minimal, the development must include additional common open space, configured in ways to be useable**.** The private open space must contribute to a feeling of height and air in the subdivision and lessen the crowded effect of large homes on small lots. Front setbacks shall be staggered to provide verifiable and perceptible change to the front elevation along the street. Covered porches count towards staggering when porches make up at least 50% of the house width excluding the garage.
D. Variation in garage placement along the street includes recessed and alley loaded garages both attached and detached.
E. Developers are strongly encouraged to orient units to the street using features such as prominent front doors, useable front porches or patios accessing the street, architectural detailing and landscape improvements.
F. Detached sidewalks on both sides of the roadway are an allowed option. Sidewalk placement may be considered on a case-by-case basis depending upon site considerations which include but are not limited to: topographic constraints, parking requirements, landscaping design and maintenance of the tree lawn.

13-302.01

All open space requirements shall be satisfied in accordance with Chapter 13 of the Zoning Regulations.

13-302.02

All requirements of the Landscaping regulations shall apply in accordance with Chapter 12 as stated herein.

13-302.03 Sidewalks

13-302.03.01 Attached

The front setback shall be a minimum of 18’ from the front of the garage measured to the property line at the back of sidewalk. If the garage is setback from the front of the house, a 15’ setback to the front building line of the house is allowed. A covered porch may extend up to 10’ from the property line.

13-302.03.02 Detached

Detached sidewalks may be placed in easements. When utilized, the sidewalk easement shall span the distance between the property line at the back of curb and the back edge of the sidewalk. The front setback requirement shall be a minimum of 18’ measured from the front building line of the garage structure to the closest back of sidewalk. The front setback of the house may be reduced to a minimum 13 feet from the back of curb (property line) with the porch allowed to encroach up to 4 feet from the back of sidewalk.

13-302.04 Tree Lawn

The minimum tree lawn shall be 4 feet wide.

13-303 Lots from 5,000 to 5,999 Square Feet

The following items are required for lots ranging from 5,000 – 5,999 square feet in size that are subject to the Intent of the Small Lot regulations:

A. An illustration of side setback relationships and front setback variation;
B. An illustration of home to home orientation addressing privacy issues between homes.

C. An illustration of lot coverage showing building footprints, percentage of structural coverage and percentage of open space;

D. A typical plan for developer/builder installed front yard landscaping;

E. Documentation of the number of lots of this size in the overall development; application is an in-fill site, documentation of the lot size mix within the surrounding neighborhood. Small lot developments may be a departure from the surrounding densities. The overall design shall be considered in a determination of compatibility not just density.

F. Variations in garage placement are strongly encouraged. The applicant should demonstrate how this variety has been achieved. Garage placement options include but are not limited to: front loaded and recessed attached and detached, rear loaded and recessed attached and detached or side loaded attached or detached.

G. The garage door openings of one (1) of every two (2) single-family detached buildings that front on the same street in the same block must exhibit at least one of the following alternately loaded designs:
    1. Attached and recessed from the front building line of the home by minimum of three feet with access from the front;
    2. Attached and in the side or rear yard loaded with access by either an alley or a driveway from the side. The garage shall be setback a minimum of 3 feet behind the front building line;
    3. Detached with front, side or rear access and setback a minimum of 3 feet behind the front building line;
    4. Attached and flush with the front building line, provided that a covered porch extends at least 4 feet forward from the front building line of the house and at least the 50% of the house width;
    5. Flush with the front building line and side-loaded.

H. For dwelling units with garage door openings that are not flush, recessed, side-loaded, rear-loaded or detached, garage door openings may be provided in the any of the following ways:
    1. Extending from the front building line of the living unit not more than 10 feet, but with an architectural design element such as bay/box window; covered porch at least 4 feet in depth and 50% of the house width (excluding the garage) across the front building line of the living unit;
    2. A defined outdoor space such as a courtyard that is designed to include the front yard space between the front building line of the living unit and the

front building line of the garage, developed to extend at least flush with the garage front building line; and

3. Extending from the front building line the width of the garage with a side entry garage.

13-304 Lots 4,999 Square Feet and Below

In addition to the requirements listed above, the following items are required for developments containing lots below 4,999 square feet in size and below and are subject to the Intent of the Small Lot regulations:

A. A narrative description of the proposed project including overall design concept and target market;

B. An enlarged and fully dimensioned illustration of a typical cluster, car court, or area of lots that clearly delineates:
   1. Lot configuration,
   2. Building footprints,
   3. House-to-house relationships
   4. Outdoor living and landscape areas,
   5. Pedestrian and vehicular access including walks, driveways, streets, and proposed open or greenbelt area;

C. Architectural elevations illustrating:
   1. character,
   2. colors
   3. materials,
   4. street scene;

D. A conceptual landscape plan for developer/builder installed landscaping.

E. An overall land plan showing location and relationship of proposed project to adjacent land uses and/or existing surrounding neighborhoods.

F. Graphically illustrate the relationship between the street, parking, sidewalk placement, front porch/ front entrance and the garage placement.

G. Other items as determined necessary by the PWD Department.

SECTION 13-400 ADMINISTRATIVE SITE PLAN

13-401 INTENT

An Administrative Site Plan is required for the following situations, excluding single-family detached development:

A. All development on vacant land governed by conventional zoning, unless a Use by Special Review (USR), Location and Extent (L&E), or Special Exception Use (SEU) is required.

B. On all development sites within the bounds of a final plat, excluding sites located within the boundaries of a Preliminary Development Plan (PDP).

C. Development of sites within an MDP not covered by a Use by Special Review plans.

D. Additions to buildings located within conventionally zoned areas that are equal to or exceed 50% of the original structure. The determination of what constitutes the original structure is based on the building as shown at the time of initial permit, and not an expanded building based on subsequent permits.

13-402 APPROVAL CRITERIA

The PWD staff will determine if an Administrative Site Plan application meets the following criteria before the Planning Division Manager or her/his designee signs the final version of the plan.

13-402.01

Whether the Administrative Site Plan is consistent with the underlying zoning.

13-402.02

Whether the Administrative Site Plan is consistent with the efficient development and preservation of the entire area within an approved Final Plat.

13-402.03

Whether the Administrative Site Plan will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.

13-402.04

Whether the Administrative Site Plan will adversely affect the public health, safety and welfare.

13-403 SUBMITTAL PROCESS

13-403.01

Prior to submitting an application the applicant will attend a pre-submittal meeting with representatives of the Public Works and Development Department. At the pre-submittal meeting the applicant will receive direction from the County staff that will assist in preparing a complete application for submittal to the County.

13-403.02

Upon receipt of an Administrative Site Plan application, the Planning staff shall review the materials submitted to determine if the application is complete and consistent with the standards set forth in these regulations.

13-403.03

The case planner will refer the complete application for a thirty (30) day review with the various divisions of the PWD Department and County Attorney as required. Administrative Site Plans may require review by outside agencies such as floodplain and drainage service providers, adjacent property owners, life safety providers, adjacent jurisdictions, etc.

13-403.04

The applicant will be notified of any outstanding issues upon completion of this review and will be required to address any deficiencies. The applicant will then submit an amended plan to the County for verification that deficiencies have been addressed by the applicant. Only

when all deficiencies have been addressed will the County Staff ask the applicant to submit a final mylar copy of the plan for approval signature.

13-403.05
Prior to County signature of the approved plan, the applicant must submit all required documentation, and a certificate of taxes paid. No administrative Site Plan shall be signed by the County unless all delinquent taxes and special assessments thereon have been paid.

13-403.06
Prior to County signature of the approved plan the applicant shall provide evidence through a current title insurance policy or commitment (no more than ~~30 days~~ six (6) months old) that the signature of the owner on the mylar is the owner or an authorized agent of the owner of the property.

13-403.07
Upon acceptance of the final mylar by the PWD Department, the Administrative Site Plan will be signed by the Planning Division Manager.

13-404 ADMINISTRATIVE SITE PLAN SUBMITTAL REQUIREMENTS

A Submittal Requirements Matrix is available from the Planning Division outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on Planning Division review. The following items are required as part of an ASP submittal.

13-404.01
Copies of the notes from the pre-submittal meeting pertaining to the application.

13-404.02
A completed land-use application. Application forms are available from the Planning Division.

13-404.03
Application fee(s). Fee Schedules are available from the Public Works and Development Department.

13-404.04
A Letter of Intent that explains, justifies and validates what is proposed on the plans submitted as part of the application. State all facts relied upon and provide documentation where possible.

13-404.05
If the applicant is not the land-owner, a notarized letter of authorization from the land owner permitting a representative to process the application.

13-404.06
Proof of ownership in the form of an updated or current title certificate, title insurance policy, or title commitment that has been renewed within the ~~90 days~~ six (6) months prior to the submittal of an application. The proof of ownership must be current or updated no more than

30 days prior to the County signing the approved plan. A title commitment must be provided for all lands to be conveyed to the County.

13-404.07
An Administrative Site Plan Exhibit drafted in accordance with the provision in this Land Development Code.

13-404.08
A treasurer's Certificate of Taxes due.

13-404.09
Technical Reports as required by the Engineering Services Division.

13-404.09.01
Construction Plans for the proposed development's public improvements including street plan and profile sheets, storm drainage improvements plans and other improvements, prepared in accordance with the Infrastructure Design and Construction Standards.

13-404.09.02
Pavement Design Report prepared in accordance with the Infrastructure Design and Construction Standards.

13-404.09.03
Phase III Drainage Report as defined in the Stormwater Management Manual.

13-404.09.04
A Traffic Study prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless waived by the Engineering Services Division.

13-405 ADMINISTRATIVE SITE PLAN EXHIBIT

13-405.01
All plans will be 24" x 36" format. No plans shall contain copyright restrictions or public ues restrictions.

13-405.02
The font for all plans shall be upper case sans-serif. Font size shall be a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

13-405.03
A title block shall be included, centered at the top of each sheet, containing the project name, type of proposal (Administrative Site Plan), and legal description of the area.

13-405.04
The cover sheet shall include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key and a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.

13-405.05

The information presented on the plan shall be logically ordered and appropriately labeled. All sheets will include the County issued case number at the bottom left hand corner of the sheet formatted as "Case No. XXX-XXX." All sheets will be numerically ordered. All graphic representations, notes, charts, tables and other types of categorized information will be accompanied by common drafting information such as, but not limited to the following:

A. North arrows for orientation.
B. A written statement of scale and a graphic bar scale.
C. A logical system of ordering the different graphic elements of the plan such as numbered details.
D. Expository titles for charts, tables, and other categories of information.

13-405.06

The geographic location, dimensions, maximum heights and gross floor area of all existing and proposed structure(s), the use(s) to be contained within, and the location of entrances and loading points/service areas.

13-405.07

Land-use tables, lists, or schedules comparing the regulations and requirements of the approved underlying uses and zoning to the improvements proposed in the Administrative Site Plan application. This table should address existing and proposed use(s), building heights, gross floor area, residential density, gross floor area ratios, setbacks, open space, etc.

13-405.08

Existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County.

13-405.09

Show and label or dimension the following:

A. Any existing and proposed public and/or private roadways,
B. All proposed points of access to adjacent and/or external roadways,
C. All existing access points on adjacent properties and across adjacent roadways.
D. All proposed curb-cuts.
E. All off-street parking areas.
F. All proposed and existing surfacing materials. (such as asphalt , concrete, gravel, etc).

13-405.10

Provide a parking utilization table that compares the total number of parking spaces or areas proposed and compares this information to the parking required by the Land Development Code. Specify the type of and intended use of all parking spaces indicated (full size, ~~handicap~~ accessible, loading areas, etc.)

13-405.11
All public and private utility service lines and/or main lines with appurtenances, and location(s) and dimension(s) of all existing/proposed easements.

13-405.12
All walks, open and recreation areas, with a description of these improvements.

13-405.13
Location of outdoor trash receptacle systems.

13-405.14
Provisions for emergency vehicle access.

13-405.15
Information pertaining to drainage easements including:

A. Location
B. Dimensions
C. Surface treatment
D. Recording numbers of recorded easements

13-405.16
Information pertaining to detention ponds including:

A. Location
B. Dimensions
C. Water surface elevation at each storm event
D. Surface treatment
E. Volume capacity
F. Size of the outlet restrictor

13-405.17
A landscape plan that complies with the regulations set forth in this Land Development Code. The landscape plan will show and label the following landscape features;

A. All proposed landscape plantings.
B. The location, type, and size of existing plants to be retained.
C. The type of mulch or other surface materials proposed.
D. The location of any water features. If the feature is multipurpose, this should be noted.
E. The location and details of all fences, walls, planters and any other landscaping features.

13-405.18
A table of proposed landscaping materials. The table shall compare the amount of landscape proposed with that required by this Land Development Code. The table will include the following information for all proposed plant materials:

A. Common and botanical name of the plant species indicated.
B. The quantity of all species proposed.
C. The type and size of installation (ball and burlap, 5 gallon pot, etc).
D. The caliper of proposed deciduous trees and the height of proposed evergreen trees.

E. This table shall be divided into the following sub categories:
   1. Deciduous trees
   2. Evergreen trees
   3. Shrubs
   4. Ornamental clump grasses
   5. Types of sod or seed
   6. Perennial and annuals flowers

13-405.19
A dimensioned Signage Plan or Sign Detail describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Proposed signs must be designed in accordance with the Sign Regulations section of the Land Development Code.

13-405.20
A Lighting Plan designed in accordance with the Lighting section of this Land Development Code.

13-405.21
Representative architectural elevations of all sides of proposed structures which show building heights, colors, and general textures of materials to be used on the exterior of the proposed buildings

13-405.22
Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.

13-405.23
All Standard Notes and Certifications required by the Arapahoe County staff shall be included on the plan as described in this Land development Code. Any modifications to these notes or proposed non-standard notes must be approved by the County Attorney.

13-405.24
Additional information may be requested by the PWD Department as appropriate to the request, and the Planning Division Manager or designee may waive information required above if it is deemed inappropriate to the request.

13-405.25
Once the review process is complete and the staff has determined that all outstanding issues have been resolved the staff will request a final mylar of the Administrative Site Plan. This final copy of the Administrative Site Plan shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall contain the information listed above unless otherwise specified by the County staff.

13-406 VESTED PROPERTY RIGHTS PROVISIONS

13-406.01
In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, an applicant may seek approval of a “vested property right” by approval of a “site specific development

plan" relating to the proposed development. The vested property right shall relate to an approved Administrative Site Plan, and may be sought subsequent to approval of such development plan. The process for seeking a "vested property right" is separate from the process for seeking approval of an Administrative Site Plan.

13-406.02
The process for a "vested property right" relating to a site specific development plan shall follow the process for approval of an Administrative Site Plan. This process shall include posting the subject property with a notice of a public hearing relating to a vested property right, publishing notice of the public hearing and providing mail notification of the public hearing to adjacent property owners. If approved, the vesting shall last for a period of three years. This period may be extended by the County upon request and after posting, publication, mail notification and a public hearing.

13-406.03
Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication no later than fourteen days following approval.

SECTION 13-500 ADMINISTRATIVE AMENDMENT

13-501 INTENT

To provide an amendment process for minor modifications to a Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan that does not substantially alter approved development standards. The Administrative Amendment must preserve the intent of the original Preliminary Development Plan, Final Development Plan, Administrative Site Plan, Subdivision Development Plan, or Master Development Plan it modifies. This administrative amendment process is intended to be accomplished within a thirty (30) business day period, however, this time frame may vary depending upon the circumstances of each individual case.

13-502 ELIGIBILITY FOR ADMINISTRATIVE AMENDMENT

The following general criteria must first be met in order to be considered for a specific administrative amendment:

13-502.01
Unless specified herein, no right-of-way dedications, public improvements, traffic studies, drainage studies, or subdivision improvement agreements are required.

13-502.02
A current final drainage report and current street construction plans have been approved for the Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan governing the proposal.

13-502.03
The perimeter boundaries of the Administrative Amendment coincide with existing boundaries of the governing Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan.

13-503 DESIGN STANDARDS

Design standards on approved development plans are considered maximums and minimums as follows:

A. Maximums: density, building coverage, building height, square footage
B. Minimums: setbacks, open space, parking
C. An Administrative Amendment is not required for reductions to these maximum standards, or increases to these minimum standards, except as they may require changes to: (1) building footprints, (2) landscaping for increases in open space, and (3) drainage analysis as determined by the Engineering Services Division for increased parking as it relates to increased impervious area. In these cases, an Administrative Amendment may be required.
D. When Amendments to approved plans request dimension or spatial modifications of up to the appropriate percentage, the base used for measurement shall be the originally approved Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan.

13-504 PERMITTED USES

Only the clarification of the definition of a permitted use may be processed through the Administrative Amendment process. The number of permitted uses may not be expanded by an Administrative Amendment

13-505 DENSITY

A. Commercial/Industrial. A one percent (1%) increase in area shall be the maximum allowed increase in any commercial or industrial development, and then it shall be limited to hallways, stairways, restrooms and storage, or a proven necessity for the operational safety of the project. An amended floor plan shall accompany the final application and be included as a part of the approved documents. The Planning Division Manager may recommend this type of change for a Board of County Commissioners consent agenda approval.
B. The number of residential units cannot be increased.
C. In the case where density by area or phase is specified on a Preliminary or Master Development Plan, transfers of density do not qualify for the Administrative Amendment process.
D. This increase may also require that a drainage letter or drainage report addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division Manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

13-506 SETBACKS

13-506.01 Internal Lot Line Setbacks

Setback decreases proposed from internal lot lines and/or between structures shall not be more than thirty percent (30%) of the original setback dimension. The Planning Division Manager or designee may recommend this type of change for Board of County Commissioners consent agenda approval.

13-506.02 External Lot Line Setbacks

Proposed setback decreases from external lot lines shall not be more than ten percent (10%) of the original setback dimension. At no time shall a requested decrease change the final setback to less than thirty feet (30') from public rights-of-way and twenty feet (20') from all other external lot lines. The Planning Division Manager or designee may recommend this

type of change in external lot line setbacks for Board of County Commissioners consent agenda approval.

13-506.03 Distance Between Buildings

The minimum allowable distance between buildings is ten feet (10'). The Administrative Amendment process may not be used for requests to decrease the distance between buildings below the ten feet (10') minimum, but may be used to decrease minimum distances between buildings for other cases. The Planning Division Manager or designee may recommend a ten percent (10%) reduction to the minimum distance between buildings requirement for Board of County Commissioners consent agenda approval.

13-507 BUILDING ENVELOPES AND FOOTPRINTS

A. A ten percent (10%) increase in building envelopes and/or footprints shall be allowed administratively, but shall not reduce approved minimum open space, parking and setbacks and/or increase maximum height and density from those approved in the existing Preliminary Development Plan. When the Administrative Amendment is a Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan, the Planning Division Manager or designee may recommend this type of change for Board of County Commissioners consent agenda approval.

B. Building footprints may be reduced administratively, but shall not increase approved densities or heights unless otherwise specified herein.

C. Building envelopes and/or footprints may be relocated on site administratively, but shall not change and/or alter any of the approved development restrictions as set forth in the Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Development Plan, or Subdivision Development Plan. Additionally, an analysis of impacts to the originally approved drainage study shall be provided with a request to alter approved building locations. To accommodate a request to “flip-flop” building footprints of dissimilar configurations, the buildings shall be similar in height, size and area.

D. An increase or relocation of building footprints shall also require that a drainage letter or drainage report addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

13-508 HEIGHTS

A proposed increase in building height may be processed administratively, provided the existing, approved building height is no greater than three stories and does not exceed 45 feet. A building height increase may be approved, provided the increase is no more than 10 percent of the existing, approved building height and the proposed building height increase does not exceed the maximum building height allowed in the underlying zone district or associated Preliminary Development Plan.

13-509 OPEN SPACE

A. Reductions in the approved open space shall be, unless it is a three-story structure as stated in this Land Development Code, limited to ten percent (10%) of the original requirement. However, at no time shall the open space for a development be less than twenty percent (20%) for industrial, commercial, multifamily residential and single family attached residential and not less than 10% for single family detached residential. Open space reductions will also require that a drainage letter or drainage report

addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

B. When the Administrative Amendment is for a Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Development Plan, or Subdivision Development Plan, the Planning Division Manager or designee may recommend this item be scheduled for Board of County Commissioners consent agenda approval.

C. Increases in open space do not require an amendment to the approved development plan. However, increases in open space shall not increase maximum building heights or decrease the minimum parking requirements approved on the Preliminary Development Plan.

13-510 PARKING

A. Parking requirements are closely related to the uses within each development, and are unique to each plan. Alterations shall be allowed within ten percent (10%) of the original requirement. Proof that the increase or decrease is appropriate for the proper function of the development, or that the approved uses have been substantially changed shall be provided as part of the submittal package. The change shall not decrease minimum open space and setbacks or increase maximum heights and/or density from those approved in the existing Preliminary Development Plan. When the Administrative Amendment is for a Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative development Plan, or Subdivision Development Plan, the Planning Division Manager or designee may recommend this item be scheduled for a Board of County Commissioners consent agenda approval.

B. Alterations to parking will also require that a drainage letter or drainage report addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

13-511 ACCESS

Changes to the number or type of access locations, access design, and/or internal circulation design may be processed administratively as determined by the Engineering Services Division Manager or designee. A traffic analysis of the changes may also be required as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

13-512 DRAINAGE

A. Proposed changes to drainage routing and/or facility designs may require an Administrative Amendment to an approved development plan if it affects an approved design standard on that Plan (e.g. open space, easements, setbacks, etc.). Specific criteria may include the following:

    1. Revisions to site drainage patterns that can be demonstrated not to increase storm flow at design discharge point(s) by more than five percent (5%) of that approved with the Phase III drainage report may be processed administratively.
    2. Increases in the capacity of onsite best management practices facilities up to five percent (5%) may be processed administratively.
    3. Revisions to drainage patterns and/or increases in capacity of best management practices facilities will require a drainage letter or drainage

report addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

13-513 PUBLIC IMPROVEMENTS

Revisions to the scope of public improvements may require an Administrative Amendment to an approved development plan as determined by the Engineering Services Division Manager or designee. If it is determined that the application can be processed administratively it may also be determined that amendments to drainage studies, traffic studies, construction drawings, Grading, Erosion and Sediment Control documents, and/or Subdivision Improvement Agreements may be necessary. The Engineering Services Division manager or designee shall make this determination and fees will apply as authorized by the Engineering Services Division fee schedule.

13-514 SUBDIVISION RELATED CHANGES AFFECTING DEVELOPMENT PLANS

Changes to subdivision related elements such as lot lines, easements, rights-of-way, internal roadways, vacations and/or drainage systems should be made to the subdivision plat according to requirements in the Arapahoe County Subdivision Regulations, and may require amendments to an approved Final Development Plan, Subdivision Development Plan or Administrative Development Plan, if such changes affect approved development standards.

13-515 SIGNAGE, LIGHTING, LANDSCAPING, TRASH DISPOSAL AREAS, ARCHITECTURAL TREATMENT

Signage, lighting, landscaping, trash disposal areas, and architectural treatment elements of approved Final Development Plan, Administrative Site Plan, and/or Subdivision Development Plans may be processed administratively. The Planning Division Manager or designee may recommend signage amendments which conform to the signage regulations in these Regulations for Board of County Commissioners consent agenda approval. Amendments to the signage provisions of an Final Development Plan which are in excess of either the regulations of the Preliminary Development Plan or the Sign Code portion of this document may not be processed administratively.

13-516 ADMINISTRATIVE PROCESS DETERMINATION

13-516.01

The applicant shall submit all pre-submittal materials, in accordance with department requirements, to the Planning Division, along with a Letter of Intent which details how the proposed amendment meets the applicable amendment criteria contained herein.

13-516.02

Upon the Planning Division's acceptance of the pre-submittal materials, the applicant will be scheduled, and must attend a pre-submittal conference with a Planner and Engineer to discuss the merits of the proposed Administrative Amendment. During the pre-submittal meeting the Planner and Engineer will make an initial determination as to the proposal's eligibility to be processed administratively.

13-516.03

At the next regularly scheduled staff meeting following the pre-submittal meeting, the proposal will be presented to the Planning Division Manager and Engineering Services

Division Manager or their respective designees for final determination as to whether the proposal can be processed administratively. The case planner will notify by the applicant of the determination to approve or deny the request for administrative processing as soon as practical.

13-516.04
The Planning Division Manager and Engineering Services Division Manager or their respective designees reserve the right to refer any request for an Administrative Amendment to the Board of County Commissioners for consideration at a regular meeting of the Board. The Planning Division will notify the applicant it is determined that Board review is desired.

13-516.05
If the Planning Division Manager or designee denies a request for the Administrative Amendment process, the applicant can appeal the decision to the Board of County Commissioners within ten (10) working days of notification of the Planning Division Manager's decision, by filing a letter of appeal with the Planning Division. The Planning Division Manager will notify the Board of County Commissioner's Office upon receipt of the letter of appeal within ten (10) days and the matter will be scheduled for Board of County Commissioner's determination as soon as practical. The applicant will be notified of the date that the Board will consider the appeal and is required to provide justification on his/her behalf.

13-516.06
Upon a determination that the application can be processed administratively, the applicant must submit the formal application within sixty (60) working days of the Planning Division Manager's determination that an Administrative Amendment is allowed. Failure to submit within sixty (60) working days of the Division Manager's determination, in writing, will render the decision voidable.

13-516.07
The Planning Division Manager or designee may waive the pre-submittal conference with the approval of the Engineering Services Manager or designee. If a waiver is granted, the Planning Division Manager will issue a letter stating such.

13-517 APPROVAL CRITERIA FOR AN ADMINISTRATIVE AMENDMENT

Once an application has been determined to be eligible for the Administrative Amendment process, the following criteria shall be considered by the Planning Division Manager or designee for approval of an Administrative Amendment;

13-517.01
The amendment is consistent with the efficient development and preservation of the entire Planned Unit Development, Administrative Site Plan, or Subdivision Development Plan;

13-517.02
The amendment will not adversely affect the applicant's reasonable development expectations, the adjacent property owner's use and enjoyment of their property, or the public interest;

13-517.03
The amendment is in keeping with the spirit and intent of the Zoning Regulations and will not weaken the purposes of those regulations;

13-517.04
The amendment will not adversely affect the public health, safety, and welfare.

13-518 SUBMITTAL PROCESS

13-518.01
Upon receipt of all required information, the PWD Department shall review the formal submittal within ~~five (5)~~ three (3) business days to determine if it is consistent with the standards set forth in these regulations.

13-518.02
The case planner will refer the application for a ~~fourteen (14)~~ ten (10) business day internal review to various County departments and divisions within the Public Works and Development Department.

13-518.03
The applicant will be notified of any outstanding issues upon completion of this internal review.

13-518.04
Following resolution of all outstanding issues raised by the referral process, and staff's determination that the Administrative Amendment request complies with all specified plan content requirements per Chapter 13, the applicant shall submit a final mylar for signature to the Planning Division Manager or designee.

13-518.05
The final mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

13-518.06
The applicant shall provide a current title insurance policy or commitment (no more than 30 days old from the date the mylars are submitted) confirming that the signature of the owner on the mylar is the owner of the property.

13-518.07
Upon acceptance of the final mylar by the PWD Department, the Administrative Amendment will be signed by the Planning Division Manager or designee.

13-518.08
After the Planning Division Manager signs the mylar, building permits may be applied for and/or obtained.

13-519 FORMAL SUBMITTAL REQUIREMENTS

13-519.01 General Submittal Requirements

A. Completed Land Use Application (Application is available from the Planning Division office)

B. Application fee (Fee Schedule is available from the Planning Division office)

C. A Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

D. Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than ~~ninety (90) days~~ six (6) months old from the date of submittal.

E. A notarized letter of authorization from the landowner(s) permitting a representative to process the application with a disclaimer that no other party's consent is required.

F. An Administrative Amendment exhibit (per Chapter 13). The format for all plans shall be in upper sans serif. Font size shall be readable when reduced to an 11 x 17-inch size. No plans shall include copyright restrictions.

G. Certificate of taxes paid.

H. Letters of support with a statement regarding any existing facilities over or across the land from the following agencies:
   1. all special districts providing maintenance of infrastructure within or adjacent to the property;
   2. all known easement beneficiaries and/or utility providers;
   3. all landowners abutting the property.

I. A Submittal Requirements Matrix is available from the Planning Division office listing the complete list of submittal items and the required number of copies. Other submittal requirements may be required based on the Planning Division and Engineering Services Division review.

13-519.02 Engineering Submittal Requirements

A. A drainage letter or drainage study addendum if required by Engineering Services Division staff.
B. Construction drawing addendum if required by Engineering Services Division staff.
C. Traffic study addendum if required by Engineering Services Division staff.
D. Engineers Cost Estimate addendum if required by Engineering Services Division staff
E. Grading-Erosion-Sediment Control documents addendum if required by Engineering Services Division staff
F. Applicable fees for any of the required engineering items listed above as authorized by the Engineering Services Division fee schedule.

13-520 PLAN EXHIBIT

The Administrative Amendment exhibit shall comply with the requirements set forth in the underlying zoning or site plan, which will be either a Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan. If staff determines a complete set of mylars (required for the underlying

zoning) is unnecessary, an abbreviated set of mylars may be submitted that includes the following:

A. A title block centered at top of all pages including subdivision name, amendment number, legal description, township, range, county, state and sheet number (ex. 1 of 1, or 1 of 2).
B. A legal description including description of boundaries in distances and bearings.
C. A vicinity map with location of sign identified.
D. An amendment history including case number(s) of previously approved applicable plans and detailed information about the changes proposed. In these cases, the history should include a detailed description of the original and proposed element.
E. A Certificate of Ownership signature block.
F. The Planning Division Manager Approval signature block.
G. The current case number in lower left corner of all pages.
H. A detailed graphic representation if change can be graphically illustrated. The description should include all changed data, together with enough of the underlying plan as is necessary to understand the effect of the change. Other than the listed elements, the mylar should not contain any information that is not essential to understanding the effect of the amendment.
I. A note stating, "All other original terms, conditions and notes of the (Preliminary Development Plan, Master Development Plan, Final Development Plan, Administrative Site Plan, or Subdivision Development Plan) approved on (DATE) will remain in full force and effect as previously executed by Owner and Arapahoe County."
J. The applicant will make changes on copies of the approved plans unless in the Planning Division Manager's opinion it is more effective to draft new documents.
K. Changes will be bubbled to assist staff in reviewing the amended document.

SECTION 13-600 TECHNICAL AMENDMENT

13-601 INTENT

A. To provide a rapid administrative process for approval of minor technical changes to Preliminary Development Plans, Final Development Plans, Location and Extent Plans, Administrative Site Plans, and Subdivision Development Plans. All Technical Amendment plans must comply with the spirit and intent of the original plan that it modifies. The intent of this section is to act on such amendments within 10 working days after submittal. However, the time necessary to review and act on a proposed technical amendment will depend upon the circumstances of each case.
B. Technical Amendments may include, but are not limited to minor changes to: building facades, location and type of landscape material, location of light poles or fixtures that do not affect light levels at the property line, the location of interior pedestrian walks and trails, the relocation of public transportation facilities if accompanied by an approval letter from the appropriate authority, or a minor revision to public improvements as approved by the Engineering Services Division manager or designee.
C. The Technical Amendment process also applies when changes to a development plan are of such a limited nature or scope that a formal amendment process or Administrative Amendment would be unnecessary.
D. Amendments regarding issues specifically reviewed or addressed by the Planning Commission, Board of Adjustment, or Board of County Commissioners do not qualify for the Technical Amendment process.

13-602 CRITERIA FOR APPROVAL OF A TECHNICAL AMENDMENT

The criteria used by the Planning Division Manager and the Engineering Services Division Manager for approval of an application shall include, but not be limited to, the following:

13-602.01

The proposed amendment conforms to existing zoning regulations and adheres to the conditions of approval as stated by the Board of County Commissioners, Planning Commission, or Board of Adjustment.

13-602.02

The proposed amendment does not fall within the criteria listed for a formal PUD plan Amendment or Administrative Amendment as specified in these regulations.

13-602.03

The proposed Technical Amendment does not violate existing zoning regulations, is in keeping with the spirit and intent of such regulations, and will not weaken the purposes of these regulations.

13-602.04

The proposed amendment does not relate to any site, building, or sign detail, etc. that was subject to a condition of approval through the public hearing process.

13-602.05

The proposed amendment does not affect the overall architectural character, style, or general layout of buildings on the approved development plan. A change in building color, building materials, or building height that was included in any condition of approval does not qualify for the Technical Amendment process.

13-602.06

The proposed amendment does not affect parking areas to the extent that a drainage report or traffic study is required. Minor adjustments to parking areas and/or other impervious areas may be eligible for a Technical Amendment if approved by the Engineering Services Division Manager or designee. Any change that reduces the parking lot setback, reduces the minimum number and size of parking stalls, or reduces the setback from property line for an access drive does not qualify for the Technical Amendment process.

13-602.07

The proposed amendment does not affect the lighting plan to the extent that a photometric study is required. Minor adjustments to the location of light poles or other building exterior illumination are eligible for the Technical Amendment process.

13-602.08

The proposed amendment does not affect the landscape plan to the extent that it reduces the minimum number or size of plant material required by zoning. Adjustments to the location or type of plant material may be processed as a Technical Amendment if such changes do not involve review and approval of a drainage report. Adjustments to landscaping within easements or public rights of way may be processed as a Technical Amendment if approved by the Engineering Services Division Manager or a designee and if a drainage letter of

conformance, certified by a Colorado Professional Engineer, is submitted for review and approval with fees as authorized by the Engineering Services Division fee schedule.

13-602.09

The proposed amendment to site conditions, such as the location and size of trash enclosures, earthen berms, pedestrian walks or trails, or public transportation facilities may be eligible for the Technical Amendment process if such changes are approved by the Engineering Services Division Manager and meet the criteria outlined in this section. The Engineering Services Division Manager may also request that the appropriate engineering documents be submitted for review and approval with fees as authorized by the Engineering Services Division fee schedule.

13-602.10

The Technical Amendment ensures the efficient development and preservation of the underlying development plan;

13-602.11

The proposed Technical Amendment does not adversely affect the applicant's reasonable development expectations, the adjacent property owner's use and enjoyment of their property, or the public interest;

13-602.12

The proposed Technical Amendment does not adversely affect the public health, safety, and welfare.

13-602.13

The proposed Technical Amendment does not reduce the amount of open space shown on the approved plan.

13-603 PUBLIC IMPROVEMENTS

Revisions to the scope of public improvements may be processed as a Technical Amendment depending on the nature of the revision. The Engineering Services Division Manager shall make this determination.

13-604 TECHNICAL AMENDMENT PROCESS DETERMINATION

13-604.01

The applicant shall submit all pre-submittal materials, in accordance with department requirements, to the Planning Division, along with a Letter of Intent which details how the proposed amendment meets the applicable amendment criteria contained in Chapter 13.

13-604.02

Upon the Planning Division's acceptance of the pre-submittal materials, the applicant will be scheduled, and must attend a pre-submittal conference with a Planner and Engineer to discuss the merits of the proposed Technical Amendment. During the pre-submittal meeting the Planner and Engineer will make an initial determination as to the proposal's eligibility to be processed as a Technical Amendment.

13-604.03
At the next regularly scheduled staff meeting following the pre-submittal meeting, the proposal will be presented to the Planning Division Manager and Engineering Services Division Manager or their respective designee for final determination as to whether the proposal can be processed as a Technical Amendment. The applicant will be notified by the case planner of the determination to approve or deny the request for Technical Amendment processing as soon as practical.

13-604.04
The Planning Division Manager and/or the Engineering Services Division Manager or their respective designee reserves the right to deny any request for a Technical Amendment if the extent of the proposed changes appears to exceed the scope and intent of the Technical Amendment process.

13-604.05
Upon a determination that the application can be processed as a Technical Amendment, the applicant must submit the formal application within sixty (60) working days of the determination that a Technical Amendment is allowed. Failure to submit within sixty (60) working days of the determination, in writing, will render the decision voidable.

13-604.06
The applicant may request that the pre-submittal meeting be waived by submitting a completed waiver request form to the Planning Division. The decision to accept or deny the pre-submittal meeting waiver request will be made by the Planning Division Manager and the Engineering Services Division Manager or their respective designee.

13-605 REVIEW PROCESS

13-605.01
Upon receipt of all required information, the Planning Division Manger or designee shall review the submittal and prepare comments.

13-605.02
The applicant will be notified of any outstanding issues upon completion of a 14 day staff review and referral process.

13-605.03
The applicant shall submit a final mylar for signature after resolving all outstanding issues raised through the review process.

13-605.04
The final mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

13-605.05
Upon acceptance of the final mylar by the PWD Department, the Planning Division Manager or designee will approve the amendment.

13-605.06

After the Planning Division Manager signs the mylar, building permits may be applied for and/or obtained.

13-606 SUBMITTAL REQUIREMENTS

Submittal requirements for a Technical Amendment include the following:

A. Completed Land Use Application. (Application is available from the Planning Division office)
B. Application fees in the amount indicated on the Planning Fee Schedule with the possibility of an additional application fee as indicated on the Engineering Review Fee Schedule if an Engineering Services Division review is determined to be necessary. Fee Schedules are available at the Public Works and Development Department office.
C. Other fees as necessary for review of engineering documents as determined by the Engineering Services Division Manager or designee and as authorized by the Engineering Services Division fee schedule.

D. A Letter of Intent that explains, justifies, and validates the request, stating all facts relied upon and providing documentation where possible.
E. A notarized letter of authorization from the landowner(s) permitting a representative to process the application with a disclaimer that no other party's consent is required.
F. A blueline plan exhibit, (typically a copy of the approved development plan mylars or permit documents) or amendment to the approved mylar if appropriate. No plans shall include copyright restrictions.
G. The Technical Amendment note should be placed on ~~each~~ the first sheet of the submitted plan exhibit.
H. Portions of the plan exhibit that are being amended should be bubbled on the plan exhibit.
I. A drainage letter of conformance as determined by the ESD staff.
J. Construction drawing addendums as determined by the ESD staff.

13-607 TECHNICAL AMENDMENT NOTE AND CERTIFICATION

THIS PLAN WAS REVISED AS A TECHNICAL AMENDMENT ON
, . (TAXX-XXX)
(Month/Day) (Year) (Planning Division Manager) (Case No.)

THE MODIFICATIONS DEPICTED ON (*LIST SHEETS*) COMPLY WITH ALL APPLICABLE STANDARDS. THE MODIFICATIONS APPROVED HEREIN INCLUDE (*EXAMPLE: REVISION TO THE LANDSCAPING PLAN, REPLACING RETAINING WALL FINISH MATERIAL FROM UNFINISHED CONCRETE TO A MAROON STUCCO*)

ALL OTHER ORIGINAL TERMS, CONDITIONS AND NOTES OF THE (ASP, *PDP, SDP, L&E, MDP, FDP, OR SDP*) APPROVED ON (*DATE*) WILL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY EXECUTED BY OWNER AND ARAPAHOE COUNTY.

CERTIFICATE OF OWNERSHIP

I _____ HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS (*PROJECT NAME AND ORIGINAL CASE NUMBER*).

SECTION 13-700 LOCATION AND EXTENT

13-701 INTENT

The regulation of the location and extent of public facilities is provided by Colorado Revised Statutes, Section 30-28-110, as amended. It is the intent of the paragraphs of this Section to conform to the provisions of the State Statute, to define the factors to be considered in the "Location and Extent" process, and to prescribe procedures for the orderly consideration of Location and Extent applications in order to effectuate the purposes of the state statute.

13-702 GENERAL REQUIREMENTS AND PROCEDURE

13-702.01

A. No road, park, public way, ground, or space, no public building or structure, and no major facility of a public utility shall be constructed or authorized in the unincorporated areas of Arapahoe County unless and until the proposed location and extent thereof has been submitted to and approved by the Arapahoe County Planning Commission.
B. Routine extensions of public utility lines and minor modifications to existing utility lines and/or facilities shall not be subject to this procedure.

13-702.02

If the Planning Commission disapproves the proposed public facility, or approves it with conditions the applicant is not willing to accept, the applicant may appeal such decision to the Board of County Commissioners, and the Planning Commission shall communicate the reasons for such disapproval to the Board, who may overrule such disapproval by a majority vote.

13-702.03

The applicant shall be responsible for public notice, prior to the Planning Commission and Board of County Commissioners hearings, in compliance with the public notice requirements in Chapter 17, herein.

13-702.04

No public use facilities shall be considered by the Board of County Commissioners unless the applicant posts the property and provides mail notification as outlined in 13-702.03 above, except that the reference to the Planning Commission shall be changed to read "Board of County Commissioners."

13-702.05

The Planning Commission and the Board of County Commissioners, when applicable, may approve the facilities as submitted, approve it with conditions, or deny the facility. The conditions to be imposed are those necessary, at the discretion of the Planning Commission

and Board of County Commissioners, to mitigate or eliminate any adverse impacts of the proposed facility on the surrounding area, and may include the posting of sufficient performance guarantees with the County to guarantee the construction of any improvements.

13-702.06

Upon approval of the Location and Extent, a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The drawing shall be submitted to the PWD Department for the Planning Commission's signature. The mylar will be kept on file at the PWD Department Planning Division.

13-702.07

Approval of a Location and Extent request shall be and may be subject to stipulations and/or conditions precedent which the applicant is deemed to accept by preparing a reproducible mylar for signature by the Chair~~man~~ of the Planning Commission within sixty (60) days from approval date. If no mylar is submitted, the PWD Department will recommend the Planning Commission rescind approval of this request.

13-702.08

After the Planning Commission Chair~~man~~ signs the final mylar, building permits may be obtained (upon proof of an approved Final Plat prior to Location and Extent approval) if applicable. Many times, the land underlying a Location and Extent is not yet platted.

13-703 SUBMITTAL REQUIREMENTS

13-703.01

The Location and Extent Plan shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. Name of proposed facility.
B. Land area and legal description.
C. Vicinity map (one (1) mile radius with emphasis on major roadways).
D. Proposed land use for each area and its area in square feet.
E. Existing and proposed public and private rights-of-way serving the site, types of surfacing and width of paving.
F. The existing zoning of the property to be used, as well as the zoning and residential density of all adjacent properties.
G. All easements and drainageways should be identified.
H. Existing and proposed finished grade topography shown at two foot (2') contours, corresponding with datum acceptable to the County.
I. The location(s) and dimension(s) of all existing and proposed structures, the use(s) to be located therein, the building elevations, gross floor area and locations of entrances and loading points.
J. Location of outdoor waste disposal systems.
K. All existing and proposed curb cuts, driveways, parking (including number of spaces) and storage areas. Also, the location(s) and dimension(s) of existing curb cuts and driveways on adjacent properties and across right-of-way.

L. All walks, open and recreation areas with a description of these improvements.
M. An illustrative landscape plan showing locations, general types and sizes of all proposed landscaping materials, fences, walls, planters and any other landscaping features.
N. Provisions for access by emergency vehicles.
O. Signage and lighting devices fully detailed (Chapter 12).
P. Utility lines and appurtenances.

13-703.02
Phase III Drainage Report conforming to the requirements of the "Arapahoe County Storm Drainage Design & Technical Criteria," if required.

13-703.03
Traffic Report conforming to the requirements of the "Guidelines For Traffic Impact Studies," if required.

13-703.04
Public Improvement Guarantees, such as dedication of rights-of-way, sidewalk construction, etc., if required.

13-703.05
All Standard Notes, Certificates and dedications required by the County Attorney Staff shall be included on the exhibit as described in Chapter 16. Any modifications to these notes must be approved by the County Attorney. All notes not meeting these specifications shall be removed.

13-703.06
Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.

13-703.07
Additional information may be requested by the Planning Division appropriate to the request, and information required above may be waived by the Planning Division Manager if it is deemed to be inappropriate to the request.

13-704 AMENDMENTS

13-704.01 MINOR CHANGES
The Guidelines used in the Administrative Amendment section will be used to determine if a change is minor. The Planning Division Manager will make the determination. Appeals to the Planning Division Manager's determination may be made to the Planning Commission. If the changes are deemed minor, the minimum requirements are: one completed application form, one Letter of Intent, and one new revised reproducible final mylar of the Location and Extent Plan for the Planning Commission Chair~~man~~'s signature. The final mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

13-704.02 SIGNIFICANT CHANGES

If the changes are determined to be significant the proposed amendment to the Location and Extent Plan will involve a resubmittal of documents and a hearing before the Planning Commission for approval of the changes.

13-704.03 LOCATION AND EXTENT AMENDMENT DOCUMENTATION

An Amended Location and Extent Plan shall contain all the original information, plus the items which are being changed. When possible, the development standards should appear in a chart format comparing the approved and proposed standards. Also, an Amendment History must be added to the document. If the amendment is required to be processed by the Planning Commission, the submittal requirements for the Location and Extent process will be required for the amendment.

SECTION 13-800 SPECIAL EXCEPTION USES

13-801 INTENT

To provide for uses within the unincorporated areas of Arapahoe County which require special review by the Board of Adjustment in order to determine their compatibility with surrounding principal permitted uses. Such uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts which could undermine the integrity of the zoning district in which it would be situated and therefore could jeopardize the health, safety and welfare of the existing community.

13-802 SUBMITTAL REQUIREMENTS

13-802.01

All applications for a Special Exception Use shall be submitted to the Secretary of the Board of Adjustment prior to consideration of the request by the Board of Adjustment.

13-802.02

A complete application for a Special Exception Use hearing must contain the following:

A. Letter of Intent requesting the Special Exception Use hearing and fully describing the intended use of the property. The letter must be signed by the property owner and applicant (if different from property owner), and a copy of the owner's deed must be included in the submittal.

B. A fee established by the Board of County Commissioners shall be established and paid to the Board of Adjustment.

C. A site plan (ten copies) drawn on 24" x 36" sheets, in upper case sans serif to include the following information:
D. Name of proposed use.
E. The land area and legal description.
F. Vicinity map (one (1) mile radius with emphasis on major roads).
G. The proposed land use for each area and its area in square feet.
H. Existing and proposed public and private rights-of-way, easements and drainageways.

I. The existing zoning of the property, as well as the zoning and residential density of all adjacent properties.
J. The roadways, existing and proposed, serving the site, including the types of surfacing, width of paving and rights-of-way.
K. Proposed finished grade topography and elevations shown at 2-foot (2') intervals or less, corresponding with datum acceptable to the County.
L. The location(s) and dimensions of all existing and proposed structure(s), the use(s) to be located therein, gross floor area, locations of entrances and loading points.
M. Location of outdoor waste disposal facilities.
N. All curb cuts, driveways, parking (including number of spaces), loading and storage areas.
O. All walks, open areas and recreation areas, with a description of these improvements.
P. Location and height of fences, walls, screens, planting and any other landscaping features.
Q. Types of surfacing, such as asphalt paving, concrete, gravel or grass, of the interior of the site.
R. Provisions for access by emergency vehicles.
S. Signs and lighting devices (fully detailed).
T. Utility lines and appurtenances.
U. Drainage report conforming to the requirements of the "Arapahoe County Storm Drainage Design & Technical Criteria," if required.
V. Traffic report conforming to the requirements of the "Guidelines for Traffic Impact Studies," if required.
W. Cost estimate of public improvements, if required, such as sidewalks, roadway and/or drainage improvements, etc.
X. An appropriate number of 11"x 17" reductions of the required site plan.
Y. Letter from the appropriate water and sanitation district(s) and fire district stating the availability to serve the proposal.
Z. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.
AA. Additional information may be requested by the Board of Adjustment as appropriate to the request, and information required above may be waived by the Board of Adjustment if it is deemed to be inappropriate to the request.

13-803 APPROVAL STANDARDS

A Special Exception Use shall be approved only if the Board of Adjustment finds that the proposed Special Exception Use:

A. Complies with the minimum zoning requirements of the zoning district in which the Special Exception Use is to be located;

B. Complies with the submittal requirements of this Chapter;

C. Complies with the Arapahoe County Subdivision Regulations;

D. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;

E. Will be consistent with the Arapahoe County Comprehensive Plan;

F. Will not result in an over-intensive use of land;

G. Will not have material adverse effect on community capital improvement programs;

H. Will not require a level of community facilities and service greater than that which is available;

I. Will not cause significant air, water, or noise pollution or any other detrimental environmental impacts;

J. Will be adequately landscaped, buffered, and screened;

K. Will not otherwise be detrimental to health, safety, or welfare of the present or future inhabitants of the County.

13-804 LENGTH OF APPROVAL

A Special Exception Use shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The Special Exception Use may transfer with the sale of the land.

13-805 PROCEDURE

13-805.01

Once the submittal is determined to be complete, the Secretary to the Board of Adjustment will:

A. "log in" the submittal as a bona fide "case".
B. Refer the submittal to appropriate agencies, which will include the Board of County Commissioners, for a thirty-five (35) day period.
C. Schedule the proposal at a Board of Adjustment hearing.
D. Send posting requirement instructions to the applicant.

13-805.02

After the thirty-five (35) day review period, the Board of Adjustment staff will prepare a report, including recommendations from responding agencies, to the Board of Adjustment. A copy of this report will be available prior to the Board of Adjustment hearing.

13-805.03

The applicant shall be responsible for public notice, prior to the Board of Adjustment hearing, in compliance with the public notice requirements in Chapter 17, herein.

13-805.04

At the hearing, the Board of Adjustment will take one of the following actions regarding the case. It may:

A. Approve as submitted; or
B. Approve with conditions; or
C. Table (for further information, etc.); or
D. Take the request under advisement; or
E. Deny.

SECTION 13-900 USE BY SPECIAL REVIEW

13-901 INTENT

To establish a "Use By Special Review" process and procedure which provides Board of County Commissioner review and approval of certain uses which, although permitted within specific zoning districts, may contradict the purpose of these Regulations as required in this Land Development Code, providing for the public peace, health, safety and welfare. The following criteria shall be used to assist in determining that the proposed Use by Special Review is appropriate:

13-901.01
Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.

13-901.02
Assure compatibility between the proposed development, surrounding land uses, and the natural environment.

13-901.03
Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.

13-901.04
Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.

13-901.05
Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

13-901.06
Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.

13-901.07
Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.

13-901.08
Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.

13-901.09

A. Enhance the useable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.
B. The criteria, just stated, must be addressed prior to approval of any Use by Special Review requests, and are intended to provide clarity of purpose and direction for applicants, neighbors, concerned citizens, and Arapahoe County decision-makers.

13-901.10

In addition to the criteria in sections 13-901.01 through 13-901.09, the criteria set forth in the Regulations Governing Areas and Activities of State Interest in Arapahoe County ("1041 Regulations") shall also be considered in the evaluation of an application for a Use by Special Review for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company in the A-E, A-1 and I-2 Zone Districts. Part V, sections A. and C., along with Appendix A, of the 1041 Regulations shall be used in determining whether such Use by Special Review should be approved.

13-902 PROCESS, SUBMITTAL REQUIREMENTS AND PROCEDURES

The process, submittal requirements and procedures for Use by Special Review applications are available from the Planning Division.

13-903 SUBMITTAL REQUIREMENTS

A complete application for a Use by Special Review hearing must contain the following:

13-903.01

Letter of Intent requesting the Use by Special Review hearing and fully describing the intended use of the property. The letter must be signed by the property owner and applicant (if different from property owner), and a copy of the owner's deed must be included in the submittal.

13-903.02

A fee established by the Board of County Commissioners shall be established and paid to the Planning Division (Check made payable to Arapahoe County).

13-903.03

Phase III Drainage Report conforming to the requirements of the "Arapahoe County Storm Drainage Design & Technical Criteria", if required.

13-903.04

Traffic Report conforming to the requirements of the "Guidelines For Traffic Impact Studies", if required.

13-903.05

Cost estimate of public improvements such as sidewalks, roadway and/or drainage improvements, etc., if required.

13-903.06

An appropriate number of 11" x 17" reductions of the site plan as determined by the Planning Division.

13-903.07
Letter from the appropriate water and sanitation districts and fire district stating the availability to serve the proposal.

13-903.08
Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.

13-903.09
Owner(s) of Record signature block.

13-903.10
Additional information may be requested by the Planning Division as appropriate to the request, and information required above may be waived by the Planning Division Manager if it is deemed to be inappropriate to the request.

13-903.11
In addition to the above submittal requirements for a Use By Special Review application, the applicant for a Use by Special Review for a Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company shall comply with all of the submittal requirements for a 1041 Permit for "Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Public Utility" as set forth in the Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations).

13-904 EXHIBIT REQUIREMENTS

The Use By Special Review Plan shall be an a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and contain the following information:

A. Project name, type of proposal (Use By Special Review Plan), legal description of the Plan's land area, date of the drawing, scale and north arrow.

B. Vicinity map with north arrow (scale of 1"=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.

C. The existing zoning of the property, as well as the zoning and residential density of all adjacent properties.

D. The graphic location, dimensions, maximum heights and gross floor area of all existing and proposed structure(s), the use(s) to be contained within, and the location of entrances and loading points.

E. Chart comparing all of the regulations and requirements of the proposed Use By Special Review Plan with those of the zoning district criteria regarding the proposed use(s), building heights, minimum lot area, gross floor area, gross floor area ratios, setbacks, open space, etc.

F. Existing and proposed finished grade topography at two foot (2') contours or less, tied to a datum acceptable to the County.

G. All proposed curb cut and driveway locations and dimensions, off-street parking locations, dimensions and total numbers by type (full size, ~~compact,~~ handicap accessible, etc.), and types of surfacing, such as asphalt paving, gravel, etc.

H. Public and private utility service lines and/or main lines with appurtenances.

I. All walks, open and recreation areas, with a description of these improvements.

J. Location of outdoor trash receptacle systems.

K. Provision for access by emergency vehicles.

L. Location and dimensions of all existing access points on immediately adjacent properties.

M. Location and dimension and surface treatment of drainage easements, volume capacity of all drainage ponds, and the size of the outlet restrictor(s).

N. An illustrative landscape plan showing locations and general types of all proposed landscaping materials, including fences, walls, planters and any other landscaping features.

O. A Signage Plan describing and illustrating the size, location, type and material of all signs.

P. Location, type and height of lighting devices.

Q. Representative architectural elevation plans of all sides of proposed structures which show building heights, colors and general textures of materials to be used on the exterior of the proposed buildings.

R. Applicable notes and certifications approved by the County Attorney which regulate the development (Airport Influence Area note, off- site improvements note, etc.).

S. Board of County Commissioner's signature block.

13-905 SPECIFIC PROVISIONS

13-905.01

A. Applicants are required to meet with the Planning Division prior to formal submittal of Use by Special Review requests (unless waived by the Planning staff) in order to obtain input into the appropriateness of the request.

B. In order to assist the Planning staff in determining the completeness of a submittal, the following statement shall be included in the "Letter of Intent" which accompanies the submittal:

C. "I / (We) hereby affirm that this application meets the requirements of the Arapahoe County Zoning Regulations or includes proper requests for variance, waiver or exception from provisions that it does not meet. I understand that if it does not meet these

Regulation's requirements or if proper requests for variance, waiver or exception are not included, this application may be rejected and the Board of County Commissioner's hearing dates may be postponed."

13-905.02

A. The applicant shall be responsible for public notice, prior to the Board of County Commissioners hearings, in compliance with the public notice requirements in Chapter 17.
B. In addition, an applicant for a Use by Special Review for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities Owned by a Private Company shall provide mail notification of any required public hearings to all property owners located within 500 feet of the property boundaries of such proposed Use by Special Review at least 14 days prior to such public hearing.

13-905.03

A. The Board of County Commissioners will cause Notice to be published in relation to said Use by Special Review request. A published notice must be placed within a newspaper of general circulation within the County at least fourteen (14) days prior to the hearing date. This mandatory requirement is a condition precedent to the Board holding a hearing. The applicant, or his authorized representative, will be required to be present in order to testify at the hearing as to the compliance with procedural requirements.
B. An application for a Use by Special Review for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities Owned by a Private Company shall require review by the Planning Commission at a public hearing prior to consideration by the Board of County Commissioners. A published notice of public hearing in a newspaper of general circulation in the County shall also be required at least 14 days prior to the public hearing at the Planning Commission. The County may require publication in the newspaper of general circulation with the largest circulation serving the area affected by the proposed Use by Special Review. With the exception of a Use by Special Review application for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities Owned by a Private Company, all other Use by Special Review applications shall only require a public hearing before the Board of County Commissioners and shall not be reviewed by the Planning Commission.

13-905.04

The Board of County Commissioners will take one of the following actions at their hearing:

A. Approve as submitted; or
B. Approve with conditions; or
C. Table (for further information, etc.); or
D. Take the request under advisement; or
E. Deny.

13-905.05

A. Once the Board of County Commissioners acts on the Use By Special Review request, the applicant and/or duly appointed representative will be notified of the Commissioners' decision as soon as practicable.
B. Copies of the Board of County Commissioners Resolution may be obtained at the Office of the Board of County Commissioners. The Use by Special Review becomes an approved use after the Board of County Commissioner's Chair signs the

reproducible photographic mylar (prepared such that the text/line work does not bleed, flake, or scratch off) of the Use By Special Review Plan.

13-905.06

Approval of a Use By Special Review request shall be, and may be, subject to stipulations and/or conditions precedent which the applicant is deemed to accept by preparing a reproducible photographic mylar (prepared such that the text/line work does not bleed, flake, or scratch off) for signature by the Chair~~man~~ of the Board of County Commissioners within sixty (60) days from approval date. If no mylar is submitted, the Planning Division will recommend the Board of County Commissioners rescind approval of the request. An extension may be granted in writing by the Planning Division Manager.

13-905.07

If the Board of County Commissioners denies the request, no further applications proposing substantially the same use, uses or mixture of uses can be submitted to the County for a period of at least one (1) year.

13-905.08

An application for a Use by Special Review for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company may be subject to the financial guarantee provisions contained in Part VI of the Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations).

13-906 AMENDMENTS

13-906.01 MINOR CHANGES

The guidelines used in the Administrative Amendment section will be used to determine if a change is minor. The Planning Division Manager will make the determination. Appeals to the Planning Division Manager's determination may be made to the Board of County Commissioners. If the changes are deemed minor, the minimum requirements are: one completed application form, one Letter of Intent, and one new revised reproducible photographic mylar (prepared such that the text/line work does not bleed, flake, or scratch off) of the Use By Special Review Plan for the Board of County Commissioners' signature.

13-906.02 SIGNIFICANT CHANGES

If the changes are determined to be significant, the proposed amendment to the Use By Special Review Plan will involve a resubmittal of documents and a hearing before the Board of County Commissioners for approval of the changes.

13-906.03 USE BY SPECIAL REVIEW AMENDMENT DOCUMENTATION

An amended Use by Special Review Plan shall contain all the original information, plus the items which are being changed. When possible, the development standards should appear in a chart format comparing the approved and proposed standards. Also, an Amendment History must be added to the document. If the amendment is required to be processed by the Board of County Commissioners, the submittal requirements for the Use by Special Review process will be required for the amendment.

SECTION 13-1000 VARIANCES AND INTERPRETATIONS TO THESE REGULATIONS

13-1001 PURPOSE OF VARIANCE

The purpose of a variance is to allow variance from the strict application of the terms of these Regulations.

13-1002 VARIANCES IN USE PROHIBITED

In no case shall a variance be granted to permit a use other than a use permitted in that district.

13-1003 GRANT OF VARIANCE

A variance may be granted when, by reason of exceptional circumstances, the literal interpretation or application of these Regulations shall create a hardship.

13-1004 CONDITIONS FOR VARIANCE

The establishment of a hardship shall be clearly demonstrated by the applicant for variance, and the following conditions must be shown by the applicant:

13-1004.01
The strict application of these Regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Regulations.

13-1004.02
Any variance shall not grant special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is located.

13-1004.03
Because of special, applicable circumstances, including size, shape, topography, or location, the strict application of these Regulations will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; or that there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

13-1004.04
That the condition or situation for which the variance is sought is not of so general a nature that the formulation of regulations would be necessary to insure consistent application of the regulations.

13-1004.05
That the granting of a variance will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of these Regulations.

13-1004.06
That the granting of a variance will not be contrary to the objectives of the Arapahoe County Comprehensive Plan.

13-1005 PROCEDURE

13-1005.01

Maps, drawings and/or any other substantiating evidence may be required as part of the application. They shall be submitted to the Recording Secretary of the Board of Adjustment prior to the hearing for the variance request.

13-1005.02

At least fourteen (14) days prior to the Board of Adjustment hearing, the applicant shall post a "Notice of Public Hearing": sign upon the property in locations determined by the Zoning Administrator. Such signs must be visible from the nearest adjacent right-of-way to the parcel associated with the Variance request.

13-1005.03

A "Certification of Posting" form shall be completed by the applicant and submitted to the Board of Adjustment Secretary. Such certification attests to the continual posting of the public hearing sign in the proper location for the required fourteen (14) day period. The Board of Adjustment may require the applicant to testify at the public hearing as to compliance with these procedural requirements.

13-1005.04

A. The property on which a variance is requested shall be posted with a sign not less than three feet by four feet (3' x 4') on posts not less than four feet (4') above natural grade, and shall contain the following information:

NOTICE OF ZONING VARIANCE (INTERPRETATION)*

Notice is hereby given that property upon which this sign is posted shall be considered for a (variance) (interpretation) in zone category ( ) in (specify variance/interpretation requested) requirements. Additional information may be obtained from the recording secretary to the Arapahoe County Board of Adjustment at 720-874-6711. Such hearing is to be held on_____day of _____, 20__ , at___ a.m./p.m. ~~at the PWD Building at 10730 Briarwood Ave., Suite 100~~, at 6954 S. Lima Street, Centennial, Colorado, 80112 or as soon thereafter as possible.

DATE OF POSTING _____

NAME OF APPLICANT_____

*(must be 4 inch letters in red)

B. Said sign shall be erected on the property in a prominent place, visible from the nearest dedicated public roadway for a period of not less than fourteen (14) days prior to the hearing.

13-1006 APPLICATION FEE

A fee shall be established by the Board of County Commissioners and shall be paid to the PWD Department at time of application.

SECTION 13-1100 RURAL CLUSTER OPTION

13-1101 APPLICABILITY AND RELATED PROVISIONS

A. A Rural Cluster Option is available within the Rural Area in the A-1 Zone District and portions of the A-E Zone District consistent with the purpose and intent and general requirements stated in Chapter 14 of the Arapahoe County Subdivision Regulations.

B. An applicant for the Rural Cluster Option should refer to Chapter 14 of the Subdivision Regulations for applicable provisions addressing:
   1. Applicability of the rural cluster option within the Rural Areas zoned A-1 and A-E;
   2. Cluster subdivision review procedures;
   3. Standards regarding the minimum amount of conservation area set-aside;
   4. Standards regarding the design of the residential cluster and conservation area components of a rural cluster subdivision;
   5. Standards regarding utility and infrastructure requirements; and
   6. Standards regarding ownership and maintenance of the conservation area(s).

13-1102 COMPONENTS OF A RURAL CLUSTER DEVELOPMENT

A cluster subdivision is comprised of two components: (1) the residential cluster and (2) the conservation area. The residential cluster is the portion of the development parcel that is subdivided into lots for single-family residential and accessory uses. The conservation area is the larger portion of the development parcel that is platted as a tract(s) and permanently preserved for agricultural or open space uses.

13-1103 RESIDENTIAL CLUSTER STANDARDS

13-1103.01 ALLOWED USES ON RESIDENTIAL CLUSTER LOTS

A. **Residential Cluster Lots Other Than Conservancy Lots**. Notwithstanding the uses allowed in Chapter 4 of the Zoning Regulations, allowed uses shall be limited to one principal single-family dwelling unit, one mother-in-law apartment/dwelling unit attached to the principal dwelling structure, plus the following residential accessory uses:
   1. Home occupation.
   2. Shelter for agricultural implements and tools used to maintain premises.
   3. Keeping of not more than one (1) agricultural animal (e.g., horses, cattle, llamas, goats, chickens) per one (1) gross acre.
   4. Private stables to keep permitted animals, provided the stable is located on the rear half of the lot and no closer than 25 feet to a lot line and 50 feet to any dwelling unit.
   5. Greenhouse, provided products are used for consumption by residents only.

6. Keeping of not more than four (4) domestic pets (e.g., dogs, cats, birds, small animals, reptiles), not including any exotic animals, and provided such pets are customarily kept in homes and are customarily purchased at local pet stores for the sole pleasure and enjoyment of the occupants.

B. **Accessory Buildings**. Notwithstanding the uses allowed in Chapter 4 of the Zoning regulations, allowed accessory buildings shall be limited to:
   1. Maximum Number: In addition to one detached garage, the maximum number of accessory buildings greater than 120 square feet in area shall be two (2). In addition, the maximum number of accessory buildings of 120 square feet or less shall be three (3).
   2. Maximum Size: The maximum size of an accessory building greater than 120 square feet shall be 800 square feet.
   3. Maximum Height of Accessory Buildings: Other than agricultural silos, the maximum height of accessory buildings shall be a maximum of 20 feet.
   4. Minimum Accessory Building Setbacks: All accessory buildings shall comply with the IBC minimum setback from the principal dwelling structure, and shall be a minimum of 50 feet from all lot property lines.

C. **Conservancy Lots.** Notwithstanding the uses allowed in Chapter 4 of the Zoning Regulations, allowed uses on the non-restricted portion of the conservancy lot shall be the same as for other residential cluster lots, as stated in subsection (A) above. On the restricted, conserved portion of the conservancy lot, uses shall be limited to those allowed in Chapter 13, "Allowed Uses and Activities in Conservation Areas," below.

13-1103.02 MAXIMUM GROSS DENSITY UNDER RURAL CLUSTER OPTION

The maximum gross density permitted under the rural cluster option shall be measured using the gross land area (in acres) of the entire parcel that is the subject of the cluster subdivision application (i.e., including land set aside in tracts as the conservation areas).

1. **In the A-E Zoning District:** Gross density not to exceed 2.25 dwelling units per 35 acres is permitted. This represents a 125% increase over gross density typically permitted in the A-E zoning district.
2. **In the A-1 Zoning District:** Gross density not to exceed 1.75 dwelling units per 19 acres is permitted. This represents a 75% increase over gross density typically permitted in the A-1 zoning district.
3. **Calculations.** Where the total number of dwelling units calculated results in a fractional number, the applicant shall round to the nearest whole number.

13-1103.03 DISCRETIONARY DENSITY BONUSES

13-1103.03.01 General Provisions

A. Bonuses are Discretionary. At the discretion of the Board of County Commissioners, the applicant may earn density bonuses in addition to the maximum gross density permitted under the rural cluster option in Chapter 13, above.

B. Bonuses are Cumulative. The applicant may seek application of more than one bonus density provision below, and the total bonus density earned shall be cumulative. However, in no case shall the total density earned through these bonus provisions be increased above the maximum gross density allowed in Chapter 13, above, by more than 100% for the A-E district and by more than 50% for the A-1 district.

C. Flexibility to Accommodate Bonus Density.
    1. The Board shall have the authority to vary the minimum lot size and the minimum amount of conservation area required by this Chapter 13 and Chapter 14 of the Subdivision Regulations in order to accommodate the additional lots earned through these bonus density provisions and/or to bolster the economics of central water/sewer systems.
    2. However, in no case shall the Board reduce the minimum lot size to less than 1.5 acres, or reduce the percentage conservation area requirement to less than 60%.
    3. Notwithstanding this provision, cluster lots served by both an onsite wastewater system and an on-lot water well shall be a minimum of 2.5 acres.
    4. Prior to any Board action under this provision to reduce the lot size for cluster lots served by an on-lot septic system, the county shall request the Tri-County Health Department to provide an opinion regarding the proposed reduction.

D. **No Guarantee of Density**. This subsection shall not be interpreted as a guarantee of achievable density. Cluster developments using bonus density provisions shall be subject to all other applicable regulations of this Chapter 13 and Chapter 15 of the Subdivision Regulations. Other regulations or site specific conditions may prevent maximum bonus density levels from being achieved.

E. 20% Bonus for Providing Central (Community) Water. The County may grant up to a 20% increase in the permitted maximum gross density for providing a central (community) water system to serve the residential cluster lots.

F. **20% Bonus for Providing Central (Community) Sewer.** The County may grant up to a 20% increase in the permitted maximum gross density for providing a central (community) sewer system to serve the residential cluster lots.

G. **20% Bonus for Fire Safety Protection.** The County may grant up to a 20% increase in the permitted maximum gross density for provision of sprinkler systems for fire protection in each approved residential dwelling unit. To be eligible for this bonus, such systems must be approved by the County and the fire district with jurisdiction over the rural cluster subdivision.

H. **10% Bonus for Public Trail Dedications.** The County may grant a 10% increase in the permitted maximum gross density for the development and dedication of public trails, subject to the following conditions:
    1. The trail shall be located east of Manila Mile Road and outside the boundaries of the Urban Drainage and Flood Control District;
    2. The trail shall be located adjacent to riparian corridors and consistent with the Comprehensive Plan, as amended, or consistent with any trails/open space plan as adopted and amended; and

3. All trails shall be developed in accordance with applicable county construction standards and specifications, and shall provide for convenient public access.

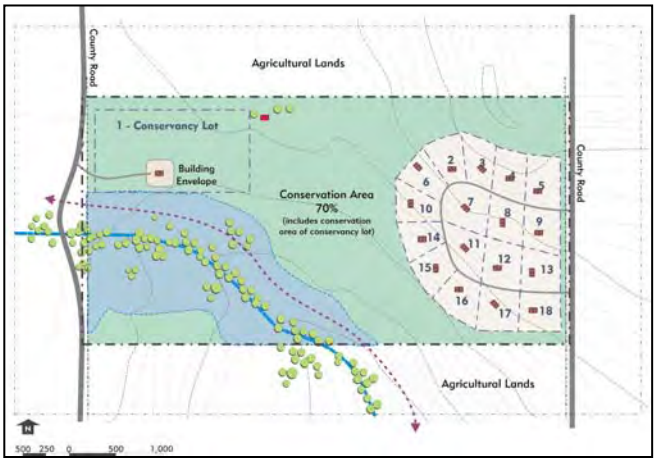
13-1103.04 CLUSTER LOT SIZE/LOT DIMENSIONS/BUILDING HEIGHT

A. Cluster Lot Size. The minimum lot area requirements set forth in Chapter 4 of the Zoning Regulations for the A-E and A-1 districts, respectively, shall not apply to lots within a residential cluster. Instead, lots within a residential cluster shall comply with the following requirements:

B. Residential lots in a rural cluster subdivision in the A-E or A-1 Zoning Districts shall be:

1. **A minimum size of 2.5 acres.**
2. **A maximum size of 10 acres, except for conservancy lots (below).**
   a. **Conservancy Lots.**
      i. At the applicant's option, a residential lot in a rural cluster may exceed the maximum 10 acres if it is developed as a conservancy lot, according to the following standards. A conservancy lot is a buildable cluster lot, a significant portion of which is deed-restricted for conservation purposes. Typically, a conservancy lot is privately owned, and remains under the control of the individual lot owner.
      ii. Conservancy lot shall be a minimum of 20 acres in size.
      iii. A conservancy lot may be a flag lot.
      iv. A minimum of 90 percent of the conservancy lot shall be protected from future development in perpetuity by a conservation easement or other deed restriction acceptable to the County. The total area of the conserved portion of the conservancy lot shall be credited toward the minimum conservation area required in Chapter 14 of the Subdivision Regulations.
      v. A maximum of one single-family detached residential unit, plus related accessory uses, may be developed on a conservancy lot, but not within the portion reserved for conservation purposes. *Please see* Section 13-1103.01, above, regarding permitted principal and accessory uses within residential clusters.
      vi. The conserved portion of the conservancy lot may be used only as permitted by Chapter 13, "Allowed Uses in Conservation Areas," below.

Figure 1: Example of Rural Cluster Option incorporating one Conservancy Lot.



C. Maximum Building Height and Minimum Cluster Lot Dimension Requirements. The maximum building height, minimum lot width, and minimum yard requirements set forth in Chapter 4 for the A-E and A-1 districts, respectively, shall not apply to development on lots within a residential cluster. Instead lots and structures in a residential cluster shall comply with the following standards:

Maximum Building Height and Minimum Lot Dimension Requirements for Residential Clusters	
Maximum Building Height	35 feet
Maximum Accessory Building Height	20 feet
Minimum Lot Width	100 feet, except for flag lots permitted according to the County Subdivision Regulations
Minimum Front Yard:	
Principal Structure	50 feet
Accessory Structure	Front building line of the principal structure
Minimum Side Yard:	
Principal Structure	25 feet
Accessory Structure	50 feet
Minimum Rear Yard:	
Principal Structure	25 feet
Accessory Structure	50 feet

D. Minimum Setbacks for Residential and Agricultural Uses.

1. Minimum Setbacks from Agriculture Uses—New Residential Development. Principal residential dwellings shall be constructed consistent with the following minimum setbacks from existing agricultural uses and structures located on adjacent lots, parcels, or tracts (including agriculture uses in the conservation area):
2. Pasture, cropland, orchards: 200 feet.
3. Barns and livestock buildings/corrals/pens: 300 feet.
4. Minimum Setbacks from Residential Uses—New Agricultural Operations. No livestock pens, fenced corrals, or buildings for keeping livestock shall be located nearer than 200 feet from dwellings existing on adjacent lots or parcels of lands.
5. Minimum Setbacks—Measurement. The setbacks required by this subsection shall be measured from the closest exterior wall of the principal residential dwelling to the closest boundary, edge, or fence/wall of the subject agricultural use or structure. Alternately, the setback may be measured from the closest edge of a designated building envelope for the proposed residential dwelling to the closest boundary of boundary, edge, or fence/wall of the subject agricultural use or structure.

13-1103.05 FENCING STANDARDS

13-1103.05.01 STRICTEST FENCE STANDARD APPLIES

In case of overlapping or conflicting fence standards in this section or in this Land Development Code, the strictest fence standard shall apply.

13-1103.05.02 GENERAL FENCE STANDARDS

A. Fencing should be avoided except as needed for wildlife corridors, domestic animal control, or livestock containment.
B. When fencing is proposed, it shall conform to the topography and shall be of a color and materials that blend with the surrounding natural environment.

13-1103.05.03 PROPERTY LINE FENCING ADJACENT TO CONSERVATION AREAS

A. To the maximum extent possible, property lines adjacent to a conservation area should remain unfenced to preserve the open character of the Rural Area.
B. The property owner may erect fences no higher than 42 inches on a property line bordering a conservation area. Such fences shall be limited to open, non-opaque fence materials (at least 50% open), except that wire mesh (e.g., chain link) and picket-style open fences are prohibited. For general fencing purposes, the County strongly encourages fence types typical of the agricultural fences historically used in the Rural Area, including 2-, 3-, or 4-strand wire fences; post and pole fences; post, pole and wire fences; and buck and pole fences.

13-1103.05.04 RESIDENTIAL PRIVACY FENCING

Privacy fencing and other solid and restricted access fencing shall be restricted to the immediate area surrounding the principal residential structure and shall not be used as a method to designate the outer boundaries of the property. Where building envelopes are designated on the Cluster Subdivision Plat, privacy fencing is permitted only within the building envelope.

13-1103.05.05 FENCING IN WILDLIFE HABITAT

A. Fencing in a critical wildlife habitat area shall not exceed 42 inches in height, except to the extent that staff approves higher fencing to confine permitted domestic animals.
B. Specific fence types and elements shall comply with the Colorado Division of Wildlife's specific fencing recommendations for the subject application. If CDOW does not recommended specific fence standards during its review, the applicant shall comply with the fencing guidelines and standards recommended for the applicable species in the Division's manual, *Fences with Wildlife In Mind*, as amended from time to time.

13-1103.05.06 FENCING ADJACENT TO AGRICULTURAL USES

A. **Site-Specific Design.** Fences may be constructed to separate new residential development from adjoining agricultural lands and uses. Fences shall be designed on a site-specific basis to minimize impacts to ongoing agricultural

operations. All fence wire on barbed wire and combination fences shall be placed on the side of the fence that faces the livestock.

B. **Written Agreements.** The applicant shall include language, approved by the County, in protective covenants and on the recorded Cluster Subdivision Plat putting cluster lot owners on notice that maintenance of any fence for the purposes of fencing out livestock is the responsibility of the lot owner or the homeowners' association. Such agreements shall include a process for notifying owners adjacent to agricultural operations that Colorado has adopted statutory requirements for "fencing out" livestock. Those agreements shall place responsibility for fence maintenance on the developer, the appropriate association, or individual lot owner so long as the agricultural operation continues.

C. **Existing Agricultural Access.** Fencing shall not in any way interfere with the operation or maintenance of any existing or historic agricultural access, including to historic ditches.

13-1104 CONSERVATION AREA STANDARDS

13-1104.01 ALLOWED USES AND ACTIVITIES IN CONSERVATION AREA(S)

Notwithstanding the uses allowed in Chapter 4 of the Zoning Regulations, the following uses and activities are the only uses allowed in the conservation area(s):

A. Passive open space and trails.

B. Agricultural or ranch uses, subject to the following conditions:

1. **Limits on Types of Agricultural Uses Allowed.** Agricultural or ranch uses shall be specifically limited to the following types only:

a) The production, cultivation, growing, and harvesting of plant crops, but not including silviculture (forestry).

b) The raising and/or the breeding of livestock, including horses, dairy and beef cattle, sheep, goats, fur-bearing animals, poultry, and swine, but not including confined animal feeding operations (CAFO). Animal grazing shall be prohibited: (a) within 100 feet of the bank of a perennial stream corridor; (b) within 100 feet of delineated wetlands; and (c) within critical wildlife habitat identified by the County. In addition, the number of livestock that may be raised or kept within the conservation area shall be limited, as follows:

i. Large Animal Livestock (horses, cows, cattle, bison, elk, and similar-sized livestock of breeding age with similar waste impacts): 1 animal per 20 acres.

ii. All Other Livestock (chickens, emus, llamas, alpaca, deer, geese, goats, ostrich, miniature horses, sheep, swine, and similar-sized livestock of breeding age with similar waste impacts): 1 animal per 5 acres.

iii. The County may approve requests to keep, raise, or breed a greater amount of livestock than allowed by-right herein through the Special Exception Use process stated in Chapter 13 of these Zoning Regulations. The County shall refer the special exception use application to the National Resource Conservation District (NRCD) for review, and its final

decision shall be consistent with the NRCD's recommendation.

c) The production of nursery products and sod.

d) The harvesting, storage, packaging, processing, distribution, and sale or trade of such commodities where such activities occur at the point of production.

2. **Agriculture Support and Related Uses Not Allowed.** The agricultural and ranch uses specified above shall not include the uses, structures, and retail services normally associated with agriculture-related or agriculture-support uses such as, but not limited to: Mill feed and farm supply centers, kennels, veterinary hospitals, farm equipment and machinery sales or repairs, the commercial slaughter of animals, commercial riding stables, retail sales of farm goods/products not produced on the same property as where the point of sale occurs, and similar uses as the Planning Division Manager may determine.

C. Private stables to keep animals permitted on either the conservation area lands or on residential cluster lots.

D. Private barns, sheds, and similar agricultural accessory structures to store equipment necessary to support an active agricultural use of the conservation area.

E. Conservation and restoration of natural areas, including but not limited to riparian corridors and wildlife habitat.

F. Historic structures that are more than 50 years old.

G. Archaeological sites.

H. Perimeter fences, provided such fences comply with the fencing standards stated in this Land Development Code. Opaque, privacy-type perimeter fences and walls are prohibited.

I. Minor utilities and driveways, subject to criteria set forth in this Land Development Code "Utility and Infrastructure Requirements," and limited to the following:

1. Easements and improvements for stormwater drainage;
2. Common or shared driveway used to connect a County access road with the residential cluster(s);
3. Central sewer systems in accordance with all applicable federal, state, DRCOG, and Tri-County Health Department standards and specifications and subject to Location and Extent review under this Chapter as applicable; and
4. Central water supply systems in accordance with all applicable federal and state standards and specifications and subject to Location and Extent review under this Chapter as applicable.

CHAPTER 14 SUBDIVISION REGULATIONS

SECTION 14-100 PROVISIONS

14-101 TITLE

A. This resolution shall be known and may be cited as the Subdivision Regulations of Arapahoe County, Colorado.
B. For the purposes of this Resolution, "The Subdivision Regulations" shall mean the Subdivision Regulations of Arapahoe County, Colorado.
C. The Subdivision Regulations include and incorporate the following separate documents duly adopted by the Arapahoe County Board of County Commissioners:
1. The "Arapahoe County Stormwater Management Manual," hereinafter as the Stormwater Manual.
2. The "Arapahoe County Infrastructure Design and Construction Standards," hereinafter as the Roadway Design Standards.
3. The "Arapahoe County Grading Erosion Sediment Control Standards, hereinafter as the GESC Manual.
4. The "Rural Engineering Standards."

14-102 PURPOSE

A. The subdivision of land is the first step in the process of urban development. The arrangement of land parcels for residential, commercial, industrial, recreational utilities and other public purposes will determine to a large degree the quality of health, safety, and economy of the environment.
B. These regulations are designed, intended, and should be administered in a manner to:
    1. Implement the Comprehensive Plan.
    2. Establish adequate and accurate records of land subdivision.
    3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of appropriate adjoining tracts.
    4. Provide for adequate, safe, and efficient public utilities and improvements; and to provide for other general community facilities and public places.
    5. Provide for light, air, parks, and other spaces for public use.
    6. Provide for protection from fire, flood, and other dangers; and to provide for proper design of storm water drainage facilities and streets.
    7. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners/developers of the tract, and the costs of improvements which primarily benefit the whole community be borne by the whole community.
    8. Provide for the administration and regulation of special areas and activities as might be delineated in the County Master Plan.

14-103 JURISDICTION

14-103.01 UNINCORPORATED COUNTY

These Subdivision Regulations shall apply to all land in the unincorporated portion of Arapahoe County, Colorado.

14-103.02 ENABLING LEGISLATION

The County is enabled to control the subdivision of all of the land within the unincorporated portion of Arapahoe County by virtue of Article 28 of Title 30 of the Colorado Revised Statutes as amended.

14-103.03 AUTHORITY TO PLAN AND REGULATE

The County has the authority to plan for and regulate the use of land and to administer and regulate special areas and activities as might be delineated in the Master Plan or Comprehensive Plan under Article 65.1 of Title 24 of the Colorado Revised Statutes as amended (H.B. 1041 - 1974).

14-104 ENFORCEMENT

14-104.01 SALE OF LAND BEFORE FINAL PLAT

Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars nor less than five hundred dollars for each parcel of or interest in subdivided land which is sold. All fines collected under this paragraph shall be credited to the general fund of the County. No person shall be prosecuted, tried, or punished under this paragraph unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land.

14-104.02 TAXES TO BE PAID

No plat for subdivided land shall be approved by the Board of County Commissioners unless, at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.

14-104.03 POWER TO ENJOIN FROM SELLING

The Board of County Commissioners of Arapahoe County shall have the power to bring an action to enjoin any subdivider from selling subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners.

14-104.04 POWER TO ENJOIN FROM DEVELOPMENT ACTIVITY

The Board of County Commissioners of Arapahoe County shall have the power to bring action to enjoin any subdivider or developer from engaging in development activities or development in areas which have been identified as special pursuant to Article 65.1 of Title 24 C.R.S. as amended (H.B. 1041-1974) until a final plat, including any extraordinary required evidence or procedures for such specific areas or activities as prescribed in the County Zoning Regulations has been approved by the Board of County Commissioners.

14-104.05 DUTY TO CONFORM

All departments, officials and public employees of the County of Arapahoe vested with the duty of authority to issue permits, shall conform to the conditions of these regulations. It shall be the duty of the Board of County Commissioners, the Director of PWD, District Attorney, or their duly appointed representatives to enforce the provisions of these regulations.

14-104.06 PERMITS TO CONSTRUCT OR IMPROVE

No permits shall be issued by the Director of PWD, nor any other administrative officer of the County, for the construction of any building, or other improvements requiring a permit, upon any land for which a plat is required by this resolution, unless and until the requirements thereof have been complied with.

14-105 AMENDMENTS

After study and recommendation by the Planning Commission, and upon public hearing, this Resolution may be amended by the Board of County Commissioners.

14-106 SEPARABILITY CLAUSE

If an article, section, sub-section, sentence, clauses, or phrase of this Resolution is for any reason held unconstitutional or illegal, such determination shall not affect the validity of the remaining portion of this Resolution.

14-107 EFFECTIVE DATE

This Resolution shall be in effect from the date of adoption by the Board of County Commissioners, pursuant to legal provisions and procedures as required by state statutes of the State of Colorado.

14-108 GENERAL PROVISIONS

A. All subdivision applications shall provide evidence that sufficient regional infrastructure, facilities, networks or systems (hereafter “regional improvements” (Section 15-201.16 and 15-201.17) are available or can be made available to serve the development proposal. Examples of regional improvements include, but are not limited to: traffic signals; major intersection improvements; utilities;

arterial road infrastructure serving public facilities (such as schools, parks, libraries, and government offices); bridges; parks; schools; libraries; and public transportation facilities.

B. The Board of County Commissioners may restrict or postpone approval of the subdivision and the issuance of any new building permits until the needs are met. The restrictions may consist of any action or combination of actions which, in the discretion of the Board, sufficiently provide for the particular regional improvements before the impacts of the subdivision create the need for the improvement.

14-108.01 RESTRICTIONS

The restrictions determined by Board of County Commissioners may include any of the following:

A. Postponement of approval of subdivision plats not yet approved; or
B. The imposition of conditions upon approval of the subdivision; or
C. Restrictions or limitations on the issuance of building permits or certificates of occupancy; or
D. The assessment of fees and charges as needed to equitably provide for the cost of the regional improvements; or
E. Required pro-rata contributions toward the cost of the regional improvements prior to approval or permit issuance; or
F. Any combination of the above, with the calculation based upon the benefit to the subdivision and the need created or exacerbated by the subdivision.
G. All applications for preliminary and Final Plat approval must include evidence addressing regional improvements.

14-108.02 NAMING

No subdivision or plat name shall be used which will duplicate, or be confused with an existing or proposed subdivision name. The County reserves the right to name the subdivision.

14-108.03 BUILDING PERMIT

No building permit shall be issued unless all of the property covered within such a Final Plat /Replat is covered by an approved Final Development Plan, ASP, Subdivision Development Plan, or complies with the building permit process.

14-108.04 BUILDING PERMIT – EXEMPTED FROM SUBDIVISION

No building or construction permit shall be issued covering unplatted property prior to approval of the Final Plat, unless the property has been specifically exempted from Final Plat requirement by definition or by official action of the Board of County.

14-109 PROCESSING FEES

14-109.01 FEES PAID WITH APPLICATION

To defray the costs of administrative procedures, the Board of County Commissioners shall require processing fees. Amounts of processing fees shall be determined by the Board of County Commissioners and shall be paid at the time of application.

14-109.02 FEE WAIVER OR REDUCTION

A. A Subdivider may submit a written request to the PWD Department for the waiver of all or a portion of fees or other platting submittal requirements. The letter should set forth the extent of the waiver and the reasons for requesting the waiver.
B. The Planning Division Manager or designee will review the request and make a recommendation to the Board of County Commissioners. The County Commissioners will approve or deny the request based on a review of the evidence and the recommendation of the Planning Division Manager or designee.

14-110 ENGINEERING WAIVERS

14-110.01 AUTHORITY

The Engineering Division has published a document describing the method for requesting and processing requests for variances, exceptions, and waivers of County engineering criteria. Generally, the process involves a three-level authority for hearing and acting on these requests:

A. A Technical Review Committee,
B. The Director of Development Services/Infrastructure Management, and
C. The Board of County Commissioners.

14-110.02 UNFAVORABLE CONSIDERATION

Unfavorable consideration by the Technical Review Committee may be reversed by subsequent action of the Director of Development Services/Infrastructure Management, or ultimately, the Board of County Commissioners. The Board of County Commissioners reserves the right to deny waiver requests approved by the Technical Review Committee or the Director of Development Services/Infrastructure Management.

14-110.03 EXEMPTION FOR DRAINAGE STUDY

An exception to the three level processes is that individual case engineers may approve an Exemption from the drainage study submittal requirement, without Technical Review Committee action, if certain criteria are met. The specific criteria are set forth in Technical Bulletin 89-2 “Procedures for Processing and Approving Drainage Study Exemptions.”

14-110.04 PROCESS

A waiver request must be made in writing, including requests for the Director of Public Works and Development and/or the Board of County Commissioners to reverse the decisions of the lower authority. Administrative Procedural Directive 88-7, "Variances, Exceptions, and Waivers of County Engineering Criteria," and Technical Bulletin 89-2, "Procedures for Processing and Approving Drainage Study Exemptions," are available upon request at the Engineering Services Division office.

14-111 DEDICATION STANDARDS

14-111.01 INTENT

Public land dedication shall be provided by the Owner/Subdivider of land which is subdivided to permit residential uses, for use of public parks, public schools and other public purposes to serve the future residents of the subdivision. As used in this Section, the term "other public purposes" would include, but not be limited to, libraries, fire stations, public buildings and other similar facilities.

14-111.02 LAND SUITABILITY AND IMPROVEMENTS

The agency or department eligible for the land dedication must evaluate land suitable for dedication and provide written comments to the Board of County Commissioners prior to the final plat hearing before the Board. Land may also be excluded when determined by the Board of County Commissioners that the land is unsuitable for the development purposes and does not meet County requirements. A determination of land suitability will include the following:

A. LAND FOR PUBLIC SCHOOLS

1. Land without geologic hazards or contaminated waste;
2. Land exclusively outside of the floodplain with slopes no greater than 5%;
3. Land agreed upon by the school district, and
4. Land with access to a public street of suitable classification.

B. LAND FOR PUBLIC PARKS

1. Land without geologic hazards or contaminated waste.
2. Land with appropriate access for pedestrian use with limited parking.
3. Land strategically located as a link between other open space areas and parklands.
4. The owner/subdivider shall be required to install street, sidewalk and drainage improvements serving the dedicated site and sewer and water lines to the site. The site shall be preserved in its natural physical condition, unless otherwise approved by the Board of County Commissioners. Public improvements and sewer and water line extensions shall be provided at the time when adjacent improvements are installed, or upon request of the Arapahoe County Board of County Commissioners, and shall be included within the subdivision improvement agreement for the development.
5. Once these improvements have been installed, the school district, park district or other public entity shall be responsible for the repair

of any damage to such improvements caused during construction on such dedicated sites.

C. LAND FOR OTHER PUBLIC PURPOSES

1. Land without geologic hazards or contaminated waste; and
2. Land that includes floodplain area may use no more than 5% of the floodplain for credit towards the dedication requirement.

14-111.03 FORMULA FOR CALCULATING LAND DEDICATION REQUIREMENT

The method to determine the amount of land to be dedicated by any Owner/Subdivider of residential land shall be based upon the population and students expected to be generated at the time of completion of the project, determined in accordance with the standards set forth in these regulations. The following standards shall be used to calculate the amount of land to be dedicated in connection with final plat approval.

14-111.03.01 ACREAGE REQUIRED FOR PARKS AND OTHER PUBLIC PURPOSES

A. Public Parks: 6.00 acres of dedicated land/1,000 population
B. Other Public Purposes: 0.25 acre of dedicated land/1,000 population

114-111.03.02 ACREAGE REQUIRED FOR SUBURBAN AND RURAL PUBLIC SCHOOLS

A. CLASSIFICATION OF SCHOOLS

Although average household size and student population per household is generally similar throughout Arapahoe County, the regulations should recognize differences between suburban and rural school facilities. The following is a breakdown of the school districts within Arapahoe County that are considered suburban and rural, respectively:

Suburban School Districts	Rural School Districts
Aurora School District No. 28j	Bennett School District No. 29j
Cherry Creek School District No. 5	Byers School District No. 32j
Englewood School District No. 1	Deer Trail School District No. 26j
Littleton School District No. 6	Strasburg School District No. 31j
Sheridan School District No. 2	

B. LAND REQUIRED FOR PUBLIC SCHOOLS PER STUDENT

The following figures shall be used to determine the land area per student that is required to be dedicated for subdivisions creating new residential units:

1. SUBURBAN SCHOOL DISTRICTS

   The land area required is 0.0260 acres per student. This is based on the total land area required for elementary, middle, and high schools divided by the total number of students, or 81.25 acres divided by 3,125 students. It is assumed that elementary schools require 11.5 acres for 650 students, middle schools require 21.75 acres for 675 students, and high schools require 48 acres for 1,800 students.

2. RURAL SCHOOL DISTRICTS
   The land area required is 0.0597 acres per student. This is based on the total land area required for elementary, middle, and high schools divided by the total number of students, or 60.06 acres divided by 1,006 students. It is assumed that elementary schools require 8.7 acres for 370 students, middle schools require 17.12 acres for 212 students, and high schools require 34.24 acres for 424 students.

C. POPULATION AND STUDENT GENERATION CALCULATIONS

Calculations for determining population have been broken down into three residential land use densities in dwelling units per acre (du/ac) and with the following persons per dwelling unit and students per dwelling unit:

Residential Density	Population Generated	Students Generated
0.00 – 7.49 du/ac	2.96 persons/du	0.775 students/du
7.50 - 14.99 du/ac	2.39 persons/du	0.364 students/ du
15.00 du/ac and above	1.76 persons/du	0.195 students/du

14-111.05 LAND VALUE CALCULATION

14-111.05.01 DETERMINATION TO DEDICATE OR PAY EQUIVALENT

If the Board of County Commissioners determines that the acreage required within a development for schools, parks or other public purposes is too small to be viable or desirable or cannot be integrated into the development, the owner/subdivider shall be required to pay a sum of money to Arapahoe County, Colorado, in lieu of the land dedication requirement set forth in Section 201 and 202 above.

14-111.05.02 APPRAISAL METHOD

A. Equivalent Value: The amount of said sum of money shall be the equivalent value of the area calculated to be dedicated. This shall mean the current fair market value of the total zoned and platted lands, improved with access and utility improvements as required for dedicated sites.

B. Methods to Determine Fair Market Value: There are two methods available to the applicant to determine the fair market value of the land: the Appraisal Method and the Assumed Value Method. Under both methods, the value shall be current to within six months of the Board of County Commissioners hearing on the final plat.

1. Appraisal Method: The Appraisal Method shall be followed to determine the fair market value of the property unless the applicant elects to determine the value under the Assumed Value Method described below as Option 2. Under the Appraisal Method, the fair market value of the property is determined by the Board of County Commissioners after consideration of qualifying appraisals submitted to the Board of County Commissioners.

   a. After acceptance of a final plat submittal, the Planning Division shall determine whether cash-in-lieu of land dedication will be required for the plat, and shall mail such determination to the applicant and the public agencies eligible to receive dedicated sites from the development. The determination shall also set forth the estimated cash-in-lieu amounts using the Assumed Value Method.

b. Unless the applicant notifies the Planning Division of the applicant's decision to accept the valuation determined by the Assumed Value Method (on a form approved by the Planning Division), the applicant shall submit, prior to the scheduling of a Board of County Commissioners hearing, a complying M.A.I. appraisal of the developable portion of the property which is the subject of the final plat application. The appraisal shall state the fair market value of such property assuming that the final plat is approved, and assuming that the school site is improved with the public improvements and water and sewer facilities required for dedicated sites. The appraisal shall otherwise comply with all form and content requirements for appraisals established by the County Attorney's Office, if any.

c. Upon receipt of the applicant's appraisal, the Planning Division shall mail copies to the public agencies eligible to receive dedicated sites from the development, and shall notify such agencies that they may submit qualifying appraisals for consideration by the Board. The County shall allow sufficient time for submittal of appraisals prior to scheduling the final plat for Board of County Commissioners hearing.

d. Appraisals which comply with the above criteria and which are certified by a M.A.I. appraiser shall be included within the packet of materials for consideration and determination of value by the Board. All appraisals shall be updated as necessary to ensure that the effective date of the valuation determination is current to within six months of the Board of County Commissioners hearing on the final plat.

2. Assumed Value Method: The applicant may waive its right to submit an appraisal, in which case the fair market value shall be determined pursuant to the values set forth in this paragraph.

a. For proposed subdivisions located within the boundaries of one or more rural school districts, the land value to be used in the cash-in-lieu formula shall be established at $20,000 per acre.

b. For proposed subdivisions located within the boundaries of one or more suburban school districts, the land value to be used in the cash-in-lieu formula shall be established at $40,000 per acre.

c. These assumed values shall be periodically updated by the Board of County Commissioners, and these regulations amended accordingly, to reflect changing land values and improvement costs.

d. In the event an applicant believes that the Assumed Value Method would result in a cash-in-lieu amount greater than the fair market value of the site to be dedicated, the applicant shall have the right, prior to the Board of County Commissioners hearing, to follow the procedures for valuation pursuant to the Appraisal Method outlined above.

e. In the event an affected public agency believes that the Assumed Value Method would result in a cash-in-lieu amount less than the fair market value of the site to be dedicated, the agency shall have the right to submit an appraisal meeting the requirements of the Appraisal Method. Upon receipt of the agency's appraisal, the Planning Division shall mail copies to the applicant and other public agencies eligible to receive dedicated sites from the development, and shall notify such parties that they may submit qualifying appraisals for consideration by the Board. The Planning Division shall establish a reasonable deadline for the submission of agency appraisals to allow sufficient time for submittal of all appraisals prior to scheduling the final plat for Board of County

Commissioners hearing.

f. Appraisals which comply with the above criteria and which are certified by a M.A.I. appraiser shall be included within the packet of materials for consideration and determination of value by the Board. All appraisals shall be updated as necessary to ensure that the effective date of the valuation determination is current to within six months of the Board of County Commissioners hearing on the final plat. The Board of County Commissioners shall be entitled to determine the correct property value, and shall base its decision upon the evidence presented to it.

14-111.06 CASH-IN-LIEU OF LAND FORMULA

14-111.06.01 Formula

The following formulae shall be used to calculate the dollar amount of the cash-in-lieu of land dedication required for subdivisions, which create lots for dwelling units.

A. LAND FOR PUBLIC SCHOOLS:
   1. Number of dwelling units (du) times the number of students generated per du = total students generated.
   2. Total students times 0.026 acres/student (suburban) **or** 0.0597 acres/student (rural) = dedicated acres.
   3. Dedicated acres times value of land/acre = the total number of dollars for cash-in-lieu for public school land.

B. LAND FOR PUBLIC PARKS:
   1. Number of dwelling units (du) times the number of persons generated per du = total persons generated.
   2. Total persons generated divided by 1,000 = number of persons per 1000.
   3. Number of persons per 1000 times 6.00 acres = dedicated acres.
   4. Dedicated acres times the value of land/acre = the total number of dollars for cash-in-lieu for public parks.

C. LAND FOR OTHER PUBLIC PURPOSES:
   1. Number of dwelling units (du) times the number of persons generated per du = total persons generated.
   2. Total persons generated divided by 1,000 = number of persons per 1000.
   3. Number of persons per 1000 times 0.25 acres = dedicated acres.
   4. Dedicated acres times value of land/acre = the total number of dollars for cash-in-lieu for other public purposes.

14-111.06.02 Alternate for Combined Dedication and Payment

As an alternative to the above-noted requirements, the Board of County Commissioners may require a combination of dedication of land and payment of a sum of money, provided that such a combination shall be at a minimum of the amount equivalent to the value of the area calculated to be dedicated.

14-111.07 PRIVATELY OWNED PARKS

Where parks are provided in a proposed subdivision and are to be privately owned and maintained by the future residents of the subdivision for the mutual use and benefit of said residents, such land area

and/or improvements may be credited against the park requirements set forth Section herein, provided the Board of County Commissioners finds that it is in the public interest to do so, and that the following standards are met:

A. That the private ownership and maintenance of said land area is adequately provided for by written agreement;
B. That the proposed land area is reasonably adaptable for use for park and recreation purposes. Reasonably adaptable may include but not be limited to, sufficient size, accessibility, location, topography, drainage and soil capacity;
C. That the facilities proposed for said land areas are in substantial accordance with the provisions of this regulation, and are approved by the Board of County Commissioners. All park improvements shall comply with the Arapahoe County Landscape Regulations.
D. The Planning Division is permitted to recommend to the Board of County Commissioners adoption of regulations as further guidelines in the analysis of land suitable for dedication.

14-111.07.01

If the Board of County Commissioners approves such private parks the following notes shall be added to the Final Plat and to the Final Development Pan for the subdivision:

A. The private park site as shown on this plat (plan), shall be maintained in perpetuity by the owner(s), homeowners association, and/or entity other than Arapahoe County.
B. Building permits will be issued for only one-half of the lots in this subdivision until the park facilities have been installed in accordance with the approved plan.
C. When a project consists of one lot, the private park shall be installed prior to the certificate of occupancy.

14-111.07.02

If the Board of County Commissioners determines that privately owned park lands are appropriate to receive credit against the requirements of this section, the amount of credit to be allowed shall not exceed 35 percent of the requirement, and additional funds shall be paid to the County, or additional lands shall be dedicated to the County, or additional lands shall be dedicated to the County, or a combination of land and funds shall be provided to the County to fulfill the requirements of this Section based on the needs and recommendations of the affected park district and other affected government entities.

14-111.08 PAYMENT OF DEDICATION REQUIREMENTS

A. Public lands to be designated for use as school sites shall be negotiated directly between the Owner/Subdivider and the appropriate school district subject to the approval of the Board of County Commissioners. The amount of land to be dedicated for school purposes shall be in compliance with the requirements of these Regulations.
B. For property zoned for residential uses, the evidence shows that the school district can serve the student population expected to be generated from the development. The Board may deny a subdivision request for which the evidence shows that the school district cannot serve the student population generated from the development.
C. If required by the Board of County Commissioners, land areas to be designated for public land dedication should be determined at the time of the zoning hearing or final plat consideration. If required by the Board of County Commissioners, public land dedication or payment-in-lieu thereof should be given prior to or at the time of Final Platting.
D. Public land dedication will be negotiated by the school district, and, if approved by the Board of County Commissioners, may be provided directly to the school district or to the County.

Proof of such dedication or payment shall be provided to the Board of County Commissioners.

E. Public land dedication for public parks shall be negotiated with the park district, and, if approved by the Board of County Commissioners, may be given directly to the County or parks district, as determined by the Board of County Commissioners.

14-111.09 PUBLIC LAND FUNDS

14-111.09.01

The Board of County Commissioners shall hold the funds paid to the County until:

A. The acquisition of reasonable sites and land area for parks, fire stations, libraries or other public purposes are determined necessary by the Board of County Commissioners:

B. Other capital outlay purposes for parks to serve the proposed subdivision and future residents thereof are determined necessary by the Board of County Commissioners;

C. The development of sites and land areas for park purposes or other purposes are determined necessary by the Board of County Commissioners.

14-111.09.02

A. After approval of the Final Plat and receipt of the dedications of sites and land areas or payment-in-lieu thereof pursuant to this section, the Board of County Commissioners, through the Arapahoe County Planning Division, shall give written notice to the appropriate local government entities. After receipt of such a notice, the local government entity (including park districts, fire districts and library districts) may request land or funds, and shall demonstrate in writing a need for land or funds for a use authorized this section. The entity requesting such lands and/or funds shall provide written justification setting forth the amount of land and/or funds sought, the proposed uses of said land and/or funds, and the benefits which the residents and future residents of the subdivision for which the land and/or funds were obtained will receive.

B. Requests for land and/or funds shall be made directly to the Arapahoe County Planning Division. The Arapahoe County Planning Division shall review the requests for funds and, on a quarterly basis, present these to the Board of County Commissioners along with the Division's recommendations. In addition, when the request is for land, the Arapahoe County Planning Division shall inform the Applicant whether a "Location and Extent" hearing is necessary, and, if such a hearing is required, no land shall be transferred until approval has been granted after the hearing process.

C. The Board of County Commissioners, at its discretion, may vote to allocate some of the lands and/or the funds for the subject project and, if approved, will transfer the land and/or funds to the appropriate local government entity.

SECTION 14-200 PRELIMINARY PLAT

14-201 INTENT

A Preliminary Plat is one of the first documents utilized when owners of a property wish to subdivide their property in accordance with State Statutes and Arapahoe County Subdivision Regulations. This Plat is preliminary in nature and the configuration of lots and roadways are considered a minimum requirement that may be subject to revision with the Final Plat review. The appropriateness of the number, configuration and size of the lots will be established by the Board of County Commissioners with Final Plat approvals, when applicable, which could require changes to a Preliminary Plat. The Preliminary Plat shall include all of the contiguous land owned and proposed for development. Special circumstances, such as a road right-of-way, may exist regarding the contiguity requirement and will be reviewed on a case-by-case basis.

14-202 APPROVAL STANDARDS

A Preliminary Plat may be approved upon the finding by the Board of County Commissioners that:

A. The Applicant has provided evidence that provision has been made for a public water supply system, and if other methods of water supply are proposed, adequate evidence that a water supply is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed [Section 30-28133(6)(a) C.R.S.];

B. The Applicant has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [Section 3018-133(6)(b) C.R.S.1; and

C. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the Subdivider and that the proposed use of these areas are compatible with such conditions. [Section 30-281 33 (6) (c) C. R. S.]

D. The application is in compliance with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.

E. The application is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest as adopted in the Arapahoe County Zoning Regulations.

14-203 SUBMITTAL PROCESS

A. Prior to submitting a complete application for the Preliminary Plat, a pre- submittal meeting with representatives of the Planning Division and Engineering Division is required, unless waived in writing by the Planning and/or Engineering Division Managers.

B. Following the Pre-submittal meeting, the Applicant must complete all of the requirements of the formal review process as prescribed by the PWD Department. The Planning and/or Engineering Division Managers may waive any portion of the formal submittal requirements in writing.

C. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in

advance of their review. This referral period is 21 days and can be extended by up to 30 additional days by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

D. Following referral agency review, the PWD Department staff will determine the applications readiness to proceed to the Planning Commission.

E. When determined ready, the Preliminary Plat submittal, along with the available comments of the Planning and Engineering Staff and appropriate referral agencies shall be presented at a public hearing of the Planning Commission.

F. Following the recommendation by the Planning Commission, the Staff Planner shall schedule the Preliminary Plat with the Board of County Commissioners for final consideration. The Applicant shall be notified of the hearing date and time.

G. The Preliminary Plat submittal, along with the recommendations of the Planning Commission and staff, shall be presented at a public meeting on the consent agenda of the Board of County Commissioners. The Board shall evaluate the Preliminary Plat, staff recommendations, referral agency comments, Planning Commission recommendations and public testimony and other information relevant to the plat and shall either approve, conditionally approve, table for further study or deny the Preliminary Plat. The Board's action shall be based on compliance with the adopted standards, regulations, policies and other guidelines.

H. If denied by the Board, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. The resubmittal of a Preliminary Plat application for the same or substantially same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one-year period from the date of such denial. The Applicant may appeal the decision of the Planning Division Manager or designee, in writing, to the Board within 10 days from the date of the decision. An application can be withdrawn, without prejudice, at any time during the process.

14-204 GENERAL SUBMITTAL REQUIREMENTS

A. Completed Land Use Application (Application is available from the Planning Division office);

B. Application fee (Fee Schedule available in the Planning Division office);

C. Written Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

D. Proof of ownership, which includes a current or updated title insurance policy or title commitment;

E. A notarized Letter of Authorization from all landowners permitting a representative to process the application with a disclaimer that no other party's consent is required;

F. Preliminary Plat Exhibit with all supporting documents required by staff (per Section 14-205 herein). The Preliminary Plat Exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte

mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. No plans or plats shall include copyright restrictions.

14-204.07 TECHNICAL REPORTS

A. Phase II Drainage Plans shall be initially submitted to the Planning Division. The staff planner shall forward the plans to the Arapahoe County Engineering Division.

B. A Traffic Study prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless otherwise waived by the Engineering Division.

C. The Applicant shall provide evidence that sufficient regional infrastructure, facilities, network or systems are or will be available to serve the development proposal as delineated in this Chapter.

14-204.08 SERVICE FACILITIES

A. The subdivider/owner shall provide evidence of the ability of applicable special service districts, Arapahoe County or other general governments, to service the proposed development.

14-204.09

A. The subdivider shall provide evidence depicting the location of the proposal in relationship to the Mineral Resource Area as delineated on Sand, Gravel and Aggregate Map and the Lignite Coal Deposit Map. (See the PWD Department for more information) No person shall engage in any special development activity or development in any area of special interest without approval of a Final Plat and /or Final Development Plan, whichever may be applicable.

B. A Submittal Requirements Matrix is available in the Planning Division office listing the complete list of submittal items and the proper number. Other submittal requirements may be required based on the PWD Department review.

14-205 PLAT EXHIBIT

The Preliminary Plat shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. Title Block containing the following information: project name, type of proposal (Preliminary Plat), 1/4 section, section, township, range 6th Principal Meridian, county and state. All sheets of the exhibit shall contain a title block.

B. Vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal. Each sheet shall have in the bottom left hand corner the case number that reads, “Case No. XX-XXX.”

C. Boundary lines of the proposed Preliminary Plat drawn in a heavy solid line.

D. Existing and/or proposed zoning district boundary lines.

E. Existing contours referred to a datum acceptable to the County Mapping Section with intervals of two (2) feet or less within the parcel and at least one hundred feet (100') immediately adjacent thereto.

F. All parcels of land to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision, together with the purpose and conditions of such reservations. This shall include the locations and widths of proposed rights-of-way, streets and alleys, together with total lineal footage of public streets and public alleys.

G. Location, width and purpose of all existing and/or proposed public and/or private easements and/tracts, including existing and/or proposed sanitary sewers, utility main lines, culverts, storm sewers and storm water detention areas located within the proposed subdivision and at least one hundred feet (100') immediately adjacent thereto. The plat must include a chart specifying the ownership and maintenance responsibilities for each easement and tract.

H. Legal description of the proposed subdivision, date of drawing, scale, north arrow and dimensions of proposed lots and blocks to the nearest foot.

I. Drainage channels, wooded areas and other significant natural features within the proposed subdivision and at least one hundred feet (100') immediately adjacent thereto.

J. Location, widths and names of all existing and/or platted rights-of-way for streets or other public ways within the proposed subdivision and at least one hundred feet (100') immediately adjacent thereto, railroad rights-of-way, section lines and/or other such features.

K. The boundary and source of reference of any one hundred-year floodplain shall be shown on the Preliminary Plat.

L. The appropriate sight distance triangle shall be designated and dimensions shown at each roadway intersection.

M. The following site development details are to be included on the Preliminary Plat document and may be subject to change as requested by County staff on a case-by-case basis as appropriate:
   1. Total gross land area in acres;
   2. Existing zoning of the property;
   3. Total number of proposed dwelling units or maximum floor area ratio (FAR) if known;
   4. Amount of dedicated public street right-of-way in square feet and acres;
   5. Average lot size and minimum lot size depicted;
   6. Size and purpose of any proposed tracts of land, include the amount of land proposed for open space/landscaping, in square footage and acres;
   7. Net area in acres.

N. Names and addresses of the owner(s), subdivider and surveyor, and the date of survey.

O. Additional evidence as required by the Zoning Regulations for permission to engage in development in areas of special interest shall be submitted with the Preliminary Plat**,** if applicable.

P. All Standard Notes and Certifications required by the Arapahoe County staff shall be included on the plat as described Section 16-100 herein. The County Attorney must approve any

modifications to these notes or proposed non-standard notes. All notes not meeting these specifications shall be removed.

14-206 EXPIRATION OF APPROVAL

Effective from the date of approval, the Preliminary Plat is valid for 12 consecutive months. Prior to the expiration of the Preliminary Plat, the Applicant may submit a request in writing for an extension to the Planning Division Manager or designee. An extension may be granted pursuant to guidelines approved by the Planning Division Manager or designee for an additional 12 consecutive months. Preliminary Plat approval shall automatically extend for at least one additional consecutive 12-month period if, at the expiration of the initial approval period, a Final Plat application has been accepted for processing and approval is actively being sought.

SECTION 14-300 FINAL PLAT

14-301 INTENT

The Final Plat is one of the documents utilized to finalize land ownership and related interests within the proposed subdivision boundaries. At this stage of development, the subdivider is responsible for finalizing right-of-way and other public land dedications, if applicable, lot and block configurations and easement dedications. In addition, all public improvements associated with the proposed subdivision are identified and quantified, and the subdivider may be required to enter into a Subdivision Improvement Agreement with the County, which guarantees that the appropriate improvement costs are borne by the subdivider. The Final Plat shall include one contiguous parcel of land owned and proposed for development. Special circumstances, such as a road right-of-way, may exist regarding the contiguity requirement and will be reviewed on a case-by-case basis.

14-302 APPROVAL STANDARDS

- A Final Plat may be approved upon the finding by the Board that:
  A. The Applicant has provided evidence that provision has been made for a public water supply system, and if other methods of water supply are proposed, adequate evidence that a water supply is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed [Section 30-28-133(6)(a) C.R.S.];

  B. The Applicant has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [Section 30-28-133(6)(b) C.R.S.1; and

  C. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. [Section 30-28-133 (6) (c) C. R. S.]

  D. The application is in compliance with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.

  E. The application is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest as adopted in the Arapahoe County Zoning Regulations.

F. For property zoned for residential uses, written evidence must be presented to show that the applicable school district can adequately serve the student population expected to be generated from the development. The Board may deny a subdivision request for which the evidence shows that the applicable school district cannot adequately serve the student population generated by the development.

14-303 SUBMITTAL PROCESS

A. Prior to submitting a complete application for the Final Plat, a Pre-submittal meeting with representatives of the Planning Division and Engineering Division is required, unless waived in writing by the Planning and/or Engineering Division Managers.

B. Following the Pre-submittal meeting, the Applicant must complete all of the requirements of the formal review process as prescribed by the PWD Department. The Planning and/or Engineering Division Managers may waive any portion of the formal submittal requirements in writing.

C. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is 30 days and can be extended by up to 30 additional days by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

D. Following referral agency review, the PWD Department staff will determine the applications readiness for a hearing with the Board of County Commissioners. When determined ready, the Final Plat will be scheduled with the Board of County Commissioners.

E. The Board of County Commissioners shall evaluate the Final Plat, staff report, referral agency comments, public testimony and shall either approve, conditionally approve, table for further study or deny the Final Plat. The Board's action shall be based on the evidence presented and compliance with the adopted standards, regulations and policies.

F. If denied by the Board, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. The resubmittal of a Final Plat application for the same or substantially the same request, as determined by the Planning Division Manager or designee shall not be accepted within one year of such denial. The Applicant may appeal the decision of the Division Manager or designee, in writing, to the Board within 10 days from the date of the decision.

G. Limitations Prior to Approval or Recording of Final Plat
   1. Guarantee of public improvements - No Final Plat shall be recorded until the subdivider has submitted, and the Board of County Commissioners has approved, one or a combination of the Subdivision Improvement Agreements.
   2. No building or construction permit shall be issued covering unplatted property prior to filing and approval of the Final Plat, unless the property has been specifically exempted from the subdivision process by definition or by official action of the Board of County Commissioners exempting said property from the Subdivision process.
   3. No plat shall be approved by the Board of County Commissioners on the subdividing or replatting of real property unless all delinquent taxes and special assessments thereon have

been paid, and unless such property is classified in the appropriate zoning district as defined in the current Zoning Regulations of Arapahoe County.

4. No Final Plat shall be recorded until the subdivider has submitted an Address Plat mylar in accordance with this Chapter.

14-304 GENERAL SUBMITTAL REQUIREMENTS

A. Completed Land Use Application (Application available from the Planning office)

B. Application fee (Fee Schedule available in the Planning office)

C. Written Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

D. Proof of ownership, which includes an updated or current title insurance policy or title commitment

E. A notarized Letter of Authorization from the landowner permitting a representative to process the application with a disclaimer that no other party's consent is required

F. Final Plat Exhibit. The format for all plans and plats shall be in upper-case sans serif. Font size shall be a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. No plans or plats shall include copyright restrictions.

G. Title certificate or an abstract of titles covering all public lands to be dedicated.

H. Treasurer's Certificate of Taxes due.

I. Traverse closure computations corresponding to the Final Plat's legal description and monument records, per this Chapter.

14-304.10 TECHNICAL REPORTS

A. Construction Plans for the proposed subdivision's public improvements including street plan and profile sheets, storm drainage improvements Plans and other improvements, prepared in accordance with the Roadway Design and Construction Standards Manual.

B. Preliminary Pavement Design Report prepared in accordance with the Roadway Design and Construction Standards Manual.

C. Phase III Drainage Report as defined in the Stormwater Manual.

D. A Traffic Study prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless otherwise waived by the Engineering Division.

E. The Applicant shall provide evidence that sufficient regional infrastructure, facilities, network or systems are or will be available to serve the development proposal as delineated in this Chapter.

F. Phase III Drainage Report and drainage construction drawings prepared in accordance with the requirements of the Arapahoe County Stormwater Manual.

G. Final Road Construction Plans prepared in accordance with the requirements of the Arapahoe County Roadway Design and Construction Standards Manual, when applicable.

H. A Traffic Study shall be prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless otherwise waived by the Engineering Services Division.

14-304.11 SERVICE FACILITIES

The subdivider shall provide evidence of the ability of applicable special service districts, Arapahoe County or other general governments, to service the proposed development and shall also furnish the following:

A. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means suitability where no central sewage treatment facility is proposed, and
B. Estimated total number of gallons per day of water system requirements where a distribution system is proposed.

14-304.12

A. The subdivider shall provide evidence depicting the location of the proposal in relationship to the Mineral Resource Area as delineated on Sand, Gravel and Aggregate Map and the Lignite Coal Deposit Map. (See the PWD Department for more information) No person shall engage in any special development activity or development in any area of special interest without approval of a Final Plat and /or final development plan, whichever may be applicable.
B. A Submittal Requirements Matrix is available in the Planning Division office listing the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on the PWD Department review.

14-304.13

A signed general warranty deed must be provided for all dedicated land conveying tracts, or the development rights to such tracts, to the appropriate entity for public use.

14-304.14

General warranty deeds to Arapahoe County shall be provided for rights-of-way that are off-site and associated with the subdivision reflecting widths as required by Arapahoe County. The Final Plat shall not be recorded until all warranty deeds are executed and accepted by the County.

14-305 PLAT EXHIBIT

The Final Plat shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. The title of the subdivision, as dedicated, shall be located at the top of each sheet. On each sheet, a subtitle, in smaller lettering, shall indicate the quarter section(s)(1/4), section, township and range in which the subdivision is located. If the subdivision is a replatting of a previously approved subdivision, the replatting information shall be included in the subtitle. The name of the County and the State shall be included in the subtitle. Each sheet shall have the case number in the bottom left hand corner that reads, “Case No. XX-XXX.”

B. Each sheet of the subdivision shall show the date of the survey, north arrow, and the written and graphic scale. The drawing and any revision dates shall be shown on the cover sheet. The minimum scale of the drawing shall be one (1) inch to one hundred (100) feet. Enough sheets shall be used to accomplish this end. Acceptable larger scales are one (1) inch to twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet and sixty (60) feet. The sheet number and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet.

C. Vicinity map (scale of 1"=2000' preferred) showing the subdivision in relation to section lines and existing or proposed streets within one mile.

D. An accurate and complete Monumented Land Survey pursuant to paragraph thirteen (13) of Section 38-51-102 of the Colorado Revised Statutes, shall be made of the land to be subdivided. A traverse of boundaries when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one (1) part in fifteen thousand (15,000).

E. The Monumented Land Survey shall be an accurate reflection of the legal description. The method of description shall be by use of metes and bounds, except that in a replatting, the subdivision, block, tract, and/or lot may be used.
   1. The legal description shall be in the following format:
   2. A parcel of land in the ____1/4 of Section ___, Township___South,
   3. Range ___ West, of the Sixth Principal Meridian, County of Arapahoe, State of Colorado, more particularly described as follows:

   4. The description that follows this introduction may be by one of the following two means.
      a) By metes and bounds, incorporating a complete traverse and the accuracy standards as described in Section 14-305.04 above. The area to the nearest one-hundredth of an acre (.01) more or less shall be included.
      b) By subdivision, block and lot numbers. This method may only be used if the area being subdivided encompasses one contiguous area within one existing subdivision and does not include any existing right-of-way. This method may only be used if the parcel being replatted is a part of a subdivision recorded after July 1, 1975. The area to the nearest one-hundredth of an acre (.01) more or less shall be included.

F. The Point of Beginning of the subdivision or one corner of a replat shall be tied to two (2) or more section or quarter section corners. Two of the corners shall be adjacent. The monument found/set at the section or quarter section corners must be described on the plat.

G. The surveyor shall rehabilitate or upgrade any section or quarter section corner used to control the survey of the subdivision as required by the Rules of Procedure promulgated by the State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors.

H. A Colorado Land Survey Monument Record for each section or quarter section corner the survey of the subdivision is tied to must be prepared and sealed at the time the plat is submitted to the PWD Department**.** Each Monument Record shall describe both supporting and contradicting evidence, as well as the monument found and accepted, established, restored or rehabilitated, and at least three (3) accessory or reference points.

I. If the latest Monument Records on file meet the County's criteria, and the reference points are still existing, the surveyor only needs to submit copies of them with the plat.

J. A note indicating the line being referenced and the existing monuments that define the referenced line shall be included on the plat. Assumed bearings shall not be used. One of the following methods of establishing a basis of bearing shall be used:
   1. GPS observations on the monuments at each end of the reference line. The observations shall be of sufficient time to ensure an accurate bearing. The methodology and length of the observation session shall be included in the basis of bearing note. The Basis of Bearing statement shall state whether the bearings are grid bearings or based on true north.

   2. Reference to the Arapahoe County Horizontal Control Network. If the Point of Beginning of a plat or a corner of a replat is tied to two adjacent section or quarter section corners included in the Arapahoe County Horizontal Control Network, the bearing shown on the network between the two corners may be used as the basis of bearing.

14-305.01 MONUMENTATION

A. The subdivision shall be monumented pursuant to subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) of Section 38-51-105, Colorado Revised Statutes.

B. Where applicable, the monuments set on the boundary of the subdivision shall be 30" long solid steel pins, 1/2" - 3/4" in diameter, set in concrete at least 6" in diameter and 12" in depth.

C. The monuments found or set at each corner, angle point, PC and PT of the exterior boundary of the subdivision shall be described on the plat.

D. The surveyor representing the subdivider shall install 30" long solid steel pins, 1/2" - 3/4" in diameter. These pins shall be firmly anchored in compacted or moist earth and shall be placed so that the top of the pin is approximately 3" below finish grade. Affixed to the top of these pins shall be a metal cap bearing the registration number of the responsible surveyor and a punch point indicating the actual point location. Range points shall be set along the centerline of all public rights of way and on the centerline of private streets located within detached single family residential subdivisions at the following locations:
   1. PC's, PT's and angle points
   2. Intersections and centers of cul-de-sacs
   3. Intersection of and with the subdivision boundary
   4. The maximum spacing between range points shall be 1400 feet.

E. The accuracy of the range points shall be one (1) in fifteen thousand (15,000). The plat shall indicate where the range points will be installed and describe the monuments to be set.

14-305.02 RANGE POINT BOXES

All range points shall be housed in a range box as shown on standard drawing SP-14 of the County's Roadway Design and Construction Standards Manual. Range boxes shall be installed after streets have been paved. The top of the range box shall be set approximately 1/4" below finish grade.

14-305.03 OFFSETS

A. Offsets which are to be set on the extension of any lot, tract or parcel boundary line shall be noted on the plat at the time of recording and shall comply with Section 38-51-105 C.R.S. This note shall specify the standard offset distance and any nonstandard distances.

B. An example of a note is as follows: All offsets are 1" metal disks embedded in concrete sidewalks set on the lot line extended, 5 feet from the platted lot corner along all streets except as follows:
    1. Nonstandard offsets for lot lines between:
    2. Lots 2 and 3, Block 1 is 5.87 feet
    3. Lots 6 and 7, Block 13 is 6.03 feet
    4. If no offset monuments are to be set in conjunction with the plat the following note shall be included on the plat:
    5. Note: No offset monuments are to be set in conjunction with this plat.

14-305.04 BENCHMARKS

A. The surveyor representing the subdivider shall establish permanent benchmarks for the subdivision. One benchmark shall be established for each 20 acres or fraction thereof. The County only accepts benchmarks using NAVD88 datum. Each benchmark must be an easily accessible, permanent metal monument stamped with the following information:
    1. Date it was established
    2. Elevation
    3. PLS number of the surveyor who established it.

B. The following note shall be placed on the plat:
    1. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) misdemeanor pursuant to State Statute 18-4-508, of the Colorado Revised Statute.

14-305.05

A. The plat shall show complete survey and mathematical information, including curve data, and other data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines. Distances and bearings shall be used.

B. The plat shall show complete survey and mathematical information, including curve data, on the centerline of all streets. The centerlines must close one (1) part in fifteen thousand (15,000).

14-305.06

The boundary of the subdivision shall be delineated with a heavy solid line.

14-305.07

The lines of all proposed lots shall be fully dimensioned with distances and bearings. Where a lot line intersects a street line at right angles, the bearing may be omitted. If a lot line intersects a curved street, the bearing on the line shall be shown. If the lot line is not radial to a curved street line, or a curved property line, the lot line shall be labeled N.R. and the radial bearing at the point of intersection shall be shown.

14-305.08
The location of lots, blocks, tracts and parcels adjoining the subdivision shall be shown. Adjoining lots and blocks shall be labeled and the name of adjoining subdivisions, as dedicated, shall be shown.

14-305.09
The blocks in the subdivision shall be numbered consecutively throughout the subdivision, commencing with Block 1. The lots in each block shall be numbered consecutively commencing with Lot 1.

14-305.10
The names and widths of all public streets shall be shown on the plat. Existing right(s)-of-way shall bear notations of dedication by Book and Page number. Private drives and streets shall be labeled as such.

14-305.11
All easements shall be clearly labeled, identified, dimensions shown and tied to reference points within the subdivision, and be shown by dashed lines. Existing easements shall bear notation of dedication of conveyance by Book and Page number. If any easement of record can not be definitely located, a statement of the existence, the nature thereof and its recorded reference shall be placed in the note section. Easements shall be designated and the disposition thereof indicated in the note section, including easements that abut the exterior boundary of the subdivision.

14-305.12
Any area to be excluded from platting shall be marked “Not a Part”.

14-305.13
All plats having lots bordering a collector or larger street/road shall contain a note limiting or prohibiting ingress and egress to that street/road.

14-305.14
The identification and designation of the boundary lines of any 100-year developed floodplain, and the source of the designation shall be shown on the plat.

14-305.15
The appropriate traffic sight triangles shall be designated and dimensions shown on the plat. Sight triangles shall be shown at the intersection of all roadways and at the intersection of all private drives/access points with public roadways.

14-305.16
All rights-of-way being dedicated to Arapahoe County shall be clearly labeled with the following statement: Dedicated to Arapahoe County for right-of-way purposes by this plat.

14-305.17
All tracts shall be lettered starting with “A”. The area, intended use maintenance, and final ownership of all tracts shall be shown on the plat.

14-305.18

An Easement Chart that includes easements dedicated by the Plat shall be shown. The chart shall include the type of easement, its intended use, the Grantee, the entity responsible for surface maintenance, and be formatted as follows:

EASEMENT CHART

Easement Type	Use	Easement Granted To	Surface Maintenance

14-305.19

All Standard Notes, Certificates and dedications required by the Arapahoe County staff shall be included on the plat as described in Section 16-100 herein. The County Attorney must approve any modifications to these notes. All notes not meeting these specifications shall be removed.

14-305.20

The surveyor shall seal the plat so that the seal does not obscure any information shown on the plat.

14-305.21 CONFLICTING BEARINGS

Where the exterior boundary lines of the plat shows bearings and distances which vary from those recorded in adjoining plats or surveys, a note shall be placed along those lines, in parenthesis, stating the recorded bearing and distance and the reception number or plat book and page of the adjoiners, as shown in the following form: N41^{o}27’29"E (Recorded as N41^{o}10’23"E in Book 98 at Page 98).

14-306 RECORDATION PROCEDURE

A. Prior to recordation of the Final Plat, the Applicant must submit all required documentation, recordation fees, and a certificate of taxes paid along with the approved Final Plat in accordance with the Board of County Commissioner approval.

B. Prior to the County’s recognition of subdivided land, the approved Final Plat must be recorded in the Office of the Arapahoe County Clerk and Recorder. The recordation of the approved Final Plat and associated documentation shall occur within 90 days of approval by the Board or the approval shall be voidable (See Section 14-307 below). An extension may be granted in writing by the Planning Division Manager.

C. Within 60 days of approval of the Final Plat, unless stated otherwise in such approval, the Applicant shall submit a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) of the approved Final Plat ready for recordation except for the signatures of the Board Chair. In addition, all required documentation and recordation fees are required with the final mylar submittal.

D. The Applicant shall provide proof to the PWD Department that adequate security has been provided to cover the subdivision improvement costs in accordance with the requirements of the Arapahoe County Roadway Design and Construction Standards, or letter of credit as required.

E. The Applicant shall provide evidence through a current title insurance policy or commitment that the signature of the owner of the mylar is the owner of the property.

F. The Applicant shall provide a warranty deed for off-site County land dedication required as a condition of approval of the Final Plat.

G. Guarantee of public improvements - No Final Plat shall be recorded until the Board of County Commissioners has approved a Subdivision Improvement Agreement as necessary.

H. No Final Plat shall be recorded on subdivided or replatted property unless all delinquent taxes and special assessments thereon have been paid.

I. Within 30 days of receipt of the Final Plat, the staff planner shall obtain the signature of the Board Chair~~man~~, attested by the Clerk and Recorder and will record the Final Plat.

14-307 EXPIRATION OF APPROVAL

A. Failure by the Applicant to submit all required documentation within 60 days of approval shall render approval of the Final Plat voidable and may result in the necessity for a new submittal of the Final Plat. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the PWD Department.

B. The Planning Division Manager or designee may grant extensions of time up to (12) twelve months, upon a written request by the Applicant or staff for good cause being shown. Good cause may include but not be limited to; signatories are out of state or country, or a major change was requested by the Board of County Commissioners.

C. An extension request shall include a fee and a narrative stating the reasons for the Applicant's inability to comply with the specified deadlines. List any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or Subdivision Regulations that have occurred since approval of the Final Plat. These changes may affect the Final Plat and the anticipated time schedule for completing the platting process. A Fee Schedule is available from the Planning Division Office. Additional review of the Final Plat may occur, resulting in additional conditions as applicable.

D. The denial of an extension by the Planning Division Manager or designee may be appealed to the Board in writing within ten (10) business ~~working~~ days of the decision by the Planning Division Manager.

14-308 ADDRESS PLAT

With the submittal of the final mylars, an address plat is required. The Address Mylar is an exact duplicate of the Final Plat exhibit with the addition of a label that reads "address plat" (the address plat needs to be signed by the owner(s) of the property and the signature(s) need to be notarized) and labels the addresses for each lot or tract in the subdivision. The address plat mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The Mapping Section assigns the addresses and street names. The Address

Plat mylar is routed the same as the Final Plat mylar but is not recorded with the Final Plat. When multiple sheets are needed a cover sheet may be required which shows a composite of the subdivision.

SECTION 14-400 REPLAT

14-401 INTENT

The Replat Procedure may be used where: the land has already been subdivided, there is an approved Final Plat for the property, and the replat is consistent with the approved Preliminary Plat and Final Plat.

14-402 DETERMINATION

The Planning Division Manager or designee shall determine whether the replat of all or a portion of a subdivision is to be processed as a full replat or as an Administrative Replat based upon, but not limited to the following factors; design, size, public concern, public facilities, services, access and transportation network.

14-403 PROCESSING

A. When determined by the Planning Division Manager or designee to meet the administrative criteria for a replat, the replat shall be processed in accordance with Administrative Replat regulations, herein.

B. When determined by Planning Division Manager or designee to meet the criteria for a full replat, the replat shall be processed in accordance with Final Plat regulations, herein.

SECTION 14- 500 MINOR SUBDIVISION

14-501 INTENT

A. To provide a streamlined review process for subdivisions of land that are determined to be minor in nature in accordance with Section 30-28-1 01 (1 0) (d) C. R. S.
B. A Minor Subdivision is any subdivision that:
   1. Creates no more than 4 parcels;
   2. Does not require the extension of municipal/public facilities or the creation of significant public improvements as determined by the PWD Department;
   3. Fronts an existing street and does not involve any new streets;
   4. Does not adversely affect the remainder of the parcel or adjoining property; and
   5. Is not in conflict with any provisions of the Arapahoe County Comprehensive Plan, Zoning Resolution or these regulations.

14-502 PREREQUISITE

Prior to submittal of a Minor Subdivision application, the Applicant shall meet with staff at a Pre-submittal meeting to discuss the procedure and submittal requirements. If it is determined that the Applicant is using the Minor Subdivision process to circumvent the subdivision process, such as the submittal of adjoining multiple minor Subdivisions, the Applicant shall be required to comply with the Preliminary Plat and Final Plat processes. A Minor Subdivision shall not be permitted if the subdivision

creates a nonconforming lot, or in the case of an existing nonconforming lot or parcel, a Minor Subdivision shall not increase the nonconformity. The Minor Subdivision shall include one contiguous parcel of land owned and proposed for Subdivision .

14-503 APPROVAL STANDARDS AND SUBMITTAL PROCESS

The Minor Subdivision Final Plat shall be processed in accordance with the Final Plat regulations. The only exception is that the application will be scheduled with both the Planning Commission and the Board of County Commissioners.

SECTION 14-600 ADMINISTRATIVE REPLAT PROCEDURE

14-601 INTENT

These procedures are to provide an abbreviated process for Replat applications that demonstrate compliance with the criteria contained herein. The Administrative Replat process is intended to be accomplished within a thirty (30) business day period. This time frame may vary depending upon the circumstances of each individual case. A Final Development Plan, Subdivision Development Plan or *Administrative Site Plan* shall be completed for each site prior to building permits being issued when applicable. The Administrative Replat shall include one contiguous parcel of land within the boundaries of one (1) subdivision. *Right-of-way cannot be included within the boundaries of an Administrative Replat. Parcels separated by Right-of-Way cannot be replatted administratively*. (Approved by the Board of County Commissioners 10/29/02 Resolution # 020975)

14-602 PREREQUISITE

The criteria for the Planning Division Manager in making the administrative designation shall include, but not be limited to, the following:

A. An overall final Drainage Report and street construction plans have been approved for the Final Plat governing the Administrative Replat proposal and a subdivision improvement agreement is in place to guarantee all required public improvements. (Approved by the Board of County Commissioners 10/29/02 Resolution #020975)

B. No additional right-of-way dedications, public improvements, traffic studies, drainage studies or subdivision improvement agreements are required.

C. The perimeter boundaries of the Administrative Replat coincide with existing lot lines. The perimeter boundary of the existing subdivision is not affected.

14-603 ADMINISTRATIVE PROCESS DETERMINATION

A. The Applicant shall submit all required presubmittal materials, in accordance with PWD Department requirements, to the Planning Division, along with a justification letter that details how the proposed Administrative Replat meets the applicable criteria contained herein.

B. Upon the PWD Department acceptance of the Pre-submittal materials, the Applicant will be scheduled, and must attend a Pre-submittal conference with a Planner and Engineer to discuss the merits of the proposed Administrative Replat. During the Pre-submittal meeting, the Planner and Engineer will make an initial determination as to proposal's eligibility to be processed administratively.

C. At the next regularly scheduled staff meeting following the Pre-submittal meeting, the proposal will be presented to the Planning Division Manager or designee for final determination as to whether the proposal can be processed administratively. The Applicant will be notified by the case planner of the determination to approve or deny the request for administrative processing as soon as practical.

D. The Planning Division Manager or designee reserves the right to refer any request for an Administrative Replat to the Board of County Commissioners for consideration at a regular meeting of the Board. The Planning Division will notify the Applicant if the Division Manager or designee determines that Board review is desired.

E. If the Planning Division Manager or designee denies a request for Administrative Replat process, the Applicant can appeal the decision to the Board of County Commissioners, within ten (10) ~~working~~ business days of the Division Manager's decision, by filing a letter of appeal with the Planning Division. The Planning Division Manager or designee will notify the Board of County Commissioners upon receipt of the letter of appeal and the matter will be scheduled within (30) thirty days for final Board of County Commissioners determination. The Applicant will be notified by the Planning Division of the date the Board will consider the appeal and is required to provide justification on his/her behalf.

F. Upon a determination that the application can be processed administratively, the Applicant must submit the formal application within sixty (60) days of the Planning Division Manager's determination that an Administrative Replat is allowed. Failure to submit within the sixty (60) ~~working~~ business days of the Planning Division Manager's determination, in writing, will render the decision voidable.

G. The Planning Division Manager or designee at the Division Manager's discretion may waive the Pre-submittal conference. If a waiver is granted, the Division Manager will issue a letter of confirmation.

14-604 APPROVAL CRITERIA FOR AN ADMINISTRATIVE REPLAT

The Board of County Commissioners shall consider the following criteria for approval of an Administrative Replat:

A. Whether the Administrative Replat is consistent with the efficient development and preservation of the entire Final Plat;

B. Whether the Administrative Replat will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.

C. A lot line vacation when there is no increase in the number of lots in the original plat, i.e., the combination of two (2) or more lots into one (1) lot up to a maximum of four (4) lots.

D. An adjustment of a lot lines for a maximum of four (4) existing lots (e.g., 4 lots into 2 lots), in which the original subdivision is not substantially modified and additional lots are not created.

E. Use of the Administrative Replat Procedures is compatible with the site's existing Planned Unit Development, when applicable as well as and the County Comprehensive Plan.

F. Approval is in keeping with the spirit and intent of the subdivision regulations and will not weaken the purposes of those regulations.

G. Approval will not adversely affect public health, safety, and welfare.

H. *The subdivision of lots within an approved Final Plat for property located within an approved Master Development Plan.* (Approved by the Board of County Commissioners 10/29/02 Resolution #020975)

14-605 FORMAL SUBMITTAL PROCESS

A. Upon receipt of all required information, PWD Department staff shall review the formal submittal within ~~five (5)~~ three (3) business days to determine if it is consistent with the standards set forth in these regulations.

B. The case planner will refer the Administrative Replat document and relevant submittal information for a ~~fourteen (14)~~ ten (10) day internal review to various County Departments and Divisions, including but not limited to the Board of County Commissioners and the PWD Department. If the application has not adequately addressed all outside referral agencies through submittal letters of approval (see Section 14-606.10) Planning staff will notify those agencies with a ~~14 day~~ ten (10) business day referral period. ~~This referral process may extend the thirty (30) day review period~~. Planner, at their discretion may extend the review period to twenty-one (21) business days.

C. The Applicant will be notified of any outstanding issues upon completion of this internal review.

D. The Applicant shall submit a final mylar for signature by the Board of County Commissioners following completion of all outstanding issues raised by the referral process and staff's determination that the Administrative Replat complies with all specified Plat content requirements per Section 14-607 herein.

E. The final mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

F. Prior to recordation of the replat, the Applicant must submit all required documentation, recordation fees and a certificate of taxes paid, along with the approved Administrative Replat in accordance with the Board of County Commissioner approval.

G. The Applicant shall provide evidence through a current title insurance policy or commitment (no more than thirty (30) days old from the date the final mylar is submitted) that the signature of the owner on the final mylar is the owner of the property.

H. No plat shall be recorded on the replatting of real property unless all delinquent taxes and special assessments thereon have been paid and unless such property is classified in the appropriate zoning district as defined in the current Zoning Regulations of Arapahoe County.

I. Upon acceptance of the final mylar by the PWD Department, the Administrative Replat will be signed by the Chair~~person~~ of the Board of County Commissioners and attested by the Clerk and Recorder.

J. Within 30 days receipt of the final mylar, the staff planner shall record the Administrative Replat with the Office of the Clerk and Recorder.

14-606 FORMAL SUBMITTAL REQUIREMENTS

A. Land Use Application (Application is available in the Planning Division office)

B. Application fee (Fee Schedule is available in the Planning Division office)

C. A Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

D. Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than ninety (90) days old.

E. A notarized Letter of Authorization from the landowner(s) permitting a representative to process the application with a disclaimer that no other party's consent is required.

F. An Administrative Replat Exhibit (per Section 14-607 herein). The format for all plats shall be in upper-case sans serif. Font size shall be a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. No plats shall include copyright restrictions.

G. Certificate of taxes paid.

H. One set of traverse closure computations corresponding to the Administrative Replat Exhibit.

I. One set of Monument Records if applicable.

J. Letters from any referral agencies outside the County stating their recommendation regarding the replat and any existing facility they have over or across the land including:
   1. All special districts providing maintenance of infrastructure within or adjacent to the property;
   2. All known easement beneficiaries and/or utility providers; and
   3. All landowners abutting the property.

K. Any easements or roadway vacations associated with an Administrative Replat must be processed separately. (See Section 14-700 for more details).

L. A Submittal Requirements Matrix is available in the Planning Division office listing the complete list of submittal items and the proper number of copies. There may be other submittal requirements based on the PWD Department review.

14-607 PLAT EXHIBIT

The Administrative Replat exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. The title of the subdivision, as dedicated, shall be located at the top of each sheet. On each sheet, in smaller lettering, the second line of the title block shall read "A REPLAT OF ____"followed by the legal description of the lots and blocks included within the Administrative Replat. On each sheet, the next line of the title block shall indicate the Quarter Section, Section, Township, Range and 6th Principle Meridian in which the Administrative Replat is located. The name of the County and the State shall be included on the last line of the subtitle.

B. Each sheet of the Administrative Replat shall show the date of the survey, north arrow, sheet number, and the written and graphic scale. The drawing date and any revision dates shall be shown on the cover sheet. On the bottom left hand corner of each page the Case No. XX-XXX shall be added. The minimum scale of the drawing shall be one (1) inch to one hundred (100) feet. Acceptable larger scales are one (1) inch to twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet and sixty (60) feet.

C. Vicinity Map (scale of 1 "=2000' preferred) showing the Administrative Replat in relation to section lines and existing or proposed streets within one mile.

D. An accurate and complete Monumented Land Survey pursuant to paragraph thirteen (13) of Section 38-51-102 of the Colorado Revised Statutes, shall be made of the land to be included in the Administrative Replat. A traverse of the boundary when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one (1) part in fifteen thousand (15,000).

E. The Monumented Land Survey shall be an accurate reflection of the legal description. The legal description shall be in the following format:

    1. A parcel of land in the__ ¼ Section __, Township __ South, Range ___ West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado, more particularly described as follows:

    2. (Include the Lots, Block (if any) and name of the subdivision as dedicated. The area of the subdivision to the nearest one-hundredth of an acre (.01) more or less, shall be included.)

F. If the subdivision of which the replat is a part was recorded prior to July 1, 1975, the legal description must include a metes and bounds legal description.

G. One corner of the replat shall be tied (distance and bearing) to two adjacent section or quarter section corners of the Public Land Survey System. The monuments found/set at the section or quarter section corners must be described on the plat.

H. The surveyor shall rehabilitate or upgrade any section or quarter section corners used to control the survey of the subdivision as required by the Rules of Procedure promulgated by the State Board of Registration for Professional Engineers and Professional Land Surveyors.

I. This section is not applicable is the subdivision of which the replat is a part was tied (distance and bearing) to two adjacent section or quarter section corners of the Public Land Survey System.

J. A note indicating the line being referenced and the existing monuments that define the referenced line shall be included on the Replat.

K. If the subdivision of which the replat is a part uses bearings, the surveyor may use the same Basis of Bearings for the replat.

L. If the original Basis of Bearing is not used, or the original subdivision did not use bearings, the surveyor must establish a Basis of Bearing in accordance with Section 2-300 Final Plat Exhibit.
M. The Administrative Replat shall be monumented pursuant to subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) of Section 38-51-105 of the Colorado Revised Statues.

N. Where applicable, the monuments set by the surveyor on the boundary of the subdivision shall be 30" long solid steel pins, 1/2" - 3/4" in diameter, set in a concrete collar at least 6" in diameter and 12" in depth.

O. Offsets, which are to be set on the extension of any lot line shall be noted on the plat at the time of recording and shall comply with Section 38-51-105 of the Colorado Revised Statutes. This note shall specify the standard offset distance and any nonstandard distances. An example of a note is as follows:
    1. All offset notes are 1" metal disks embedded in concrete sidewalks set on the lot line extended, 5 feet from the platted lot corner along all streets except as follows:

    2. Nonstandard offsets for lot lines between:
        i. Lots 1 and 2, Block 1 is 5.87 feet
        ii. Lots 3 and 4, Block 1 is 6.03 feet

    3. If no offset monuments are to be set in conjunction with the Administrative Replat the following note shall be included on the plat:
    4. Note: No offset monuments are to be set in conjunction with this Administrative Replat.

P. A Colorado Land Survey Monument Record for each section or quarter section corner that the subdivision is tied to or controlled from must be prepared and sealed at the time the plat is submitted to the Planning Division.
Q. Each Monument Record shall describe both the supporting and contradicting evidenced, as well as the monument found and accepted, established, restored or rehabilitated, and at least three (3) accessory or reference points. If the latest Monument Records on file meet the above described criteria, and the reference points are still existing, the surveyor only needs to submit copies of the latest Monument Records with the plat.

R. The following note shall be placed on the Administrative Replat exhibit:
    1. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) misdemeanor pursuant to State Statute 18-4-508, of the Colorado Revised Statute.

S. The plat shall show complete survey and mathematical information, including curve data, and other data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines. Distances and bearings shall be used.

T. The boundary of the Administrative Replat shall be delineated with a heavy solid line.

U. The lines of all proposed lots shall be fully dimensioned with distances and bearings. Where a lot line intersects a street line at right angles, the bearing may be omitted. If a lot line intersects a curved street, the bearing on the line shall be shown. If the lot line is not radial to a curved street line, or a curved property line the lot line shall be labeled N.R. and the radial bearing at the point of intersection shall be shown.

V. The location of lots, blocks, tracts and parcels adjoining the Administrative Replat shall be shown. Adjoining lots and blocks shall be labeled and the name of adjoining subdivisions, as dedicated, shall be shown.

W. The blocks in the Administrative Replat shall be numbered consecutively throughout the Administrative Replat, commencing with Block 1. The lots in each block shall be numbered consecutively commencing with Lot 1.

X. The names and widths of all public streets shall be shown on the Administrative Replat. Existing right(s)-of-way shall bear notations of dedication by Book and Page number. Private drives and streets shall be labeled as such.

Y. All easements shall be clearly labeled, identified, and dimensions shown and tied to reference points within the subdivision and be shown by dashed lines. Existing easements shall bear notation of dedication of conveyance by Book and Page number. If any easement of record can not be definitely located, a statement of the existence, the nature thereof and its recorded reference shall be placed in the note section. Easements shall be designated and the disposition thereof indicated in the note section. Easements that abut the exterior boundary of the subdivision shall be shown and clearly labeled.

Z. All plats having lots bordering a collector or larger street/road shall contain a note limiting or prohibiting ingress and egress to that street/road.

AA. The identification and designation of the boundary lines of any 100-year developed floodplain and the source of the designation shall be shown on the plat.

BB. The appropriate traffic sight triangles shall be designated and dimensions shown on the plat. Sight triangles shall be shown at the intersection of all roadways and at the intersection of all private drives/access points with public roadways.

CC. All Standard Notes and Certificates required by the Arapahoe County staff shall be included on the plat as described in Section 16-100 herein. The County Attorney must approve any modifications to these notes. All notes not meeting these specifications shall be removed. The surveyor shall seal the plat so that the seal does not obscure any information shown on the plat.

14-608 EXPIRATION OF APPROVAL

A. Unless extended as provided herein, failure by the Applicant to submit all required documentation within 60 days of approval shall render approval of the Administrative Replat voidable and may result in the necessity for a new submittal of the Administrative Replat. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the PWD Department.

B. The Planning Division Manager or designee may grant extensions of time up to twelve (12) months upon a written request by the Applicant or staff for showing good cause. Good cause may include but not be limited to: signatories are out of state or country or a major change was requested by the Board of County Commissioners.

C. An extension request shall include a fee and a narrative stating the reasons for the Applicant's inability to comply with the specified deadlines. List any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or Subdivision

Regulations that have occurred since approval of the Administrative Replat. These changes may affect the Administrative Replat and the anticipated time schedule for completing the platting process. A Fee Schedule is available from the Planning Division office. Additional review of the Administrative Replat may occur, resulting in additional conditions as applicable.

D. The denial of an extension by the Planning Division Manager or designee may be appealed to the Board in writing within ten (10) business ~~working~~ days of the decision by the Planning Division Manager.

14-609 RECORDATION PROCEDURE

The Administrative Replat shall be recorded in accordance with the Final Plat regulations.

14-610 ADDRESS PLAT

With the submittal of the final mylars, an Address Plat is required. The Address Plat mylar is an exact duplicate of the Administrative Replat exhibit with the addition of a label that reads "Address Plat" and labels the addresses for each lot or tract in the subdivision. The Address Plat mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The Address Plat mylar is routed the same as the Administrative Replat mylar but is not recorded with the Administrative Replat. The Address Plat needs to be signed by the owners of the property. The signatures need to be notarized.

SECTION 14-700 VACATION OF ROADWAYS, PUBLIC EASEMENTS AND PLATS

14-701 INTENT

To provide a review process for vacation of a roadway; public easement; or recorded plat in order to vacate the County's interest without harm to the public health, safety and welfare.

14-702 APPROVAL STANDARDS

A vacation ~~may~~ shall be in accordance with adopted standards and criteria and may be approved upon the finding that:

A. The vacation is in accordance with ~~adopted standards and criteria, and the~~ any original conditions of approval for a plat, preliminary development plan, final development plan, or toher applicable documents;

B. The vacation is in keeping with the spirit and intent of the County Subdivision Regulations;

C. ~~A p~~Platted or deeded roadways or portion thereof, or unplatted or undefined roadways which have arisen by public usage ~~shall not be vacated so as to~~ do not leave any land adjoining said roadways without an established public road or private access easement connecting said land with another established public road: [43-2-303(2)(a) C.R.S.]

D. If it is a State Highway, the Transportation Commission approves. [43-1-106(11) C.R.S.]

14-703 ROADWAY VACATION – SUBMITTAL DOCUMENTS AND PROCESS

The Board of County Commissioners is authorized to vacate roadways, which include any platted or designated public street, alley, lane, parkway, avenue, road or other public way designated or dedicated on a plat, conveyed by deed, recorded easement, acquired by prescriptive use or other legal instrument whether or not it has ever been used as such, pursuant to Article 2 of Title 43 C.R.S. as amended.

14-703.01 VESTING OF TITLE

Vesting of title upon vacation shall be in accordance with Section 43-2-302 C.R.S., as amended.

14-703.02 SUBMITTAL PROCESS

A. Prior to submitting a complete application for the right-of-way vacation, a Pre-submittal meeting with representatives of the Planning Division and Engineering Division is required, unless waived in writing by the Planning and/or Engineering Division Managers.

B. Following the Pre-submittal meeting, the Applicant must complete all of the requirements of the Formal review process as prescribed by the PWD Department. The Planning and/or Engineering Division Managers may waive any portion of the Formal submittal requirements in writing.

C. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is ~~21~~ fifteen (15) business days and can be extended ~~by up to 30 additional days~~ by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

D. Following referral agency review, the PWD Department staff will determine the applications readiness for a hearing with the Board of County Commissioners.

E. When determined ready, the staff planner shall schedule the Vacation with the Board of County Commissioners for final consideration. The Applicant shall be notified of the hearing date and time.

F. The Applicant shall be responsible for public notice prior to the Board of County Commissioner's hearing in compliance with the public notice requirements in Section 17-100 herein.

G. The Board of County Commissioners shall evaluate the Vacation request, referral agency comments, staff report and public testimony and shall approve, conditionally approve, table for further study, remand to the Planning Commission or deny the vacation request. The Board's action shall be based on the evidence presented, and compliance with the adopted standards, regulations, policies and other guidelines.

H. Upon approval by the Board of County Commissioners, the Applicant has sixty (60) calendar days to submit the necessary deeds required by the vacation along with the Vacation Exhibit. Within thirty (30) calendar days of receiving, ~~the staff planner~~ County staff shall record the Vacation Resolution, Vacation Exhibit and deeds in the Office of the Clerk and Recorder.

14-703.03 SUBMITTAL DOCUMENTS

A. Completed Land Use and Vacation Request Application (Applications are available from the Planning Division office)

B.

C. Application fee (Fee Schedule is available from the Planning Division office)

D. Written Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

E. A vacation exhibit shall be an original drawing in black ink on 8 1/2" x 14" paper or other size as required by PWD, and shall contain information deemed appropriate by the PWD Department. Include the written legal description signed and sealed by a Professional Land Surveyor registered in the State of Colorado, of the right-of-way to be vacated

F. .

G. Vicinity map showing the location of the right-of-way in relation to the lots, or the area surrounding the right-of-way within a 1-mile radius which can be obtained in the Mapping Section.

H. Letters from the following stating their recommendation regarding the vacation and any existing facility they have over, under or across the land:
   1. all special districts providing maintenance of infrastructure within the rights-of-way
   2. all known easement beneficiaries, cable providers, fiber optic companies and/or utility providers; and
   3. all landowners abutting or using an access proposed for vacation.

I. Stamped envelopes addressed to abutting landowners and other landowners using the access proposed for vacation, as specified by staff, for notification of the vacation application. Include a map identifying the area to be vacated and relationship to the abutting landowners.

J. A completed Vacation Petition

14-703.04 RESUBMITTAL

An application shall not be resubmitted within 1 year of the date of denial. However, if the Planning Division Manager or designee determines that the resubmitted vacation, application has been modified to correct the stated objections, then the resubmittal will be accepted.

14-704 VACATION OF PLAT OR PUBLIC EASMENT– SUBMITTAL DOCUMENTS AND PROCESS

14-704.01 PROCESS

A. Vacation requests shall be referred to applicable County departments, outside agencies, Home Owners's Associaitons, and others if deemed appropriate by staff.

B. The Applicant shall submit the required information to the Planning Division office. Once the submittal is determined complete, county staff will review the application and refer it to applicable outside agencies. ~~mail referral packets to the appropriate County departments and outside agencies and letters to the abutting landowners.~~

C. The referral agencies and departments shall submit comments within ~~twenty-one (21)~~ fifteen (15) business days. ~~of receiving the packet.~~ All comments shall be forwarded onto the the applicant. Staff shall review the information and prepare a staff report for the Board of County Commissioners and notify the Applicant of the hearing date and time.

D. The Board of County Commissioners shall evaluate the vacation request, referral agency comments, staff report and public testimony, and shall take action to approve, conditionally approve, table for further study, or deny the vacation request. The Board's action shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.

14-704.02 SUBMITTAL DOCUMENTS REQUIREMENTS - PLAT OR PUBLIC EASEMENT VACATION

A. Completed Land Use and Vacation Request Application (Applications are available from the Planning Division office)

B. Application fee (Fee Schedule is available from the Planning Division office)

C. Proof of ownership, which includes an updated, or current title insurance policy or title commitment no older than six (6) months.

D. A notarized Letter of Authorization from the landowner permitting a representative to process the application, with a disclaimer that no other party's consent is required.

E. A plat vacation exhibit which shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain information deemed appropriate by the PWD Department. An easement exhibit shall be on 81/2" x 14" paper or other size as required by PWD, sealed by a professional land surveyor, containing information deemed appropriate by the PWD Department.

F. A vicinity map that depicts the area surrounding the subdivision within a 1-mile radius or shows the relationship of the easement to be vacated to adjoining lots.

G. If anything less than the entire plat is vacated, include a legal description of the portions being vacated signed and sealed by a Professional Land Surveyor registered in the state of Colorado.

H. Letters from the following stating their recommendation regarding the vacation and any existing facilities they have over, under or across the land from:

I. all special districts providing maintenance of infrastructure within rights-of-way and or easement;

J. all landowners abutting or using an access proposed for vacation; and

K. all known easement beneficiaries which may include utility companies, cable and or fiber optic companies.

L. A matrix listing submittal requirements is available in the Planning Division office. Other submittal requirements may be required based on the PWD Department review.

M. A completed Petition

14-705 RECORDATION PROCEDURE – ALL VACATIONS

A. Prior to recordation of the plat vacation exhibit, the Applicant must submit all required documentation, recordation fees, a certificate of taxes paid along with the vacation exhibit in accordance with the Board of County Commissioners approval.

B. The Applicant shall provide evidence through a current title insurance policy or commitment that the signature of the owner on the final mylar is the owner of the property.

C. Prior to the County's recognition of the Vacation Exhibit, the approved Vacation Exhibit must be recorded in the Office of the Arapahoe County Clerk and Recorder. The recordation of the approved Plat Vacation and associated documentation shall occur within ninety (90) days of approval by the Board. An extension may be granted in writing by the Planning Division Manager.

D. Within sixty (60) days of approval of the vacation, unless stated otherwise in such approval, the Applicant shall submit a Vacation Exhibit ready for recordation except for the signatures of the Board Chair. An original drawing in black ink is also acceptable. In addition, all required documentation and recordation fees are required with the submittal.

E. The staff planner shall obtain the signatures of the Board and the attest from the Clerk and Recorder and record the Plat Vacation within 30 days of receiving the Plat Vacation.

SECTION 14-800 PLAT CORRECTION

14-801 INTENT

To provide a process to correct errors and/or omissions on a recorded subdivision plat.

14-802 PREREQUISITE PROCESS

A. The surveyor who prepared the subdivision plat or the surveyor's representative must initiate the plat correction process. The plat correction process can not be used if the surveyor of record either can not change the plat due to death, retirement or relocation or will not correct the errors on the plat.
B. Depending upon the nature of the corrections, there are two processes that may be used to correct a plat: the Affidavit of Correction or the Correction Plat:
C. The Affidavit of Correction is used to correct minor errors and/or omissions on a plat. These would include minor typographical errors and errors in distances, angles or bearings.
D. A Correction Plat is used to correct a recorded subdivision plat when the errors and/or omissions are too numerous or substantial to be corrected by an affidavit of correction.
E. The surveyor is required to meet with the Mapping Section to determine if the plat correction process is applicable, and then determine which plat correction process would be most appropriate.

14-803 AFFIDAVIT OF CORRECTION

14-803.01 PROCESS

A. After determining that the Affidavit of Correction process is appropriate, the surveyor or the surveyor's representative shall submit a completed Affidavit of Correction bearing the original signature and seal of the surveyor to the Planning Division office.
B. The staff planner will refer the Affidavit of Correction to the Mapping Section, Engineering Division and any other referral agencies that may have an interest in the corrections.
C. The referral agencies shall have fourteen (14) ~~working~~ business days to return comments on the Affidavit of Correction to the staff planner. Upon final review by the referral agencies and the PWD Department, the staff planner will have the Affidavit of Correction signed by the Planning Division Manager or the designee. The staff planner will then have fourteen (14) ~~working~~ business days to record the Affidavit of Correction in the Office of the Clerk and Recorder. The staff planner shall also provide a copy of the recorded Affidavit of Correction to the Mapping Section.

14-803.02 APPROVAL STANDARDS

An affidavit of correction may be approved upon finding that:

A. The corrections are in accordance with adopted standards and criteria and the original conditions of approval;

B. The corrections are in keeping with the spirit and intent of the subdivision regulations; and

C. The approval will not adversely affect the public health, safety and welfare of the residents and property owner in Arapahoe County.

14-804 CORRECTION PLAT

14-804.01 PROCESS

A. After determining that the Correction Plat process is appropriate, the surveyor or the surveyor's representative will submit the Correction Plat to the Planning Division office.

B. Upon receipt of all required information, the Planning and Engineering Division shall review the formal submittal within five (5) business days to determine if it is consistent with the standards set forth in these regulations.

C. The case planner will refer the plat document and relevant submittal information for a fourteen (14) day internal review to various County departments and divisions as determined by the PWD Department.

D. The Applicant will be notified of any outstanding issues upon completion of this internal review.

E. The Applicant shall submit a final mylar for signature by the Board of County Commissioners following completion of all outstanding issues raised by the referral process and staff's determination that the Administrative Replat complies with all specified plat content requirements per Section 14-804.03 herein.

F. Along with the Correction Plat, the Applicant must submit all required documentation, recordation fees, and a certificate of taxes paid.

G. Upon acceptance of the final mylar by the PWD Department, the Correction Plat will be sign by the Chair~~person~~ of the Board of County Commissioners and attested by the Clerk and Recorder.

H. Within thirty (30) days of receipt of the final mylar, ~~approval by the Board of County Commissioners,~~ the staff planner shall record the ~~correction plat~~ Administrative Replat with the Office of the Clerk and Recorder.

14-804.02 SUBMITTAL REQUIREMENTS

A. Completed Land Use Application (Application is available from the Planning office)

B. Application fee (Fee Schedule is available in the Planning Division office)

C. A Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

D. Proof of ownership which includes an updated or current title insurance policy or title commitment no older than six (6) months.

E. A notarized Letter of Authorization from the landowner(s) permitting a representative to process the application with a disclaimer that no other party's consent is required.

F. Correction Plat exhibit (per Section 14-804.03, herein). The format for all plats shall be in upper-case sans serif. Font size shall be readable when reduced to 11" x 17" size. No plats shall include copyright restrictions.

G. Certificate of taxes paid.

14-804.03 CORRECTION PLAT EXHIBIT

A. The Correction Plat exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

B. The Correction Plat shall encompass the entire area of the original plat and shall be exactly the same as the plat being corrected with the following exceptions:

C. The name of the Correction Plat shall be the same as the name of the subdivision being corrected, as dedicated, followed by the words Correction Plat. The name of the subdivision shall be corrected wherever it appears on the plat.

D. Signature blocks for all owners of property within the boundaries of the subdivision.

E. All Standard and Specific notes applicable to the Correction Plat in their current format. (See Section 16-100 for more details).

F. All corrections identified in the application need to be made.

G. A table listing all corrections on the plat. The table shall show the original information and the corrections being made.

SECTION 14-900 SUBDIVISION EXEMPTION

14-901 INTENT

To establish criteria and a review process whereby the Board of County Commissioners may grant Exemptions from the definition of the terms "subdivision" and "subdivided land" for any division of land if the Board determines that such a division is not within the purpose of Article 28, Title 30 of the Colorado Revised Statutes.

14-902 APPROVAL CRITERIA

A. The Planning Division Manager or designee shall initially determine whether or not the application meets the intent of the Subdivision Exemption. If the application does not meet the Exemption criteria set forth in these regulations, the application will be required to comply with the Preliminary Plat and Final Plat processes or the Minor Development process as set forth in this Resolution. The County may request public improvements, right-of-way dedication, dedication of land or cash-in-lieu thereof in accordance with the land dedication regulations found within this Resolution.

B. The Board may approve Subdivision Exemptions upon the finding by that one or more of the following criteria apply:

   1. Land is being used for public or quasi-public purposes including but not limited to: utility facility, park, open space, fire station, sheriff substation, library, metro district office, water/sewage facility, cemetery, and school district facilities.

   2. A boundary line adjustment where no additional parcels are created (unplatted land only).

   3. Exemptions that create additional parcels shall be permitted for parcels with more than one principal residence provided that all of the following criteria are met:
      a) Each residence was constructed in conformance with the applicable County regulations in effect at the time the residence was constructed that;
      b) Each residence shall have a documented history of continuous use as a single-family dwelling since May 5, 1972;
      c) Legal and physical access shall be provided to all parcels by public right-of-way or recorded easement acceptable to the Arapahoe County Engineering Division.

14-903 A PARCEL OF LAND SHALL BE INCLUDED IN A MAXIMUM OF ONE EXEMPTION

A. No more than four parcels shall be created from a thirty-five (35)-acre maximum sized parcel.

B. The proposed parcel(s) of land shall be in compliance with the current zoning requirements.

C. Exemption is not contrary to the adopted Comprehensive Plan.

D. A parcel created by legal action as in the case of a divorce decree.

E. Unless otherwise stated on an Exemption exhibit executed by the Board of County Commissioners, parcels created by a transfer exempted from the subdivision process shall be required to undergo the final platting process prior to the issuance of building permits or certificate of occupancy.

14-904 PROCESS

A. Prior to submitting a complete application for the Subdivision Exemption, a Presubmittal meeting with representatives of the Planning Division and Engineering Division is required unless waived in writing by the Planning and/or Engineering Division Managers.

B. Following the Pre-submittal meeting, the Applicant must complete all of the requirements of the formal review process as prescribed by the PWD Department. The Planning and/or Engineering Division Managers may waive any portion of the formal submittal requirements in writing.

C. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is twenty one (21) business days and can be extended by up to thirty (30) additional days by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

D. Following referral agency review, the PWD Department staff will determine the applications readiness for a hearing with the Board of County Commissioners. When determined ready, the application will be scheduled with the Board.

E. The Subdivision Exemption submittal, along with the recommendations of staff, shall be presented at a public meeting on the consent agenda of the Board of County Commissioners. The Board shall evaluate the Subdivision Exemption, staff recommendations, referral agency comments, public testimony and other information relevant to the plan, and shall either approve, conditionally approve, table for further study or deny the Subdivision Exemption. The Board's action shall be based on compliance with the adopted standards, regulations, policies and other guidelines.

F. If denied by the Board, the Applicant may pursue subdivision in accordance with the appropriate process contained in this Resolution.

14-905 SUBMITTAL REQUIREMENTS

A. Completed Land Use Application
B. Application fee
C. Written Letter of Intent describing the proposed development including background information explaining why the request is being made, important geographic details on and off-site that relate to the proposal, potential sales contracts for parcel(s) being developed and any other pertinent information for clarification.
D. Proof of ownership, which includes a current or updated title insurance policy or title commitment no more than ninety (90) days old.
E. As necessary, property deeds proving the date the property was created in its current configuration.
F. A notarized Letter of Authorization from all landowners permitting a representative to process the application with a disclaimer that no other party's consent is required.
G. Subdivision Exemption exhibits with all supporting documents required by staff (per Section 14-905 herein). The format for all exhibits shall be in upper-case sans-serif. Font size shall be readable when reduced to an 11x17-inch size. No exhibits shall include copyright restrictions.
H. Permanent access to public rights-of-way shall be provided for all parcels.

I. Permanent utility easement(s) shall be provided.
J. Proposed source of water and sewage treatment shall be stated. If the proposed parcel to be created lies within water & sanitation district, a "will serve" letter from that District must be submitted with the exemption application.

14-906 PLAN EXHIBIT

A. The Subdivision Exemption exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The exhibit shall contain the following information:

B. The title of the Subdivision Exemption shall be located at the top of each sheet. On each sheet a subtitle, in smaller lettering, shall indicate the quarter (1/4) section(s), section(s), Township and Range in which the Subdivision Exemption is located. The name of the county and the state shall be included in the subtitle.

C. Each sheet of the Subdivision Exemption shall show the date of the survey, north arrow, and the written and graphic scale. The drawing date and any revision dates shall be shown on the cover sheet. The minimum scale of the drawing shall be one (1) inch to one hundred (100) feet. Enough sheets shall be used to accomplish this end. Acceptable larger scales are one (1) inch to twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet and sixty (60) feet.

D. Vicinity Map (scale of I" = 2000' preferred) showing the Subdivision Exemption in relation to section lines and existing or proposed streets within one mile.

E. The Surveyor's Certificate of Survey. The acceptable format is located in Section 16-100, herein.

F. The Board of County Commissioners Approval Block. The acceptable format is located in Section 16-100, herein.

G. An accurate and complete Monumented Land Survey pursuant to paragraph thirteen (I 3) of Section 38-51-102 of the Colorado Revised Statues, shall be made of the land to be included in the Subdivision Exemption. A traverse of boundaries when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one (1) part in fifteen thousand (15,000).

H. Legal Description of the land included in the Subdivision Exemption.

1. The monumented land survey shall be an accurate reflection of the legal description.
   a) The legal description shall be in the following format:

   A parcel of land in the___ 1/4 of Section, Township ___ South, Range ___ West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado more particularly described as follows:

b) The following description shall be by metes and bounds, incorporating a complete traverse and the accuracy standards as described in 14-905.07 above. The area to the nearest one hundredth of an acre (.01) more or less shall be included.

2. A legal description of any parcel within the Subdivision Exemption shall be prepared in the manner described above.

I. The Point of Beginning of the Subdivision Exemption shall be tied (distance and bearing) to two adjacent section or quarter section corners of the Public Land Survey System. The monument found/set at the section or quarter section corners must be described on the Exhibit.

J. The surveyor shall rehabilitate or upgrade any section or quarter section corner used to control the survey of the Subdivision Exemption as required by the Rules of Procedure promulgated by the State Board of Registration for Professional Engineers and Professional Land Surveyors.

K. A Basis of Bearing statement in a format acceptable to the State Board of Registration for Professional Engineers and Professional Land Surveyors shall be included on the Exhibit. The line being referenced shall be shown on the exhibit and the survey of the Subdivision Exemption shall be tied to the line being used for the Basis of Bearing.

L. A Colorado Land Survey Monument Record for each section or quarter section corner used to control the survey of the Subdivision Exemption shall be prepared at the time the Subdivision Exemption is submitted to the County. Each Monument Record shall describe both supporting and contradicting evidence, as well as the monument found and accepted, established, restored or rehabilitated, and at least three (3) accessory or reference points.
   1. If the latest Monument Record on file describes the existing monument, meets the above described criteria, and the reference points are still existing, the surveyor only needs to submit a copy of the existing Monument Record with the Subdivision Exemption.

M. The Exhibit shall show complete survey and mathematical information, including curve data, and other data necessary to locate all monuments and locate and retrace any interior parcel lines. Distance and bearings shall be used.

N. The boundary of the Subdivision Exemption shall be delineated with a heavy solid line.

O. The Exhibit shall include all appropriate notes and signature blocks as approved by the County Attorney and describe in Section 16-100 herein.

P. The topography of the site at 2' intervals shall be shown.

Q. Ownership, zoning and use of all adjacent parcels shall be shown.

R. Significant features including, but not limited to, existing structures, utility lines, natural and artificial drainageways, ditches, lakes, vegetative groundcover, rock outcroppings, geologic features and hazards, dams, reservoirs, mines, fence lines, driveways, easements, well sites, septic systems and leach fields shall be shown.

14-907 POST APPROVAL ACTIONS

A. Prior to the County's recognition of parcel(s) created through an Exemption, the approved Exemption Exhibit shall be recorded in the Office of the Arapahoe County Clerk and Recorder. The recordation of the approved Exemption and associated documentation shall occur within ninety (90) days of approval by the Board. An extension may be granted in writing by the Planning Division Manager or designee.

B. Prior to recordation of the Subdivision Exemption, the Applicant must submit all required documentation, recordation fees, a certificate of taxes paid along with the amended Exemption exhibit in accordance with the Board of County Commissioner's approval.

C. The Applicant shall provide evidence through a current title insurance policy or commitment that the signature of the owner on the final mylar is the owner of the property.

D. Prior to recordation of the Exemption exhibit, the Applicant shall prepare deeds that accurately describe the land approved by the Exemption and all necessary easements. The deeds shall also include the following:
   a) A statement on the deed, immediately following the legal description, that states: "This deed is given to implement an Exemption from SB35, File (#), on (date) by the Board of County Commissioners."

E. Within 60 days of approval of the Exemption, unless stated otherwise in such approval, the Applicant shall submit a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) of the approved Exemption plat ready for recordation except for the signatures of the Board Chair~~person~~ or designee. An original drawing in black ink is also acceptable.

F. Within thirty (30) days of receipt of the Exemption Exhibit, the staff planner shall obtain the signatures of the Board Chair~~man~~, attested by the Clerk and Recorder and record the Exemption Exhibit.

G. Maintenance agreements as may be deemed necessary by the Board for the proposed use of common facilities and continued maintenance of roads, driveways, water sources, waste disposal facilities and their associated easements shall be recorded with the deed referencing the project number and the date of approval.

H. The PWD Department shall record such documents in the Office of the Clerk and Recorder.

I. The Planning Division Manager or designee may grant extensions of time up to one (1) year, upon a written request by the Applicant. A denial by the Planning Division Manager may be appealed, in writing, to the Board within 10 days from the date of the denial by the Planning Division Manager

J. If the Exemption request is denied by the Board, the Applicant may proceed with the subdivision request in compliance with this Resolution. An Exemption request for the same or substantially the same request, as determined by the Planning Division Manager, shall not be accepted within one (1) year of such denial.

14-908 ADDRESS PLAT

With the submittal of the final mylars, an Address Plat is required. The Address Plat should be an exact duplicate of the Exemption exhibit with the addition of a label that reads “Address Plat”. The Address Plat shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The Address Plat mylar is routed the same as the Exemption exhibit mylar but is not recorded with the Exemption. The Address Plat mylar shall be signed by the owners. The signatures shall be notarized.

Section 14-1000 RURAL CLUSTER OPTIONS

Figure (Right): Hypothetical 320 Acre Parcel in A-E Zoning District with a stream and ridgeline

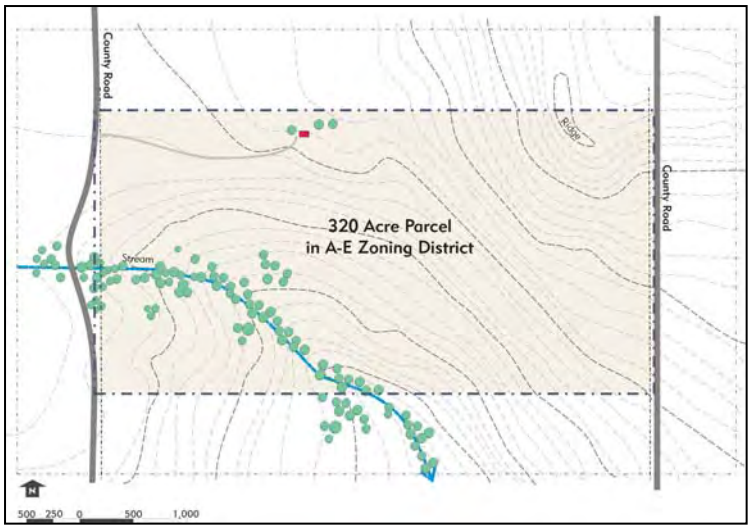
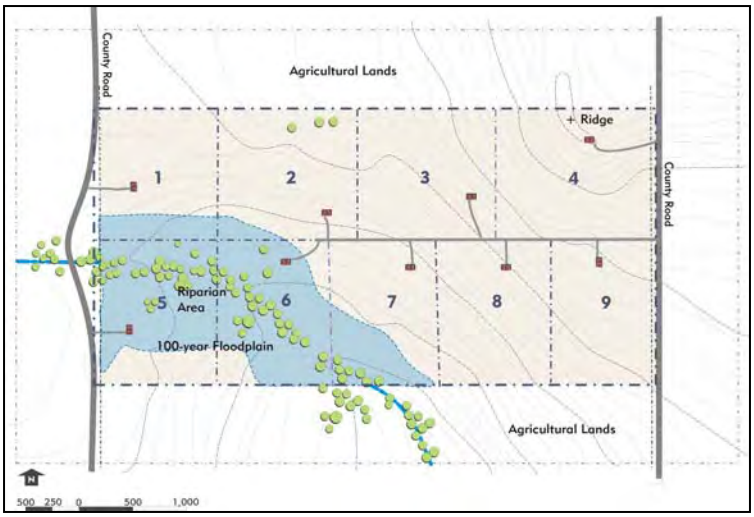


Figure (Right): Without the Rural Cluster Option, applicant would be eligible for nine (9) 35-acre parcels on this 320 Acre Parcel



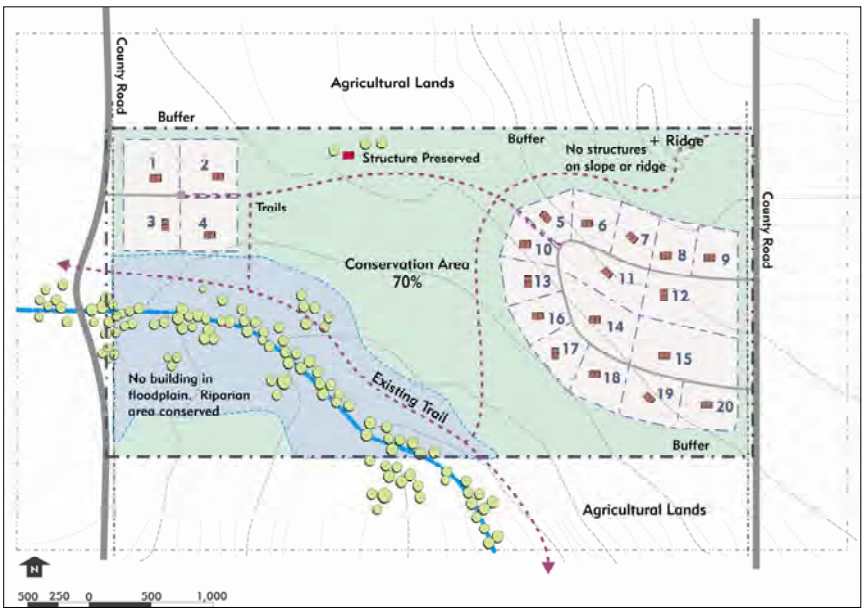


*Figure (Left): The **Rural Cluster Option** allows the applicant to locate 20 lots on the site and to conserve 70% of the parcel as open lands. Natural and man-made features, such as the stream corridor and ridgeline, are undisturbed.*

14-1000 PURPOSE AND INTENT

A. The rural cluster option implements the Comprehensive Plan and allows residential development in agricultural zone districts within the Rural Area to be sited creatively to maintain the rural open character and agricultural viability of Arapahoe County's Rural lands. This option permits single-family residential development on parcels of 70 acres or more to be clustered on lots smaller than otherwise permitted by the Arapahoe County Land Development Code. The option requires a portion of the property be set aside as an open "conservation area," with a limited range of allowed uses and activities. The rural cluster option provides incentives for landowners to choose cluster developments as an alternative to large-lot conventional subdivisions and dispersed development on 35-acre and larger parcels. The County does not intend to allow rural cluster developments solely as a tool for gaining greater densities in the Rural Area; instead, the County intends any additional density allowed under this option as *quid pro quo* for the permanent conservation of valuable natural, cultural and agricultural resources and lands.

B. More specifically, the purpose and intent of the rural cluster option is to:
   1. Implement the Rural Area policies of the Arapahoe County Comprehensive Plan;
   2. Protect the open character of eastern Arapahoe County's agricultural districts;
   3. Encourage continued use of these lands for ranching and agricultural activities, especially prime farm lands;
   4. Conserve Sensitive Development Areas, such as rivers, streams, floodplains, riparian areas, wetlands, view sheds ecological resources, steep slopes and ridgelines, historic and archaeological sites, and wildlife habitat and corridors;
   5. Allow a diversity of lot sizes to accommodate a variety of residential preferences;
   6. Minimize extension of roads and utilities for development and reduce the County's cost of providing services; and
   7. Promote compatibility of new cluster development with existing and allowed adjacent land uses.

14-1001 GENERAL REQUIREMENTS

14-1001.01 APPLICABLE DISTRICTS

Property shall be located within one of the following areas to be eligible for the rural cluster option:

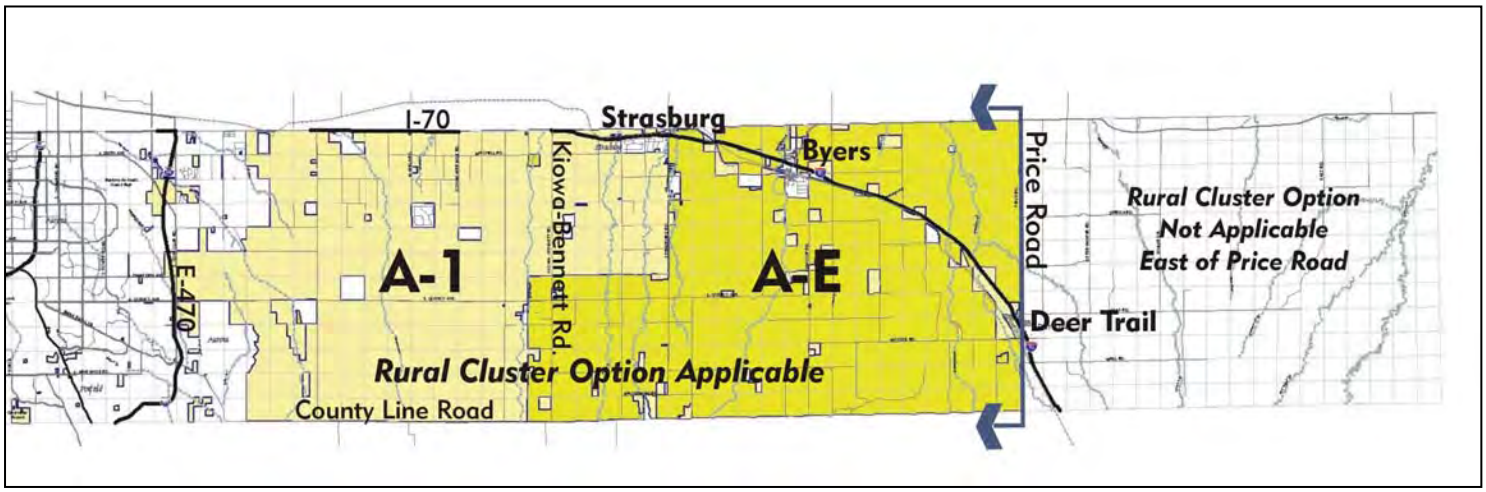
14-1001.01.01 A-E (Agricultural) Zoning district, west of Deer Trail

Eligible property shall be located in the Rural Area and zoned "A-E", provided the property is located west of the Town of Deer Trail and west of Price Road; as shown in Figure 1 below.

14-1001.01.02 A-1 (Agricultural) Zoning district

Eligible property shall be located in the Rural Area and zoned "A-1", as shown in Figure 1 below.

Figure 1: Applicability of Rural Cluster Option



14-1001.02 MINIMUM LAND AREA—70 ACRES

The application for the rural cluster option must involve a single parcel of eligible land under common ownership and at least 70 acres in total area or, alternately, two or more contiguous parcels of eligible land under different ownerships and with an aggregate size of at least 70 acres.

14-1001.03 ALLOWED USES – GENERAL

The proposed uses of the subject parcel under this rural cluster option shall be limited to single-family detached residences, agricultural uses and activities, passive open space or recreation, as further described in Section 7-300, "Rural Cluster Option," of the Zoning Regulations.

14-1001.04 PAVED COUNTY ROAD ACCESS REQUIRED

All applications for the Rural Cluster option must have primary access from a paved County road across the full frontage of the proposed subdivision. The County road must be paved to the County construction standards.

14-1002 REVIEW PROCEDURES AND ADMINISTRATION

A proposal for development under the rural cluster option shall be processed as a subdivision of land, subject to an expedited "Cluster Subdivision Process," as described in this Section 14-1000. An applicant shall submit a final Cluster Subdivision Plat that meets the general submittal requirements for a final plat according to Section 14-304 of these Subdivision Regulations, and a separate "Site Analysis Map" as required in this Section 14-1002. County approval of a final plat for a cluster subdivision is required prior to any land disturbing activity, including clearing and grading, on the proposed cluster development site.

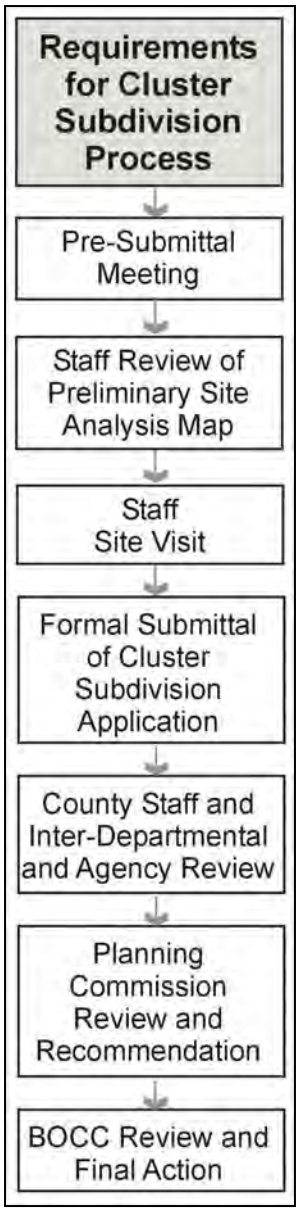
14-1002.01 CLUSTER SUBDIVISION REVIEW PROCESS

A. The cluster subdivision process provides an abbreviated and expedited review process for rural cluster developments that comply with Section 13-1100 (Rural Cluster Option) of the Zoning Regulations and with Section 15-100 of these Subdivision Regulations.

B. The steps in the review of a cluster subdivision application shall be:

1. **Pre-Submittal Meeting**. Prior to submittal of a cluster subdivision application, the applicant shall meet with representatives of the Planning and Engineering Divisions at a pre-submittal meeting to discuss the procedure and submittal requirements. Of particular importance should be discussion of preparation of the site analysis map and scheduling of staff's site visit.

2. **Review of Preliminary Site Analysis Map**. After the pre-submittal meeting, but before the applicant's formal submittal of the cluster subdivision application, the applicant shall prepare and submit a preliminary site analysis map that analyzes existing conditions both on the proposed cluster development site and on all lands within 1,500 feet of the subject site's boundaries.



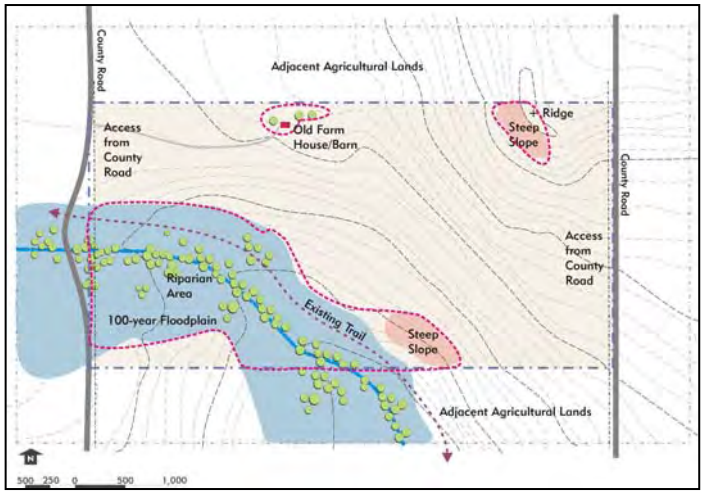


Figure 2: ***Preliminary Site Analysis Map*** *- Identifies site conditions on the site and on lands within 1,500 feet of the subject site. The site analysis identifies natural and man-made features.*

a) The preliminary site analysis map shall comply with the following preparation requirements:
   i. The format for the preliminary site analysis map shall comply with the minimum format for preliminary plats stated in Section 2-204.06 of these Regulations.
   ii. Map scale shall be not less than 1 inch = 200 feet, or if the site contains slopes exceeding 10% and the applicant is proposing an onsite wastewater system, the scale shall be not less than 1 inch = 100 feet.
   iii. Map shall show the relationship of the subject property to natural and man-made features located within 1,500 feet of the subject site's boundaries.
   iv. The natural and man-made features to be shown include:
      a) Public roads.
      b) Trails.
      c) Utility easements and rights-of-way, as filed with the County Clerk and Recorder's office.
      d) Topography (from USGS maps), including steep slopes, as defined in these regulations.
      e) Land areas that qualify as "Sensitive Development Areas," as defined in these regulations.
      f) Former waste disposal sites.
      g) Public lands.
      h) Land protected under existing conservation easements.
      i) Man-made features, including but not limited to driveways, farm roads, buildings, foundations, walls and fences, wells, drainage

fields, dumps, and utilities.

3. **Staff Site Visit.** After the applicant submits a preliminary site analysis map, and before the applicant formally submits the application, County staff shall schedule a site visit to the property and invite the applicant to participate. Before the site visit, the applicant shall provide staff with written permission to allow staff to enter the property. The purpose of this site visit is to:
    a) Familiarize staff with the property's existing conditions and special features;
    b) Identify potential site development issues; and
    c) Provide an opportunity to discuss rural cluster design concepts, including the general location and layout of the conservation area, the potential locations for proposed lots and building envelopes within lots (as applicable), and the potential locations for utilities, roads, and other development features.

    Comments made by officials or staff during the site visit are not binding in any way, and shall be interpreted as suggestions only. No official decisions shall be made during the site visit.
4. **Formal Submittal of Cluster Subdivision Application**. The applicant shall submit a complete cluster subdivision application that complies with the submittal requirements stated in Section 14-1002.02. The County shall not accept incomplete applications.
    a) The applicant may be required to submit additional materials, provided the Planning Division Manager informs the applicant of the additional material at either the pre-submittal meeting or within five (5) days of the site visit, and based on the Planning Division Manager's determination that the additional material is necessary and relevant to the County's review.
    b) The Planning Division Manager may waive or vary certain submittal requirements in order to tailor the requirements to the information necessary to review a particular application. An applicant shall request a waiver or variation prior to submitting an application, and should discuss the request with staff at the pre-submittal meeting if possible. The Planning Division Manager may waive or vary such submittal requirements where the Manager finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed cluster subdivision support such waiver/variation.
5. **Referral to Appropriate Agencies**. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is thirty (30) days, and may be extended by up to 30 additional days by mutual consent of the applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.
6. **Planning Commission Recommendation**.
    a) Recommendation at Public Hearing. Following referral agency review, staff will determine the application's readiness for a public hearing with the Planning Commission. When determined ready, the cluster subdivision application, along with the available comments of the Planning and Engineering staff and appropriate agencies, shall be presented at a public hearing of the Planning Commission. Priority review shall be granted the cluster subdivision application according to Section 14-1002.01.04. At least fourteen (14) days prior to the date of the Commission hearing, the applicant shall provide posted sign notice and

give mail notice to all adjacent property owners of the Commission meeting time and place, in accord with the County's notice requirements in Part 3 of this Code. In addition, the County shall give notice of the time and place of the hearing in at least one publication of a newspaper of local circulation in the vicinity of the proposed subdivision (e.g., in the *I-70 Scout*).

b) Planning Commission Action. The Planning Commission shall take action on the application by recommending approval, approval with conditions, or denial. The Planning Commission may utilize standard conditions of approval and standard motions for approval, which incorporate other requirement conditions, limitations, or restrictions. The Planning Commission's decision shall be based upon the evidence presented, the record relating to the application, and applying the standards set forth in this section. The Planning Commission may continue the hearing to allow additional/supplemental information to be submitted and considered

7. Board of County Commissioners Final Action.

a) **Final Action at Public Hearing.** Following the recommendation by the Planning Commission, staff shall schedule the cluster subdivision application on the Consent Agenda or the General Business Agenda of the Board of County Commissioners for final action at a public meeting. Priority review shall be granted the cluster subdivision application according to Section 14-1002.01.04. Staff shall notify the applicant of the public meeting date and time

b) **Option for Consideration at Public Hearing**. The case will be scheduled for ratification by the Board of County Commissioners, unless prior to ratification, the Board member representing the district in which the cluster subdivision will be located decides that the application shall be considered at a public hearing. If the application is rescheduled for a Board of County Commissioners public hearing, the hearing shall be *de novo*, and the Board's action shall be based upon the record developed at the Board hearing. Staff shall notify the applicant of the County's decision to schedule the application as a public hearing, and the applicant shall be responsible for complying with the County's notice requirements for the hearing.

c) **Board Action**. The Board shall evaluate the cluster subdivision application, staff recommendations, referral agency comments, Planning Commission recommendations, public testimony (as applicable), and other information relevant to the proposed cluster subdivision, and shall approve, approve with conditions, or deny the application. The Board's action shall be based on compliance with the adopted standards and review criteria for rural cluster subdivisions, and other applicable regulations, policies, and guidelines.

d) **Effect of Board Denial**. If denied by the Board, the submittal of a new application and processing fee shall be required in order to pursue the proposed cluster subdivision. The re-submittal of a cluster subdivision application for the same or substantially the same request, as determined by the Planning Division Manager or designee, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Division Manager, or designee, in writing, to the Board within 10 days from the date of the decision.

8. Review Criteria

The Board may approve a cluster subdivision application upon findings that the proposed Cluster Subdivision Plat and Final Site Analysis Map, including any bonus

densities requested, further the purpose and intent of the Rural Cluster Option, and comply with: (1) the standards in Section 13-1100 (Rural Cluster Option) of the Zoning Regulations; (2) the standards of this Section 14-1000; and (3) the standards for approval of final plats stated in Sections 14-302 of these Subdivision Regulations, except where the Board expressly permits exceptions and variances to such standards.

a) The Board retains the discretion to deny a rural cluster application if it finds that the subject property uniformly exhibits such extraordinary natural and environmental value, as evidenced by the property's composite ranking on the Arapahoe County Resource Composite Map, that the Board determines the densities permitted by the Rural Cluster Option would result in unmitigated, adverse impacts on the natural environment.

b) The Board also retains the discretion to approve the proposed Rural Cluster Subdivision conditioned on the applicant agreeing to a reduced residential density if the Board finds that such condition would mitigate potential adverse impacts related to the requested density.

9. **Limitations Prior to Approval or Recording of Cluster Subdivision Plat**.

a) **Guarantee of Public Improvements.** No Cluster Subdivision Plat shall be recorded until the applicant has submitted, and the County has approved, one or a combination of Subdivision Improvement Agreements, as applicable.

b) **Payment of Past Assessed Taxes and Fees.** The Board shall not approve a Cluster Subdivision Plat unless all delinquent taxes and special assessments related to the subject property have been paid, and unless such property is classified in the appropriate zoning district as defined in the current Zoning Regulations.

c) **Address Plat Required.** No Cluster Subdivision Plat shall be recorded until the applicant has submitted an Address Plat final mylar in accordance with Section 14-308 of the Subdivision Regulations. The Address Plat shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

10. **Recordation Procedure**.

a) **All approved Cluster Subdivision Plats must be recorded**. The applicant shall follow the procedures and prerequisites for recordation of Final Plats stated in Section 14-306 of these Subdivision Regulations.

b) The applicant shall follow the procedures and prerequisites for recordation of conditions, covenants, and restrictions (C.C.&R's), the Final Site Analysis map(s), and the Plan for Management of the Conservation Areas, conservation area(s) deeds and easements concurrent with, and after, the Cluster Subdivision Plat.

11. **Expiration of Approval**.

a) Failure by the applicant to submit all required documentation within 60 days of approval shall render approval of the Cluster Subdivision Plat voidable and may result in the necessity for a new submittal of the cluster subdivision application and plat. Resubmittals are subject to all processing fees, submittal requirements, and review standards in effect at the time the resubmittal is accepted by the county.

b) The Planning Division Manager, or designee, may grant extensions of time up to twelve (12) months upon a written request by the applicant or staff for good cause being shown. Good cause may include, but is not limited to, signatories are out of the state or country, or a major change was requested by the Board of County Commissioners.

c) An extension of time request shall include a fee and narrative stating the reasons for the applicant's inability to comply with the specified deadlines. The applicant shall list any changes in the character of the neighborhood, and any changes in the County's Comprehensive Plan, Zoning Resolution, or Subdivision Regulations that have occurred since approval of the final Cluster Subdivision Plat. These changes may affect the Cluster Subdivision Plat and the anticipated time schedule for completing the cluster subdivision process. A fee schedule is available from the Planning Division office. Additional review of the Cluster Subdivision Plat may occur, resulting in additional conditions as applicable.

d) The denial of an extension by the Planning Division Manager, or designee, may be appealed to the Board within ten (10) ~~working~~ business days of the decision by the Planning Division Manager, or designee.

C. PRIORITY REVIEW

The County shall give complete and conforming cluster subdivision applications submitted pursuant to this Section 14-1002 priority over other land development applications submitted pursuant to the Zoning or Subdivision Regulations that are being reviewed by staff/referral agencies, the Planning Commission, or the Board. At each step or phase of review, each cluster subdivision application shall be placed on the first scheduled Commission or Board agenda for which it can be properly noticed, as applicable. On each such agenda, the cluster subdivision application shall be placed for consideration before all other land development applications.

14-1002.02 SUBMITTAL REQUIREMENTS

14-1002.02.01 GENERAL SUBMITTAL REQUIREMENTS

The applicant shall submit a cluster subdivision application and accompanying Cluster Subdivision Plat that meet the general submittal requirements and plat exhibits for a Final Plat required by Sections 14-304 and 14-305 of these Subdivision Regulations, and that also satisfies the supplemental requirements stated in this subsection. In addition, the applicant shall submit a separate document entitled "Final Site Analysis Map" which meets the submittal requirements stated in this subsection.

14-1002.02.02 CLUSTER SUBDIVISION PLAT—ADDITIONAL SUBMITTAL REQUIREMENTS

Taking into account the constraints and opportunities identified in the preliminary site analysis map and during the site visit, the applicant shall identify tracts containing the conservation area(s) and lot lines on the Cluster Subdivision Plat according to Section 14-1003, "Residential Cluster Development and Conservation Area Requirements." In addition to the general submittal requirements for a Final Plat (Sections 14-304 and 14-305), the Cluster Subdivision Plat submittal shall include the following additional elements and exhibits:

A. The boundaries of proposed residential cluster(s) and individual lot lines within each residential cluster.

B. he boundaries of all Sensitive Development Areas as shown on the Arapahoe County Resource Composite Map, or as identified by the applicant on the preliminary site analysis map and confirmed through subsequent investigation;

C. Septic field boundaries, as applicable;
D. Reference to the Final Site Analysis Map;
E. Notes regarding ownership and future maintenance of the tracts containing the conservation area(s), and appropriate references (e.g., reception numbers) indicating the existence of site-specific conditions, covenants, or restrictions that may apply within or adjacent to the conservation area tract(s) concerning:
F. Roads and driveways,
G. Detention and water quality ponds, and
H. Landscaping/buffers.
I. Reference to an approved Management Plan, if applicable.

14-1002.02.03 FINAL SITE ANALYSIS MAP SUBMITTAL REQUIREMENTS

A. Taking into account the constraints and opportunities identified in the preliminary site analysis map and during the site visit, the applicant shall identify tracts containing the conservation area(s), lot lines, and building envelopes (as applicable) on the Final Site Analysis Map according to Section 14-1003, "Residential Cluster Development and Conservation Area Requirements." In addition, the Final Site Analysis Map shall include the following elements and exhibits, which the applicant shall show on the map using scales and format consistent with the scales and format used on the Cluster Subdivision Plat: The Final Site Analysis Map, however, is a separate document from the Cluster Subdivision Plat and is required to be recorded.
B. Concurrent with the C.C.& R's and the Management Plan.
    1. All Sensitive Development Areas, man-made features, and any former waste disposal sites identified on the preliminary site analysis map and confirmed through subsequent investigation and the site visit;
    2. The proposed tract or tracts containing the required conservation area(s);
    3. The boundaries of the proposed residential cluster(s); and
    4. Lot lines within each residential cluster and building envelopes within each residential cluster lot. Building envelopes shall be shown only if the cluster lot includes or is adjacent to a septic field or to a Sensitive Development Area (as defined by this Code)

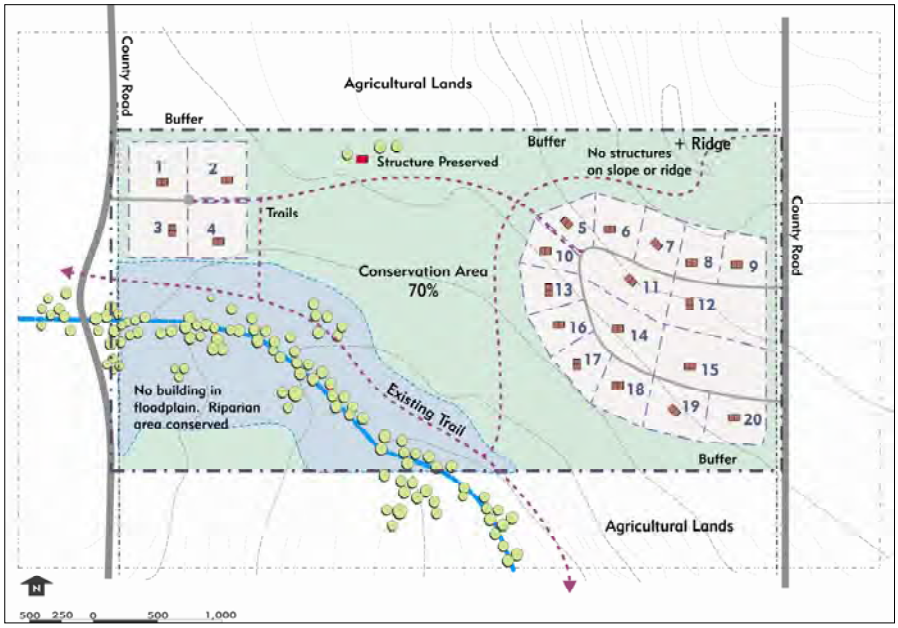


Figure 3: ***Final Site Analysis Map*** *that shows the proposed residential clusters, tracts containing the proposed conservation areas, and critical natural and man-made features identified on the preliminary site analysis map.*

C. If an onsite wastewater system will not be included inside the building envelope for the lot served, the applicant shall also show the separate envelope for the system's location.
D. Notes regarding site specific standards that may apply within or adjacent to the conservation area tract(s) concerning:
    1. Roads;
    2. Detention and water quality ponds;
    3. Landscaping/buffers;
    4. Fences, or
    5. Structures, and
    6. Reference to an approved Management Plan, if applicable, which may be attached to and become part of the Final Site Analysis Map.

14-1002.03 AMENDMENTS TO APPROVED CLUSTER PLAT AND MAP

The County shall process all minor modifications to an approved Cluster Subdivision Plat or to an approved Final Site Analysis Map according to the "Administrative Amendment" criteria and procedures stated in Section 13-500 of the Zoning Regulations. A modification that does not qualify as an "Administrative Amendment" under Section 13-500 must be processed according to the cluster subdivision approval process stated in this Section 14-1002.

14-1003 RESIDENTIAL CLUSTER DEVELOPMENT AND CONSERVATION AREA REQUIREMENTS

14-1003.01 COMPONENTS OF A CLUSTER SUBDIVISION

A cluster subdivision has two components: (1) the residential cluster and (2) the conservation area. The residential cluster is the portion of the development parcel that is subdivided into lots for single-family residential and accessory uses. The conservation area is the larger portion of the development parcel that is platted as a tract(s) and permanently preserved for agricultural or open space uses.

14-1003.02 SUMMARY OF GENERAL DEVELOPMENT STANDARDS

Table 14-1003-A presents a summary of the general requirements under the rural cluster option. The applicant shall refer to Section 13-1100, "Rural Cluster Option," of the Zoning Regulations for all applicable standards related to permitted density, allowed uses, lot size and dimensions, and building height.

Table 14-1003-A: Summary of General Requirements for the Rural Cluster Option

Agricultural Zoning District	Minimum Land Area	Maximum Gross Density Under Rural Cluster Option	Number of Lots per Cluster	Lot Size	Minimum Conservation Area (% of Total Gross Land Area of Development Parcel)
A-E	70 acres	2.25 dwelling units per 35 acres (125% increase)	Maximum: 20 lots.	Minimum: 2.5 acres Maximum: 10 acres, except for conservancy lots	70%
A-1	70 acres	1.75 dwelling units per 19 acres (75% increase)	Maximum: 20-70 lots.	Minimum: 2.5 acres Maximum: 10 acres, except for conservancy lots	60-70%

14-1003.03 STANDARDS FOR RESIDENTIAL CLUSTERS

14-1003.03.01 MAXIMUM DENSITY & BONUS DENSITY PROVISIONS

The maximum permitted densities, and density bonus provisions, for rural cluster subdivisions in the A-E and A-1 Zone Districts are stated in Section 7-200, "Rural Cluster Option," of the Zoning Regulations.

14-1003.03.02 LOCATION & SIZE OF RESIDENTIAL CLUSTERS

Residential lots within a cluster subdivision shall be located in one or more residential clusters, which shall comply with the following standards.

A. **General Site Design Standard**. In general, the layout of residential clusters shall promote the rural character of the zone district, avoid the creation of new rural towns or villages, support the viability of existing agricultural activities on or adjacent to the site, and protect significant natural, historic, or cultural resources on or adjacent to the site, as applicable.

B. **Siting Criteria for Residential Cluster(s)**. The applicant shall site the residential cluster(s) according to the following criteria. The cluster(s) shall be sited to:

1. Avoid Sensitive Development Areas, and other significant natural or man-made features, as described in Section 14-1003.02.03, "Delineation of Conservation Areas," below;
2. Preserve the open sky backdrop above any ridgelines, as viewed from Interstate 70 or from adjacent county roads;
3. To the maximum extent feasible, preserve significant views of the rural, open character of the district, as viewed from Interstate 70 or from adjacent county roads;
4. Avoid interference with existing or viable agricultural operations and activities;
5. Provide a minimum separation from existing rural development (1 unit per 35 acres or less density) on adjacent properties by maintaining a minimum 100-foot setback from the adjacent rural property's boundaries; and

6. Provide contiguity of open space and conservation area(s).

C. Siting of Multiple Residential Clusters.

1. Minimum Separation Required.
   a) To avoid the creation of rural towns or villages and to maintain the open, rural character of the zone district, multiple residential clusters shall be non-contiguous except as the County may allow according to this subsection.
   b) If the total land area within the cluster subdivision is more than 320 acres, a residential cluster shall be separated from all other residential clusters by at least 1,320 feet.
   c) If the total land area within the cluster subdivision is 320 acres or less, a residential cluster shall be separated from all other residential clusters by at least 600 feet.
   d) Separation of multiple residential clusters is required regardless whether the clusters are located within the same cluster subdivision or in a different cluster subdivision.
   e) For purposes of this subsection, separation between residential clusters shall be measured as the shortest linear distance between the two closest building envelopes designated for principal residential dwellings located in the different residential clusters, or if building envelopes are not shown on the Final Site Analysis Map, then the shortest distance between the two closest points of the boundary for each cluster.
2. Exception to Minimum Separation Requirement. The Planning Manager may reduce the minimum separation requirement in this subsection (C) if he or she finds that the smaller separation satisfies the general and specific site design standard and criteria in subsections (A) and (B) above, and that either:
   a) The overall site design takes advantage of the site's natural topography to hide multiple residential clusters from each other's view and from the public's view as seen from Interstate 70 or from county roads; or
   b) The smaller separation is necessary to accommodate conservation of Sensitive Development Areas, such as riparian corridors; or
   c) The smaller separation is necessary and desirable to better preserve the contiguity of on-site and off-site conservation areas; or
   d) The smaller separation is necessary and desirable to enable ongoing operations of agricultural activities in the vicinity of the clusters.

   In no case shall the separation between clusters be less than 200 feet.

D. **Number of Cluster Lots per Residential Cluster.** Within a cluster subdivision, lots are typically organized into one or more clusters or groupings of lots. For example, the hypothetical cluster subdivision illustrated in Figure 3, above, depicts two separate clusters of lots. The following standards govern how large a single cluster may be, keeping in mind the county's general goals to maintain a rural, open character and avoid the *de facto* creation of new rural towns.

E. **General Rule.** Within a cluster subdivision, the maximum number of lots allowed in a single residential cluster shall be 20 lots, except as specifically allowed in the A-1 Zone District in subsection (2) below.

F. **Allowance for Larger Clusters in the A-1 Zone District.** Where the applicant can evidence all of the following conditions, the County may approve an increase in the size of a single residential cluster in the A-1 Zone District only, as shown in Table 14-1003-B below.

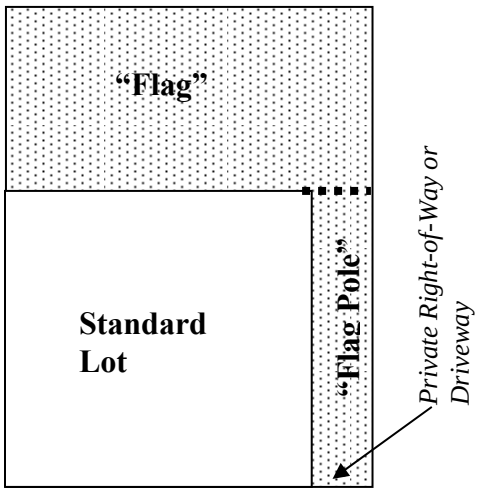
1. The property is located entirely within an A-1 zone district;
2. The property is located within the distance specified in Table 14-1003-B from either the Urban Service Area boundary shown in the Comprehensive Plan, or from a mapped Urban Growth Boundary adopted for the Towns of Bennett, Strasburg, Byers, or Watkins. This distance shall be measured as the shortest horizontal distance (plan view) between any part of the project site's boundary to the closest boundary line of the Urban Services Area or Urban Growth Boundary;
3. The applicant will install a community water or sewer system to serve all or a portion of the cluster subdivision, and the increase in cluster size is necessary to support the economic feasibility of such installation; and
4. The County finds that the cluster subdivision meets the general site design and siting criteria stated in subsections (A) and (B) above.

Table 14-1003-B: Factors for Increasing Residential Cluster Size in the A-1 Zone District

Maximum Distance from Urban Service Area Boundary or Urban Growth Boundary	Maximum Number of Lots per Single Cluster
3 miles	70
5 miles	50
10 miles	30

G. **Cluster Lot Size/Lot Dimensions/Building Height.** The minimum lot area and building height requirements set forth in Sections 4-107 and 4-208 of the Zoning Regulations for the A-E and A-1 districts, respectively, shall not apply to lots within a residential cluster. Please refer to Section 13-1100, "Rural Cluster Option," in the Zoning Regulations for applicable cluster lot sizes, lot dimension, and building height requirements.

14-1003.03.03 FLAG LOTS.



A. Flag lots are permitted within a rural cluster subdivision, subject to the following standards:

1. **Maximum Size.** Flag lots shall be a maximum of 10 acres in size, except that larger conservancy lots in a cluster subdivision may be flag lots. The "flag pole" part of the lot, when less than the minimum required frontage or lot width, is not included in the calculation of minimum lot area.
2. **Minimum Street Frontage/Flagpole Width.** Each flag lot shall have at least 32 feet of street frontage and at least 32 feet of width for the entire length of the "flag pole" portion of the lot.
3. **Limit on Number and Contiguity.** A maximum of one (1) flag lot is allowed in cluster

subdivisions containing 4 or less cluster lots. No more than 20 percent of the cluster lots in a cluster subdivision of 5 or more lots may be flag lots. No more than 2 flag lots sharing a single access may be contiguous.

4. **Prohibition on Future Subdivision.** A flag lot shall not be further subdivided into additional lots. This prohibition on future subdivision shall be included as a note on the recorded Cluster Subdivision Plat.

14-1003.03.04 ALLOWED USES ON RESIDENTIAL CLUSTER LOTS

Please refer to Section 13-1100, "Rural Cluster Option," in the Zoning Regulations for applicable standards addressing principal and accessory uses allowed on residential cluster lots.

14-1003.04 CONSERVATION AREA(S)

14-1003.04.01 MINIMUM PERCENTAGE—CONSERVATION AREA(S)

A. Except as specifically allowed by this Section, the minimum percentage of the cluster development parcel's total gross land area that shall be set aside as conservation area(s) is 70%. All conservation areas shall be contained within tracts and clearly delineated on the Cluster Subdivision Plat. The area, intended use, and final ownership of all conservation area tracts shall be shown on the plat.

B. The county may reduce the amount of conservation area preserved to no less than 60% when the applicant submits an exceptional subdivision design that meets all the design and siting criteria required by this Section 14-1003, and complies with the following criteria:

1. The Cluster Subdivision Plat delineates individual building envelopes within each cluster lot;
2. To the maximum extent possible, the lots and building envelopes are arranged within each individual cluster so that open, unfenced, private yards on each lot are adjacent and contiguous to each other; and
3. The county finds that the exceptional site design and use of private yards as a surrogate for set-aside conservation area furthers the open space and rural preservation goals and intent stated in Section 14-304, and mitigates the reduction in the amount of conservation area.

14-1003.04.02 CREDIT FOR PUBLIC PARK LAND DEDICATION

Lands set aside and permanently preserved as conservation area(s) under this Section 14-1003.04 shall be credited 100% toward the dedication requirement for public parks required in Section 14-111, "Dedication Standards," of these Subdivision Regulations.

14-1003.04.03 DELINEATION OF CONSERVATION AREA(S)

A. The required percentage of conservation area on the site shall consist of, in order of priority:

1. Sensitive Development Areas, in order of priority:
   a) Riparian areas, as identified on the Arapahoe County Resource Composite Map, which is incorporated by reference herein.
   b) 100-year floodplains, as identified on the Arapahoe County Resource Composite Map, or as mapped by Federal Emergency Management Agency (FEMA), or other public or private entity and accepted by the County, or as identified by the applicant if prepared by a qualified professional and approved by the County. If the 100-year floodplain is not mapped, the applicant shall retain a qualified

professional to delineate the 100-year floodplain on the property prior to formal submittal of the cluster subdivision application.

c) Other water bodies, rivers and streams, and wetlands, as identified on the Arapahoe County Resource Composite Map or through other County mapping, or as identified by the applicant's site analysis and approved by the County. Applicants should contact the U.S. Army Corp of Engineers regarding delineation of regulated wetlands.

d) Prime Farm Land, as identified on the Arapahoe County Resource Composite Map, or mapped by the Natural Resources Conservation Service.

e) Steep slopes and other geologically sensitive areas, as identified on the Arapahoe County Resource Composite Map, or as identified by the applicant's site analysis if prepared by a qualified professional and approved by the County.

f) Other Sensitive Development Areas, as identified on the Arapahoe County Resource Composite.

2. Other environmental areas or features not identified on County maps or other specified maps, but identified by the applicant on the site analysis map or by the County at the site visit, including but not limited to:
   a) Ridgelines, as viewed from adjacent county roads;
   b) Significant views of the rural, open character of the district, as viewed from adjacent county roads;
   c) Historic structures greater than 50-years in age,
   d) Archeological sites, or
   e) Mature trees or stands of mature trees and indigenous significant vegetation.
3. Other lands required to be dedicated to the public under Section 14-111 of these Subdivision Regulations or otherwise dedicated, as applicable, including:
   a) Land for public schools;
   b) Land for public parks or trails; and
   c) Land for other public purposes.

14-1003.04.04 CONSERVATION AREA(S) CONFIGURATION CRITERIA

A. The applicant shall configure the conservation areas in a manner to:
   1. Conform with any adopted County open space and trail plans, as amended;
   2. Provide contiguity with adjacent open space, conservation areas, and agricultural lands;
   3. Protect unique natural, historic, or cultural site features and resources;
   4. Provide minimum buffer widths between any residential dwelling and adjacent agricultural activities, as required by Section 7-203 of this Code;
   5. Provide a minimum buffer of 50 feet along all perimeter public roads; and
   6. Avoid fragmentation of conservation areas within the site.

14-1003.04.05 ALLOWED USES AND ACTIVITIES IN CONSERVATION AREA(S)

Please refer to Chapter 13, "Rural Cluster Option," in the Zoning Regulations for applicable standards addressing principal and accessory uses allowed in the conservation areas.

14-1004 UTILITY AND INFRASTRUCTURE REQUIREMENTS

14-1004.01 WATER

A. Residential cluster lots may be served with either individual wells or by a community or central water supply system.

1. An individual well shall be located on the residential lot that the well serves, and shall comply with the applicable requirements of the Office of the State Engineer. All well requirements shall be verified prior to the issuance of a Certificate of Occupancy by the Building Division.
2. A community or central water supply system may be located within the residential cluster(s) it serves, or may be located within a conservation area tract provided the County finds:
    a) The system cannot reasonably be contained within the residential cluster(s) or other nearby developed areas;
    b) Construction, installation, and maintenance of the system shall comply with all applicable federal and state standards and specifications, including but not limited to regulations promulgated by the Colorado Department of Public Health and Environment and the Office of the State Engineer;
    c) Construction, installation, and maintenance of the system shall comply with all terms and conditions in any applicable Intergovernmental Agreement; and
    d) Construction of the system shall not disturb a Sensitive Development Area, or other significant natural area or feature, unless substantially mitigated by the applicant.

14-1004.02 WASTEWATER

A. Residential cluster lots may be served by on-site wastewater systems or by central (community) sewer systems.
    1. An onsite wastewater system ("OWS") shall be located on the residential lot that the system serves and shall comply with all applicable Tri-County Health Department regulations.
    2. Residential clusters shall establish an OWS management program approved by Tri-County Health Department. For subdivisions containing 50 or more residential cluster lots, the management program shall designate a management entity and address: OWS maintenance, inspection and pumping; program financing; enforcement; homeowner education; and annual reporting to Tri-County Health Department. For subdivisions with less than 50 lots, or if a property owners association does not exist, or if it is not feasible for the property owners association to serve as the management entity, an alternate management arrangement may be proposed.
    3. A central or community sewer system and its components may be located within a residential cluster(s), or may be located within a conservation area tract provided the County finds:
        a) The central sewer system cannot reasonably be contained within the rural cluster(s) or other nearby developed areas;
        b) Construction, installation, and maintenance of the system shall comply with all applicable federal, state (including the Colorado Department of Public Health and Environment), DRCOG, and Tri-County Health Department standards and specifications; and
        c) Construction of the system shall not disturb a Sensitive Development Area or other significant natural area or feature, unless substantially mitigated by the applicant.

14-1004.03 FIRE PROTECTION

Applicants should confer with the appropriate fire district regarding current levels of fire protection service and, based on such information, provide an adequate level of fire protection for residents. The

County strongly encourages applicants to provide a coordinated fire protection approach with the district that may include, but is not limited to, a designated community water supply, tank, or well of sufficient capacity for fire protection demands; an adequate number and spacing of fire hydrants; or the provision of sprinkler systems within individual dwellings.

14-1004.04 ROADS

14-1004.04.01 INTERNAL CLUSTER SUBDIVISION ROADS

A. **Private Internal Roads**: All private internal roads connecting with the county access road and located within the boundaries of the cluster subdivision shall be constructed according to adopted county "rural private roadway" standards, with the approval of the applicable fire district and provided adequate roadside drainage is assured. The applicant shall include all private roads within tracts dedicated to that purpose on the subdivision plat, and include adequate easements for access, utilities, and drainage. Property owners within the cluster subdivision shall own and maintain all private internal roads under common ownership.

B. **Public Internal Roads**: All public (dedicated) roads connecting with the county access road and located within the boundaries of the cluster subdivision shall be constructed to the specifications of the adopted county "rural roadway" standard, which requires a 60-foot right-of-way section. However, the County may approve a 24-foot paved surface width plus two (2) six-foot (6') gravel shoulders within a sixty (60) foot right-of-way section for such public roadways in rural cluster subdivisions with the approval of the applicable fire district and provided adequate roadside drainage is assured.

14-1004.04.02 ACCESS TO COUNTY ROADS

All roads necessary to provide access to the cluster subdivision from a county road, but not located within the boundaries of the subdivision, shall be constructed to the specifications of the county's standards for either rural private roadways or rural (public) roadways described in Section 14-1004.04.01 above. For example, in order to connect internal cluster subdivision roads to a county section line road, the applicant needs to construct a new road through an adjacent property. That new road must be built as either a private or public rural roadway meeting all county roadway standards and specifications.

14-1004.05 PEDESTRIAN AND MAINTENANCE ACCESS

A. The applicant shall provide pedestrian and maintenance access to the conservation area(s) in accordance with the following requirements:
   1. **General Rule**. For each 20 lots in a cluster development, the applicant shall provide at least one centrally located access easement for pedestrian and equestrian use of the conservation area(s), as well as for maintenance access. The access easement shall be a minimum of 30 feet wide.
   2. **Exceptions**. The applicant may restrict pedestrian or equestrian access in any of the following circumstances:
      a) Access may be restricted to agricultural lands for public safety reasons and to prevent interference with agricultural operations.
      b) Access may be restricted to portions of conservation areas that contain Sensitive Development Areas, including but not limited to areas of steep slopes, wetlands, critical wildlife habitat, or other significant natural feature that the County determines could be harmed if unrestricted pedestrian access were allowed.

14-1004.06 STORMWATER MANAGEMENT AND DRAINAGE FACILITIES

A. All stormwater management and drainage facilities and their components, such as detention and water quality ponds, shall be contained within tracts and clearly delineated on the Cluster Subdivision Plat. The applicant shall show the area, intended use, and final ownership of all stormwater management and drainage facilities on the plat. Stormwater management and drainage facilities shall be sited within the residential cluster component of the subdivision to better ensure ongoing and regular maintenance of the facilities. However, the County may approve an alternate location within a conservation area tract provided the County finds:
   1. The facilities cannot reasonably be contained within the rural cluster(s) or other nearby developed areas;
   2. Construction of the facilities shall not disturb a Sensitive Development Area or other significant natural area or feature, unless substantially mitigated by the applicant; and
   3. The Engineering Division Manager or designee recommends approval of the alternative siting in the conservation area, with or without conditions.

14-1005 OWNERSHIP AND MAINTENANCE OF CONSERVATION AREA(S)

14-1005.01 CONSERVATION AREA(S)—LENGTH OF TERM

Future development within the conservation area shall be prohibited in perpetuity.

14-1005.02 OWNERSHIP OPTIONS

The applicant shall propose measures or methods for long-term ownership of the conservation area(s). The following methods may be used, either individually or in combination, for long-term ownership of the conservation area with the approval of the County:

14-1005.02.01 FEE SIMPLE DEDICATION TO ARAPAHOE COUNTY

A. The County may, but shall not be required to, accept any portion of the conservation area as a fee simple dedication, provided:
   1. The County shall have no acquisition costs, unless the County agrees to purchase the property; and
   2. The County agrees to and has access to maintain such land.

14-1005.02.02 FEE SIMPLE DEDICATION TO OTHER GOVERNMENTAL ENTITY

The County may approve dedication of the conservation area to another governmental entity—federal, state, or local—under terms that ensure permanent protection and maintenance of the conservation area.

14-1005.02.03 DEDICATION OF EASEMENTS TO ARAPAHOE COUNTY

A. The County may, but shall not be required to, accept conservation easements on any portion of the conservation area. In such cases, the land remains in the ownership of the property owners association, private conservation organization, or other acceptable entity, while the County holds the easement (which may allow for public access or other public benefit). In addition, the following regulations shall apply:
   1. The County shall have no acquisition costs; and
   2. A satisfactory maintenance agreement shall be reached between the owner and the County.

14-1005.02.04 PROPERTY OWNERS ASSOCIATION

A. Conservation areas may be held in common ownership by a property owners association, subject to all of the provisions for such associations set forth by the State of Colorado. In addition, the applicant shall meet the following regulations:
   1. The applicant shall provide the County for review and approval a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for the conservation area, including a legal description of the land and any restrictions placed upon its future use and enjoyment.
   2. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the approval of any final plat within the cluster development.
   3. Membership in the association shall be automatic (mandatory) for all purchasers of lots therein and their successors in title. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
   4. The association shall be responsible for maintenance and insurance of the conservation area(s).
   5. The association shall provide written notice of any proposed transfer of, or the assumption of, maintenance for the conservation area to all association members and to the County no less than 60 days prior to such event.
   6. The association by-laws shall give the County authority (but no obligation or duty) to assume responsibility to enforce these restrictions if the association fails to maintain the conservation area, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

14-1005.02.05 RETENTION OF INTEREST BY OWNER OR DEVELOPER

A. The owner or developer of the rural cluster development property may retain title to the conservation area, provided:
   1. A deed restriction is placed on the conservation area, which is acceptable to the County, and
   2. As applicable, the applicant submits a Management Plan acceptable to the County pursuant to Section 14-1005.03.02, "Management Plan," below, that ensures perpetual maintenance.

14-1005.02.06 PRIVATE CONSERVATION ORGANIZATION (WITH APPROVAL OF COUNTY)

A. With approval of the County, an owner may transfer either a conservation easement or fee simple title for the conservation area to a private non-profit organization, provided:
   1. The conservation organization is acceptable to the County and is a qualified conservation organization intended to exist indefinitely;
   2. The conveyance contains appropriate provisions for proper reverter or transfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;
   3. The conservation area shall be permanently restricted from future development through a conservation easement, and the County is given the authority (but no obligation or duty) to enforce these restrictions; and

4. A maintenance agreement acceptable to the County is established between the owner and the conservation organization.

B. With the approval of the County, land within a proposed conservation area encumbered by a conservation easement that exists before submittal or approval of a rural cluster subdivision application may satisfy the requirement for permanent conservation stated in Section 14-1005.01 above if the County finds the following conditions are met:

C. The terms of the existing conservation easement are consistent with the purpose of the Rural Cluster Option established in this section;

D. The preserved land has natural, scenic, open space, wildlife habitat, agricultural, recreational or other value that justifies the applicant receiving the Rural Cluster Option benefits;

E. Significant public benefit has derived from the applicant's preservation of the land subject to the existing conservation easement;

F. The amount, location, and design of the preserved land meets the standards and criteria stated in this Section 14-1000; and

G. Preservation of the land qualifies as a conservation contribution under Section 170(h), as amended, of the *Internal Revenue Code*.

H. The previous donation of a conservation easement does not create a right to apply the preserved land toward meeting the preserved land requirements of this Chapter. The County will consider all such cases on an individualized basis to determine if it satisfies the criteria and standards stated above.

4-1005.02.07 NON-COMMON PRIVATE OWNERSHIP—CONSERVANCY LOTS

A. As approved in a Cluster Subdivision Plat, a portion of the required conservation area may be included within one or more large "conservancy lots," provided:

1. The conservancy lot(s) meet the minimum conservancy lot size requirements set forth in Section 13-1104 of the Zoning Regulations.
2. The conservation area within the conservancy lot is permanently restricted from future development and activities through a conservation easement or other deed restriction acceptable to the County, except for uses allowed in Section 13-1104.01 of the Zoning Regulations, "Allowed Uses and Activities in Conservation Areas," and the County is given the express authority (but no obligation or duty) to enforce these restrictions.

14-1005.03 MANAGEMENT OF CONSERVATION AREA(S)

14-1005.03.01 MANAGEMENT COST AND RESPONSIBILITY

Unless otherwise agreed to by the county or unless the land is dedicated to the county, the cost and responsibility of maintaining and managing the conservation area shall be borne by the property owner, property owners association, conservation organization, or other owner entity as identified pursuant to section 14-1005.02, "ownership options," above.

14-1005.03.02 MANAGEMENT PLAN—WHEN REQUIRED

A. A *Plan for Management of the Conservation Area(s)* ("Management Plan"), prepared according to Section 14-1005.03's requirements below, will be required for all cluster subdivisions in which the cumulative acreage of the conservation area(s) totals 160 acres or more, unless the original owner of the total conservation area retains ownership and will continue its use for permitted agricultural purposes.

B. When the original owner of the conservation area retains ownership for continuing agricultural uses, the applicant shall explain in the cluster subdivision application how the owner intends to ensure the perpetual maintenance of the conservation area. The applicant shall reference and include copies of any existing Natural Resources Conservation Service (NRCS) conservation management plans or grazing management plans for the property required for participation in federal agricultural and rangeland programs. The county may condition subdivision approval on the future submittal of a Management Plan upon a change in ownership or use of the conservation area.

C. When the total conservation area is less than 160 acres, the applicant shall submit a weed control plan in compliance with county regulations, and shall indicate on the application what entity will be responsible for the long-term maintenance of the conservation area, but will not be required to submit a detailed Management Plan as required in Section 14-1005.03.03 below.

14-1005.03.03 MANAGEMENT PLAN—CONTENTS AND ISSUES ADDRESSED

A. The applicant shall, at the time of the Cluster Subdivision Plat submission, provide a *Plan for Management of the Conservation Area(s)* ("Management Plan") in accordance with the following requirements.

1. The Management Plan shall define ownership of the conservation area(s), and the organization(s) that will monitor and maintain the area(s).
2. The Management Plan shall include a baseline report identifying the condition of the conservation area at the time the cluster subdivision application is submitted.
3. The Management Plan shall state its purpose and objectives for management of the conservation area, including but not limited to the following, as applicable: wildlife management; cultural resource management; agricultural operations and management; and environmental protection and restoration.
4. The Management Plan shall establish necessary regular and periodic operation and maintenance responsibilities and include an operations and maintenance program that estimates staffing needs, insurance requirements, and costs, and defines the means for funding maintenance on an on-going basis. Such program plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
5. To ensure execution of the Management Plan, the County may require the applicant to escrow sufficient funds for the maintenance and operation costs of conservation area for up to one year.
6. Any changes to the Management Plan shall be approved by the County.
7. In the event that the organization established to maintain the conservation area, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility for maintenance (but shall have no obligation or duty to do so), in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
8. The Management Plan shall allow the County to enter the premises and take corrective action including extended maintenance. The costs of such corrective action may be charged to the property owner, property owners association, conservation organization, or individual property owners who make up a property owners association, and may include administrative costs and penalties. Such cost

shall become a lien on said properties. Notice of such lien shall be filed by the County.

14-1006 RECOGNIZING PROTECTION BY COLORADO "RIGHT TO FARM" ACT

Final Cluster Subdivision Plats and deeds authorized and recorded pursuant to this Section 15-100 shall include a statement that agriculture uses operating on the conservation area tracts enjoy the protection of the Colorado "Right to Farm" Act (C.R.S. Section 35-3.5-101, *et seq*.).

CHAPTER 16 STANDARD NOTES

Section 16-100 STANDARD NOTES, SPECIFIC NOTES, DEDICATIONS AND CERTIFICATIONS

16-101 INTENT

The following notes, dedication and certifications are used for documents described within the body of these regulations. ~~The PWD staff will determine what is appropriate on a case-by-case basis~~. Each application requires certain notes from the following list. Each section defines when the specific note is required. The text of each ~~item~~ note shall be duplicated as written, unless PWD staff authorizes alterations during the project review process. The County Attorney must approve any modifications to the text of any notes. Any notes on a plan or plat not included in this section shall be removed unless approved by the County Attorney. Each application requires notes as provided in the following Sections of this Chapter of the Land Development Code.

16-102 STANDARD NOTES

The following language should be included when applicable:

16-102.01 STANDARD NOTES

(Use with: all plans requiring standard notes)

THE OWNER(S), DEVELOPER(S) AND/OR SUBDIVIDERS(S) OF THE *(Type Of Plan)* KNOWN AS *(Project/Subdivision Name)*, THEIR RESPECTIVE SUCCESSORS, HEIRS AND/OR ASSIGNS AGREE TO THE FOLLOWING NOTES:

16-102.02 STREET MAINTENANCE

~~***(All Plans or Plats)***~~

(Use with: all plans and plats)

IT IS MUTUALLY UNDERSTOOD AND AGREED THAT THE DEDICATED ROADWAYS SHOWN ON THIS PLAT/PLAN WILL NOT BE MAINTAINED BY THE COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE CONSTRUCTION PLANS ARE APPROVED, AND PROVIDED CONSTRUCTION OF SAID ROADWAYS IS STARTED WITHIN ONE YEAR OF THE CONSTRUCTION PLAN APPROVAL. THE OWNERS, DEVELOPERS AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL BE RESPONSIBLE FOR STREET MAINTENANCE UNTIL SUCH TIME AS THE COUNTY ACCEPTS THE RESPONSIBILITY FOR MAINTENANCE AS STATED ABOVE.

16-102.03 DRAINAGE MAINTENANCE

~~***(All Plans or Plats)***~~

(Use with: all plans or plats)

THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL DRAINAGE FACILITIES INSTALLED PURSUANT TO THE SUBDIVISION AGREEMENT.

REQUIREMENTS INCLUDE, BUT ARE NOT LIMITED TO MAINTAINING THE SPECIFIED STORM WATER DETENTION/ RETENTION VOLUMES, MAINTAINING OUTLET STRUCTURES, FLOW RESTRICTION DEVICES AND FACILITIES NEEDED TO CONVEY FLOW TO SAID BASINS. ARAPAHOE COUNTY SHALL HAVE THE RIGHT TO ENTER PROPERTIES TO INSPECT SAID FACILITIES AT ANY TIME. IF THESE FACILITIES ARE NOT PROPERLY MAINTAINED, THE COUNTY MAY PROVIDE NECESSARY MAINTENANCE AND ASSESS THE MAINTENANCE COST TO THE OWNER OF THE PROPERTY.

16-102-04 EMERGENCY ACCESS NOTE

~~(All Plans or Plats)~~

(Use with: all plans or plats)

EMERGENCY ACCESS IS GRANTED HEREWITH OVER AND ACROSS ALL PAVED AREAS FOR POLICE, FIRE AND EMERGENCY VEHICLES.

16-102.05 DRIVES, PARKING AREAS, AND UTILITY EASEMENTS MAINTENANCE

~~(All Plans or Plats except PDP and PP)~~

(Use with: all plans or plats except Preliminary Development Plans, Rezoning, Preliminary Plats)

THE OWNERS OF THIS PLAN OR PLAT, THEIR SUCCESSORS, AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNERS ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF ANY AND ALL DRIVES, PARKING AREAS, AND EASEMENTS, I.E.: CROSS-ACCESS EASEMENTS, DRAINAGE EASEMENTS, ETC.

16-102.06 PRIVATE STREET MAINTENANCE

~~(All Plans or Plats except PDP and PP)~~

(Use with: all plans or plats except Preliminary Development Plans, Rezoning, Preliminary Plats)

IT IS MUTUALLY UNDERSTOOD AND AGREED THAT THE PRIVATE ROADWAYS SHOWN ON THIS PLAT/PLAN ARE NOT IN CONFORMANCE WITH ARAPAHOE COUNTY ROADWAY DESIGN AND CONSTRUCTION STANDARDS AND WILL NOT BE MAINTAINED BY THE COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN CONFORMANCE WITH THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE OF THE REQUEST FOR DEDICATION. THE OWNERS, DEVELOPERS, AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL BE RESPONSIBLE FOR STREET MAINTENANCE UNTIL SUCH TIME AS THE COUNTY ACCEPTS RESPONSIBILITY FOR MAINTENANCE AS STATED ABOVE.

16-102.07 DRAINAGE LIABILITY

~~(All Plans or Plats except PDP and PP)~~

(Use with: all plans or plats except Preliminary Development Plans, Rezoning, Preliminary Plats – when a drainage study has been produced as part of the review)

IT IS THE POLICY OF ARAPAHOE COUNTY THAT IT DOES NOT AND WILL NOT ASSUME LIABILITY FOR THE DRAINAGE FACILITIES DESIGNED AND/OR CERTIFIED BY (*Developer's Engineer*). ARAPAHOE COUNTY REVIEWS DRAINAGE PLANS PURSUANT TO COLORADO REVISED STATUTES TITLE 30, ARTICLE 28, BUT CANNOT, ON BEHALF OF (*Owner*) GUARANTEE THAT FINAL DRAINAGE DESIGN REVIEW WILL ABSOLVE (*Owner*)

AND/OR THEIR SUCCESSORS AND/OR ASSIGNS OF FUTURE LIABILITY FOR IMPROPER DESIGN. IT IS THE POLICY OF ARAPAHOE COUNTY THAT APPROVAL OF THE FINAL PLAT AND/OR FINAL DEVELOPMENT PLAN DOES NOT IMPLY APPROVAL OF (*Engineer and/or Firm's Name*) DRAINAGE DESIGN.

16-102.08 LANDSCAPE MAINTENANCE

~~(All Plans & Plats)~~

(Use with: all plans or plats)

THE OWNERS OF THIS PLAN OR PLAT, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNER'S ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF PERIMETER FENCING, LANDSCAPED AREAS AND SIDEWALKS BETWEEN THE FENCE LINE/PROPERTY LINE AND ANY PAVED ROADWAYS.

THE OWNERS OF THIS SUBDIVISION, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, OR SOME OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, AGREE TO THE RESPONSIBILITY OF MAINTAINING ALL OTHER OPEN SPACE AREAS ASSOCIATED WITH THIS DEVELOPMENT.

16-102.09 SIGHT TRIANGLE MAINTENANCE

~~(All Plans & Plats)~~

(Use with: all plans or plats)

THE OWNERS OF PRIVATE PROPERTY CONTAINING A TRAFFIC SIGHT TRIANGLE ARE PROHIBITED FROM ERECTING OR GROWING ANY OBSTRUCTIONS OVER THREE FEET IN HEIGHT ABOVE THE ELEVATION OF THE LOWEST POINT ON THE CROWN OF THE ADJACENT ROADWAY WITHIN SAID TRIANGLE.

16-102.10 PUBLIC IMPROVEMENTS NOTE

~~(FP/FDP/R/U/L&E/MDP/SDP/ASP, MS)~~

Use with: Final Plat, Final Development Plan, Replat, Use By Special Review, Locations & Extent, Master Development Plan, Subdivision Development Plan, Administrative Site Plan, Minor Subdivision)

AFTER FINAL DEVELOPMENT PLAN/FINAL PLAT APPROVAL, ISSUANCE OF INDIVIDUAL BUILDING PERMITS WILL BE SUBJECT TO THE FOLLOWING STIPULATIONS AND/OR CONDITIONS PRECEDENT, WHICH OWNER AGREES TO IN CONJUNCTION WITH APPROVAL OF THE FINAL DEVELOPMENT PLAN AND/OR FINAL PLAT. SUCH BUILDING PERMITS WILL BE ISSUED ONLY AFTER THE OWNERS GUARANTEE PUBLIC IMPROVEMENTS IN A FORM ACCEPTABLE TO THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO STATE STATUTE.

16-102.11 MAINTENANCE EASEMENT

~~(All Plans & Plats With 0' Setbacks)~~

(Use with: plan and plats with 0' setback)

A MAINTENANCE EASEMENT IS REQUIRED FOR DEVELOPMENTS WITH ZERO SIDE SETBACKS IF ONE STRUCTURE IS BUILT ON THE LOT LINE. IN ORDER TO MAINTAIN

STRUCTURE WITH THE ZERO SIDE SETBACK, A MAINTENANCE EASEMENT MAY BE REQUIRED ON THE ADJACENT LOT TO ENABLE MAINTENANCE TO BE PERFORMED ON SAID STRUCTURE FROM THE ADJOINING PROPERTY. EACH LOT OWNER AGREES TO ALLOW ADJACENT LOT OWNERS ACCESS ACROSS THEIR LOT, WITHIN FIVE FEET OF THE COMMON LOT LINE, AS MAY BE NEEDED TO MAINTAIN AND REPAIR THE ADJACENT OWNER'S PRINCIPAL STRUCTURE. EACH ADJACENT OWNER AGREES TO REPAIR ANY DAMAGE WHICH MAY BE CAUSED TO THE LOT OWNER'S PROPERTY FROM THE ADJACENT OWNERS USE OF THIS MAINTENANCE EASEMENT, AND TO TAKE ALL NECESSARY STEPS TO AVOID CAUSING SUCH DAMAGE.

16-102-12 DRAINAGE MASTER PLAN NOTE

~~*(All plans & plats)*~~

(Use with: all plans and plats)

THE POLICY OF THE COUNTY REQUIRES THAT ALL NEW DEVELOPMENT AND REDEVELOPMENT SHALL PARTICIPATE IN THE REQUIRED DRAINAGE IMPROVEMENTS AS SET FORTH BELOW:

1. DESIGN AND CONSTRUCT THE LOCAL DRAINAGE SYSTEM AS DEFINED BY THE PHASE III DRAINAGE REPORT AND PLAN.

2. DESIGN AND CONSTRUCT THE CONNECTION OF THE SUBDIVISION DRAINAGE SYSTEM TO A DRAINAGEWAY OF ESTABLISHED CONVEYANCE CAPACITY SUCH AS A MASTER PLANNED OUTFALL STORM SEWER OR MASTER PLANNED MAJOR DRAINAGEWAY. THE COUNTY WILL REQUIRE THAT THE CONNECTION OF THE MINOR AND MAJOR SYSTEMS PROVIDE CAPACITY TO CONVEY ONLY THOSE FLOWS (INCLUDING OFFSITE FLOWS) LEAVING THE SPECIFIC DEVELOPMENT SITE. TO MINIMIZE OVERALL CAPITAL COSTS, THE COUNTY ENCOURAGES ADJACENT DEVELOPMENTS TO JOIN IN DESIGNING AND CONSTRUCTING CONNECTION SYSTEMS. ALSO, THE COUNTY MAY CHOOSE TO PARTICIPATE WITH A DEVELOPER IN THE DESIGN AND CONSTRUCTION OF THE CONNECTION SYSTEM.

3. EQUITABLE PARTICIPATION IN THE DESIGN AND CONSTRUCTION OF THE MAJOR DRAINAGEWAY SYSTEM THAT SERVES THE DEVELOPMENT AS DEFINED BY ADOPTED MASTER DRAINAGEWAY PLANS (SECTION 3.4 OF THE ARAPAHOE COUNTY STORMWATER MANAGEMENT MANUAL) OR AS REQUIRED BY THE COUNTY AND DESIGNATED IN THE PHASE III DRAINAGE REPORT.

16-103 SPECIFIC NOTES

The following notes should not mention the owner, developer or subdivider.

SPECIFIC NOTES

16-103.01 REGIONAL TRANSPORTATION IMPROVEMENT FEE (RTIF) AREA

~~*(All Plans & Plats located within the RTIF Area)*~~

(Use with: all plans and plats located within the Regional Transportation Improvement Fee Area)

THIS (SUBDIVISION/DEVELOPMENT) IS LOCATED WITHIN AN AREA THAT HAS BEEN IDENTIFIED AS DEFICIENT IN REGIONAL INFRASTRUCTURE IMPROVEMENTS, PRIMARILY REGIONAL TRANSPORTATION INFRASTRUCTURE. THE BOARD OF COUNTY

COMMISSIONERS HAS ADOPTED RESOLUTION 375-95A, WHICH REQUIRES FEES, PURSUANT TO THE FEE SCHEDULE ADOPTED BY THIS RESOLUTION, TO BE CHARGED BY THE BUILDING DIVISION, AND COLLECTED UPON THE ISSUANCE OF ALL BUILDING PERMITS FOR NEW CONSTRUCTION WITHIN THE REGION BOUNDARIES. THE FEES, THE REGION BOUNDARIES, THE REGIONAL TRANSPORTATION INFRASTRUCTURE PROPOSED TO BE FUNDED BY THE FEES, AND OTHER PERTINENT PORTIONS OF THE FEE SCHEDULE MAY BE FURTHER STUDIED AND AMENDED FROM TIME TO TIME, AS NEEDED TO ENSURE A FAIR BALANCED SYSTEM.

16-102.03 AIRPORT INFLUENCE AREA NOTE
(OFF-SITE IMPROVEMENTS)

~~(All Plans & Plats located within an Airport Influence Area)~~

(Use with: all plans and plats located within an Airport Influence Area)

TO CARRY OUT ONE OR MORE OF THE FOLLOWING AS MAY BE REQUIRED BY THE BOARD OF COUNTY COMMISSIONERS:

1) TO INCLUDE SAID DEVELOPMENT WITHIN A SPECIAL DISTRICT FOR THE PURPOSE OF PARTICIPATION IN THE CONSTRUCTION OF NECESSARY OFF-SITE IMPROVEMENTS AT THE TIME OF APPROVAL OF FINAL DEVELOPMENT PLANS.

2) TO COOPERATE WITH OTHER OWNERS OF OTHER PARCELS AND/OR OTHER SPECIAL DISTRICTS IN OFF-SITE ROADWAY IMPROVEMENTS AS NECESSITATED BY THE DEVELOPMENT IMPACTS AS MAY BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS.

3) TO COMPLETE SUCH OTHER IMPROVEMENTS TO PUBLIC ROADWAYS BROUGHT ABOUT OR IMPACTED BY THIS DEVELOPMENT AS MAY BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS.

4) TO PARTICIPATE AND COOPERATE IN ANY TRANSPORTATION MANAGEMENT PROGRAM AS SPECIFIED IN THE AIRPORT INFLUENCE AREA TRANSPORTATION STUDY, IF SUCH A PROGRAM IS APPROVED AND/OR ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS.

16-103.04 AIRPORT INFLUENCE AREA NOTE
(EASEMENT/HAZARD EASEMENT)

~~All Plans & Plats Located Within an Airport Influence Area)~~

(Use with: all plans and plats within an Airport Influence Area)

AN AVIGATION AND HAZARD EASEMENT AFFECTING ALL PROPERTY CONTAINED WITHIN THIS __(*Type Of Plan*)__ HAS BEEN LEGALLY EXECUTED. SAID EASEMENT DOCUMENT CAN BE FOUND IN BOOK _____, PAGE _____, OF THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER.

THE LANDS CONTAINED WITHIN THIS __(*Type Of Plan*)__ LIE WITHIN THE AIRPORT INFLUENCE AREA, AN AREA WHICH IS LIKELY TO BE AFFECTED BY AIRCRAFT OPERATIONS AND THEIR POTENTIAL NOISE AND/OR CRASH HAZARDS TO A GREATER DEGREE THAN LANDS SITUATED OUTSIDE OF THE INFLUENCE AREA.

ALL LANDS CONTAINED WITHIN THIS _(*Type Of Plan*)_ SHALL COMPLY WITH F.A.R. PART 77, "HEIGHT AND OBSTRUCTIONS CRITERIA".

16-103.04 FOUR SQUARE MILE AREA NOTE

~~*(All Plans & Plats Located Within The Four Square Mile Area)*~~

(Use with: all plans and plats within Four Square Mile Area)

A) TO INCLUDE SAID DEVELOPMENT WITHIN A SPECIAL DISTRICT FOR THE PURPOSE OF PARTICIPATING IN THE CONSTRUCTION OF NECESSARY OFF-SITE IMPROVEMENTS AT THE TIME OF APPROVAL OF FINAL DEVELOPMENT PLANS.

B) TO COOPERATE WITH OTHER OWNERS OF OTHER PARCELS AND/OR SPECIAL DISTRICTS IN OFF-SITE ROADWAY AND OPEN SPACE IMPROVEMENTS AS NECESSITATED BY DEVELOPMENT IMPACTS AS MAY BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS.

C) TO INCLUDE SAID DEVELOPMENT IN A MASTER DRAINAGE IMPROVEMENT DISTRICT IF SUCH A DISTRICT IS FORMED.

16-103.05 PRIVATE OPEN SPACE

~~*(Plans & Plats Except PDP And L&E)*~~

(Use with: plans and plats except Preliminary Development Plan, Rezoning, Location & Extent)

A. THE PRIVATE PARK SITE AS SHOWN ON THIS PLAT OR PLAN SHALL BE MAINTAINED IN PERPETUITY BY THE OWNER(S), HOMEOWNER'S ASSOCIATION, AND/OR ENTITY OTHER THAN ARAPAHOE COUNTY.

B. BUILDING PERMITS WILL BE ISSUED FOR ONLY ONE-HALF OF THE LOTS IN THIS SUBDIVISION UNTIL THE PARK FACILITIES HAVE BEEN INSTALLED IN ACCORDANCE WITH THE APPROVED PLAN.

C. WHEN A PROJECT CONSISTS OF ONE LOT, THE PRIVATE PARK SHALL BE INSTALLED PRIOR TO THE CERTIFICATE OF OCCUPANCY.

16-103.06 STREET LIGHTING

~~*(All Plans or Plats except PDP and PP)*~~

(Use with: plans and plats except Preliminary Development Plan, Rezoning, Location & Extent)

ALL LOTS ARE SUBJECT TO AND BOUND BY TARIFFS WHICH ARE NOW AND MAY IN THE FUTURE BE FILED WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO RELATING TO STREET LIGHTING IN THIS PLAN OR PLAT, TOGETHER WITH RATES, RULES, AND REGULATIONS THEREIN PROVIDED AND SUBJECT TO ALL FUTURE AMENDMENTS AND CHANGES THERETO. THE OWNER OR OWNERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL PAY AS BILLED, A PORTION OF THE COST OF PUBLIC STREET LIGHTING IN THE PLAN OR PLAT ACCORDING TO APPLICABLE RATES, RULES, AND REGULATIONS, INCLUDING FUTURE AMENDMENTS AND CHANGES ON FILE WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO.

16-103.07 DRAINAGE

~~*(All FP, R, MS)*~~

(Use with: plans and plats except Preliminary Development Plan, Rezoning, Location & Extent)

ALL DRAINAGE, DETENTION POND AND STORM SEWER EASEMENTS SHOWN HEREON BURDEN AND RUN WITH ALL LANDS DESCRIBED IN THIS PLAT TO THE BENEFIT OF ARAPAHOE COUNTY AND ITS ASSIGNS, AND ARE BINDING UPON THE OWNERS AND THEIR RESPECTIVE SUCCESSORS, HEIRS AND ASSIGNS. THE EASEMENTS ARE GOVERNED BY THE TERMS AND CONDITIONS OF ARAPAHOE COUNTY'S STORMWATER AND DRAINAGE REGULATIONS AND STANDARDS AND ALL TERMS AND CONDITIONS OF RECORD, INCLUDING THOSE RECORDED ON JUNE 5, 1997, AT RECEPTION NUMBER A7066570, AS THOSE REGULATIONS, STANDARDS, TERMS AND CONDITIONS EXIST AT THE TIME OF COUNTY APPROVAL OF THIS DOCUMENT AND AS THEY MAY BE AMENDED FROM TIME TO TIME.

16-103.08 PUBLIC USE EASEMENT

~~*(All FP, R, MS)*~~

(Use with: all Final Plat, Replat, Minor Subdivision, Final Development Plan, Administrative Development Plan, Use by Special Review, Location & Extent)

ALL PUBLIC USE EASEMENTS SHOWN HEREON BURDEN AND RUN WITH ALL LANDS DESCRIBED IN THIS PLAT TO THE BENEFIT OF ARAPAHOE COUNTY AND ITS ASSIGNS, AND ARE BINDING UPON THE OWNERS AND THEIR RESPECTIVE SUCCESSORS, HEIRS AND ASSIGNS. THE PUBLIC USE EASEMENTS ARE GOVERNED BY THE TERMS AND CONDITIONS OF ARAPAHOE COUNTY'S EASEMENT REGULATIONS AND STANDARDS AND ALL TERMS AND CONDITIONS OF RECORD, IF ANY, AS THOSE REGULATIONS, STANDARDS, TERMS AND CONDITIONS EXIST AT THE TIME OF COUNTY APPROVAL OF THIS DOCUMENT AND AS THEY MAY BE AMENDED FROM TIME TO TIME.

16-103.09 STORMWATER MAINTENANCE

~~*(All Plans or Plats with Permanent BMP's and/or Stormwater Facilities)*~~

(Use with: all plans or plats with permanent StormWater Best Management Practice Installations and/or Stormwater Facilities

THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL PERMANENT BEST MANAGEMENT PRACTICES (BMP'S) AND STORMWATER FACILITIES INSTALLED PURSUANT TO THE SUBDIVISION AGREEMENTS AND THE OPERATIONS AND MAINTENANCE (O AND M) GUIDE IN THE CASE OF PERMANENT BMP'S. REQUIREMENTS INCLUDE, BUT ARE NOT LIMITED TO, MAINTAINING THE SPECIFIED BMP'S CONTAINED IN THE O AND M MANUAL RECORDED AT RECEPTION NUMBER _____, AND THE STORMWATER FACILITIES SHOWN IN THE APPROVED PHASE III DRAINAGE REPORT AND SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS.

THE OWNERS OF THIS SUBDIVISION, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, OR SOME ENTITY OTHER THAN ARAPAHOE COUNTY, AGREE TO THE RESPONSIBILITY OF MAINTAINING ALL PERMANENT BMP'S AND/OR STORMWATER FACILITIES ASSOCIATED WITH THIS DEVELOPMENT. IF THE PERMANENT BMP'S AND STORMWATER FACILITIES ARE NOT PROPERLY MAINTAINED, THE COUNTY MAY PROVIDE NECESSARY MAINTENANCE AND ASSESS THE MAINTENANCE COST TO THE OWNER OF THE PROPERTY.

16-104 STANDARD CERTIFICATES

When appropriate, the following certificates shall be used. Certificates should always be on the cover sheet of the document.

16-104.01 BOARD OF COUNTY COMMISSIONERS APPROVAL

~~***(All Documents Approved by the Board)***~~

(Use with: all documents approved by the Board)

APPROVED BY THE ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS, THIS_____ DAY OF _**(leave 2" blank for month)**_____ A.D., 20_____.

CHAIR: _____

ATTEST: _____

16-104.02 PLANNING COMMISSION RECOMMENDATION

~~***(All Documents Requiring a Recommendation by the Planning Commission)***~~

(Use with: all documents requiring a recommendation by the Planning Commission)

NOT RECOMMENDED/RECOMMENDED BY THE ARAPAHOE COUNTY PLANNING COMMISSION, THIS _____ DAY OF __**(leave 2" blank for month)**_____ A.D, 20___.

CHAIR: _____

16-104.03 PLANNING COMMISSION APPROVAL

~~***(Required on L and E)***~~

(Use with: Location & Extent)

APPROVED BY THE ARAPAHOE COUNTY PLANNING COMMISSION ON THIS _____ DAY OF __**(leave 2" blank for month)**_____ A.D., 20____.

CHAIR: _____

16-104.04 PLANNING DIVISION MANAGER APPROVAL(Administrative Amendment)
(Use with: *Administrative Amendments approved by the Planning Division Manager)*

ADMINISTRATIVE AMENDMENT FOR THE (**add** type of Proposal) PLAN AMENDING (specific element, e.g. lot line, height requirement), AS DEPICTED HEREON PURSUANT TO SECTION (**add** specific section of the document) APPROVED THIS _____DAY OF __**(leave 2" blank for month)**____ BY THE PLANNING DIVISION MANAGER, OR DESIGNEE. THIS AMENDMENT NO. _____AFFECTS ONLY (specific elements) AS DESCRIBED IN FILE NO. _____.

_____
PLANNING DIVISION MANAGER OR DESIGNEE

16-104.05 PLANNING DIVISION MANAGER APPROVAL(Administrative Site Plan)
(Use with: Administrative Site Plan approved by the Planning Division Manager)

ADMINISTRATIVE SITE PLAN IS APPROVED THIS _____DAY OF _ (leave 2" blank for month)____ BY THE PLANNING DIVISION MANAGER, OR DESIGNEE.

_____
PLANNING DIVISION MANAGER OR DESIGNEE

16-104.06 PLANNING DIVISION MANAGER APPROVAL
Technical Amendment Note and Certification
(Use with: Technical Amendment approved by the Planning Division Manager)

TECHNICAL AMENDMENT IS APPROVED THIS _____DAY OF _ (leave 2" blank for month)____ BY THE PLANNING DIVISION MANAGER, OR DESIGNEE.

_____
PLANNING DIVISION MANAGER OR DESIGNEE

16-104.08 SURVEYING CERTIFICATE

~~*(FP/R/MS)*~~

(Use with: Final Plat, Replat, Minor Subdivision)

I, ***(insert typed or printed name)***_____, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.

_____

LICENSED LAND SURVEYOR

16-104.08 SURVEYOR NOTE (Optional)

~~*(FP/R/MS)*~~

(Use with: Final Plat, Replat, Minor Subdivision)

THE DIMENSIONS, LOCATIONS AND OTHER INFORMATION REGARDING RECORDED RIGHTS-OF-WAY AND EASEMENTS WERE DERIVED FROM COPIES OF THE ACTUAL RECORDED DOCUMENTS. THE UNDERSIGNED SURVEYOR DID NOT PERSONALLY SEARCH THE PUBLIC RECORDS TO DETERMINE THE RECORDED RIGHTS-OF-WAY AND EASEMENTS AFFECTING THE PROPERTY, BUT INSTEAD RESEARCH WAS OBTAINED FROM_____TITLE INSURANCE COMPANY. THE RESEARCH IS BELIEVED BY THE UNDERSIGNED TO BE RELIABLE, COMPLETE AND CORRECT, AND IS NOT CONTRADICTED BY ANY OTHER INFORMATION KNOWN TO THE SURVEYOR. THIS DISCLOSURE IS PROVIDED TO COMPLY WITH 38-51-106, C.R.S. AND FOR NO OTHER PURPOSE.

16-104.09 ATTORNEY CERTIFICATE

~~*(FP/R/MS)*~~

Use with: Final Plat, Replat, Minor Subdivision)

(This certificate is only required if surveyor's optional note is used)

I, ____***(insert typed or printed name)***_____, AN ATTORNEY AT LAW DULY LICENSED TO PRACTICE IN THE STATE OF COLORADO, REGISTRATION NO._____, STATE THAT I HAVE EXAMINED THE TITLE TO THE PROPERTY DESCRIBED IN THIS PLAT AND STATE FURTHER THAT, IN MY OPINION, TITLE TO ALL LANDS DESCRIBED IN THIS PLAT IS MERCHANTABLE IN THE OWNER AND IS FREE AND CLEAR OF ALL EASEMENTS, RIGHTS-OF-WAY, COVENANTS, LIENS AND ENCUMBRANCES EXCEPT (A) THOSE EASEMENTS AND RIGHTS-OF-WAY DEPICTED ON THE PLAT AND (B) THOSE HELD BY OTHER SIGNATORIES TO THIS PLAT. I FURTHER STATE THAT, IN MY OPINION, THE PERSON SIGNING AS OWNER IS AUTHORIZED TO DO SO.

16-104.10 RECORDER'S CERTIFICATE
~~*(FP/R/MS/SE)*~~
(Use with: Final Plat, Replat, Minor Subdivision)

THIS PLAN OR PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ARAPAHOE COUNTY AT _____ (A.M./P.M.) ON THE _____ DAY OF _____ A.D., 20____ IN

BOOK _____, PAGE _____, MAP _____, RECEPTION NO._____

COUNTY CLERK AND RECORDER

_____

BY _____
DEPUTY

AMENDMENT HISTORY

THIS (__*Amendment Number And Type*__) TO THE (__*Type Of Plan*__) FOR (__*Project Name*__)

SETS FORTHTHE FOLLOWING CHANGES AS DESCRIBED: (*Fill In Here*)

THE PREVIOUSLY APPROVED AMENDMENTS RELATED TO THE (___*Type Of Plan*___) FOR (__*Project Name*__) ARE AS FOLLOWS: (*Text*)

16-105 SPECIFIC CERTIFICATES

There are three types of certificates of ownership: Certification of Dedication and Ownership, Certificate of Ownership, and Certificate of Ownership (for PP). All documents to be recorded must be notarized.

16-105.01 CERTIFICATE OF DEDICATION AND OWNERSHIP
~~*(All FP, R, MS)*~~
(Use with: Final Plat, Replat, Minor Subdivision

THE UNDERSIGNED CERTIFIES TO AND FOR THE BENEFIT OF THE BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, THAT AS OF THE DATE SET FORTH BELOW AND THE DATE OF RECORDING OF THIS DOCUMENT, THE UNDERSIGNED CONSTITUTE ALL OF THE OWNERS OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAT, THAT THE UNDERSIGNED HAVE GOOD RIGHT AND FULL POWER TO CONVEY, ENCUMBER AND SUBDIVIDE SAME, AND THAT THE PROPERTY IS FREE AND CLEAR OF ALL LIENS, ENCUMBRANCES, EASEMENTS AND RIGHTS OF WAY EXCEPT THE EASEMENTS AND RIGHTS-OF-WAY DEPICTED ON THIS PLAT, AND THE LIENS HELD BY OTHER SIGNATORIES TO THIS DOCUMENT. IN THE EVENT OF A DEFECT IN SAID TITLE WHICH BREACHES THE WARRANTIES IN THIS CERTIFICATE, THE UNDERSIGNED, JOINTLY AND SEVERALLY, AGREE(S) TO REMEDY SUCH DEFECT UPON DEMAND BY ARAPAHOE COUNTY, WHICH REMEDY SHALL NOT BE DEEMED EXCLUSIVE.

KNOW ALL MEN BY THESE PRESENTS, THAT ____**(insert owner's name)**_____BEING THE OWNER(S), MORTGAGEE, OR LIEN HOLDERS OF CERTAIN LANDS IN ARAPAHOE COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING .... ETC. CONTAINING

ACRES MORE OR LESS: HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO____**(Lots, Blocks, Streets)**_____ AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF __**(insert name of plat)**_____AND DO HEREBY DEDICATE AND CONVEY TO ARAPAHOE COUNTY, COLORADO, AND WARRANTS TITLE TO SAME, FOR THE USE OF THE PUBLIC, THE STREETS AND OTHER PUBLIC WAYS AND LANDS SHOWN HEREON, AND DO HEREBY DEDICATE TO ARAPAHOE COUNTY, COLORADO, AND APPROPRIATE UTILITY COMPANIES AND EMERGENCY ASSISTANCE ENTITIES, THE EASEMENTS AS SHOWN HEREON FOR THE PURPOSES STATED.

EXECUTED THIS_____ DAY OF _____ A.D., 20____

~~**OWNER OF RECORD**~~

_____

(Owner of record or authorized agent signature)

Or

_____***(insert owner name)***_____

BY_____***ITS***_____

ACKNOWLEDGEMENT

STATE OF _____}
S.S.
COUNTY OF _____

THE FOREGOING CERTIFICATION OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS_____ DAY OF_____ A.D., 20_____

BY_____AS_____

(NAME) (TITLE)

OF_____AN AUTHORIZED SIGNATORY.
(ENTITY)

BY _____
NOTARY PUBLIC WITNESS MY HAND AND SEAL

_____MY COMMISSION EXPIRES_____

~~ADDRESS~~

_____

~~CITY STATE ZIP CODE~~

16-105.02 CERTIFICATE OF OWNERSHIP

~~(PDP, FDP, SDP, MDP, USR, ASP, L and E)~~

(Use with Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Oil & Gas, Use by Special Review, Adminiostrative Site Plan, Location and Extent, Rezoning)

I_____*(insert typed or printed owner or agent's name)*_____ HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS (PROJECT NAME AND CASE NUMBER).

OWNER OF RECORD OR AUTHORIZED AGENT

STATE OF_____}
S.S.
COUNTY OF _____}

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____DAY

OF_____, 20___ BY (*Name*)

AS (*Title*) OF _____AN AUTHORIZED SIGNATORY.

BY_____ WITNESS MY HAND AND SEAL
NOTARY PUBLIC

_____**MY COMMISSION EXPIRES** _____
~~ADDRESS~~

_____

~~CITY STATE ZIP CODE~~

16-105.03 CERTIFICATE OF OWNERSHIP

~~*(All PP)*~~

(Use with: Preliminary Plat

_____*(insert owner or agent's signature)*_____
OWNER OF RECORD OR AUTHORIZED AGENT

CHAPTER 17 NOTICE AND NOTIFICATION

SECTION 17-100 PUBLIC NOTICE REQUIREMENTS – SIGN AND MAIL NOTIFICATION

The following Chapter outlines and describes the requirements for public noticing of development proposals. Read each section carefully to follow these requirements. At the time an item is scheduled for public hearing the Planning Division office will mail to you these requirements with specific information regarding individual proposals. Please contact the Planning Division office with any questions. These requirements are the responsibility of the applicant or the applicant's representative. Errors in posting will postpone a public hearing, so accuracy is crucial.

17-101 SIGN POSTING

A. Posting of property for public hearings shall be the responsibility of the applicant.
B. Sign posting is required on the following applications: **Administrative Oil and Gas,** Location and Extent, Use by Special Review, **Conventional Zoning,** Preliminary Development Plans (and Amendments), Final Development Plans (and Amendments), Master Development Plans and Roadway Vacations.

17-101.01 SIGN REQUIREMENTS

A. Staff will inform you of the location and number of signs required for each proposal.
B. All signs must be posted ***at least ~~14~~ fifteen (15) calendar days prior to the scheduled public hearing.***
C. The applicant must take a legible photograph of the sign and submit it immediately upon posting the property to the Planning Case Manager.
D. He must also present the "Certificate of Posting" form, with photo, to the Case Manager no later than noon (12:00) on the Monday prior to the hearing. FAILURE TO PRESENT "CERTIFICATE OF POSTING" FORM WILL RESULT IN RESCHEDULING.

17-101.02 SIGN SPECIFICATIONS

A. A sign not less than 3 feet x 4 feet erected on posts **with** no **portion of the sign** lower than 4 feet above natural grade and legible from the nearest dedicated public right-of-way.
B. Title of sign (Notice of ... etc.) and Case No. must be in 4-inch letters in red. (Balance of sign must be 2-inch black letters on white background.) Please advise your printer that the signs must read exactly as shown on the instruction sheet; otherwise, the Planning Division cannot accept the signs as proper posting.
C. Said sign shall be removed within two (2) weeks of the conclusion of all public hearings.
D. The sign shall be posted on the property upon which the proposal is requested for a period of ***at least ~~14~~ fifteen (15) calendar days*** prior to hearing. Such sign shall read as follows:

NOTICE OF PUBLIC HEARING FOR (Project Type)

(CASE NUMBER)

Notice is hereby given that the property upon which this sign **(or adjacent property, if property is not adjacent to Right of Way)** is posted shall be considered for a **(type of case)** to the **(project name)** pursuant to the Arapahoe County Zoning Regulations. Further information concerning this proposal may be obtained by calling the PWD Office at (720) 874-6650.

The hearing is to be held before the Planning Commission on the ____day of **(Month), (Year),** in the Arapahoe County Lima Plaza, Arapahoe Board Room, 6954 South Lima Street, Centennial, Colorado, at **6:30 p.m.**, or as soon thereafter as possible.

- OR -

A hearing is to be held before the Board of County Commissioners on the ____ day of **(Month), (Year),** in the County Administration Building, 5334 South Prince Street, Littleton, Colorado, at **9:30 a.m.** or as soon thereafter as possible.

17-102 MAIL NOTIFICATION

17-102.01 INSTRUCTIONS FOR MAIL NOTIFICATION PROVISIONS

A. Pursuant to Resolution #787-95A (effective June 19, 1995), the Board of County Commissioners adopted revisions to the County Zoning Regulations which include a "mail notification" requirement for all land development procedures requiring public hearings.
B. Mail Notification for public hearings shall be the responsibility of the applicant.
C. Mail Notification is required on the following applications: Location and Extent, Use by Special Review, **Conventional Zoning,** Preliminary Development Plans (and Amendments), Final Development Plans (and Amendments), Master Development Plans and Roadway Vacations.

17-102.02 REQUIREMENTS

A. Applicants are to mail, First Class, a Notice of Public Hearing to the Owner(s) of Record, at the time of application, of property located adjacent to the subject property.
B. Adjacent is to include those properties separated from the subject property by public right-of-way.
C. The Planning Division may expand or contract the notification boundary as appropriate to ensure adequate notice.
D. The Notice shall be ***mailed no later than fourteen (14) days prior to the Public Hearing***.

17-102.03 INSTRUCTIONS FOR PREPARING THE MAIL NOTIFICATION ARE AS FOLLOWS:

17-102.03.01 List of Property Owners

Concurrent with the formal submittal of an application, obtain and submit a list of surrounding property owners to the Planning office. (Property information may be obtained from the Arapahoe County Assessor's Office). This list is to include in its title a reference to the name of

the proposal and type of application being requested. Two sets of information are to be included in the list:

A. First, the full name and mailing address for each surrounding property owner.
B. Second, the Assessor's Schedule Number for each property owner's parcel of ground.

17-102.03.02 County Assessor's Map

Acquire a copy of the County Assessor's Map(s) which depicts the subject property (copies can be purchased in the Mapping Division). Graphically highlight all parcels of ground for which the owners of record are to receive mail notification. Include a copy of this map, no larger than 11" x 17" in size, when you submit the mailing list. (Note: A copy of the map will help the Assessor's Office assist you in compiling a mailing list).

17-102.03.03

A. After your application has been accepted, staff will review the mailing list and area of notification for adequacy. You will promptly be notified if any changes are required. After your case has been scheduled for a public hearing, staff will mail you the format for the letter notifying surrounding property owners.
B. Submit a signed copy of the mailed letter to our Department no later than noon (12:00) on Monday prior to the hearing.

SAMPLE LETTER

Notice of Public Hearing

[INSERT DATE]

[INSERT ADDRESSEE]

RE: Case:

Location:

Please be advised that (applicant) on behalf of (owner), has made application to Arapahoe County for a **(project type)** on the above referenced property.

(Planning Staff will detail the requirements of each individual proposal.)

[DESCRIBE THE PROPOSAL] *(Include a detailed description of the site and the use(s) proposed. 1) Use plain English.* ***DO NOT*** *use unexplained abbreviations (i.e., FAR, GSF, etc.). The goal is to explain your development in plain and simple terms. 2) Include all "negative" aspects of the development. Failure to accurately describe the impact of your development on neighboring owners will risk a determination by the Board of County Commissioners that the notice was inadequate, which will delay action on your case.)*

A public hearing will be conducted on the referenced application at:

Time:

Date:

Location: **Arapahoe County Lima Plaza, Arapahoe Board Room**
6954 South Lima Street, Centennial, CO 80112

As a neighboring landowner and member of the public you are encouraged to attend this public hearing. For particularity as to the content of this application, contact _____, at (Firm Name) at (Phone Number) or (Planner), Planning Division, PWD Department, Arapahoe County Government, at (720) 874-6650.

Sincerely,

[INSERT NAME]

(*Include Representative Capacity*)

C. Attach to the letter, the following notarized certification:
Notarized Certification:

I hereby certify under oath that the attached letter was mailed to all property owners, on _____, (Year), as described in the mailing list included with this application and on file with the Planning Division.

_____

Signature

_____

Date

State of Colorado)
) ss.
County of _____)

Subscribed and sworn before me this _____day of _____20___by_____.

CHAPTER 19 DEFINITIONS

19-100 RULES OF CONSTRUCTION

A. The particular controls the general.
B. The word "building" shall mean the word "structure."
C. The word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used."
D. Additional definitions are found in this document within subsections of the Zoning Resolution.

19-200 DEFINITIONS

ABUTTING. Having a common property line or district line with an adjacent property.

ACCESS DRIVE. A street or right-of-way providing ingress and egress to properties adjacent to a regional thoroughfare, arterial street, or major collector street.

ACCESSIBLE. When used in connection with accommodation for disabled persons refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or safely and with dignity by a person with physical disability.

ACCESSORY DWELLING UNIT (ADU). A secondary dwelling unit that is within or adjacent to the primary single-family dwelling unit on a lot/ parcel and includes a kitchen, bathroom and sleeping facilities and has a separate entry to the secondary dwelling unit. Colorado Statutory parcels of 35-acres are also under this definition.

ACCESSORY USE OR STRUCTURE. A use or structure (exceeding 120 sq. ft.) subordinate to the principal structure or use which serves a purpose customarily incidental to the principal use.

ACCESSORY BUILDINGS. Accessory uses and structures are not permitted unless and until the principal permitted use has been established on the property.

A. Accessory buildings greater than 120 sq. ft. in size and/or 10' in height shall observe all yard and height requirements.
B. Structures constructed for accessory uses shall not be used for dwelling purposes.
C. Except for agricultural usage only, accessory structures shall not exceed 10% of the lot area or a maximum of 1,000 square feet, and a maximum building height of 15 feet.

ACCIDENT POTENTIAL ZONE (APZ) I. An area beginning at the outer edge of the Buckley Air National Guard Base Clear Zone, 3,000 feet wide by 5,000 feet long, in which the potential for aircraft accidents, while being less than the accident potential on the Base environs, is considered measurable enough for the purposes of these Regulations to warrant certain land use restrictions to be placed on lands lying within this Zone.

ACCIDENT POTENTIAL ZONE (APZ) II. An area beginning at the outer edge of the Buckley Air National Guard Base Accident Potential Zone I, 3,000 feet wide by approximately 7,000 feet long together with a triangular-shaped area at the westerly edge of the 7,000 measurement which is 5,500 feet wide at the base by 7,300 feet long, all as depicted in Figure 3-1 of the June 1998 AICUZ, in which the potential for aircraft accidents, while being less than the accident potential of APZ I, is considered

MOBILE HOME. Any structure transportable on its own wheels, on flatbed or other trailers, or on detachable wheels, (excluding recreational vehicles, camping trailers, pickup bed camper, motorhomes and vehicles licensed for on road use) which is designed and generally and commonly used for occupancy by persons for residential purposes in either temporary or permanent locations.

MOBILE HOME PARK OR SUBDIVISION. Any lot or part thereof, or any parcel of land which is used or offered as a location for one or more mobile homes used for any purpose.

MOBILE HOME SUBDIVISION. See **MOBILE HOME PARK OR SUBDIVISION**.