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MEMORANDUM

TO: Dave Schmit, Director, Public Works and Development Department DAVID M. SCHMIT, P.E.
Director

THROUGH: Chuck Haskins, Manager of Engineering Services Division *Ch*

FROM: Sue Liu, Engineer III *sl*

DATE: June 3, 2009

RE: **Signature and Seal Requirement to the Landscape Architectural Construction Documents by Colorado Revised Statute Title 12, Article 45**

Pursuant to Colorado Revised Statute Title 12, Article 45 (see attached letter dated April 1, 2009 from State Board of Landscape Architects), the State Board of Landscape Architects requests that the local jurisdictions should require all landscape architectural construction documents be signed and sealed by the licensed landscape architect who prepared them or has taken responsible control for them.

Since this requirement is not currently included in the County's Infrastructure Design and Construction Standards Manual (IDCS), Section 3.19.5, Staff proposes to modify the Section to include the new requirement as well as both the landscape architect and the developer certification statement as follow:

- The landscape architectural construction document submitted for review shall be prepared by a Landscape Architect licensed in Colorado, certified as shown below on the cover sheet:

I hereby affirm that these final landscape architectural construction plans within (name of the roadway) right-of-way for (name of subdivision, development or project) were prepared by me (or under my direct supervision) for the owners thereof, in accordance with the Colorado Revised Statute Title 12, Article 45, the Arapahoe County's Streetscape Guidelines of the Land Development Code and the requirements of the Arapahoe County's Infrastructure Design and Construction Standards Manual. I understand that Arapahoe County does not and will not assume liability for landscape and irrigation systems designed by others.

Signature by a Licensed Landscape Architect:
State of Colorado Number (Affix Seal):

Date:
Name of Landscape Architectural Firm:

- The plans shall also contain a developer certification statement on the cover sheet:

(Name of Developer) hereby certifies that the landscape and irrigation systems for (Name of Subdivision, Development or Project) shall be constructed according to the design presented on the landscape architectural construction plans. I understand that Arapahoe County does not and will not assume liability for the landscape and irrigation systems designed by my landscape architect. I further understand that Arapahoe County may require additional information if the submitted plan does not function as intended.

I have reviewed the information contained herein and accept responsibility for the requirements set forth.

Name of Developer:
Authorized Signature:
Date:

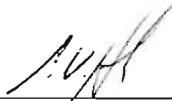
The County legal staff, Tom McNish has reviewed this modification and determined that it can be approved by the Director, Public Works and Development through an administrative process.

Concurrence:

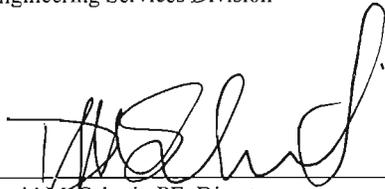
This modification is effective immediately.



Sue Liu, PE, Engineer III
Engineering Services Division



Chuck Haskins, PE, Division Manager
Engineering Services Division



David M. Schmit, PE, Director
Public Works and Development

STATE OF COLORADO

STATE BOARD OF LANDSCAPE ARCHITECTS

Charles H. Adams, Program Director

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D. Rico Munn, Executive Director

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Business and Technical Section
Angeline Kinnaird Linn, Section Director



Bill Ritter, Jr.
Governor

April 1, 2009

Steve Byer
Division Manager
Arapahoe County Public Works & Development
10730 E Briarwood Ave
Centennial, CO 80112

Dear Planning, Building and Local Government Officials,

I am the Program Director for the Colorado State Board of Landscape Architects. I want to share some information with you about the Colorado Revised Statute (C.R.S.) Title 12, Article 45 that requires all landscape architects in Colorado have a professional license as of January 1, 2008.

Planning and building codes and professional licensing laws are meant to work together. Planning and building officials and the State Board of Landscape Architects (the Board) each exist to protect the public against unsafe design projects. The Board endeavors to protect the health, safety, and welfare of the general public by ensuring that all licensed landscape architects have the proper education and training, and pass a rigorous examination on technical and practice issues. County or local jurisdictions promulgate and adopt planning and building codes while their staffs enforce code requirements that are intended to protect the health, safety, and welfare of the general public. If planning and building officials require all construction documents for non-exempt designs to bear the appropriate signature and seal of a licensed landscape architect, then licensure will share the responsibility for protecting the health, safety and welfare of the public.

Colorado has limited exemptions permitting unlicensed persons to prepare landscape architectural construction documents for residential design services for single-and multi-family properties of four or fewer units excluding their common areas; irrigation systems design; and others. However, it is clear public policy that landscape designs of significant size or complexity exceeding the exemptions must be designed by Colorado licensed landscape architects.

Licensed landscape architects are, and should be, responsible for their professional services. The public, as well as planning and building officials, rely on their professional expertise. As a result, professional submissions such as planning and site planning documents that result in construction documents should clearly show the identity of the licensed landscape architect who prepared them by having affixed a seal and signature and otherwise complying with the requirements of state law. Without proper identification, ultimate responsibility for any deficiencies may not be clear.

The law and applicable codes in Colorado require that professional submissions be signed and sealed by the licensed landscape architect who prepared them or has taken responsible control for them. Specifically, this law is C.R.S. 12-45-117 and can be found on the State Board website at www.dora.state.co.us/la/Statute.pdf

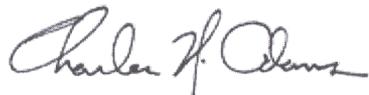
As a general rule, planning and building officials should require that all construction documents have the seal and signature of either a Colorado licensed landscape architect as appropriate, or have a notation on the construction documents stating that the plans are exempt from the statute requiring them to be prepared by a licensed landscape architect. Planning and building officials facing litigation or defending their actions in other arenas should not have to explain why they could have required construction documents to be prepared, signed and sealed by a landscape architect, but chose to accept construction documents from an unlicensed individual when the law or planning and building codes may not have allowed that unlicensed individual to prepare the construction documents in the first place.

On behalf of the Board, I would also like to request your assistance in helping the Board regulate the unlicensed practice of landscape architecture. You can check the current licensure status of any licensee with our Automated Licensure Information System On-Line at www.doradls.state.co.us/alison.php and you can always report license law violations and unlicensed practice to the Board by filing a complaint form located at www.dora.state.co.us/la/complaints.htm.

Your planning and building departments and the State Board of Landscape Architects can work together effectively to protect the health, safety and welfare of the general public.

If you have any questions, please feel free to contact the Board office at 303-894-7775 or email us at la@dora.state.co.us.

For the State Board of Landscape Architects,

A handwritten signature in cursive script, appearing to read "Charles H. Adams".

Charles H. Adams
Program Director