

RESOLUTION NO. 018-¹⁸117

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

A RESOLUTION ADOPTING AMENDMENTS TO DOUGLAS COUNTY SUBDIVISION RESOLUTION ARTICLES 4 – PRELIMINARY PLAN, 6 – MINOR DEVELOPMENT SINGLE FAMILY RESIDENTIAL, 6A – MINOR DEVELOPMENT NONRESIDENTIAL AND MULTIFAMILY, 7A – REPLAT ADMINISTRATIVE PROCESS, 7B – ROAD VACATION, AND 7C – SUBDIVISION PLAT VACATION (“AMENDMENTS”)

WHEREAS, the Department of Community Development has prepared Amendments to the Douglas County Subdivision Resolution, which are attached hereto and incorporated herein as Exhibit A (Project No. DR2018-007); and

WHEREAS, said Amendments have been reviewed and recommended for approval by the Planning Commission on October 15, 2018; and

WHEREAS, the Board of County Commissioners considered said Amendments at a properly noticed public hearing held on November 6, 2018; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Douglas, State of Colorado, that the Douglas County Subdivision Resolution, is hereby amended to read as provided on said Exhibit A; and

FURTHER RESOLVED, that said Amendments shall become effective on November 6, 2018.

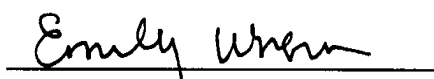
PASSED AND ADOPTED, this 6th day of November 2018, in Castle Rock, Douglas County, Colorado.

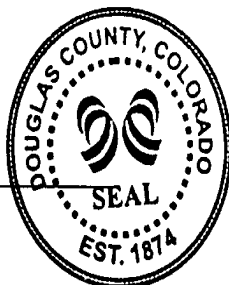
**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY:


Lora L. Thomas, Chair

ATTEST:


Emily Wrenn, Clerk to the Board



ARTICLE 4 PRELIMINARY PLAN**401 Intent**

An in-depth analysis of the proposed subdivision, including a review of the design considering the ability to obtain water and sanitation, identified geologic hazards, environmentally sensitive areas, wildlife habitat areas, source of required services, vehicular and pedestrian circulation, storm drainage and water quality, relationship to surrounding land uses, and conformance with the Master Plan.

402 Prerequisite

Prior to submittal of a preliminary plan, the applicant shall meet with staff to discuss the procedures and submittal requirements.

402.01 The applicant shall contact the Planning Office and schedule a presubmittal meeting which may include staff from various County departments and, as deemed necessary, other referral agency representatives. The applicant shall provide basic information on the subdivision application in advance of the meeting.

402.02 Staff shall provide initial comments on the proposed subdivision design, conformance with the Master Plan, and applicable regulations and shall explain the subdivision process.

402.03 A written meeting summary shall be provided to the applicant and included in the project file.

403 Approval Standards

A preliminary plan may be approved upon the finding by the Board that the preliminary plan:

403.01 Conforms with the goals, objectives, and policies of the Master Plan.

403.02 Addresses the design elements established in Article 4, section 404.

403.03 Conforms with Section 18A, Water Supply - Overlay District, of the Zoning Resolution.

403.04 Provides for a public wastewater collection and treatment system and, if other methods of wastewater collection and treatment are proposed, such systems comply with State and local laws and regulations.

403.05 Identifies all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions and the proposed uses of these areas are compatible with such conditions.

403.06 Provides adequate drainage improvements.

- 403.07 Provides adequate transportation improvements.
- 403.08 Protects significant cultural, archaeological, natural, and historical resources and unique landforms.
- 403.09 Has available all necessary services, including fire and police protection, recreation facilities, utility services, streets, and open space to serve the proposed subdivision.
- 403.10 Meets the criteria set forth in the Zoning Resolution for bonus lots regarding site design standards and density bonus approval standards of the associated zone district.
- 403.11 Does not interfere with the extraction of any known commercial mining deposit.

404 Design Elements

The following shall be considered in reviewing the subdivision design, as appropriate to the urban, nonurban, or other community context:

- 404.01 Lots are of an appropriate size and configuration for the site's characteristics and intended uses, and otherwise capable of meeting minimum zone district standards such as lot size, setbacks, and off-street parking.
- 404.02 Geologic hazards, floodplains, wildfire, or other hazardous conditions are mitigated or avoided.
- 404.03 Conflicts between proposed and surrounding land uses are minimized through lot and tract orientation, setbacks, landscaping, or other buffering techniques.
- 404.04 Streets and stormwater facilities are laid out with the ability to meet the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria Manual, and other applicable County regulations.
- 404.05 Elements of the site's natural terrain, drainageways, riparian areas, and vegetation are preserved or integrated into the subdivision layout.
- 404.06 Archeological and historical resources of special significance are protected.
- 404.07 Opportunities for safe and convenient vehicular, pedestrian, and other connections within the subdivision and adjacent neighborhoods, shopping, employment, and recreational areas are provided.
- 404.08 Specific recommendations of other required development reports or technical studies are implemented.

405 Submittal Process

The preliminary plan application shall be submitted only after the presubmittal meeting has been completed. The submittal is processed as follows:

- 405.01 The applicant shall submit the required submittal information to the Planning Office. An incomplete submittal will not be processed. Staff shall review the submittal information within 15 working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review.
- 405.02 As part of its initial review, staff will identify the number of copies of the submittal information required for distribution to referral agencies and identify which referral agencies are regulatory and which are advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and complied. Staff shall include a referral response sheet, with the mailed paper referral packets and distribute the electronic referral packets. For any subsequent referral reviews, the applicant shall provide revised plans and other materials for distribution to applicable referral agencies, as requested by staff.
- 405.03 The applicant shall also provide stamped letter sized envelopes, including a corresponding list and map for the project file, addressed to the abutting landowners, and other landowners, as required by staff, for notification of the preliminary plan application. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners.
- 405.04 If the referral agencies elect to comment, they shall comment within 21 calendar days the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and Board.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies received within the 21 day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff with a written response to timely comments of advisory referral agencies and comments received as a result of the courtesy notice. The applicant is encouraged to meet with referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies.

Following receipt of the applicant's written response to comments, including the submittal of any revised exhibits and plans, the Planning and Engineering staff will provide additional comments to the applicant as necessary.

- 405.05 Staff will schedule a public hearing before the Planning Commission and notify the applicant in writing of the hearing date and time. The applicant is responsible for public notice of the hearing in accordance with Section 409 herein. Concurrent notice for the Planning Commission and Board public hearings may be provided if requested by the applicant.
- 405.06 Staff will provide a staff report to the Planning Commission. The Planning Commission shall evaluate the preliminary plan, staff report, referral comments, applicant responses, public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the preliminary plan. The Planning Commission's decision shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.
- 405.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board and notify the applicant in writing of the hearing date and time, unless previously provided with a request for concurrent hearing notice. The applicant is responsible for public notice in accordance with Section 409 herein.
- 405.08 Staff will provide a staff report to the Board. The Board shall evaluate the preliminary plan, staff report, referral agency comments, applicant responses, Planning Commission recommendations, public comment and testimony, and shall either approve, approve with conditions, table for further study, remand to the Planning Commission, or deny the preliminary plan. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.
- 405.09 If denied by the Board, a resubmittal of a preliminary plan for the same or substantially the same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board within 10 days from the date of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed preliminary plan.

406 General Submittal Requirements

The following information shall be submitted to the Planning Office, unless waived by the Director:

- 406.01 Completed land use application (*available from the Planning Office*)
- 406.02 A written narrative which, at a minimum, provides the following information:

- 406.02.1 The total land area to be subdivided.
 - 406.02.2 The total number of lots and proposed use.
 - 406.02.3 The residential density and/or estimated nonresidential floor area.
 - 406.02.4 The total land area to be preserved as open space.
 - 406.02.5 Roads, tracts, and easements.
 - 406.02.6 Land dedications for parks and schools.
 - 406.02.7 Provision of water and sewer services.
 - 406.02.8 Phasing of the proposed subdivision, if any.
 - 406.03 Application fee (*fee schedule available from Planning Office*)
 - 406.04 Proof of ownership that includes an updated or current title information binder or insurance policy issued no more than thirty days prior to the date of application.
 - 406.05 A notarized letter of authorization from the landowner permitting a designated representative to process the application.
 - 406.06 Plan exhibit, in accordance with Section 407, herein.
- Additional copies of plan exhibits may be required for public hearing packets for the Planning Commission and Board.
- 406.07 All water supply documentation required by Section 18A, Water Supply – Overlay District, of the Zoning Resolution.

The Director may defer the requirement that the water supply documentation include evidence of inclusion of the property into an Existing District or evidence of organization of a New Special District and execution of an intergovernmental agreement between the New Special District and the Existing District that is proposed to provide the water supply to the subdivision, for reason of good cause shown. Such reasons may include, but shall not be limited to:

- Demonstration that an inclusion agreement has been executed by the property owner(s) and the Existing District, and that the process of inclusion is on-going, but not yet complete. (For example: The election to approve inclusion of the property has been scheduled, but not yet conducted, or a Motion for Order for Inclusion has been filed in District Court, but not yet ruled on.)

- Demonstration that the New Special District has been organized, and that the process of executing an intergovernmental agreement is on-going, but not yet complete.
- Demonstration that the New Special District has been approved by the Board of County Commissioners and that the process of organizing of the New Special District is on-going, but not yet complete. (For example: The election to approve organizing of the New Special District has been scheduled, but not yet conducted.)

Such a deferral may include the provision that evidence of inclusion of the property into the Existing District or evidence of organizing of a New Special District and execution of an intergovernmental agreement between the New Special District and the Existing District be submitted prior to consideration of the application by the Planning Commission and/or the Board.

406.08 Development reports, in accordance with Section 408, herein. Engineering plans and fees shall be submitted to the Engineering Division.

406.09 Any additional information, as requested by staff, to adequately review the application.

407 Plan Exhibit

The preliminary plan shall:

407.01 Be prepared on 24-inch by 36-inch paper at a scale of 1"=100', 1"=200' or another scale approved by the Director. If a proposal requires multiple sheets, a composite exhibit shall be provided within the plan set that delineates the boundaries and identifies each sheet number. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet.

407.02 Include the title placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development, plan number (*when applicable*), and Planning Office file number. If part of a planned development, the planning area(s) shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, CO shall be included under the name and planning area. On the title sheet (*sheet #1*), under the general legal description, include the total acreage and the total number of residential lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision or planned development names.

Example:

PINE VIEW PRELIMINARY PLAN NO. 10		
A portion of Planning Area H - A part of the West 1/2 of		
Section 9, T6S, R67W, 6th P.M., Douglas County, CO		
8.05 Acres	35 Residential lots	SB _____

- 407.03 Include a block in the lower-right hand corner with the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.
- 407.04 Depict the boundary of the proposed subdivision in a heavy line. Note those areas not included in the subdivision as: "Not included in this plat."
- 407.05 Include a vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a minimum 1-mile radius.
- 407.06 Include a vicinity map that depicts the area to be subdivided superimposed on the planned development or filing map, when the land is zoned planned development, at a scale of 1"= 2,000' that shows the limits of the preliminary plan superimposed on the planning areas.
- 407.07 Depict all easements, including existing and proposed, public and private on and adjacent to the proposed subdivision, their use, principal dimensions, the owners or rightholder of the easement along with the recorded book and page number and the name of the entity responsible for construction or maintenance.
- 407.08 Depict all contour lines at 10' intervals, or another interval as may be required by staff based upon other significant topographic conditions.
- 407.09 Delineate all 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, inlets, storm sewers and culverts on and within 100' of the affected property.
- 407.10 Depict all proposed lots, tracts, and, when appropriate, building envelopes or no-build zones, providing accurate dimensions for each. Lots shall be numbered consecutively, tracts shall be lettered alphabetically. Include the total acreage and range of lot sizes. On residential subdivisions, tracts shall be used exclusively for nonresidential uses, such as area to be dedicated to the County for park or school sites.
- 407.11 Depict all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, or the general public. Include notes to indicate the purpose, disposition, and maintenance responsibility for all such tracts and easements.
- 407.12 Locate and provide the name and principal dimension of all street rights-of-way. Roads shall be identified by the classification system defined by the Douglas County Road Design and Construction Standards. Indicate the maintenance responsibility, road percentage grades, centerline radii and other pertinent roadway information such as distance between intersections.

- 407.13 Depict legal and physical public access to the proposed subdivision even if not part of the subdivision.
- 407.14 Note the land use, zoning and ownership of the adjacent land, including the intended future use of the adjacent land, if owned by the applicant.
- 407.15 Note existing structures on the site, their uses and whether they are to remain on the site.
- 407.16 Identify any historical sites or structures.
- 407.17 Note significant natural or man-made features within and adjacent to the proposed subdivision.
- 407.18 Note important views onto or from the site, including scenic mountain views, buttes, rock outcroppings, drainages, etc.
- 407.19 Indicate by name and symbol, significant vegetative stands including, but not limited to, large stands of scrub oak and pine.
- 407.20 Depict all potential geologic hazard areas including: areas of rockfall hazard, debris flow, steeply dipping bedrock, and expansive soils.
- 407.21 Identify areas of 15-20% slope in one shading pattern and areas of greater than 20% in another shading pattern.
- 407.22 Identify significant wildlife habitat areas including breeding grounds, nesting areas, crossings, wintering areas, and migratory routes.
- 407.23 Show the conceptual design of the following items:
 - (1) Local, collector, and arterial streets, including principal dimensions.
 - (2) Pedestrian and open space systems, including connections to adjacent development and open space areas.
 - (3) Focal points, community facilities, and other special features.
 - (4) The treatment of potentially conflicting land uses.

408 Development Reports

The applicant shall submit a report with supporting materials which is to include and completely address the items listed below as a minimum. The degree of detail for analysis of some of the following factors will depend upon the impact of the particular item on the surrounding area and the subject property. The Director may waive any portion of a required development report based upon design, size, impact to public facilities, services, roads, and overall impacts, except those required by state statutes. The Director of Engineering may waive or modify development reports for drainage and traffic.

- 408.01 A discussion of site features as depicted on the plan that may affect the evaluation of the proposed development.

- 408.02 Evidence establishing soil suitability in the form of a report prepared by a registered professional engineer or professional geologist. The report shall minimally include: a description of site soil types, locations, and characteristics with supporting soil maps, soil logs and other information needed to determine soil suitability for proposed development; depth to water table and an engineers recommendation of how to handle the subsurface drainage (i.e.: sump pumps, trench drains, etc.); constraints on development based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, erosion control, and a determination of the adequacy of the structural characteristics of the soil as they relate to the proposed development.
- 408.03 A report on the geological characteristics of the site, by a qualified professional, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, and a determination of what effect such factors would have and proposed corrective or protective measures. The report shall also include an evaluation of potential radiation hazard to the proposed land use.
- 408.04 Phase II Drainage Report prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 408.05 Evidence of the physical and legal capability to provide sanitation as follows:
- 408.05.1 For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.
- 408.05.2 For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation district or owner to serve the demands of the proposed subdivision.
- 408.05.3 For a subdivision of land where individual wastewater collection and treatment systems are proposed, percolation test data must be provided to prove general suitability of soils for such systems.
- 408.06 A narrative describing the availability and adequacy of existing infrastructure and other necessary services including: fire and police protection, recreation, utilities, and open space.
- 408.07 A traffic study describing the transportation network establishing the availability and adequacy of the system consistent with the Douglas County Roadway Design and Construction Standards and the Transportation Plan of the County Master Plan.
- 408.08 A report which discusses existing or potential cultural, archaeological and historical resources of significance on site and plans for the protection of such resources.

408.09 Wildfire Mitigation Plan, Weed Management Plan, and other land management reports and studies as required by County regulation or warranted based on site characteristics and proposed land uses.

409 Public Notice Requirements

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting will be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings.

409.01 PUBLISHED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Office at least 7 days prior to the hearing. Such notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a preliminary plan located (distance and direction from nearest major intersection). For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on, (date), at (time), and before the Board of County Commissioners on, (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a preliminary plan located (distance and direction from nearest major intersection). For more information call Douglas County Planning, 303-660-7460.

File #/Name:

409.02 POSTED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, visible from the right-of-way, placed on posts at least four feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3 feet by 4 feet. Letter size shall be a minimum of three inches high and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." Such notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

This land shall be considered for approval of a preliminary plan on (date), at (time) in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460. File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for approval of a preliminary plan before the Planning Commission on, (date), at (time), and before the Board of County Commissioners on, (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460. File #/Name:

- 409.02.1 An affidavit of sign posting shall be submitted for the file in the Planning Office at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
(Sign lettering must be legible in photo.)

I, (print name of applicant/representative/person posting sign), attest that the above sign was posted on (date) abutting (name of street).

(signature) File #/Name:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 200__ by _____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

409.02.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

410 Expiration of Approval

- 410.01 The preliminary plan shall be effective for a period of 3 years from the date of approval, unless stated otherwise in such approval. The Director may grant a 1-year extension of time, upon a written request by the applicant, based upon a finding that the plan is in conformance with the Master Plan, Zoning Resolution, and Subdivision Resolution, all as amended. Requests for additional extensions may be granted by the Board.
- 410.02 When a part of the preliminary plan obtains final plat approval, approval of the remaining area of the preliminary plan shall be effective for an additional 3-year period following approval of the final plat or as otherwise extended by the Director or the Board.
- 410.03 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plan as these changes affect the plan and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office. Additional review of the plan may occur resulting in additional conditions as applicable.
- 410.04 The denial of an extension by the Director may be appealed to the Board in writing within 10 days of the decision by the Director.

ARTICLE 6 MINOR DEVELOPMENT FINAL PLAT – Single-Family Residential

601 Intent

The intent of the minor development is to provide a streamlined review process for the creation of ten or fewer single-family residential lots. Adjoining minor development final plats shall not be allowed if the purpose is to circumvent the preliminary plan and final plat processes required for larger subdivisions.

602 Prerequisite

Prior to submittal of a minor development final plat application, the applicant shall contact the Planning Office and schedule a presubmittal meeting to include staff from various County departments and, as deemed necessary, other referral agency representatives to discuss the proposal and provide information on the submittal process. The applicant shall provide basic information on the proposed subdivision in advance of the meeting. Staff shall prepare and distribute the written meeting summary to the applicant to include initial comments on the application and other relevant information, and place a copy in the project file.

A minor development final plat shall not be permitted if the subdivision creates a nonconforming lot, or in the case of an existing nonconforming lot or parcel, a minor development final plat shall not increase the nonconformity.

603 Approval Standards

A minor development final plat may be approved upon the finding by the Board that the minor development final plat:

- 603.01 Conforms with the goals, objectives, and policies of the Master Plan.
- 603.02 Addresses the design elements established in Section 404 – Preliminary Plan, herein.
- 603.03 Conforms with Section 18A, Water Supply - Overlay District, of the Zoning Resolution.
- 603.04 Provides for a public wastewater collection and treatment system, and, if other methods of wastewater collection and treatment are proposed, such systems shall comply with State and local laws and regulations.
- 603.05 Identifies all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions and that the proposed uses of these areas are compatible with such conditions.
- 603.06 Provides adequate drainage improvements.

- 603.07 Provides adequate transportation improvements.
- 603.08 Protects significant cultural, archaeological, natural, and historical resources, and unique landforms.
- 603.09 Demonstrates the extraction of any known commercial mining deposit shall not be impeded.
- 603.10 Has available all necessary services, including fire and police protection, recreation facilities, utility service facilities, streets, and open space to serve the proposed subdivision.

604 Submittal Process

The minor development final plat application shall be submitted only after the presubmittal meeting has been completed. The submittal is processed as follows:

- 604.01 The applicant shall submit the required submittal information to the Planning Office. An incomplete submittal will not be processed. Staff shall review the submittal information within 15 working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review.
- 604.02 As part of its initial review, staff will identify the number of copies of the submittal information required for distribution to referral agencies and indicate which referral agencies are regulatory and which are advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet with the mailed paper referral packets and distribute the electronic referral packets. For any subsequent referral reviews, the applicant shall provide revised plans and other materials for distribution to the applicable referral agencies as requested by staff.
- 604.03 The applicant shall also provide stamped letter sized envelopes, including a corresponding list and map for the project file, addressed to the abutting landowners, and other landowners, as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners.
- 604.04 If the referral agencies elect to comment, they shall comment within 28 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more

than 30 calendar days. After the 28 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies received within the 28 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of advisory referral agencies and those received as a result of the courtesy notice. The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies.

Following receipt of the applicant's written response to comments, including the submittal of any revised exhibits and plans, the Planning and Engineering staff will provide additional comments to the applicant as necessary.

- 604.05 Staff will schedule a public hearing before the Planning Commission and notify the applicant in writing of the hearing date and time. The applicant is responsible for public notice of the hearing in accordance with Section 608 herein. Concurrent notice for the Planning Commission and Board public hearings may be provided if requested by the applicant.
- 604.06 The Planning Commission shall evaluate the minor development final plat, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the minor development request. The Planning Commission's decision shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.
- 604.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board and notify the applicant in writing of the hearing date and time, unless previously provided with a request for concurrent hearing notice. The applicant is responsible for public notice of the hearing in accordance with Section 608 herein. The subdivision improvements agreement shall be reviewed by staff and approved by the County Manager or Board prior to the Board hearing on the minor development final plat.
- 604.08 Staff will prepare a staff report for the Board. The Board shall evaluate the minor development final plat, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions,

continue, table for further study, remand to the Planning Commission, or deny the minor development final plat. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.

- 604.09 If denied by the Board, a resubmittal of a minor development final plat for the same or substantially same application, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board within 10 days from the date of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed minor development final plat.

605 Submittal Requirements

The following information shall be submitted to the Planning Office, unless waived by the Director:

- 605.01 Completed land use application (*available from the Planning Office*)
- 605.02 A written narrative that, at a minimum, provides the following information:
- 605.02.1 The total land area to be subdivided.
 - 605.02.2 The total number of lots and proposed use.
 - 605.02.3 The residential density.
 - 605.02.4 The total land area to be preserved as open space.
 - 605.02.5 Roads, tracts, and easements, including ownership and maintenance responsibility.
 - 605.02.6 Land dedications for parks and schools.
 - 605.02.7 Provision of water, sewer, and other utilities.
- 605.03 Application fee (*available from Planning Office*)
- 605.04 Proof of ownership which includes an updated or current title information binder or insurance policy issued no more than thirty days old prior to the date of application, to be updated prior plat recordation.
- 605.05 A notarized letter of authorization from the landowner permitting a designated representative to process the application.
- 605.06 Minor Development Final Plat Exhibit in accordance with Section 606, herein.

Additional copies of plan exhibits may be required for public hearing packets for the Planning Commission and Board.

605.07 All required water supply documentation in accordance with Section 18A – Water Supply Overlay District of the Zoning Resolution.

605.08 Development Reports, in accordance with Section 607, herein.

Engineering plans and review fees shall be submitted to the Engineering Division.

605.09 Any additional information, as requested by staff, to adequately review the application.

606 Minor Development Final Plat Exhibit

The minor development final plat shall:

606.01 Be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording in the Office of the County Clerk and Recorder.

606.02 Be an acceptable fix-line photographic or computer-generated copy of the original drawing. Inaccurate, incomplete or poorly drawn plans shall be rejected.

606.03 Include sheet size of 24-inch by 36-inch with the long dimension horizontal. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet.

606.04 Be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than 1%. Acceptable scales are 1"=50' or 1"=100' and for subdivisions exceeding 100 acres, 1"=200'. In special instances, another scale may be approved by staff. If a plat requires multiple sheets, a composite, on 24-inch by 36-inch paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by staff.

606.05 Include the title placed at the top of the sheet along the long dimension of each sheet and include the name of the proposed subdivision or planned development, filing number (*when applicable*), and Planning Office file number. If part of a planned development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, CO, shall be included under the name and planning area. On the title sheet (*sheet #1*), under the general legal description, include the total acreage and

the total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. The minor development final plat name may not duplicate existing subdivision names.

Example:

WITT'S END		
A part of the W/2 of Sec. 9, T6S, R67W, 6th P.M., Douglas County, CO		
40 Acres	4 Residential lots	SB__-

- 606.06 Include a block in the lower right-hand corner with the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.
- 606.07 Include a vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a minimum 1-mile radius.
- 606.08 Include a vicinity map when the land is zoned planned development that depicts the area to be subdivided superimposed on the planned development, at the same scale as the planned development that shows the limits of the proposed plan superimposed on the planning areas.
- 606.09 Include a written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes clearly and prominently. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof shall be labeled "Not a Part of This Subdivision".
- 606.10 Display ties to aliquot section corners and to the State grid (*if available*) which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the County Engineer. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (*second order*) minimum for linear and angular (*bearing*) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.

- 606.11 Locate, identify, and label all lots, tracts and, when requested by staff, building envelopes with the appropriate dimension with sufficient linear, bearing, and curve data. No ditto marks shall be used for dimensions. All lots shall be shown in their entirety on one sheet. Lots shall be numbered consecutively; tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot to the nearest 0.01 of an acre. In residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.
- 606.12 Indicate all road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.
- 606.13 Describe the purpose, widths and location (*with fine dashed lines*) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.
- 606.14 Locate 100-year floodplains, all existing/proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected land.
- 606.15 Include the following certifications on the title sheet in accordance with Article 8 of this Resolution: Surveyor, Dedication Statement, Clerk and Recorder, Board of County Commissioners, Title Verification, Planning Commission, and Acceptance Certificate, as needed.
- 606.16 Include the following statement for all minor development final plats within the Centennial Airport Review Area, as identified by the Zoning Resolution:

Owner waives, remises, and releases any right or cause of action it may now have or which it may have in the future against the County of Douglas, its officers, employees, and agents related to, or resulting from, the passage of aircraft in the airspace above the property that is the subject of this minor development final plat.

- 606.17 Include notes that adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation easements, maintenance responsibility for private roads, easements and tracts. The applicant shall provide for the construction, at no cost to the County, of traffic signalization, all utilities, and other public infrastructure as required by the Board and provide bonding or other security needed to ensure such improvements, as required by the Board.

607 Development Reports

The applicant shall submit the supporting materials necessary for the review of the minor development final plat which address the items listed below.

- 607.01 A Phase III Drainage report and drainage construction drawings prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 607.02 Final roadway and stormwater construction plans, when applicable, prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 607.03 An overall utility plan for the subdivision, when applicable.
- 607.04 Water and sanitary sewer plans, when applicable. These plans may be included in the roadway and stormwater construction plans.
- 607.05 A Grading, Erosion, and Sediment Control Report and Plan for the subdivision in accordance with the Grading, Erosion and Sediment Control Manual.
- 607.06 A printed copy of the closure calculations on the boundary lines of the minor development final plat. Any mathematical closure errors in excess of 1:50,000 (*second order*) must be corrected by the applicant's surveyor prior to plat approval by the Board.
- 607.07 A traffic impact analysis prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards and the Transportation Plan of the Master Plan.

- 607.08 A sound study, when located abutting a state, federal, or major regional arterial highway, identifying the current noise levels and projected noise levels based on projected highway expansion.
- 607.09 Evidence of the physical and legal capability to provide sanitation as follows:
- 607.09.1 For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.
- 607.09.2 For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation district or owner to serve the demands of the proposed subdivision.
- 607.09.3 For a subdivision of land where individual wastewater collection and treatment systems are proposed, percolation test data must be provided to prove general suitability of soils for such systems.
- 607.10 Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for the proposed subdivision. Verification of service commitment may also be obtained during the referral agency comment period.
- 607.11 A report on the geological characteristics of the site, by a qualified professional, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, a determination of what effect such factors would have and proposed corrective or protective measures. The report shall also include an evaluation of potential radiation hazard to the proposed land use.
- 607.12 A report which discusses existing or potential cultural, archaeological and historical resources of significance on site and plans for the protection of such resources.
- 607.13 Wildfire Mitigation Plan, Weed Management Plan, and other land management reports and studies as required by County regulation or warranted based on site characteristics and proposed land uses.
- 607.14 Provide the following supplemental information on a 24-inch by 36-inch sheet of paper, drawn at the same scale of the minor development final plat exhibit, or other acceptable scale, as may be requested by staff to analyze the minor development final plat:
- 607.14.1 100-year floodplains, existing and proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected property.

607.14.2 Potential geologic hazard areas including: areas of rockfall hazard, debris flow, steeply dipping bedrock, and expansive soils.

607.14.3 Existing topography at 10' intervals, or as otherwise requested by staff. Identify areas of 15-20% slope in one shading pattern and areas greater than 20% in another shading pattern. Include a narrative that describes the mitigation methods used to address existing slope conditions.

608 Public Notice Requirements

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board for their respective public hearings.

608.01 PUBLISHED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Office at least 7 days prior to the hearing. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSIONOR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a minor development final plat located in (distance and direction from nearest major intersection). For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a minor development final plat located in *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

608.02 POSTED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4' above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3 feet by 4 feet. Letter size shall be a minimum of 3" high, and a minimum of six inches for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460.". Such notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

This land shall be considered for approval of a minor development final plat on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for approval of a minor development final plat before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

608.02.1 Posting Affidavit

An affidavit of sign posting shall be submitted for the file in the Planning Office at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
(Sign lettering must be legible in photo.)

I, (print name of applicant/representative/person posting sign), attest that the
above sign was posted on (date) abutting (name of street).

(signature) File #/Name:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 200__ by
_____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

608.02.2 The sign shall be removed by the applicant within two weeks following the final decision by the Board.

609 Vested Property Rights

The final plat is designated as the Site Specific Development Plan for the purpose of vesting property rights for single-family residential land. A landowner seeking vested property rights for single-family residential land must obtain approval of a Site Specific Development Plan pursuant to the provisions of Article 12 of this Resolution.

610 Recordation Procedure

The recordation of the approved final plat and associated documentation shall occur within 90 days of approval by the Board, unless otherwise extended by the Board at the time of final plat approval. The final plat shall be submitted for recordation as follows:

610.01 The applicant shall amend the minor development final plat in accordance with the Board approval, as necessary. The applicant shall demonstrate

compliance with all applicable Board conditions of approval prior to plat recordation.

- 610.02 Within 60 days of approval of the final plat, unless stated otherwise in such approval, the applicant shall submit 1 mylar (3 mil weight, emulsion up, rolled) original of the approved final plat exhibit ready for recordation (*except for the signatures of the Board Chair, Director and other County Departments*); all required documentation; and all mapping and recordation fees to the Planning Office.
- 610.03 When applicable, the applicant shall provide proof that security has been provided to cover the subdivision improvement costs in accordance with the terms of the approved subdivision improvements agreement.
- 610.04 The applicant shall provide updated title information, no more than 2 weeks old. If there is a difference in ownership between this title policy and the title policy submitted with the minor development final plat application, recordation shall not be allowed until the newly identified owners have executed the plat and any other agreements, easements, or deeds which require owner signatures.
- 610.05 The applicant shall provide cash-in-lieu for County land dedication for parks or schools in accordance with the Board's conditions of approval. The applicant shall provide a special warranty deed for any required County rights-of-way or other land dedications located outside the subdivision boundary, in accordance with Board conditions of approval and the approved subdivision improvements agreement.
- 610.06 A signed warranty deed shall be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.
- 610.07 For applications that propose a water supply from an Existing District or from a New Special District that has entered into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, of the Zoning Resolution, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing, Extraterritorial, or New Special District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District.
- 610.08 The applicant shall provide a certificate of taxes paid for the land area of the final plat that indicates taxes through and including the prior year have been paid.
- 610.09 Within 30 days of receipt of the minor development final plat, and supporting documentation, the staff planner shall obtain the signatures of the Board,

Director, and other County departments, as required; and upon execution and acceptance by the County of all warranty deeds, the final plat shall be recorded.

611 Expiration of Approval

- 611.01 Failure by the applicant to submit all required documentation within 60 days shall render approval of the minor development final plat null and void, unless extended by the Director or Board as provided herein.
- 611.02 The Director may grant a time extension for plat recordation of up to 1 year from the date of Board approval, upon a written request by the applicant or staff for good cause being shown. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.
- 611.03 A plat recordation extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plat as these changes affect the plat, along with the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office.
- 611.04 The denial of a plat recordation extension by the Director may be appealed to the Board in writing within ten days of the decision by the Director.

ARTICLE 6A MINOR DEVELOPMENT FINAL PLAT – Nonresidential & Multifamily

601A Intent

To provide a streamlined review process for nonresidential and multifamily subdivisions. The applicant may be required to submit a site improvement plan (SIP) in accordance with the SIP section of the Zoning Resolution, with the minor development final plat application, based on design, size, impact to public facilities, services, roads, and overall impacts, as determined by the Director. If the applicant is unable to submit an SIP, when the Director requires such, the application shall be processed in accordance with the preliminary plan and final plat requirements of this Resolution.

602A Prerequisite

Prior to submittal of a minor development final plat application, the applicant shall contact the Planning Office and schedule a presubmittal meeting to include staff from various County departments and, as deemed necessary, other referral agency representatives to discuss the proposal and provide information on the submittal process. The applicant shall provide basic information on the proposed subdivision in advance of the meeting. Staff shall prepare and distribute the written meeting summary to the applicant to include initial comments on the application and other relevant information, and place a copy in the project file.

A minor development final plat shall not be permitted if the subdivision creates a nonconforming parcel, or in the case of an existing nonconforming lot or parcel, a minor development final plat shall not increase the nonconformity.

603A Approval Standards

A minor development final plat may be approved upon the finding by the Board that the minor development final plat:

- 603A.01 Conforms with the goals, objectives, and policies of the Master Plan.
- 603A.02 Addresses the design elements established in Section 404 - Preliminary Plan, herein.
- 603A.03 Conforms with Section 18A, Water Supply - Overlay District section of the Zoning Resolution.
- 603A.04 Provides for a public wastewater collection and treatment system, and, if other methods of wastewater collection and treatment are proposed, such systems shall comply with State and local laws and regulations.
- 603A.05 Identifies 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.

- 603A.06 Provides adequate drainage improvements.
- 603A.07 Provides adequate transportation improvements.
- 603A.08 Protects significant cultural, archaeological, natural, and historical resources, and unique landforms.
- 603A.09 Demonstrates the extraction of any known commercial mining deposit shall not be impeded.
- 603A.10 Has available necessary services, including fire and police protection, recreation facilities, utility service facilities, streets, and open space to serve the proposed subdivision.

604A Submittal Process

The minor development final plat application shall be submitted only after the presubmittal meeting has been completed. The submittal is processed as follows:

- 604A.01 The applicant shall submit the required submittal information to the Planning Office. An incomplete submittal will not be processed. Staff shall review the submittal information within 15 working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review.
- 604A.02 As part of its initial review, staff will identify the number of copies of the submittal information required for distribution to referral agencies and indicate which referral agencies are regulatory and which are advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet with the mailed paper referral packets and distribute the electronic referral packets. For any subsequent referral reviews, the applicant shall provide revised plans and other materials for distribution to the application referral agencies as requested by staff.
- 604A.03 The applicant shall also provide stamped letter sized envelopes, including a corresponding list and map for the project file, addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners.
- 604A.04 If the referral agencies elect to comment, they shall comment within 28 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more

than 30 calendar days. After the 28 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies received within the 28 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of advisory referral agencies and any comments received as a result of the courtesy notice.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies.

Following receipt of the applicant's written response to comments, including the submittal of any revised exhibits and plans, the Planning and Engineering staff will provide additional comments to the applicant as necessary.

- 604A.05 Staff will schedule a public hearing before the Planning Commission and notify the applicant in writing of the hearing date and time. The applicant is responsible for public notice of the hearing in accordance with Section 608A herein. Concurrent notice for the Planning Commission and Board public hearings may be provided if requested by the applicant.
- 604A.06 The Planning Commission shall evaluate the minor development final plat, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the minor development final plat. The Planning Commission's decision shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.
- 604A.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board and notify the applicant in writing of the hearing date and time, unless previously provided with a request for concurrent hearing notice. The applicant is responsible for public notice of the hearing in accordance with Section 608A herein. The subdivision improvements agreement shall be reviewed by staff and approved by the County Manager or Board prior to the Board hearing on the minor development final plat.

604A.08 Staff will provide a staff report for the Board. The Board shall evaluate the minor development final plat application, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the minor development final plat. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.

604A.09 If denied by the Board, a resubmittal of a minor development final plat application for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board within 10 days from the date of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed minor development final plat.

605A Submittal Requirements

The following information shall be submitted to the Planning Office, unless waived by the Director:

605A.01 Completed land use application (*available from Planning Office*)

605A.02 A written narrative which, at a minimum, provides the following information:

605A.02.1 The total land area to be subdivided.

605A.02.2 The total number of lots and proposed uses.

605A.02.3 The residential density and/or estimated nonresidential floor area.

605A.02.4 The total land area to be preserved as open space.

605A.02.5 Roads, tracts, and easements, including ownership and maintenance responsibility.

605A.02.6 Land dedications for parks and schools.

605A.02.7 Provision for water, sewer, and other utilities.

605A.03 Application fee (*fee schedule available from the Planning Office*)

605A.04 Proof of ownership which includes an updated or current title information binder or insurance policy issued no more than thirty days old, to be updated prior to plat recordation.

605A.05 A notarized letter of authorization from the landowner permitting a designated representative to process the application.

605A.06 Minor Development Final Plat Exhibit, in accordance with Section 606A, herein.

Additional copies of plan exhibits may be required for public hearing packets for the Planning Commission and Board.

605A.07 All required documentation in accordance with Section 18A – Water Supply Overlay District of the Zoning Resolution.

605A.08 Development Reports, in accordance with Section 608A, herein.

Engineering plans and review fees shall be submitted to the Engineering Division.

605A.09 A site improvement plan in accordance with the Site Improvement Plan section of the Zoning Resolution, as required by the Director.

605A.10 Any additional information, at the request of the Director, in order to thoroughly review the impacts of the subdivision request.

606A Minor Development Final Plat Exhibit

The minor development final plat shall:

606A.01 Be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording in the Office of the County Clerk and Recorder.

606A.02 Be a tapeless, spliceless, and creaseless original film mylar drawing (3 millimeters thick) using only permanent black ink that will adhere to drafting films (*no ball point, transfer type or stickybacks*); or an acceptable fix-line photographic or computer-generated reproduction (*emulsion up*) of the original drawing. Inaccurate, incomplete or poorly drawn plans, as well as, Diazo (*sepia*) or electrostatic-generated (*Xerox*) plans shall be rejected.

606A.03 Include sheet size of 24-inch by 36-inch with the long dimension horizontal. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet.

606A.04 Be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than 1%. Acceptable scales are 1"=50' or 1"=100' and for subdivisions exceeding 100 acres, 1"=200'. In special instances, another scale may be approved by staff. If a plat requires multiple sheets, a composite, on 24-inch by 36-inch paper, shall be provided that delineates the boundaries and

identifies each sheet number. The scale may be different than the individual sheets as approved by staff.

- 606A.05 Include the title placed at the top of the sheet along the long dimension of each sheet and include the name of the proposed subdivision or planned development, filing number (when applicable), and Planning Office file number. If part of a planned development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, CO, shall be included under the name and planning area. On the title sheet (sheet #1), under the general legal description, include the total acreage and the total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. The minor development final plat name may not duplicate existing subdivision names.

Examples:

<p style="text-align: center;">MARKET CENTER</p> <p style="text-align: center;">A part of the W/2 of Sec. 9, T6S, R67W, of the 6th P.M., Douglas County, CO</p> <p style="text-align: center;">2 acres 6 lots SB__-</p> <p><i>Within a PD:</i></p> <p style="text-align: center;">PINE VIEW, FILING #10</p> <p style="text-align: center;">Planning Area #27, Sec. 3, T6S, R68W, of the 6th P.M., Douglas County, CO</p> <p style="text-align: center;">2.5 acres 11 lots SB__-</p>

- 606A.06 Include a block in the lower right-hand corner with the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.
- 606A.07 Include a vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a minimum 1- mile radius.
- 606A.08 Include a vicinity map when the land is zoned planned development that depicts the area to be subdivided, superimposed on the planned development, at the same scale as the planned development that shows the limits of the proposed plan superimposed on the planning areas.
- 606A.09 Include a written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes clearly and prominently. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the plat which do not constitute a part of the subdivision shall be depicted as dashed or screened. Any area enclosed by the subdivision, but not a part thereof shall be labeled "Not a Part of This Subdivision".

- 606A.10 Display ties to aliquot section corners and to the State grid (*if available*) which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the County Engineer. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (*second order*) minimum for linear and angular (*bearing*) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
- 606A.11 Locate, identify, and label all lots, tracts and, when requested by staff, building envelopes with the appropriate dimension with sufficient linear, bearing, and curve data. No ditto marks shall be used for dimensions. All lots shall be shown in their entirety on one sheet. Lots shall be numbered consecutively; tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot to the nearest 0.01 of an acre. Tracts shall be used exclusively for land to be dedicated for park and open space. Parcels of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.
- 606A.12 Indicate all road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.
- 606A.13 Describe the purpose, width and location (with fine dashed lines) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.

- 606A.14 Locate 100-year floodplains, all existing/proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected land.
- 606A.15 Include the following certifications on the title sheet in accordance with Article 8 of this Resolution: Surveyor, Dedication Statement, Clerk and Recorder, Board of County Commissioners, Title Verification, Planning Commission, and Acceptance Certificate, as needed.
- 606A.16 Include the following statement for all minor development final plats within the Centennial Airport Review Area, as identified by the *Zoning Resolution*:

Owner waives, remises, and releases any right or cause of action it may now have or which it may have in the future against the County of Douglas, its officers, employees, and agents related to, or resulting from, the passage of aircraft in the airspace above the property that is the subject of this final plat.

- 606A.17 Include notes that adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation easements, maintenance responsibility for private roads, easements and tracts. The applicant shall provide for the construction, at no cost to the County, of traffic signalization, all utilities, and other public infrastructure as required by the Board and provide bonding or other security needed to ensure such improvements, as required by the Board.

607A Development Reports

The applicant shall submit the supporting materials necessary for the review of the minor development final plat which address the items listed below.

- 607A.01 A Phase III Drainage report and drainage construction drawings prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria manual. *(May be deferred to site improvement plan submittal as determined by staff planner and engineer.)*
- 607A.02 Final roadway and stormwater construction plans, when applicable, prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria Manual. *(May be deferred to site improvement plan submittal as determined by staff planner and engineer.)*
- 607A.03 An overall utility plan for the subdivision, when applicable.
- 607A.04 Water and sanitary sewer plans, when applicable. These plans may be included in the roadway and stormwater construction plans.

- 607A.05 A Grading, Erosion, and Sediment Control Report and Plan for the subdivision in accordance with the Grading, Erosion and Sediment Control Manual.
- 607A.06 A printed copy of the closure calculations on the boundary lines of the minor development final plat. Any mathematical closure errors in excess of 1:50,000 (*second order*) must be corrected by the applicant's surveyor prior to plat approval by the Board.
- 607A.07 A traffic impact analysis prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards and the Transportation Plan of the Master Plan. (*May be deferred to site improvement plan submittal as determined by staff.*)
- 607A.08 A sound study, when residential units are located abutting a state, federal, or major regional arterial highway, identifying the current noise levels and projected noise levels based on projected highway expansion.
- 607A.09 Evidence of the physical and legal capability to provide sanitation as follows:
 - 607A.09.1 For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.
 - 607A.09.2 For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation district or owner to serve the demands of the proposed subdivision.
 - 607.09.3 For a subdivision of land where individual wastewater collection and treatment systems are proposed, percolation test data must be provided to prove general suitability of soils for such systems.
- 607A.10 Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for the proposed subdivision. Verification of service commitment may also be obtained during the referral agency comment period.
- 607A.11 A report on the geological characteristics of the site, by a qualified professional, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, a determination of what effect such factors would have and proposed corrective or protective measures. The report shall also include an evaluation of potential radiation hazard to the proposed land use.

- 607A.12 A report which discusses existing or potential cultural, archaeological and historical resources of significance on site and plans for the protection of such resources.
- 607A.13 Wildfire Mitigation Plan, Weed Management Plan, and other land management reports and studies as required by County regulation or warranted based on site characteristics and proposed land uses.
- 607A.14 Provide the following supplemental information on a 24-inch by 36-inch sheet of paper, drawn at the same scale of the minor development final plat exhibitor other acceptable scale, as may be requested by staff to analyze the minor development final plat:
- 607A.14.1 100-year floodplains, retention and detention areas, existing and proposed watercourses, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected property.
 - 607A.14.2 Potential geologic hazard areas including: areas of rockfall hazard, debris flow, steeply dipping bedrock, and expansive soils.
 - 607A.14.3 Existing topography at 10' intervals, or as otherwise requested by staff. Identify areas of 15-20% slope in one shading pattern and areas greater than 20% in another shading pattern. Include a narrative that describes the mitigation methods used to address existing slope conditions.

608A Public Notice Requirements

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board for their respective public hearings.

608A.01 PUBLISHED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and

- provide a publisher's affidavit of said published notice to the Planning Office at least 7 days prior to the hearing. Such notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a minor development final plat *located (distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a minor development final plat located *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

608A.02 POSTED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least four feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3 feet by 4 feet. Letter size shall be a minimum of three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." Such notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

This land shall be considered for approval of a minor development final plat on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for approval of a minor development final plat before the Planning Commission on (date), at (time), and before the Board of County Commissioners on (date), at (time) in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

608A.02.1 Posting Affidavit

An affidavit of sign posting shall be submitted for the file in the Planning Office at least 5 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
(Sign lettering must be legible in photo)

I, (applicant/representative/person posting sign), attest that the above sign was posted on (date), abutting (name of street).

(signature) File#/Name:

STATE OF COLORADO)
COUNTY OF _____) ss.

Acknowledged before me this _____ day of _____, 200__ by _____ as _____

My commission expires: _____

Witness my hand and official seal

Notary Public

608A.02.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

609A Vested Property Rights

The Site Improvement Plan is designated as the Site Specific Development Plan for the purpose of vesting property rights for multifamily and nonresidential land. A landowner seeking vested property rights must obtain approval of a Site Specific Development Plan pursuant to the provisions of Sections 27 - Site Improvement Plan, and 34 - Vested Rights of the Zoning Resolution.

610A Recordation Procedure

The recordation of the approved minor development final plat and associated documentation shall occur within 90 days of approval by the Board, unless otherwise extended by the Board at the time of final plat approval. The minor development final plat shall be submitted for recordation as follows:

- 610A.01 The applicant shall amend the minor development final plat in accordance with the Board approval, as necessary. The applicant shall demonstrate compliance with all applicable Board conditions of approval prior to plat recordation.
- 610A.02 Within 60 days of approval of the minor development final plat, unless stated otherwise in such approval, the applicant shall submit 2 fix-line photographic or computer-generated reproductions (*emulsion up*) of the approved final plat ready for recordation (*except for the signatures of the Board Chair, Director and other County Departments*); all required documentation; and all mapping and recordation fees to the Planning Office. *Diazo (sepia) or electrostatic-generated (Xerox) plans are not acceptable.*
- 610A.03 When applicable, the applicant shall provide proof that security has been provided to cover the subdivision improvement costs in accordance with the terms of the approved subdivision improvements agreement.
- 610A.04 The applicant shall provide a current title insurance policy or commitment, no more than 2 weeks old. If there is a difference in ownership between this title policy and the title policy submitted with the minor development final plat application, recordation shall not be allowed until the newly identified owners have executed the plat and any other agreements, easements, or deeds which require owner signatures.
- 610A.05 The applicant shall provide cash-in-lieu for County land dedication for parks or schools in accordance with the Board's conditions of approval. The applicant shall provide a special warranty deed for any required rights-of-way or other land dedications located outside the subdivision boundary in

accordance with Board conditions of approval and the approved subdivision improvements agreement.

- 610A.06 A signed warranty deed shall be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.
- 610A.07 For applications that propose a water supply from an Existing District or from a New Special District that has entered into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, of the Zoning Resolution, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing, Extraterritorial, or New Special District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District.
- 610A.08 The applicant shall provide a certificate of taxes paid for the land area of the final plat that indicates taxes through and including the prior year have been paid.
- 610A.09 Within 30 days of receipt of the minor development final plat, and supporting documentation, the staff planner shall obtain the signatures of the Board, Director, and other County departments, as required; and upon execution and acceptance by the County of all warranty deeds, the final plat shall be recorded.

611A Expiration of Approval

- 611A.01 Failure by the applicant to submit all required documentation within 60 days shall render approval of the minor development final plat null and void, unless extended by the Director or Board as provided herein.
- 611A.02 The Director may grant a time extension for plat recordation of up to 1 year from the date of Board approval, upon a written request by the applicant or staff for good cause being shown. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.
- 611A.03 A plat recordation extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plat as these changes affect the plat, along with the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office. Additional review of the plat may occur resulting in additional conditions as applicable.

611A.04 The denial of a plat recordation extension by the Director may be appealed to the Board in writing within ten days of the decision by the Director.

ARTICLE 7A REPLAT - ADMINISTRATIVE PROCESSES

701A Intent (Amended 7/8/14))

To provide an *administrative* review process, ensuring that the intent of the original subdivision is not substantially altered, for a:

- plat correction
- lot line and/or easement vacation
- lot line and/or easement adjustment, including a subdivision boundary adjustment
- building envelope adjustment
- nonresidential replat in accordance with Section 703.02 of this Resolution
- residential replat in accordance with Section 703.03 of this Resolution

The Director may require that the replat request be processed in accordance with the provisions of Article 7 (Replat) if it is determined that the intent of the original subdivision is substantially altered based upon, but not limited to, the following factors: degree of change, design, size, impact to public facilities, access, services, roads, and overall impacts.

The Director may also modify the application procedures contained herein based upon the determination that adequate public notice and input on the replat request can be attained through the modified process and that the modified process will not substantially impair the intent and purpose of this Resolution.

702A Prerequisite (Amended 4/14/09)

Prior to submittal of an administrative replat application, the applicant shall meet with staff to discuss the request, the procedures and submittal requirements. The applicant is encouraged to meet with the Engineering Division and other referral agencies to identify potential issues and resolution of these issues.

703A Approval Standards (Amended 4/14/09)

An administrative replat may be approved upon the finding that:

- 703A.01 the administrative replat is in accordance with all applicable standards and Criteria, and the original conditions of approval;
- 703A.02 nonconforming lots are not created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- 703A.03 the administrative replat is in compliance with this Resolution; and
- 703A.04 the approval will not adversely affect the public health, safety, and welfare.

704A Plat Correction - Submittal Requirements and Process (Amended 4/14/09)

Douglas County will administratively correct misspellings on recorded plats by issuing a Plat Correction Certificate. Staff shall mail an official notification form to affected landowners

The following administrative process is established for changes to recorded plats due to errors or omissions, e.g., dimensions, road names, plat notes:

704A.01 Submittal Requirements - Plat Correction

704A.01.1 Completed application form (available from the Planning Division)

704A.01.2 Written narrative describing the requested correction

704A.01.3 For a Road Name Change:

(1) verification by Douglas County that the road name does not duplicate an existing road name in the County and that the proposed name is acceptable; proof of ownership of land abutting, or directly accessed by, such road;

(2) a letter stating the reason for the requested change;

(3) a list of landowners abutting or directly accessing land by the road with their addresses, prepared by a licensed title insurance or abstract company; and

(4) notarized signatures of all such landowners supporting the road name change and the proposed name.

704A.02 Process - Plat Correction

704A.02.1 Staff shall review the information and send a referral to the Assessor's Mapping Division and other agencies, as deemed necessary.

704A.02.2 A Plat Correction Certificate shall be prepared by the staff planner identifying the error or omission, the plat to be corrected, its reception number, and the necessary corrective action.

704A.02.3 The Plat Correction Certificate shall be signed by the Director and recorded in the Office of the Clerk and Recorder by the staff planner.

704A.02.4 A final decision may be appealed to the Board at a regular business meeting, when the appeal is submitted to the Planning Division in writing, within 30 days of the decision by the Director.

704A.03 Process – Road Name Change Requiring Public Hearing

When agreement to change a road name cannot be reached by all affected parties, the applicant may initiate an application that will be decided by the Board at a public hearing. Notice of the hearing shall be as follows:

704A.03.1 WRITTEN NOTICE

At least 14 days prior to the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner or landowner directly accessing the road, as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice required by this Article.

The person completing the mailing of the written notice shall execute a certificate of mailing and submit it to the Planning Division at least 7 days prior to the hearing. Such certificate shall read as follows:

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this _____ day of _____, 20____, and addressed as follows:</p> <p>_____ (list of addresses)</p> <p>_____ (signature of person completing the mailing)</p>
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In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to the Planning Division prior to the hearing.

704A.03.2 POSTED NOTICE

At least 14 days prior to the Board hearing, the applicant shall post a notice. The notice shall consist of at least one sign at each end of the road to be renamed, visible from the road, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3 feet X 4 feet. Letter size shall be a minimum of 3 inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460.". Such notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

This road shall be considered for renaming on (date), at (time) in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

- (1) Sign-Posting Affidavit - An affidavit of sign posting shall be submitted to the Planning Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(Attach photo here)
(Sign lettering must be legible in photo)

I, (applicant/representative/person posting sign), attest that the above sign was posted on (date), on (name of road).

(signature) File #/Name:

STATE OF COLORADO)
COUNTY OF _____) ss.

Acknowledged before me this ____ day of _____, 20__ by _____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

- (2) The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

704A.03.3 SUBSTANTIAL COMPLIANCE

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this Article. Substantial compliance for these public notices shall be determined by the Board of County Commissioners.

705A Lot Line and/or Easement Vacation (Amended 4/14/09)

The following administrative process is established for a lot line and/or easement vacation when there is no increase in the number of lots on the original plat, e.g., the combination of 2 or more lots into 1 lot, and the easements were created by the plat.

705A.01 Submittal Requirements - Lot Line and/or Easement Vacation

- 705A.01.1 Completed land use application (available from the Planning Division)
- 705A.01.2 Written narrative describing the request
- 705A.01.3 Application fee (fee schedule available from the Planning Division)
- 705A.01.4 Proof of ownership which includes an updated or current title insurance policy or title commitment, issued no more than 30 days prior to the date of application
- 705A.01.5 A notarized letter of authorization from the landowner permitting a representative to process the application, as applicable
- 705A.01.6 Lot Line and/or Easement Vacation Exhibit - A reproduction of the platted lots on an 8.5-inch X 11-inch sheet of paper, 24 inches X 36 inches on mylar, or another size approved by the staff planner, including the abutting street(s). Indicate the lot line(s) vacated and the new lot number.
- 705A.01.7 Vicinity map - a reduction of the filing showing the relationship of the lot to the filing
- 705A.01.8 A letter from all special districts providing service to the lots stating their recommendations regarding the vacation. Such letters may be obtained during the referral review period. (Amended 7/8/14)
- 705A.01.9 When an easement is vacated, a letter from any known beneficiary stating its recommendation regarding the vacation and any existing facilities over or across the land

705A.02 Process - Lot Line and/or Easement Vacation

- 705A.02.1 The applicant shall submit the required information to the Planning Division. Staff shall review the information and prepare the Lot Line and/or Easement Vacation Approval Certificate that identifies the affected plat, its reception number, the lot line(s) and/or easement(s) vacated, and reference to the Lot Line and/or Easement Vacation Exhibit, and the recommendation(s) of the special district(s) and easement holders, as applicable, to send as a referral to referral agencies, as deemed necessary.
- 705A.02.2 The applicant shall provide stamped envelopes addressed to the abutting landowners, and other landowners as required by staff,

notifying them of the lot line and/or easement vacation application. If the request includes vacation or adjustment of a building envelope, the notification shall be either an explanation of the request sent by certified mail, return receipt requested, at least 10 days prior to the Director's consideration of such request, or a signed statement from the abutting landowner(s) stating that they were notified of the request to vacate or adjust the building envelope.

705A.02.3 The Lot Line and/or Easement Vacation Approval Certificate shall be signed by the owner(s), beneficiaries of the deed of trust, and the Director.

705A.02.4 The Director shall either approve or deny the request based on the submittal documents and approval standards.

705A.02.5 Within 30 days of approval by the Director, the staff planner shall record the Lot Line and/or Easement Vacation Approval Certificate, Lot Line and/or Easement Vacation Exhibit and vicinity map in the Office of the Clerk and Recorder, and mail a copy of the recorded documents to the applicant.

705A.02.6 A final decision may be appealed to the Board at a regular business meeting, when the appeal is submitted to the Planning Division in writing, within 30 days of the decision by the Director.

706A Lot Line and/or Easement Adjustment (Amended 4/14/09)

The following administrative process is established for an adjustment or realignment of a lot line and/or easement, which can include replatting of several lots/tracts (e.g., 3 lots into 2), in which the original subdivision is not substantially modified and additional lots are not created. However, tracts may be created provided the intended use of the tract(s) does not include a structure. The Director may approve a lot line adjustment that also comprises the boundary between subdivisions, or platted and unplatted land, provided:

- no additional lots are created;
- the subdivision design is not significantly altered;
- the intent is not to circumvent the subdivision process; and,
- the zoning is not changed as a result of this action.

706A.01 Submittal Requirements - Lot Line and/or Easement Adjustment

706A.01.1 Completed land use application (available from the Planning Division)

706A.01.2 Written narrative describing the request

706A.01.3 Application fee (fee schedule available from the Planning Division)

706A.01.4 Proof of ownership which includes an updated or current title insurance policy or title commitment issued no more than 30 days prior to the date of application

706A.01.5 A notarized letter of authorization from the landowner permitting a representative to process the application, as applicable

706A.01.6 Lot Line and/or Easement Adjustment Exhibit

- (1) A certified boundary survey of the lots prepared by a professional land surveyor on an 8.5-inch X 11-inch sheet of paper, or another size approved by staff, that shows the existing and proposed lot and/or easement configuration with distances and bearings shall be provided when the lots affected can be clearly represented; or
- (2) A 24-inch X 36-inch mylar plan exhibit shall be provided in accordance with Article 706A.03 herein when the lots affected cannot be clearly represented on a smaller exhibit, as determined by staff, or if the adjustment requires adjusting a subdivision boundary; and
- (3) Vicinity map - a reduction of the filing showing the relationship of the lots to the filing.

706A.01.7 Letters from the following stating their recommendation regarding the lot line and/or easement adjustment and any existing facilities they have over or across the land:

- (1) all special districts providing service to the lots; and
- (2) all known easement beneficiaries, when applicable.

Such letters may be obtained during the referral review period.
(Amended 7/8/14)

706A.02 Process - Lot Line and/or Easement Adjustment

706A.02.1 The applicant shall submit the required information to the Planning Division. Staff shall review the information and prepare a Lot Line and/or Easement Adjustment Approval Certificate to send as a referral to the referral agencies, as deemed necessary. The certificate shall identify the affected plat, its reception number, the affected lots, easements or building envelopes, and reference to the Lot Line and/or Easement Adjustment Exhibit and

the recommendation(s) of the special district(s) and easement holders, as applicable.

- 706A.02.2 The applicant shall provide stamped envelopes addressed to the abutting landowners, and other landowners as required by staff, notifying them of the lot line and/or easement adjustment application.

If the request includes the vacation or adjustment of a building envelope, the notification shall be either an explanation of the request sent by certified mail, return receipt requested, at least 10 days prior to the Director's consideration of such request, or a signed statement from the abutting landowner(s) stating that they were notified of the request to vacate or adjust the building envelope.

- 706A.02.3 The Lot Line and/or Easement Adjustment Approval Certificate shall be signed by the owner(s), beneficiaries of the deed of trust, and the Director.

- 706A.02.4 The Director shall approve or deny the request based on the submittal documents and approval standards.

- 706A.02.5 When multiple ownership is involved, the applicant shall provide deeds for the newly adjusted lots and the recordation fee for the deeds, to the staff planner, within 30 days of approval by the Director. The Director may grant an extension of time upon a written request from the applicant for good cause shown.

- 706A.02.6 Within 30 days of receipt of the deeds, the staff planner shall record the Lot Line and/or Easement Adjustment Approval Certificate, Lot Line and/or Easement Adjustment Exhibit, vicinity map, and deeds in the Office of the Clerk and Recorder, and provide a recorded copy to the applicant.

- 706A.02.7 A final decision may be appealed to the Board at a regular business meeting, when the appeal is submitted to the Planning Division in writing, within 30 days of the decision by the Director.

706A.03 Plan Exhibit - Lot Line and/or Easement Adjustment

- 706A.03.1 The plan exhibit shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. The plan exhibit shall be an acceptable photographic or computer-generated drawing. Inaccurate, incomplete or poorly drawn plans, as well as, Diazo (sepia) or electrostatic-generated (Xerox) plans shall be rejected.

706A.03.2 The plan exhibit shall be drafted at a scale that best conveys the detail. All lines, rights-of-way, names and descriptions on the plan exhibit which do not constitute a part of the administrative adjustment shall be depicted in dashed or screened lines.

706A.03.3 Sheet size shall be 24 inch X 36 inch with the long dimension horizontal. A margin, left entirely blank, a minimum of 1 inch on all sides, shall be provided on each sheet. The title shall be placed at the top of the sheet along the long dimension. The title shall include the name of the subdivision, filing number (when applicable), and appropriate amendment number. The subtitle shall provide a brief description of the plan exhibit.

EXAMPLE:

<p style="text-align: center;">PINE VIEW Filing #1, 3RD AMENDMENT</p> <p style="text-align: center;">AN ADMINISTRATIVE REPLAT OF PINE VIEW FILING #1, 2ND AMENDMENT SW/4 OF SEC. 9, T6S, R67W. OF THE 6TH P.M., DOUGLAS COUNTY, CO 26.2 ACRES LOTS 1-20, including the utility easements SB ____</p>
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All 24 inch X 36 inch exhibits shall include the Surveyors Certificate, Title Verification Certificate, and Clerk and Recorder Certificate in accordance with Article 8 – Certifications, of this Resolution.

706A.03.4 A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale.

706A.03.5 Vicinity map - a reduction of the filing showing the relationship of the lots to the filing.

706A.03.6 When requested by the staff planner, vacated lot lines, easements, or building envelopes shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that it is hereby vacated. Revised lot lines, easements, or building envelopes shall be shown in bold lines with a note and arrow pointing to the line to be granted, stating that it is hereby granted. (Dashed lines shall be graphically different for existing vs. proposed vs. vacated)

706A.03.7 Display ties to aliquot section corners and to the State Grid and County GPS, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all lot, easement, and/or building envelope lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and

relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the Engineering Division. All dimensions are to be shown to the nearest 0.01 foot or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All lots or tracts shall have a closure accuracy of 0.01 foot. Include the acreage within each lot or tract to the nearest 0.01 of an acre.

706A.03.8 A plat note may be necessary regarding the purpose of the easements or tracts; or a statement referencing the plat notes of the original plat.

706A.03.9 The Lot Line and/or Easement Adjustment Approval Certificate shall be placed on the plan exhibit when a 24 inch X 36 inch exhibit is required.

707A Building Envelope Adjustment (Amended 4/14/09)

The following administrative process is for adjusting a building envelope:

707A.01 Submittal Requirements - Building Envelope Adjustment

707A.01.1 Completed land use application (available from the Planning Division)

707A.01.2 Written narrative describing the request and purpose for original building envelope configuration and how the new configuration will meet those concerns

707A.01.3 Application fee (fee schedule available from the Planning Division)

707A.01.4 Proof of ownership that includes an updated or current title insurance policy or title commitment issued no more than 30 days prior to the date of application

707A.01.5 A notarized letter of authorization from the landowner permitting a representative to process the application, as applicable

707A.01.6 Building Envelope Adjustment Exhibit

A certified boundary survey of the lot, prepared by a professional land surveyor on an 8.5-inch X 11-inch sheet of paper, or another size approved by staff, that shows the existing and proposed building envelope configuration, with distances and bearings. The

vacated building envelope shall be shown in dashed lines, or screened, with a note and arrow pointing to the line to be vacated, stating that it is hereby vacated. The revised building envelope shall be shown in bold lines with a note and arrow pointing to the line to be granted, stating that it is hereby granted. (Dashed lines shall be graphically different for existing vs. proposed vs. vacated).

707A.01.7 Vicinity map - a reduction of the filing showing the relationship of the lot to the other lots in the filing.

707A.01.8 Notification

When adjusting a building envelope, the applicant shall notify abutting landowners. Such notification shall be either an explanation of the request sent by certified mail, return receipt requested, at least 10 days prior to the Director's consideration of such request, or a signed statement from the abutting landowner(s) stating that they were notified of the request to relocate the building envelope.

707A.02 Process - Building Envelope Adjustment

707A.02.1 The applicant shall submit the required information to the Planning Division. Staff shall review the information and prepare a Building Envelope Adjustment Approval Certificate that identifies the affected plat, its reception number, the affected lot, and reference to the Building Envelope Adjustment Exhibit, to send as a referral to the appropriate referral agencies, as deemed necessary.

707A.02.2 The Building Envelope Adjustment Approval Certificate shall be signed by the owner(s) and the Director.

707A.02.3 The Director shall approve or deny the request based on the submittal documents and approval standards.

707A.02.4 Within 30 days of approval by the Director, the staff planner shall record the Building Envelope Adjustment Approval Certificate, Building Envelope Adjustment Exhibit and vicinity map in the office of the Clerk and Recorder, and provide a recorded copy to the applicant.

707A.02.5 A final decision may be appealed to the Board at a regular business meeting, when the appeal is submitted to the Planning Division in writing, within 30 days of the decision by the Director.

708A Replat to Add Lots (Amended 7/8/14)

The following administrative process is established for nonresidential and residential replats subject to the limitations set forth in Sections 703.02 and Section 703.03, respectively:

708A.01 Submittal Requirements

- 708A.01.1 Completed land use application (available from the Planning Division)
- 708A.01.2 Written narrative describing the request
- 708A.01.3 Application fee (fee schedule available from the Planning Division)
- 708A.01.4 Proof of ownership which includes an updated or current title insurance policy or title commitment issued no more than 30 days prior to the date of application
- 708A.01.5 A notarized letter of authorization from the landowner permitting a representative to process the application, as applicable
- 708A.01.6 Plan Exhibit (*per Section 708A.03, herein*)
- 708A.01.7 Additional reports as required by Douglas County or other referral agencies.
- 708A.01.8 Development reports as identified in Article 7 (Replat) if required by Engineering Services.
- 708A.01.9 A Subdivision Improvements Agreement if required by Engineering Services.

708A.02 Submittal Process

- 708A.02.1 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 708A.02.2 Referral response requests shall be sent to agencies for review and comment as deemed necessary by staff. The referral period shall not exceed 21 calendar days.

- 708A.02.3 The applicant shall provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.
- 708A.02.4 When multiple ownership is involved, the applicant shall provide deeds for the newly adjusted lots and the recordation fee for the deeds to the staff planner within 30 days of approval by the Director. The Director may grant an extension of time upon a written request from the applicant for good cause shown.

708A.03 Plan Exhibit

- 708A.03.1 The plan exhibit shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. The plan exhibit shall be an acceptable photographic or computer-generated drawing.
- 708A.03.2 Sheet size shall be 24 inch X 36 inch with the long dimension horizontal. A margin, left entirely blank, a minimum of 1 inch on all sides, shall be provided on each sheet. The title shall be placed at the top of the sheet along the long dimension of each sheet and shall be identical to the previously recorded plat followed by the next consecutive amendment number. The title shall include the name of the subdivision, filing number (when applicable), and appropriate amendment number. The subtitle shall provide a brief description of the plan exhibit.

EXAMPLE:

PINE VIEW FILING #1, 1st Amendment		
An administrative replat of lots 1-3 Pine View Filing #1 -Planning Area H-SW/4 of Sec. 9, T6S, R67W of the 6th P.M., Douglas County, CO		
8.06 acres	3 nonresidential lots	SB ____ - ____

- 708A.03.3 A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.
- 708A.03.4 Vicinity map - a reduction of the filing showing the relationship of the lots to the filing.
- 708A.03.5 When the land is zoned Planned Development, a vicinity map that depicts the replat area, superimposed on the development plan at

the same scale as the development plan that shows the limits of the replat superimposed on the planning areas.

- 708A.03.6 When requested by the staff planner, vacated lot lines, easements, or building envelopes shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that it is hereby vacated. Revised lot lines, easements, or building envelopes shall be shown in bold lines with a note and arrow pointing to the line to be granted, stating that it is hereby granted. (Dashed lines shall be graphically different for existing vs. proposed vs. vacated)
- 708A.03.7 Display ties to aliquot section corners and to the State Grid and County GPS, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all lot, easement, and/or building envelope lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the Engineering Division. All dimensions are to be shown to the nearest 0.01 foot or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All lots or tracts shall have a closure accuracy of 0.01 foot. Include the acreage within each lot or tract to the nearest 0.01 of an acre.
- 708A.03.8 Accurately locate 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected land.
- 708A.03.9 The following certifications on a single sheet in accordance with Article 8 of this Resolution: Surveyor, Owner Statement, Title Verification, Clerk and Recorder, and Board of County Commissioners.
- 708A.03.10 For all replats within the Centennial Airport Review Area, as identified by the Douglas County Zoning Resolution, the following statement shall be placed on the plat:

Owner waives, remises, and releases any right or cause of action it may now have or which it may have in the future against the County of Douglas, its officers, employees, and agents related to, or resulting from, the passage of aircraft in the airspace above the property that is the subject of this replat.

708A.03.11 Plat notes that adequately explain the purpose of the proposal as well as information pertinent to the execution and maintenance of the subdivision including the ownership, purpose and maintenance of tracts and private drives.

709A Resubmittal (Amended 4/14/09)

An application shall not be resubmitted within 1 year of the date of denial. However, if the Director determines that the resubmitted application has been modified to correct the stated objections, then the resubmittal will be accepted.

710A Lot Numbering (Amended 4/14/09)

When vacating or replatting lots and/or tracts the following shall apply:

- 710A.01 When vacating a common lot line between two lots, use the original lot number followed by the letter A. e.g., vacating the common lot line between lot 1 and lot 2 - the newly created lot should be renumbered lot 1A.
- 710A.02 When replatting 3 lots into 2 lots, use the original lot numbers followed by the letter A. e.g., replatting lots 3, 4, & 5, into two lots - the new lots should be renumbered lot 3A and 4A.
- 710A.03 When adjusting the common lot line between two lots, use the original lot numbers followed by the letter A. e.g., realignment of the common lot line between lots 7 and 8 - the new lots should be renumbered 7A and 8A.
- 710A.04 When replatting one lot into two or more, use the original lot number followed by the letter A. e.g., replatting Lot 1 into three lots, the new lots should be renumbered Lots 1A, 1B, and 1C. (Amended 7/8/14)
- 710A.05 When replatting an entire subdivision filing, the lots shall be numbered consecutively starting with the number 1. Tracts shall be lettered alphabetically in consecutive order. Specify the acreage within each lot and tract.

ARTICLE 7B ROAD VACATION

701B Intent (Amended 04/14/09)

To provide a review process for a road vacation either when no replatting or realignment is proposed, or when a replat or realignment is proposed.

702B Authority (Amended 04/14/09)

The Board of County Commissioners has authority to vacate roads, which include any public street, alley, lane, parkway, avenue, road or other public way designated or dedicated on a plat, conveyed by deed or recorded easement, or acquired by prescriptive use, whether or not it has ever been used as such.

703B Prerequisite (Amended 04/14/09)

Prior to submittal of a vacation or replat application, the applicant shall meet with staff to discuss the proposal and the procedures and submittal requirements. The applicant is encouraged to meet with the Engineering Division and other referral agencies to identify potential issues and ways to address these issues.

704B General Review Process (Amended 04/14/09)

Generally, roads that have been established and used and that are proposed to be vacated and replatted or realigned, shall be presented to the Board at a public hearing (Refer to Article 708B for process). Roads that have been established and used and that are proposed to be vacated and not replatted or realigned, shall be presented to the Planning Commission and the Board at a public hearing, due to the potential effect on the Transportation Plan element of the *Douglas County Comprehensive Master Plan*. (Refer to Article 709B for process)

Roads that are established by plat, but have not been used as such, may be vacated, and/or replatted through a replat process (Refer to Article 7 for process) and any such road need not comply with the additional requirements of this Section 7B. Roads that are established by deed or easement, but have not been used as such, may be vacated and/or realigned upon approval by the Board at a public meeting. A public hearing is not required unless otherwise determined by the Board.

705B Approval Standards (Amended 04/14/09)

A road vacation may be approved by the Board based upon the following:

- 705B.01 A platted or deeded road or portion thereof, or unplatted or undefined roads which have arisen by public usage, shall not be vacated so as to leave any land adjoining said road 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.]

- 705B.02 A vacation of a state highway must be approved by the Transportation Commission [§ 43-1-106(11), C.R.S.].
- 705B.03 The road vacation, or vacation and replat, is in keeping with the spirit and intent of the *Douglas County Subdivision Resolution*, and the *Douglas County Comprehensive Master Plan* and *Transportation Plan*.
- 705B.04 The road vacation will not diminish the ability to provide adequate emergency services and will not increase the cost of services
- 705B.05 The approval will not adversely affect the public health, safety, and welfare.

706B Vesting of Title (Amended 04/14/09)

Vesting of title upon vacation shall be in accordance with § 43-2-302, C.R.S., as amended and any discretion authorized by such statute and exercised by the Board.

707B Submittal Documents (Amended 04/14/09)

- 707B.01 Completed land use application (available from the Planning Division)
- 707B.02 Written narrative describing the request
- 707B.03 Application fee (fee schedule available from the Planning Division)
- 707B.04 Vacation Map - A reproduction of the road or access easement on an 8.5 inch X 11 inch sheet of paper, or another size approved by staff, or on 24 inch X 36 inch mylar. Include the written legal description
- 707B.05 Vicinity map - a reduction of the subdivision plat showing the location of the road in relation to the lots; or the area surrounding the road within a 1 mile radius superimposed on a current Douglas County Development Reference Map
- 707B.06 Letters from the following stating their recommendation regarding the vacation and any existing facility they have over or across the land:
 - 707B.06.1 all special districts providing maintenance of infrastructure within the right-of-way; and
 - 707B.06.2 all known easement beneficiaries
- 707B.07 Stamped envelopes addressed to abutting landowners and other landowners using the access proposed for vacation, as required by staff, for notification of the vacation application. Include a map identifying the road section to be vacated and relationship to the abutting landowners.

708B Process - Road Vacation and Replat/Realignment (Amended 04/14/09)

The following process is for the vacation of a road which has been established and used as such, when replatting or realignment of all or a section of the present road alignment is proposed or has been accomplished. A replat application may be required to be processed concurrently:

- 708B.01 The applicant shall submit the required information to the Planning Division. Staff shall review the information and send a referral to referral agencies, as required by staff, and mail notification letters to the abutting landowners.
- 708B.02 The referral agencies shall comment within 21 days of receiving the packet. Staff shall review the information, prepare a staff report for the Board, schedule the request for a public hearing with the Board, and notify the applicant of the hearing date and time.
- 708B.03 The applicant shall be responsible for notice of the public hearing, prior to the Board hearing, in accordance with Article 710B, herein.
- 708B.04 The Board shall evaluate the request, staff report, referral agency comments, and public testimony, and shall approve, conditionally approve, table for further study, or deny the request. The Board's action shall be based on the evidence presented, and compliance with the adopted standards, regulations, policies and other guidelines.
- 708B.05 Staff shall prepare a Vacation Resolution that specifies the legal description of the road to be vacated, the reception number of the plat that created the road, if applicable, and reference to the recommendation of the special district(s), and easement holders, as applicable.
- 708B.06 Upon approval by the Board, the staff planner shall, in consultation with the County Attorney, prepare any deeds required by the vacation. Within 30 days, the staff planner shall submit the Vacation Resolution, Vacation Map and/or corresponding replat exhibit, and deeds, as required, for recordation in the Office of the Clerk and Recorder.

709B Process - Road Vacation (Amended 04/14/09)

The following process is for the vacation of all or a section of a road that has been established and used as such when no replatting or realignment will occur.

- 709B.01 The applicant shall submit the required information to the Planning Division. Staff shall review the information and send a referral to referral agencies, as required by staff, and mail notification letters to the abutting landowners.

- 709B.02 The referral agencies shall comment within 21 days of receiving the packet. Staff shall review the information and prepare a staff report for the Planning Commission and notify the applicant of the hearing date and time.
- 709B.03 The applicant shall be responsible for public notice, prior to the Planning Commission hearing, in compliance with the public notice requirements in Article 710B herein.
- 709B.04 The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with conditions, table for further study, or deny the vacation request. The Planning Commission's decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.
- 709B.05 Following the recommendation by the Planning Commission, the staff planner will schedule the vacation request for a public hearing with the Board, and notify the applicant of the hearing date and time.
- 709B.06 The applicant shall be responsible for public notice, prior to the Board hearing, in compliance with the public notice requirements in Article 710B, herein.
- 709B.07 The Board shall evaluate the application, referral agency comments, staff report, public testimony, and the Planning Commission recommendation, 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.
- 709B.08 Staff shall prepare a Vacation Resolution that specifies the legal description of the road to be vacated, any reception numbers related to the creation of the road, and reference to the recommendation of the special district(s), and easement holders, as applicable.
- 709B.09 Upon approval by the Board, the staff planner, in consultation with the County Attorney, shall prepare any deeds required by the vacation. Within 30 days, the staff planner shall submit the Vacation Resolution, Vacation Map and deeds, as required, for recordation in the Office of the Clerk and Recorder.

710B. Public Notice (Amended 04/14/09)

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this Article. Substantial compliance for these public notices shall be determined by the Planning Commission and the Board of County Commissioners for their respective public hearings.

710B.01 WRITTEN NOTICE

710B.01.1 At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice required by this section and shall indicate that a Resolution to vacate the road will be presented at the Board hearing [§ 43-2-303(2)(b), C.R.S.].

710B.01.2 The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this _____ day of _____, 20__, and addressed as follows:</p> <p>_____ (list of addresses)</p> <p>_____ (signature of person completing the mailing)</p>
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710B.01.3 In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this Article, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

710B.02 POSTED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the road under consideration. The notice shall consist of at least one sign at each end of the road to be vacated, visible from the road, placed on posts at least 4 feet above ground level. In the event

the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3 feet X 4 feet. Letter size shall be a minimum of 3 inches high, and a minimum of six inches high for the sentence that reads "For more information call Douglas County Planning at 303-660-7460.". Said notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

This road shall be considered for vacation on *(date)*, at *(time)* in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING
COMMISSION AND BOARD OF COUNTY COMMISSIONERS**

This road shall be considered for vacation before the Planning Commission on *(date)*, at *(time)* and before the Board of County Commissioners on *(date)*, at *(time)* in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

710B.02.1 Sign-Posting Affidavit

An affidavit of sign posting shall be submitted for the file in the Planning Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(Attach photo here)
(Sign lettering must be legible in photo)

I, (applicant/representative/person posting sign), attest that the above sign was posted on (date), on (name of road).

(signature) File #/Name: _____

STATE OF COLORADO)
COUNTY OF _____) ss.

Acknowledged before me this ____ day of _____, 20__ by _____ as _____.

My commission expires: _____

Witness my hand and official seal _____

Notary Public

710B.02.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

710B.03 PUBLISHED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least 1 publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Division at least 7 days prior to the hearing. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for a proposed vacation of (road name and distance and direction from nearest major intersection). For more information call Douglas County Planning, 303-660-7460.

File #/Name: _____

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)* in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for a proposed vacation of *(road name and distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.
File #/Name:

711B Resubmittal

An application shall not be resubmitted within 1 year of the date of denial. However, if the Director determines that the resubmitted road vacation application has been modified to correct the stated objections, then the resubmittal will be accepted.

ARTICLE 7C SUBDIVISION PLAT VACATION

701C Intent

To provide an administrative process for the vacation of a plat with no existing public infrastructure and/or land dedication, and a public hearing process for the vacation of a plat with existing infrastructure and/or public land dedication. *(Amended 8/25/99)*

702C Prerequisite

Prior to submittal of a replat/vacation application, the applicant shall meet with staff to discuss the proposal, the procedures and submittal requirements, and is encouraged to meet with the Engineering Division and other referral agencies to identify potential issues and ways to address these issues.

703C Approval Standards

A vacation of a plat may be approved by the Board upon a finding that:

- 703C.01 the subdivision plat vacation is in accordance with the Douglas County Master Plan; *(Amended 8/25/99)*
- 703C.02 the subdivision plat vacation is in accordance with the purpose and intent of this Resolution; and
- 703C.03 the approval will not adversely affect the public health, safety, and welfare.

704C Submittal Documents

- 704C.01 Completed land use application *(available from the Planning Division)*
- 704C.02 Written narrative describing the request
- 704C.03 Application fee *(fee schedule available from Planning Division)*
- 704C.04 Proof of ownership which includes an updated or current title insurance policy or title commitment, or subdivision guarantee issued no more than 30 days prior to the date of application
- 704C.05 A notarized letter of authorization from the landowner permitting a representative to process the application, as applicable
- 704C.06 Vacation Map - A reproduction of the subdivision on an 8.5" X 11" sheet of paper, or another size approved by staff, or on 24" X 36" mylar, including the abutting street(s). Indicate the lots, streets, and easements vacated.
- 704C.07 Vicinity map - that depicts the area surrounding the subdivision within a 1-mile radius superimposed on a current Douglas County Subdivision Map.

704C.08 When an easement is vacated, a letter from all known beneficiaries stating their recommendation regarding the vacation and any existing facilities they have over or across the land.

704C.09 Letters from the following stating their recommendation regarding the vacation and any existing facilities they have over or across the land:

- all special districts providing service to the lots; and
- all known easement beneficiaries.

In addition, the following shall be submitted for a subdivision plat vacation with existing infrastructure and public land dedication:

704C.10 Letters from the following stating their recommendation regarding the vacation and any existing facilities they have over or across the land:

- all special districts providing maintenance of infrastructure within the right-of-way; and
- all landowners abutting or using an access proposed for vacation.

704C.11 Stamped envelopes addressed to the abutting landowners for notification of the vacation application. Include a map identifying the platted area to be vacated and relationship to the abutting landowners.

705C Process #1 - Vacation of subdivision plat with no infrastructure/dedication
(Amended 03/28/01)

The following *administrative* process is established for the vacation of a subdivision plat with no existing infrastructure, and/ or public land dedication.

705C.01 The applicant shall submit the required information to the Planning Division. Staff shall review the information and send a referral to the Assessor's Mapping Division and other referral agencies, as required by staff.

705C.02 A Vacation Approval Certificate shall be prepared for the Director's signature that identifies the plat vacated, its reception number, the lot line(s) vacated, and reference to the vacation map and the recommendation(s) of the special district(s), and easement holders, as applicable.

705C.03 The Director shall either approve or deny the request based on the submittal documents and approval standards.

705C.04 Within 30 days of approval by the Director, the staff planner shall record the Vacation Approval Certificate and Vacation Map in the Office of the Clerk and Recorder.

705C.05 A denial may be appealed to the Board at a regular business meeting, when submitted to the Planning Division in writing, within 30 days of denial by the Director.

706C Process #2 - Vacation of subdivision plat with infrastructure/dedication
(Amended 03/28/01)

The following public hearing process is established for the vacation of a subdivision plat with existing infrastructure or public land dedication.

706C.01 The applicant shall submit the required information to the Planning Division. Staff shall review the information and send a referral to the Assessor's Mapping Division and other referral agencies, as required by staff, and mail the notification letters to the abutting landowners.

706C.02 The referral agencies shall comment within 21 days of receiving the packet. Staff shall review the information and prepare a staff report for the Board and notify the applicant of the hearing date and time

706C.03 The applicant shall be responsible for notice of the public hearing, prior to the Board hearing in accordance with section 707C, herein. (Amended 8/25/99)

706C.04 The Board shall evaluate the vacation request, referral agency comments, staff report and public testimony, and shall 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.

706C.05 Staff shall prepare a Vacation Resolution that identifies the plat vacated, its reception number, the lot line(s) vacated, and reference to the vacation map and the recommendation(s) of the special district(s), and easement holders, as applicable.

706C.06 Within 30 days of approval by the Board, the staff planner shall record the Vacation Resolution and Vacation Map in the Office of the Clerk and Recorder.

707C Public Notice

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial

compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings. (Amended 03/28/01)

707C.01 WRITTEN NOTICE (Amended 03/28/01)

At least 14 days prior to the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section and shall also indicate that a Resolution to vacate the road will be presented at the Board hearing. [§ 43-2-303(2)(b), C.R.S.]

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this _____ day of _____, 20____, and addressed as follows:

(list of addresses)

(signature of person completing the mailing)

707C.02 PUBLISHED NOTICE (Amended 03/28/01)

At least 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Division at least 7 days prior to the hearing. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for a proposed vacation of (subdivision and road name(s), and distance and direction from nearest major intersection). For more information call Douglas County Planning, 303-660-7460. File #/Name:

707C.03 POSTED NOTICE (Amended 03/28/01)

At least 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner

determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3'X4'. Letter size shall be a minimum of 3 inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7360.". Said notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

This subdivision, including any public street, shall be considered for vacation pursuant to the Douglas County Subdivision Resolution on (date), at (time) in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.
File #/Name:

707C.03.1 Sign-Posting Affidavit

An affidavit of sign posting shall be submitted for the file in the Planning Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
(Sign lettering must be legible in photo)

I, (applicant/representative/person posting sign), attest that the above sign was posted on
(date), abutting (name of street).

(signature) File #/Name:

STATE OF COLORADO)
)
) ss:
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 200__ by _____
as _____

My commission expires: _____

Witness my hand and official seal

Notary Public

707C.03.2 The sign shall be removed by the applicant within two weeks following the final decision by the Board.

707C.04 Public Notice Waiver

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing. *(Amended 03/28/01)*

708C Resubmittal

An application shall not be resubmitted within 1 year of the date of denial. However, if the Director determines that the resubmitted subdivision plat vacation application has been modified to correct the stated objections, then the resubmittal will be accepted.