

# **Board of County Commissioners Meeting**

**Tuesday, March 29, 2016**

**Hearing Room 1, First Floor**

## **AGENDA**

The Tuesday meeting of the Board of County Commissioners (The Board) is an open meeting in which the Board approves contracts, expends funds, hears testimony, makes decisions on land use cases and takes care of other county matters. The public is welcome to attend.

The Board meeting has three parts: Public Comment, the Business Meeting and the Public Hearing.

### **General Procedures**

Agenda items will normally be considered in the order they appear on this agenda. However, the Board may alter the agenda, take breaks during the meeting, work through the noon hour; and even continue an item to a future meeting date.

### **Public Comment (8:00 a.m.)**

The Board welcomes your comments; During the public comment time, members of the public have three minutes to present views on county matters that are not included on the Hearing Agenda. The public comment time is not for questions and answers: it is your time to express your views.

Please note that you are always welcome to communicate with the Board on the county's Web site ([www.jeffco.us](http://www.jeffco.us)), by e-mail ([commish@jeffco.us](mailto:commish@jeffco.us)), by phone (303-271-8525), fax (303-271-8941) or US mail (100 Jefferson County Parkway, Golden, CO 80419). You can also meet your Commissioners at numerous community events such as town hall meetings, homeowner associations and chamber meetings.

### **Business Meeting**

**Call to Order**

**Pledge of Allegiance**

**Approval of Minutes Dated March 22, 2016**

**Tuesday, March 29, 2016 (continued)**

## **Consent Agenda**

CONSENT AGENDA PROCEDURES - Items on the Business Meeting Consent Agenda generally are decided by the Board without further discussion at the meeting. However, any Board member may remove an item from the Business Meeting Consent Agenda. The Board is not required to take public comment on removed items, but may request additional information and input.

1. **Resolution CC16-122** Expenditure Approval Listings - Accounting
2. **Resolution CC16-123** Bi-Weekly Payroll Register - Accounting
3. **Resolution CC16-124** Abatement/Refund of Property Taxes – Board of Equalization
4. **Resolution CC16-125** Appointments to the Jefferson County Audit Committee - Board of County Commissioners
5. **Resolution CC16-126** Appointments to the Jefferson County Community Services Advisory Board - Board of County Commissioners
6. **Resolution CC16-127** Appointments to the Jefferson County Historical Commission - Board of County Commissioners
7. **Resolution CC16-128** Appointments to the Jefferson County Fairgrounds Advisory Committee - Board of County Commissioners
8. **Resolution CC16-129** Appointments to the Jefferson County Emergency Communications Authority Board (E911) - Board of County Commissioners
9. **Resolution CC16-130** Appointments to the Jefferson County Open Space Advisory Committee - Board of County Commissioners
10. **Resolution CC16-131** Purchase Order - Wagner Equipment Company for the Purchase of One (1) Used 2015 Caterpillar Two Drum Vibratory Compactor (\$124,000.00) - Fleet

Other Contracts and Resolutions for which Notice was not possible may be considered.

Tuesday, March 29, 2016 (continued)

**Regular Agenda - No Agenda Items**

**Public Hearing**

There are two parts to the Public Hearing Agenda: the Hearing Consent Agenda and the Regular Hearing Agenda.

Items are listed on the Hearing Consent Agenda because no testimony is expected. In the event a Commissioner or any member of the public wishes to testify regarding an item on the Consent Agenda, the item will be removed and considered with the Regular Hearing Agenda.

Unless otherwise stated by the Chair, a motion to approve the Hearing Consent Agenda shall include and be subject to staff's findings, recommendations, and conditions as listed in the applicable Staff Report.

**Hearing Consent Agenda**

- |     |                     |  |
|-----|---------------------|--|
| 11. | <b>Resolution:</b>  | <b>CC16-118</b>  |
|     | <b>Case Number:</b> | <b>14-103529VA: Vacation</b>   |
|     | Owner:              | Jefferson County   |
|     | Applicant:          | ARKO COLORADO LLC  |
|     | Location:           | Cul-de-Sac right-of-way adjoining 8400 South Cody Way, cul-de-sac right-of-way adjoining 8449 and 8469 South Carr Way, and right-of way adjoining 8349, 8369, 8389 and 8399 South Carr Way |
|     | Approximate Area:   | Section 3, Township 6 South, Range 69 West<br>0.483 Acre   |
|     | <b>Purpose:</b>     | <b>To vacate portions of South Carr Way and South Cody Way.</b>  |
|     | Case Manager:       | Steve Krawczyk   |

(continued)

**Tuesday, March 29, 2016 (continued)**

12. **Resolution:** CC16-119  
**Case Number:** 15-125425RZ: Rezoning  
Case Name: Mountain Parks Veterinary Clinic Official Development Plan  
Owner/Applicant: E&R Property Group, LLC  
Location: 5920 County Highway 73  
Section 22, Township 5 South, Range 71 West  
Approximate Area: 0.91 Acre  
**Purpose:** To rezone from Commercial-Two (C-2) and Mountain Residential-One (MR-1) to Planned Development (PD) to allow the existing single-family dwelling, limited commercial uses, veterinary hospital, and doggie daycare with outdoor runs.  
Case Manager: Alan Tiefenbach
13. **Resolution:** CC16-120  
**Case Number:** 15-126763EX: Exemption  
Case Name: Mandalay Gardens Exemption Survey 6  
Owner/Applicant: Yvonne E. Mannon  
Location: 7937 West 106<sup>th</sup> Avenue  
Section 11, Township 2 South, Range 69 West  
Approximate Area: 0.857 Acre  
**Purpose:** To correct an improper division of a residential lot.  
Case Manager: Sean Madden

The public is entitled to testify on items under the Public Hearing Regular Agenda. Information on participation in hearings is provided in the County's brochure, *"Your Guide to Board of County Commissioners Hearings."* It may be obtained on the rack outside the hearing room or from the County Public Information Office at 303-271-8512.

**Hearing Regular Agenda**

14. **Resolution:** CC16-121  
Case Number: 16-100922AM: Regulation Amendment  
Applicant: Jefferson County  
**Purpose:** To amend Zoning Resolution Sections 1 (Administrative Provisions) and 3 (Enforcement and Administrative Exceptions) in order to provide reasonable accommodations for a disability.  
Case Manager: Russell D. Clark

**Tuesday, March 29, 2016 (continued)**

15. **Resolution CC16-132** Cable TV License Agreement - Comcast of Colorado IX, LLC, Comcast of Colorado XII, Inc., and Comcast of California/Colorado/Illinois/Indiana/Michigan, LP - County Attorney

## **Reports**

**County Commissioners**

**County Manager**

**County Attorney**

## **Adjournment**

Jefferson County does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or sexual orientation in the provision of services. Disabled persons requiring reasonable accommodation to attend or participate in a County service, program or activity should call 303-271-5000 or TDD 303-271-8071. We appreciate a minimum of 24 hours advance notice so arrangements can be made to provide the requested auxiliary aid.

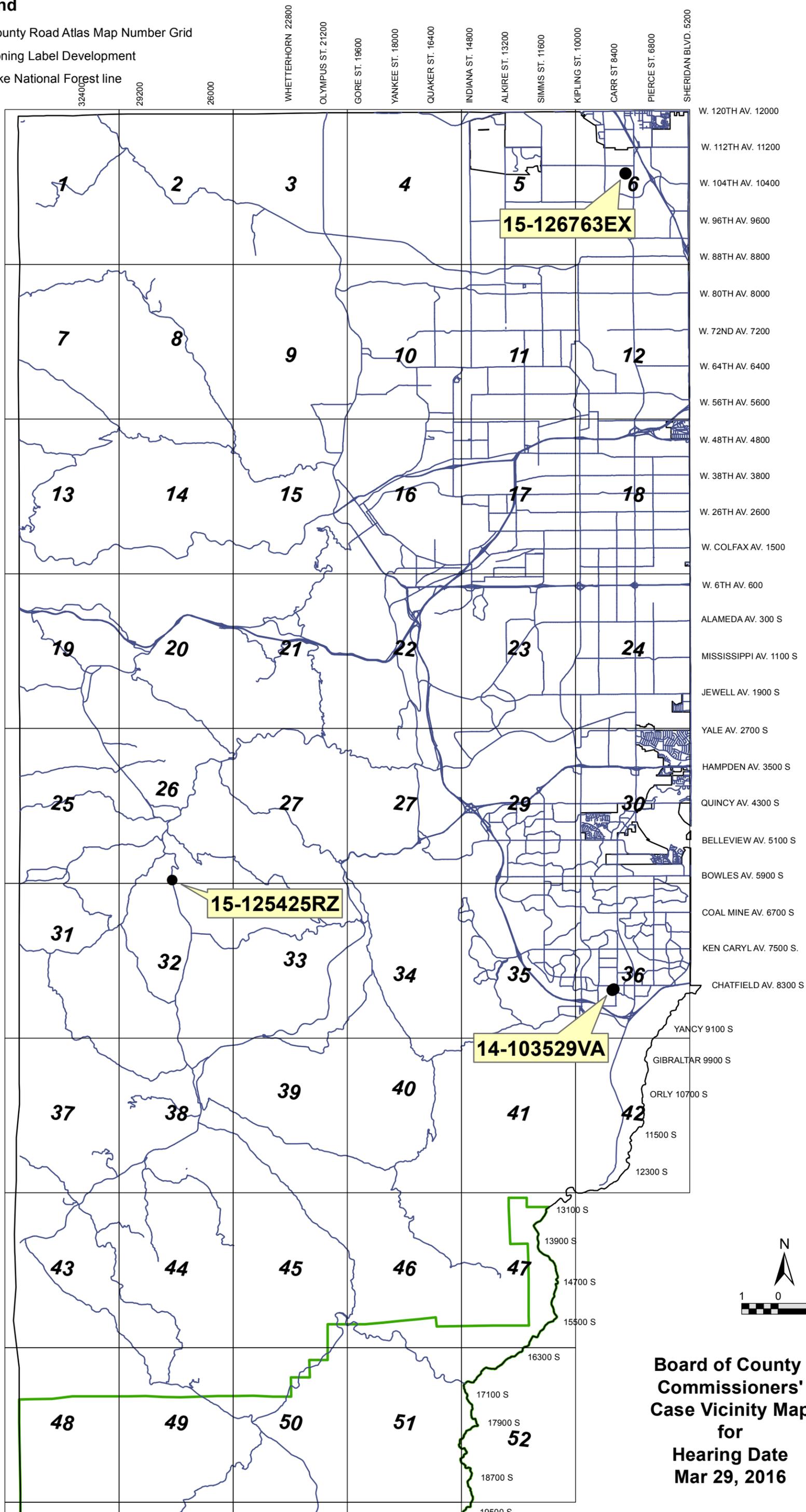
Board of County Commissioners meetings can be viewed on a television monitor in the cafeteria on the lower level of the Jefferson County Administration and Courts Facility. Also, you may use the cafeteria tables there to work or gather until the Board is ready to hear your case. Board meetings and hearings are recorded and available on the county's Web site at [www.jeffco.us](http://www.jeffco.us).

**Legend**

— County Road Atlas Map Number Grid

● Zoning Label Development

□ Pike National Forest line



**Board of County  
Commissioners'  
Case Vicinity Map  
for  
Hearing Date  
Mar 29, 2016**

## **COMMISSIONERS' MINUTES OF MARCH 22, 2016**

The Board of County Commissioners of the County of Jefferson, State of Colorado, met in regular session on March 22, 2016 in the Jefferson County Government Center, Golden, Colorado. Commissioner Libby Szabo, Chairman presided. Commissioner Donald Rosier, Commissioner Casey Tighe and Teri Schmaedecke, Deputy Clerk to the Board, were present.

Commissioner Libby Szabo, Chairman called the meeting to order.

### **STAFF PRESENT:**

Ralph Schell, County Manager  
Ellen Wakeman, County Attorney  
Eric Butler, Assistant County Attorney  
David Wunderlich, Assistant County Attorney

### **APPROVAL OF MINUTES**

Following a general discussion, the Board upon motion of Commissioner Rosier, duly seconded by Commissioner Tighe and by unanimous vote, approved the Minutes of March 15, 2016.

### **CONSENT AGENDA**

The Board approved the following Resolutions:

1. **Resolution CC16-108** Expenditure Approval Listings - Accounting
2. **Resolution CC16-109** Abatement/Refund of Property Taxes – Board of Equalization
3. **Resolution CC16-110** Appointments to the Jefferson County Planning Commission - Board of County Commissioners
4. **Resolution CC16-111** Public Trustee Quarterly Report Dated March 7, 2016 for 4<sup>th</sup> Quarter of 2015 - Public Trustee
5. **Resolution CC16-112** Purchase Order - Oracle America, Inc. for Oracle JD Edwards to Renew Annual Maintenance Support (\$155,320.22) - IT Services

6. **Resolution CC16-113** Intergovernmental Funding Agreement Amendment No. 1 - Colorado Department of Transportation FASTER Construction Grant for South Wadsworth Blvd./Waterton Canyon Rd. Intersection - Construction Phase - Transportation and Engineering

7. **Resolution CC16-114** Amendment to Intergovernmental Agreement - Colorado Department of Transportation Relating to the CM/AQ Funds for DRCOG Traffic Signal System Improvement Program –Transportation and Engineering

8. **Resolution CC16-115** Ratification of Grant Application and Acceptance - Colorado Department of Transportation, Division of Aeronautics for an Airport Operations Internship Grant for 2016 – Airport

9. **Resolution CC16-116** Policy Manual Part 5, Chapter 1, Section 3 Regarding Driving on County Business - County Manager

**REGULAR AGENDA- No Agenda Items**

**PUBLIC HEARING CONSENT AGENDA**

No one requested to testify in the following case:

**10. Resolution: CC16-107**

**Case Number: 15-105358VA: Vacation**

Owner: Jefferson County

Applicant: Robert L. Koch Living Trust dated December 6, 2013 and Erin N. Koch Living Trust dated December 6, 2013

Location: Right-of-Way adjoining 899 Coneflower Drive  
Section 18, Township 4 South, Range 70 West

Approximate Area: 0.012 Acre

**Purpose: To vacate a portion of Coneflower Drive.**

Case Manager: Ross Klopff

The Board upon motion of Commissioner Rosier, duly seconded by Commissioner Tighe and by unanimous vote, adopted a resolution approving the item on the consent agenda subject to the adopted conditions of approval.

**PUBLIC HEARING REGULAR AGENDA**

11. **Resolution CC16-117** Cable TV License Agreement - Comcast of Colorado IX, LLC, Comcast of Colorado XII, Inc., and Comcast of California/Colorado/Illinois/Indiana/Michigan, LP - County Attorney

Sworn Testimony: Andy Davis

Following the taking of testimony and a general discussion, the Board upon motion of Commissioner Szabo, duly seconded by Commissioner Rosier and by unanimous vote, adopted **RESOLUTION CC16-117** continuing Cable TV License Agreement - Comcast of Colorado IX, LLC, Comcast of Colorado XII, Inc., and Comcast of California/Colorado/Illinois/Indiana/Michigan, LP to March 29, 2016 at 8:00 a.m.

**REPORTS**

Commissioner Rosier reported meeting with representatives from various departments to discuss an upcoming Marijuana Grant Application. He also reported recently attending a DRCOG and Library Board meeting.

Commissioner Tighe reported that he recently participated in the TLC Meals on Wheels Program and said it's a very worthwhile program.

Commissioner Szabo talked about meeting with Elected Officials to discuss sign codes. She also attended a Criminal Justice meeting and an awards luncheon for the Jeffco EDC, honoring Jeffco Mayors.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned.

Attest:

Board of County Commissioners of  
the County of Jefferson, Colorado

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Teri Schmaedecke, Deputy Clerk

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Libby Szabo, Chairman

MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners  
**FROM:**  Ralph Schnell, County Manager  
**DIST:** Tim Kauffmann, County Treasurer  
**RE:** EXPENDITURE APPROVAL LISTINGS  
**DATE:** March 29, 2016

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**Staff Recommendation:**

Approve the Expenditure Approval Listings dated March 24, 2016  
Resolution No.

**CC 16-122**

**Background:**

The Board of County Commissioners has reviewed all claims presented for Audit and allowance to the Board as represented on said Expenditure Approval Listings and the Board of County Commissioners find that all said claims as represented on said Expenditure Approval Listings shall be allowed, and, hereby, directs the County Treasurer to pay same.

Further, the staff has reviewed all claims and certify that all claims are valid  
And are in order to be paid.

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Prepared by: Kay Aberle, Accounting Supervisor, X8532, Jefferson County Accounting Division

Reviewed by: Deborah Freischlag, Director of Accounting, X8529, Jefferson County Accounting Division

## MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**DIST:** Ralph Schell, Tim Kauffman, Accounting

**RE:** BI-WEEKLY PAYROLL REGISTER

**DATE:** March 29, 2016

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**Staff Recommendation:**

Approve the issuance of county warrants as listed on this Bi-Weekly Payroll Register for period ending March 19, 2016.

Resolution No.

**CC 16-123**

**Background:**

Payroll warrants and ACH Direct Deposit Notifications have been prepared in accordance with current Personnel Action forms and time sheets received in the Financial Control Division by the required deadlines and all applicable taxes and deductions have been withheld therefrom. A summary register of these claims has been circulated and thereby presented for audit and allowance by the Board of County Commissioners. The Board of County Commissioners hereby directs the County Treasurer to pay same.

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Prepared By: Jefferson County Accounting Division

**MEMORANDUM**

**TO:** The Board of County Commissioners  
**FROM:** Board of Equalization  
**CC:** Ellen G. Wakeman, County Attorney  
**RE:** Abatement/Refund of Property Taxes

**Staff Recommendation:**

Resolved, that the Board of County Commissioners approves the findings and recommendations of the Jefferson County Assessor denoted in the corresponding abatement resolutions and adopts those findings and recommendations as its final action on these abatement petitions.

<b><u>CASE NO.</u></b>	<b><u>PETITIONER</u></b>	<b><u>TAXES ABATED/REFUNDED</u></b>
A16-086	Apple Jug LLC	\$2,538.79
A16-022	David Barnes	\$255.32
A15-234	Birch Valley Homes LLC	\$18,938.22
A16-047	Charl L. Hardesty Revocable Trust	\$1,639.50
A15-262	Construction Dimensions LLC	\$9,482.63
A16-090	Environmental Tree Care LLC	\$415.37
A16-012	Joseph Allen Fields	\$923.58
A15-247	Richard D. Gowins	\$1,198.31
A15-246	Richard D. Gowins	\$1,198.31
A15-235	Randy S. Kee	\$1,389.51
A15-239	Steven Kinney	\$845.42
A16-089	Edwin S. Lim	\$2,892.28
A16-044	Christopher McCune	\$1,240.19
A015-135	Mark A. Miller	\$787.37
A16-028	Nancy Mlynek	\$358.41
A15-241	Terri Pearman	\$9,054.72
A15-243	Rick Gowins and Associates Inc.	\$61.35
A15-245	Peter C. and Stephanie K. Schaefer	\$1,198.31

**Resolution No.** \_\_\_\_\_

**CC16-124**

**Background:**

Final Board action on 18 abatement petitions, \$ 54,417.59 to be refunded. Taxpayers have filed abatement petitions alleging that their property has been overvalued or that their tax levy is illegal. The Assessor recommends approval of these petitions in the amounts indicated in the corresponding resolutions. The Board is taking action on these abatement petitions by accepting or rejecting the Assessor's recommendations.

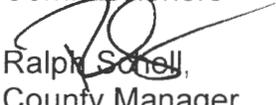
If an abatement appeal is approved by the board, the Treasurer's Office will calculate interest owed and send payment to the taxpayer. The Property Tax Administrator must approve all refunds in excess of \$10,000.00. If unsatisfied with this Board's action, a taxpayer may appeal further to the State Board of Assessment Appeals. Abatement refunds over \$10,000.00 are recommended for the following reasons:

A15-234: Vacant land value adjusted by stipulation to account for lack of access to property in 2014.

Prepared by: Casie Stokes, Assistant County Attorney *CAS*  
Distribution: Board of Equalization

MEMORANDUM

AGENDA ITEM 4

**TO:** Honorable Chairman and Members of the Board of County Commissioners  
**FROM:**   
Ralph Schell,  
County Manager  
**RE:** Appointments to Jefferson County Audit Committee  
**DATE:** March 29, 2016

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**Staff Recommendation:**

Approves the appointments of Kevin Fletcher and Valerie Walling as regular members on the Jefferson County Audit Committee.

Approves the term of these appointments to be effective April 1, 2016 and to expire March 31, 2018, or until reappointed or replaced by the Board of County Commissioners.

Resolution No.

**CC 16-125**

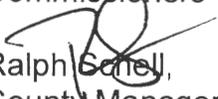
**Distribution:**

**Original returned to:** Janice Fredricksen

**Copies to:** Sheri Haxton, Accounting

## MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**   
Ralph Schnell,  
County Manager

**RE:** Appointments to Jefferson County Community Services Advisory Board

**DATE:** March 29, 2016

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**Staff Recommendation:**

Approves the reappointments of Christine Ames, John Berhart and George Kowach as regular members on the Jefferson County Community Services Advisory Board.

Approves the terms of these appointments to be effective April 1, 2016 and to expire March 31, 2018, or until reappointed or replaced by the Board of County Commissioners.

Resolution No.

**CC16-126**

**Distribution:**

**Original returned to:** Janice Fredricksen

**Copies to:** Kat Douglas, Community Development

MEMORANDUM

AGENDA ITEM 6

**TO:** Honorable Chairman and Members of the Board of County Commissioners  
**FROM:**  Ralph Schnell,  
County Manager  
**RE:** Appointments to Jefferson County Historical Commission  
**DATE:** March 29, 2016

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**Staff Recommendation:**

Approves the reappointment of Richard Gardner to represent District 1 and the appointments of Lee Katherine Goldstein and Leda Thaler as at-large representatives on the Jefferson County Historical Commission.

Approves the terms of these appointments to be effective April 1, 2016 and to expire March 31, 2019, or until reappointed or replaced by the Board of County Commissioners.

Approves the appointment of Max Lankston to represent District 3 on the Jefferson County Historical Commission.

Approves the term of this appointment to be effective April 1, 2016 and to expire March 31, 2017.

Approves the appointments of Mary Lindsey and Cynthia Shaw as at-large representatives on the Jefferson County Historical Commission.

Approves the terms of these appointments to be effective April 1, 2016 and to expire March 31, 2018, or until reappointed or replaced by the Board of County Commissioners.

Resolution No. **CC 16 - 127**

**Distribution:**

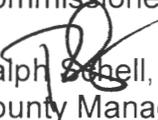
**Original returned to:** Janice Fredricksen

**Copies to:** Dennis Dempsey, Planning and Zoning

MEMORANDUM

AGENDA ITEM 7

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM:  Ralph Schell,  
County Manager

RE: Appointments to Jefferson County Fairgrounds Advisory Committee

DATE: March 29, 2016

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**Staff Recommendation:**

Approves the reappointments of Mark Skelton and John Young as regular members on the Jefferson County Fairgrounds Advisory Committee.

Approves the term of these appointments to be effective April 1, 2016 and to expire March 31, 2018, or until reappointed or replaced by the Board of County Commissioners.

Approves the appointment of Linda Crook as a regular member on the Jefferson County Fairgrounds Advisory Committee to fill the unexpired term of Bill Keller.

Approves the term of this appointment to be effective Date of this Resolution and to expire March 31, 2018, or until reappointed or replaced by the Board of County Commissioners.

Resolution No.

CC16-128

**Distribution:**

**Original returned to:** Janice Fredricksen

**Copies to:** Scott Gales, Fairgrounds

MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Echell  
County Manager

**RE:** Appointments to the Jefferson County Emergency Communications Authority Board (E911)

**DATE:** March 29, 2016

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Approves the appointments of Ken Olsen to represent Cities and Towns and Bob Olme to represent Fire Departments/Districts, as regular members on the Jefferson County Emergency Communications Authority Board (E911).

Approves the terms of these appointments to be effective April 1, 2016, to expire on March 31, 2020, or until reappointed or replaced by the Board of County Commissioners.

**Resolution No. CC16-129**

Prepared by: Janice M. Fredricksen

**Distribution**

**Original returned to:** Janice Fredricksen

**Copies to:** Jeff Irvin, JCECAB

## MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell,  
County Manager

**RE:** Appointments to Jefferson County Open Space Advisory Committee

**DATE:** March 29, 2016

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**Staff Recommendation:**

Approves the reappointment of Mike Dungan as a city representative, Felicity Hannay as a county representative, and Rebecca Watson as an at-Large representative on the Jefferson County Open Space Advisory Committee.

Approves the terms of these appointments to be effective April 1, 2016, and to expire March 31, 2019, or until reappointed or replaced by the Board of County Commissioners.

Approves the appointment of Paul Murphy as a county representative on the Jefferson County Open Space Advisory Committee to fill the unexpired term of Tookie Nemchak.

Approves the term of this appointment to be effective April 1, 2016, and to expire March 31, 2017, or until reappointed or replaced by the Board of County Commissioners.

Approves the appointment of Tom Gibson as an alternate member on the Jefferson County Open Space Advisory Committee.

Approves the term of this appointment to be effective April 1, 2016, and to expire March 31, 2018, or until reappointed or replaced by the Board of County Commissioners.

Approves the appointment of Kathleen Staks as an alternate member on the Jefferson County Open Space Advisory Committee to fill the unexpired term of Kyle Henley.

Approves the term of this appointment to be effective April 1, 2016, and to expire March 31, 2017, or until reappointed or replaced by the Board of County Commissioners.

Resolution No.

**CC16-130**

**Distribution:**

**Original returned to:** Janice Fredricksen

**Copies to:** Rosanna Janzer, Open Space

MEMORANDUM

AGENDA ITEM 10

**TO:** Honorable Chairman and Members of the Board of County Commissioners  
**FROM:**  Ralph Schell, County Manager  
**DIST:** Buck Benke, Deb Freischlag  
**RE:** Purchase Order for One (1) Used 2015 Caterpillar Two Drum Vibratory Compactor  
Fleet Services Division (for Road & Bridge Division)

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**Staff Recommendation:**

Approve an expenditure in the amount of **\$124,000.00** to Wagner Equipment Company for the purchase of one (1) Used 2015 Caterpillar CB54B Two Drum Vibratory Compactor

Estimated Delivery Date: Fourteen days after receipt of order.

RESOLUTION NUMBER: **CC 16 - 131**

**Background:**

This compactor will replace unit #356 under the approved Fleet Replacement Program. The unit is required by the Road and Bridge Division for road paving and maintenance operations.

Fleet Services has made a conscious effort to standardize several essential types of heavy equipment over the past years. This effort has resulted in lower operating costs, as well as lower costs for on-hand parts inventory and mechanic and operator training. The Caterpillar brand has been standardized for the purchase of compactors and rollers.

Fleet Services received quotes on three used Caterpillar CB54B Vibratory Compactors with immediate availability. The requested 2015 model year unit had the lowest price and the longest Caterpillar insured warranty period of the three available units.

**Fiscal Information:**

Funding is available in the 2016 vehicle replacement budget. This expenditure is within the scope and budget for this project.

**BCC Briefing Presented by:** Buck Benke, Fleet Services Director, on March 15, 2016.

**Originator:** Agenda memo prepared by Kathleen Budd, Purchasing, Ext. 8592.

**Contacts:** Randy Sturgeon, x5256.

**Original returned to:** Kathleen Budd, Purchasing.

**Copies to:** Marcia Sieben, Purchasing Manager  
Kate Newman, Deputy County Manager  
Randy Sturgeon, Fleet Services

Approvals	Buck Benke, Director Fleet Services Marcia Sieben, Purchasing Manager Kate Newman, Deputy County Manager	<input checked="" type="checkbox"/> 3/22/16 4:50am <input checked="" type="checkbox"/> 3/21/16 5:46am <input checked="" type="checkbox"/> 3/22/16 11:55am <input type="checkbox"/> <input type="checkbox"/> 
Final Signatory	BCC	
Vendor	Wagner Equipment Company	
End User	Fleet Services	
Type (Contract, PO, etc)	PO	
Dollar Value	\$124,000.00	
Term	N/A	
Description	Used 2015 Caterpillar CB54B Two Drum Vibratory Compactor	
Buyer	Kathleen Budd	

**CASE SUMMARY**  
**Consent Agenda**

**Agenda Item 11**

**PC Hearing Date:** March 9, 2016

**BCC Hearing Date:** March 29, 2016

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**14-103529VA**                      Vacation

**Owner:**                              Jefferson County

**Applicant:**                          ARKO COLORADO LLC

**Location:**                          Cul-de-Sac right-of-way adjoining 8400 South Cody Way, cul-de-sac right-of-way adjoining 8449 and 8469 South Carr Way, and right-of way adjoining 8349, 8369, 8389 and 8399 South Carr Way Section 3, Township 6 South, Range 69 West

**Approximate Area:**              0.483 Acre

**Purpose:**                              **To vacate portions of South Carr Way and South Cody Way.**

**Case Manager:**                    Steve Krawczyk

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**Issues:**

- None

**Related Deeds:**

- Deed, Case No. D 15-124919DE for the purpose of conveyance of right-of-way for a cul-de-sac turnaround.

**Recommendations:**

- **Staff:** Recommends APPROVAL subject to conditions
- **Planning Commission:** Recommends APPROVAL subject to conditions

**Interested Parties:**

- None

**Level of Community Interest:** Low

**Representative for Applicant:** Mark Bishop, Jehn Engineering

**General Location:** South of the intersection of West Chatfield and South Carr Way

**Case Manager Information:** Phone: 303-271-8736 e-mail: skrawczy@jeffco.us

It was moved by Commissioner **AHUJA** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**March 9, 2016**

**RESOLUTION**

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**14-103529VA**

**Owner:**

**Applicant:**

**Location:**

**Approximate Area:**

**Purpose:**

**Case Manager:**

**Vacation**

Jefferson County

ARKO COLORADO LLC

Cul-de-Sac right-of-way adjoining 8400 South Cody Way, cul-de-sac right-of-way adjoining 8449 and 8469 South Carr Way, and right-of way adjoining 8349, 8369, 8389 and 8399 South Carr Way Section 3, Township 6 South, Range 69 West

0.483 Acre

**To vacate portions of South Carr Way and South Cody Way.**

Steve Krawczyk

The Jefferson County Planning Commission hereby recommends **APPROVAL WITH CONDITIONS** of the above application on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
  - A. The right-of-way described herein is not necessary for use by the public.
  - B. The right-of-way is not within the limits of any city or town and does not form the boundary line of a city, town or county.
  - C. Jefferson County has acquired a public roadway over, through and on the lands described.
  - D. By a Vacation of said right-of-way no land would be left without an established public street or road or private access easement connecting it with another established public street or road.

- E. The proposal conforms to the Land Development Regulation because all applicable regulations have been satisfied as indicated within this report.
3. The following are conditions of approval:
- A. Recordation of the Minor Adjustment document for Case No. 14-103521MA.
  - B. Recording of an access easement to the benefit of Lots 4 and 25, Block 43, Meadowbrook Heights and the future lots owners immediately after the recording of the Minor Adjustment, Case No. 14-103521MA.
  - C. Acceptance of Deed, D15-124919DE, for cul-de-sac right-of-way by the Board of County Commissioners.

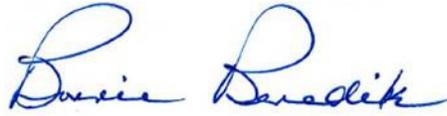
Commissioner **HARRIS** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Commissioner	<b>Rogers</b>	<b>Aye</b>
Commissioner	<b>Harris</b>	<b>Aye</b>
Commissioner	<b>Hammond</b>	<b>Aye</b>
Commissioner	<b>Hatton</b>	<b>Aye</b>
Commissioner	<b>Burke</b>	<b>Aye</b>
Commissioner	<b>Ahuja</b>	<b>Aye</b>
Commissioner	<b>Westphal</b>	<b>Aye</b>

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, Bonnie Benedik, Administrative Assistant for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, March 9, 2016.

Jefferson County Planning Commission Resolution  
Case # 14-103529VA  
March 9, 2016  
3 of 3



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Bonnie Benedik  
Administrative Assistant

## Staff Report

**PC Hearing Date:** March 9, 2016

**BCC Hearing Date:** March 29, 2016

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**14-103529VA** Vacation

**Owner:** Jefferson County

**Applicant:** ARKO COLORADO LLC

**Location:** Cul-de-sac right-of-way adjoining 8400 South Cody Way, cul-de-sac right-of-way adjoining 8449 and 8449 South Carr Way, and right-of way adjoining 8349, 8369, 8389 and 8399 South Carr Way  
Section 3, Township 6 South, Range 69 West

**Approximate Area:** 0.483 Acre

**Purpose:** **To vacate portions of South Carr Way and South Cody Way.**

**Case Manager:** Steve Krawczyk

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### **BACKGROUND/UNIQUE INFORMATION:**

This Vacation case is associated with a Minor Adjustment, Meadowbrook Heights Adjustment 6, Case No. 14-103521MA, which is an administrative process. The purpose of the Minor Adjustment is to reconfigure existing lots, modify the floodplain to be placed within a tract to allow for buildable lots, and make minor modifications to the existing street systems by dedication and vacation of rights-of-way. The Minor Adjustment does not increase the number of buildable sites but does reduce the number of platted lots. Some of the lots will be converted into a tract that contains the modified floodplain. As a part of the Minor Adjustment, the applicant is proposing to vacate County cul-de-sac turnarounds and portions of County streets to accommodate the reconfigured lots and tracts (which includes the detention facility and the floodplain). A Vacation certificate has been placed on the Minor Adjustment document to vacate County rights-of-way, which requires the signature of the Chairman of the Board of County Commissioners.

The South Carr Way right-of-way was dedicated to and accepted by the County as part of the Meadowbrook Heights subdivision in 1955. This particular portion of South Carr Way right-of-way was never constructed to County standards and has never been maintained by the County. Pursuant to Sections 13 (Vacation of Rights of Way) and 15 (Circulation) of the Land Development Regulation and as a part of the Minor Adjustment process, three cul-de-sac turnarounds will be dedicated to the County. Two of the cul-de-sacs will be dedicated by the Minor Adjustment and will be constructed to County standard. As required by Section 13 of the Land Development Regulation, the other cul-de-sac turnaround outside the Minor Adjustment boundary will be dedicated to the County by separate deed but will not be constructed at this time, because it will be constructed with future development. All of the turnarounds are located adjacent to the 100-year floodplain.

The applicant is also proposing to vacate a portion of South Carr Way that is not being utilized for public access. The vacated right-of-way will be merged seamlessly into the reconfigured floodplain and detention and water quality facility tract.

The proposed vacation area is illustratively shown on the Minor Adjustment document for the vacation process; however, the vacated area will not be shown on the Minor Adjustment document when it's recorded, as this is standard procedure. Akin to a plat, the vacation certificate is placed on the Minor Adjustment to vacate a portion of South Carr Way and the two cul-de-sacs. Upon approval of the vacation by the Board of County Commissioners and pursuant to Section 8.F.9 of the Land Development Regulation, the Chairman of the Board of County Commissioners is authorized to sign the Vacation Certificate contained on the Minor Adjustment document.

**NOTIFICATION:**

As a requirement of the Jefferson County Vacation Process, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to property owners that are adjacent to the proposed vacated area and to applicable registered associations. The initial notification was mailed at the time of the 1<sup>st</sup> referral. Additional notification was mailed 14 days prior to the Planning Commission Hearing identifying the scheduled hearing dates for both the Planning Commission Hearing and the Board of County Commissioners Hearing.
2. Sign(s), identifying the dates of both the Planning Commission Hearing and the Board of County Commissioners' Hearing, were provided to the applicant for posting on the site. The sign(s) were provided to the applicant with instructions that the site be posted 14 days prior to the Planning Commission Hearing.

The Homeowners' Associations and Umbrella Groups that received notification are as follows:

- COHOPE
- Sunset Management
- Jefferson County Horsemen Assn

During the processing of the application, Staff **has not** received responses in objection to the proposal.

**ISSUES ANALYSIS:**

	Maintenance	Traffic & Safety	Emergency Access	Property Owner Access	Utilities	Statutory Requirement	Vesting
Acceptable	X(1)	X(2)	X(3)	X(4)	X(5)	X(6)	X(7)
Unacceptable							

.....

**1. Maintenance:**

The proposed vacation area is not currently maintained by the County. The Road and Bridge and Transportation and Engineering Divisions support the rights-of-way vacation request. The applicant will be dedicating right-of-way for a new street, West Brook Way as a result of vacating a portion of South Carr Way and dedicating two new cul-de-sac turnarounds. The owner/applicant and eventually the Homeowners' Association or equivalent entity will be responsible for the maintenance of Tract B,

which includes a portion of the to-be-vacated portion of South Carr Way. The to-be-vacated cul-de-sac turnarounds will be merged into their respective residential lots via the Minor Adjustment document. The County will be responsible for the maintenance of the streets/roads once the streets are constructed to standard and are accepted by the County.

**2. Traffic and Safety:**

As stated above, the maintenance of those vacated areas will be taken over by the property owners or Homeowners' Association, as applicable. This Vacation request will not impact traffic circulation or safety since the existing streets and the dedication of additional rights-of-way will provide safe traffic operations and circulation for this development.

**3. Emergency Access:**

This right-of-way Vacation will not impact fire protection and rescue operations from the West Metro Fire Protection District. The West Metro Fire Protection District in its correspondence, dated February 9, 2015, stated that they have no objection to this right-of-way Vacation request.

**4. Property Owner Access:**

All property owners that may be impacted by this Vacation will have or do have existing access. As a result of the vacation of South Carr Way, the applicant is required to grant an access easement sufficient for a building permit to property owners who own Lots 4 and 25, Block 43 of Meadowbrook Heights. The recordation of the access easement is listed as a condition of approval for this Vacation.

**5. Utilities:**

The utility entities including Xcel Energy, CenturyLink, Brook Forest Water District, Meadow Brook/Fairview Metropolitan District and Comcast have provided letters stating there are no existing or proposed utilities within the proposed right-of-way vacation area.

**6. Statutory Requirement – Boundary (C.R.S. §43-2-303):**

The right-of-way requested to be vacated with this application is not within the limits of any city or town, and it does not form the boundary line of a city, town or county.

**7. Vesting:**

The vacated right-of-way will vest to the property owner, ARKO COLORADO LLC via the Minor Adjustment document.

**8. Deed:**

The dedication of right-of-way for a cul-de-sac turnaround by separate deed, Case No. D 15-124919DE has been approved as-to-form by the County Attorney's Office.

**Planning Commission:**

Planning Commission Recommendation (Resolution dated March 9, 2016 attached):

Approval	_____
Approval with Conditions	<u>X (7-0)</u>
Denial	_____

This case was scheduled on the consent agenda for the Planning Commission hearing and was not removed from the consent agenda for discussion.

**SUMMARY/RECOMMENDATIONS:**

**Staff recommends that the Board of County Commissioners find that:**

1. The right-of-way described herein is not necessary for use by the public.
2. The right-of-way is not within the limits of any city or town and does not form the boundary line of a city, town or county.
3. Jefferson County has acquired a public roadway over, through and on the lands described herein.
4. By a Vacation of said right-of-way no land would be left without an established public street or road or private access easement connecting it with another established public street or road.
5. The proposal conforms to the Land Development Regulation because all applicable regulations have been satisfied as indicated within this report.

And;

**Staff recommends that the Board of County Commissioners APPROVE Case No. 14-103529VA subject to the following conditions:**

1. Recordation of the Minor Adjustment document for Case No. 14-103521MA.
2. Recording of an access easement to the benefit of Lots 4 and 25, Block 43, Meadowbrook Heights and the future lot owners immediately after the recording of the Minor Adjustment, Case No. 14-103521MA.
3. Acceptance of Deed, D 15-124919DE, for cul-de-sac right-of-way by the Board of County Commissioners.

COMMENTS PREPARED BY:

*Steve Krawczyk*  
\_\_\_\_\_  
Steve Krawczyk, Civil Planning Engineer  
March 29, 2016

# ELECTRONIC REFERRAL

## JEFFERSON COUNTY, COLORADO

Documents related to a Vacation of County Rights-of-way have been submitted to Jefferson County Planning and Zoning. This case is now beginning the 1<sup>st</sup> Referral part of the process. Please review the specific electronic documents related to the 1<sup>st</sup> Referral found [here](#). Comments on the Vacation should be submitted electronically to the case manager by the due date below.

Case Number: 14-103529VA  
Case Name: Vacation of county rights-of-way for two cul-de-sacs  
Address: 8449 South Carr Street  
General Location: Located on Cu-de-sacs at 8469 South Carr Way and 8400 South Cody Way.  
Case Type: Vacation  
Type of Application: To vacate a county road Right-of way  
Comments Due: **Friday March 14th, 2014**  
Case Manager: Steve Krawczyk  
Case Manager Contact Information: skrawczyk@jeffco.us 303.271.8736

The entire case file for this application can be viewed [here](#).

### **Referrals:**

#### **Internal Agencies:**

Planning Engineering  
Zoning Administration  
Addressing  
Assessor's Office  
Cartography  
Open Space  
Transportation and Engineering  
Road & Bridge  
Weed and pest

#### **External Agencies:**

Meadow Brook Water  
Meadow Brook/ Fair view Metro District  
Foothills Park and Recreation  
Xcel  
Centurylink  
Urban Drainage Flood control District

#### **Adjacent HOA'S:**

Sunset Management Services  
Jefferson County Horseman's Association  
COHOPE

#### **Adjacent Property Owners:**

See list in Community Notification Folder (Two Names)

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## ADDRESSING

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# MEMO

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To: Steve Krawczyk  
FROM: Patricia Romero  
SUBJECT: 14-103529VA 8449 S Carr Way  
DATE: March 4, 2014

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Addressing offers the following comments on this proposal:

1. The purpose of this Vacation is for the right of way to be eliminated due to a newly configured plan.
2. Access is currently off of South Carr Way and off of South Cody Way. The addresses involved are 8390 and 8400 South Cody Way and 8449 and 8469 South Carr Way.

If you need further clarification or if I can be of further assistance, please let me know.

## INTEROFFICE MEMORANDUM

March 12, 2014

To: Steve Krawczyk, Case Manager

From: Kathy Sewolt, County, Assessor's Office

Case Name: **Vacation of S. Cody Way & S. Carr Way**

Case #: **14-103529VA**

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I have no concerns or comments about this vacation.

If I can be of further assistance, please call me at 303-271-8645

## Steve Krawczyk

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**From:** Ben Hasten  
**Sent:** Monday, January 04, 2016 1:44 PM  
**To:** Steve Krawczyk  
**Subject:** RE: Meadowbrook MA

Steve,  
Carto has no further concerns.  
Ben

---

**From:** Steve Krawczyk  
**Sent:** Monday, January 04, 2016 8:37 AM  
**To:** Ben Hasten  
**Subject:** FW: Meadowbrook MA

Good Morning  
Ben  
Are you good with this one  
Thanks  
Steve

---

**From:** Steve Krawczyk  
**Sent:** Tuesday, December 22, 2015 1:20 PM  
**To:** Ben Hasten  
**Subject:** FW: Meadowbrook MA

Good Afternoon  
Ben

Let me know if this works  
Thanks  
Steve

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**From:** Mark Bishop [<mailto:mbishop@jehnengineering.com>]  
**Sent:** Tuesday, December 22, 2015 12:16 PM  
**To:** Steve Krawczyk  
**Cc:** 'nagib03@aol.com'  
**Subject:** RE: Meadowbrook MA

Let's try again

---

**From:** Steve Krawczyk [<mailto:skrawczy@co.jefferson.co.us>]  
**Sent:** Tuesday, December 22, 2015 8:01 AM  
**To:** Mark Bishop  
**Cc:** 'nagib03@aol.com'  
**Subject:** RE: Meadowbrook MA

Good Morning  
Mark

For the easements

## Steve Krawczyk

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**From:** Place, Charles [Charles.Place@CenturyLink.com]  
**Sent:** Thursday, March 27, 2014 12:31 PM  
**To:** Steve Krawczyk  
**Subject:** RE: 14-103521MA - Electronic Referral

Steve,

I apologize, but I did not find the reserved easement area. CenturyLink has facilities along the south side of Chatfield Ave and along the west line of Carr St in the areas of the channel improvement project, but I do not see that we have any facilities in the interior of the project area or within the vacate area of the S Cody Wy cul-de-sac.

Charles Place

720.578.5132

**From:** Steve Krawczyk [<mailto:skrawczyk@co.jefferson.co.us>]  
**Sent:** Tuesday, March 25, 2014 9:12 AM  
**To:** 'George, Donna L'  
**Cc:** Place, Charles  
**Subject:** FW: 14-103521MA - Electronic Referral

Hi Donna,

Please let me know you received and if you have any concerns about the reserved easement

-- thanks!

Steve Krawczyk, PE, MS, CFM

Civil Engineer

Planning and Zoning Division

100 Jefferson County Parkway, Suite 3550 Golden, CO 80419-3550

Phone: (303) 271-8736 (direct)

Fax: (303) 271-8744

JCOS has no comments or concerns on this referral.

## Steve Krawczyk

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**From:** Mike Haraldson  
**Sent:** Monday, March 24, 2014 3:46 PM  
**To:** Steve Krawczyk  
**Cc:** Mike Secary; Brian Knight  
**Subject:** RE: Minor Adjustment\14-103521MA 8585 W Payne Avenue

Good afternoon Steve,

The only concerns that Road and Bridge has is S. Carr St. is on our 2014 Overlay list. It looks like some improvements are going to be made on S. Carr St. so that we will probably take that off our overlay list and move it to 2016. I believe I saw valley pan installed on S. Carr Street as part of this project. That would help us as far as maintenance is concerned. Thanks for the update.

### Mike Haraldson | Sr. Supervisor

Jefferson County Colorado | Road & Bridge, District II  
[9509 West Ute Ave. Littleton, CO 80128](http://9509WestUteAve.com)  
Work: [303-271-5252](tel:303-271-5252) Fax: [303-933-9528](tel:303-933-9528)  
Email: [mharalds@jeffco.us](mailto:mharalds@jeffco.us) | [www.jeffco.us/](http://www.jeffco.us/)

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**From:** Steve Krawczyk  
**Sent:** Monday, March 24, 2014 10:25 AM  
**To:** Mike Haraldson  
**Subject:** Minor Adjustment\14-103521MA 8585 W Payne Avenue

Good Morning  
Mike

Here are the construction plans for the above case  
You can find the rest of the information on the link below  
THanks

Steve Krawczyk, PE, MS, CFM  
Civil Engineer  
Planning and Zoning Division  
100 Jefferson County Parkway, Suite 3550 Golden, CO 80419-3550  
Phone: (303) 271-8736 (direct)  
Fax: (303) 271-8744  
Email: [skrawczy@jeffco.us](mailto:skrawczy@jeffco.us)  
<http://planning.jeffco.us>

## ELECTRONIC REFERRAL

### JEFFERSON COUNTY, COLORADO

Documents related to a Minor Adjustment have been submitted to Jefferson County Planning and Zoning. This case is now beginning the 1<sup>st</sup> Referral part of the process. Please review the specific electronic documents related to the 1<sup>st</sup>

## Steve Krawczyk

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**From:** Allison Wenlund  
**Sent:** Friday, March 14, 2014 10:40 AM  
**To:** Steve Krawczyk  
**Subject:** 14-103529VA Zoning Admin Comments

Zoning administration has no comments for the vacation of the two cul-de-sacs.

Thanks!

**ALLISON WENLUND**  
Associate Planner

Jefferson County Planning and Zoning Division

100 Jefferson County Parkway

Golden, CO 80419

[awenlund@jeffco.us](mailto:awenlund@jeffco.us) | 303-271-8752



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571.3660  
donna.l.george@xcelenergy.com

March 5, 2014

Jefferson County Planning and Zoning Division  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419-3550

Attn: Steve Krawczyk

**Re: Vacation of county rights-of-way for two cul de sacs, Case # 14-103529VA**

Public Service Company of Colorado (PSCo) has reviewed the plans for the above captioned vacation and has **no apparent conflict**.

As the project progresses, the property owner/developer/contractor must contact the **Builder's Call Line at 1-800-628-2121** and complete the application process for any new gas or electric service, or modification to existing facilities. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

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

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

Sincerely,

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

## Steve Krawczyk

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**From:** Chris Purrington [chris@purringtoncivil.com]  
**Sent:** Friday, March 07, 2014 12:47 PM  
**To:** Steve Krawczyk  
**Cc:** don@vogtlaw.net  
**Subject:** RE: 14-103529VA - Electronic Referral

Thanks Steve,

On behalf of the Meadowbrook Water District and Meadowbrook Fairview Metropolitan District, we have no concerns with the proposed cul-de-sac vacations.

Thanks,  
Chris

Chris Purrington, P.E.  
**Purrington Civil, LLC**  
*1153 Bergen Parkway, Ste I-148  
Evergreen, CO 80439*  
[www.purringtoncivil.com](http://www.purringtoncivil.com)  
303.981.8502 / p  
303.957.2224 / f

---

**From:** Steve Krawczyk [skrawczy@co.jefferson.co.us]  
**Sent:** Friday, March 07, 2014 8:05 AM  
**To:** Chris Purrington  
**Subject:** RE: 14-103529VA - Electronic Referral

Here you go  
Thanks

Steve Krawczyk, PE, MS, CFM  
Civil Engineer  
Planning and Zoning Division  
100 Jefferson County Parkway, Suite 3550 Golden, CO 80419-3550  
Phone: (303) 271-8736 (direct)  
Fax: (303) 271-8744  
Email: [skrawczy@jeffco.us](mailto:skrawczy@jeffco.us)  
<http://planning.jeffco.us>

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**From:** Chris Purrington [<mailto:chris@purringtoncivil.com>]  
**Sent:** Tuesday, March 04, 2014 3:11 PM  
**To:** Steve Krawczyk  
**Cc:** Kristi Anderson  
**Subject:** RE: 14-103529VA - Electronic Referral

Steve,

Is there an exhibit depicting the proposed cul-de-sacs and the area of vacated right-of-way and if so could I get a copy?

## Steve Krawczyk

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**From:** Todd Mellema [todd@dissco.net]  
**Sent:** Tuesday, May 12, 2015 3:28 PM  
**To:** Steve Krawczyk  
**Cc:** Bill Tanis (wtanis@irelandstapleton.com)  
**Subject:** Lot 25 Meadow Brook access  
**Attachments:** Trail Access Esmts Complete.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Steve

After negotiations with you, Jenn Engineers and Nagib Kikha regarding assess to our Lot 25 we have come up with the attached egress and upon the filling and approval of this egress I John T. and Kathy M. Mellema have no objections to the planned development of Meadowbrook Phase II planned by Nigib Kikhia.

FYI. I still have not had an opportunity to discuss the maintenance access with Urban Drainage. Nothing yet has changed on this.

If you have any questions please feel free to contact me.

Todd

**Todd Mellema**  
**President**

**DISSCO®**

**Denver Industrial Sales & Service Co.**

**850 S. Lipan St.**

**Denver, CO 80223**

Ph 303-935-2485

Fax 303-935-6787

e-mail: [todd@dissco.net](mailto:todd@dissco.net)

Web site: [www.dissco.net](http://www.dissco.net)

*Integrity First, Service before self, Excellence in all you do.*





# MEADOWBROOK HEIGHTS ADJUSTMENT 6

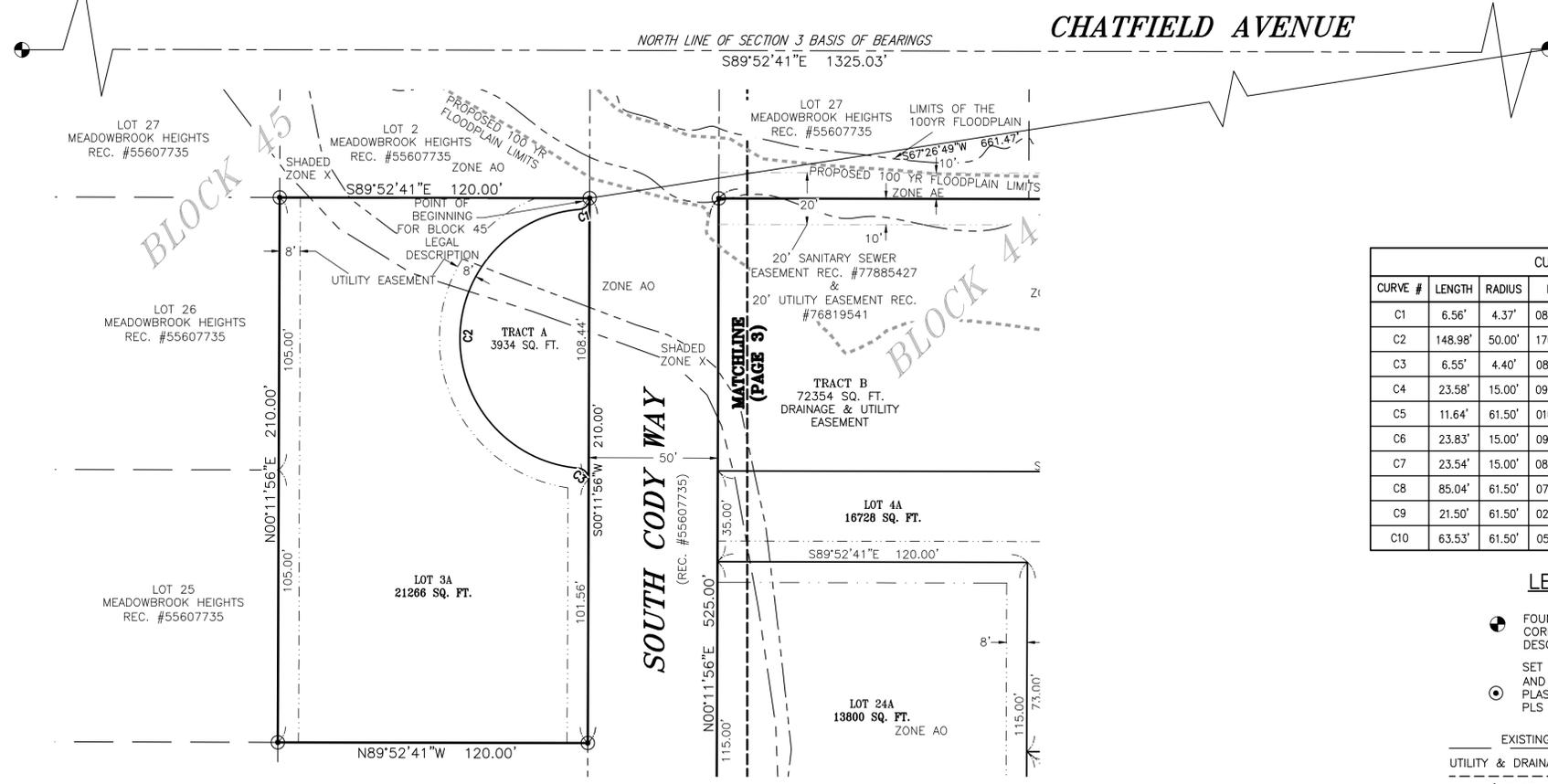
## RECONFIGURATION OF LOTS 6, 7, 8, 9, 22,23 AND 24 BLOCK 43, LOTS 3, 4, 5, 6, 7, 8, 9, 10, 22, 23, 24, 25 AND 26 BLOCK 44 AND LOTS 3 AND 4 BLOCK 45 AND ADJACENT RIGHT-OF-WAY, ALL IN MEADOWBROOK HEIGHTS LOCATED IN NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST 6TH P.M. COUNTY OF JEFFERSON, STATE OF COLORADO

### SHEET 2 OF 4

CASE NUMBER: 14-103521MA  
MAP NUMBER: 15

E 1/6 N. LINE SEC. 3  
2.5" ALUMINUM CAP PLS. 5112 IN  
RANGE BOX MATCHES MONUMENT  
RECORDS ON FILE 3/19/02

POINT OF COMMENCEMENT  
NE CONER SEC. 3  
2.5" ALUMINUM CAP PLS 5112 IN  
RANGE BOX MATCHES MONUMENT  
RECORDS ON FILE 5/14/04



# MEADOWBROOK HEIGHTS ADJUSTMENT 6

## RECONFIGURATION OF LOTS 6, 7, 8, 9, 22,23 AND 24 BLOCK 43, LOTS 3, 4, 5, 6, 7, 8, 9, 10, 22, 23, 24, 25 AND 26 BLOCK 44 AND LOTS 3 AND 4 BLOCK 45 AND ADJACENT RIGHT-OF-WAY, ALL IN MEADOWBROOK HEIGHTS LOCATED IN NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST 6TH P.M. COUNTY OF JEFFERSON, STATE OF COLORADO

### SHEET 3 OF 4

CASE NUMBER: 14-103521MA  
MAP NUMBER: 15

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	6.56'	4.37'	085°57'09"	N42°52'47"E	5.96'
C2	148.98'	50.00'	170°43'24"	S01°15'56"W	99.67'
C3	6.55'	4.40'	085°21'42"	N42°28'55"W	5.96'
C4	23.58'	15.00'	090°04'03"	S44°50'06"E	21.23'
C5	11.64'	61.50'	010°50'32"	N84°26'42"W	11.62'
C6	23.83'	15.00'	091°00'47"	N45°21'50"W	21.40'
C7	23.54'	15.00'	089°56'06"	S45°09'59"W	21.20'
C8	85.04'	61.50'	079°13'22"	N39°24'45"W	78.42'
C9	21.50'	61.50'	020°01'58"	N69°00'27"W	21.39'
C10	63.53'	61.50'	059°11'23"	N29°23'46"W	60.75'

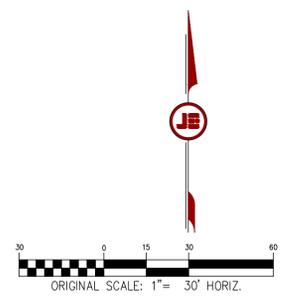
**ACCESS EASEMENT #1**

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C56	115.25'	96.13'	068°41'20"	S41°8'57"E	108.47'
C57	24.02'	64.00'	021°30'06"	N50°04'36"W	23.88'
C58	22.34'	106.70'	011°59'43"	N45°19'04"W	22.30'
C59	6.55'	24.46'	015°21'04"	N58°59'27"W	6.53'
C60	24.16'	75.90'	018°14'17"	N57°32'51"W	24.06'
C61	10.99'	5.48'	114°58'40"	S74°04'58"W	9.24'
C62	42.43'	143.60'	016°55'50"	S8°30'46"W	42.28'
C63	10.78'	61.50'	010°02'35"	N68°04'58"W	10.77'
C64	45.36'	155.73'	016°41'13"	S8°30'56"W	45.20'
C65	8.24'	10.27'	045°56'52"	N6°06'53"W	8.02'
C66	40.52'	65.00'	035°42'55"	S48°21'03"E	39.86'
C67	10.31'	38.41'	015°22'45"	S58°59'27"E	10.28'
C68	25.26'	120.87'	011°58'33"	S45°18'48"E	25.22'
C69	2.37'	49.83'	002°43'34"	S40°41'18"E	2.37'
C70	91.27'	76.13'	068°41'20"	N41°8'57"W	85.90'

LINE TABLE		
LINE #	LENGTH	BEARING
L46	23.99'	S30°01'44"W
L47	14.00'	S29°10'21"W
L48	3.86'	N60°49'39"W
L49	18.19'	N39°19'13"W
L50	22.62'	N66°39'59"W
L51	20.82'	S16°56'25"W
L52	33.15'	S00°10'20"W
L53	29.16'	N00°10'20"E
L54	32.28'	N16°51'33"E
L55	14.00'	N59°30'24"E
L56	22.62'	S66°40'49"E
L57	18.19'	S39°19'31"E
L58	21.62'	N30°01'44"E
L59	16.07'	N38°39'37"W
L60	25.66'	S89°52'41"E

**LEGEND**

- FOUND SECTION CORNER AS DESCRIBED HEREON
- SET #5X24" REBAR AND 1" YELLOW PLASTIC CAP PLS 34580
- EXISTING LOT LINE
- - - UTILITY & DRAINAGE EASEMENT LINE
- - - 8" XCEL EASEMENT LINE
- - - SECTION LINE
- BOUNDARY LINE
- NEW LOT LINE
- ADJOINER LOT LINE
- - - RIGHT-OF-WAY
- ▨ RIGHT-OF-WAY TO BE VACATED BY THIS MINOR ADJUSTMENT



REVISIONS			
NO	DESCRIPTION	DATE	BY
7	REDLINES FROM COUNTY	2/15/16	RJH
8	COUNTY REDLINES	3/2/16	RJH
3	PER COUNTY REDLINES	1/19/15	RJH
4	PER COUNTY COMMENTS	3/24/15	RJH
5	PER COUNTY REDLINES	8/17/15	RJH
6	FINAL REDLINES	9/16/15	RJH

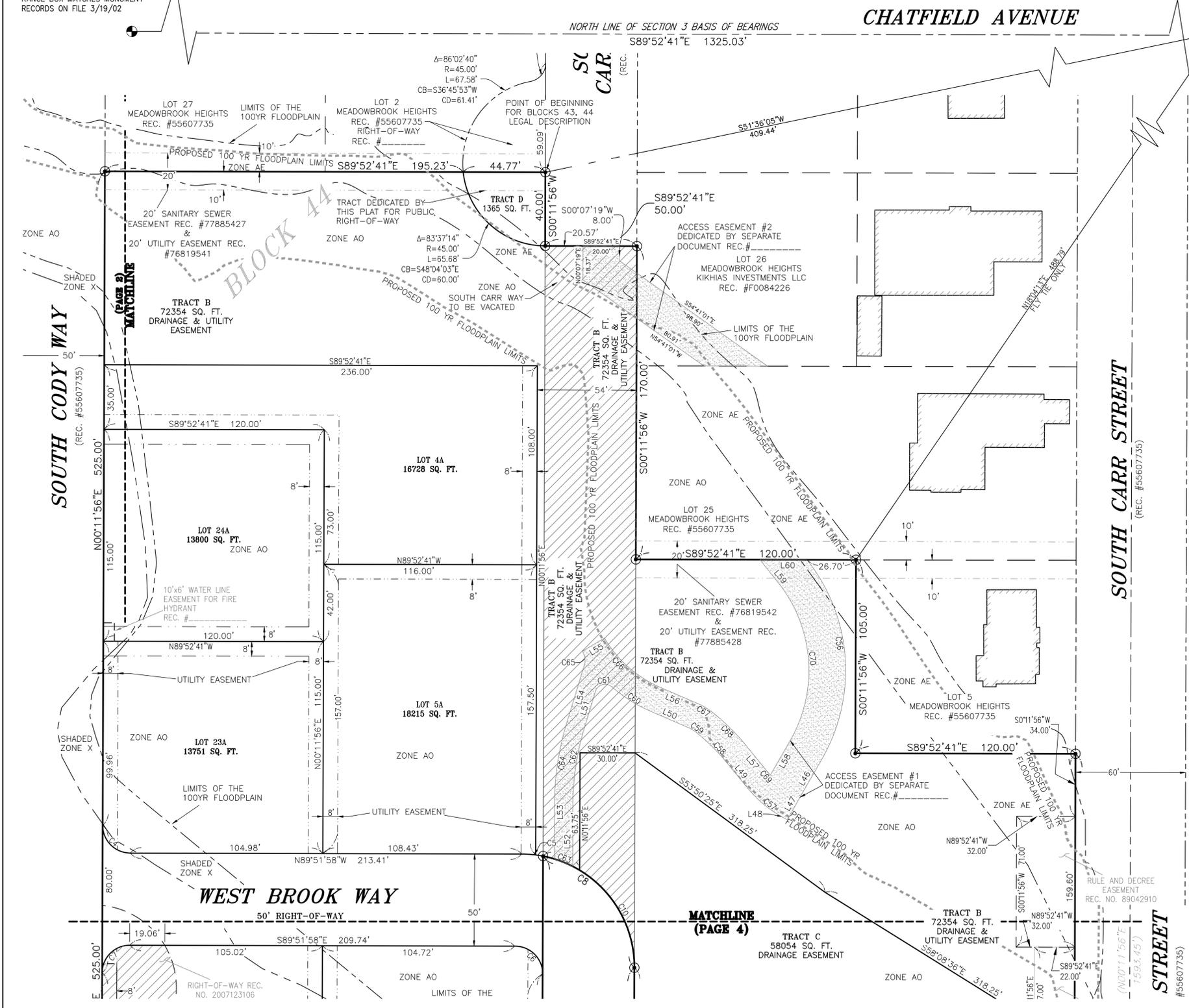


**JēHN**  
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ARVADA, CO 80002  
PH. (303) 423-6036 FAX (303) 467-9438

E 1/4 N. LINE SEC. 3  
2.5" ALUMINUM CAP PLS. 5112 IN  
RANGE BOX MATCHES MONUMENT  
RECORDS ON FILE 3/19/02

POINT OF COMMENCEMENT  
NE CORNER SEC. 3  
2.5" ALUMINUM CAP PLS 5112 IN  
RANGE BOX MATCHES MONUMENT  
RECORDS ON FILE 5/14/04



# MEADOWBROOK HEIGHTS ADJUSTMENT 6

## RECONFIGURATION OF LOTS 6, 7, 8, 9, 22,23 AND 24 BLOCK 43, LOTS 3, 4, 5, 6, 7, 8, 9, 10, 22, 23, 24, 25 AND 26 BLOCK 44 AND LOTS 3 AND 4 BLOCK 45 AND ADJACENT RIGHT-OF-WAY, ALL IN MEADOWBROOK HEIGHTS LOCATED IN NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST 6TH P.M. COUNTY OF JEFFERSON, STATE OF COLORADO

### SHEET 4 OF 4

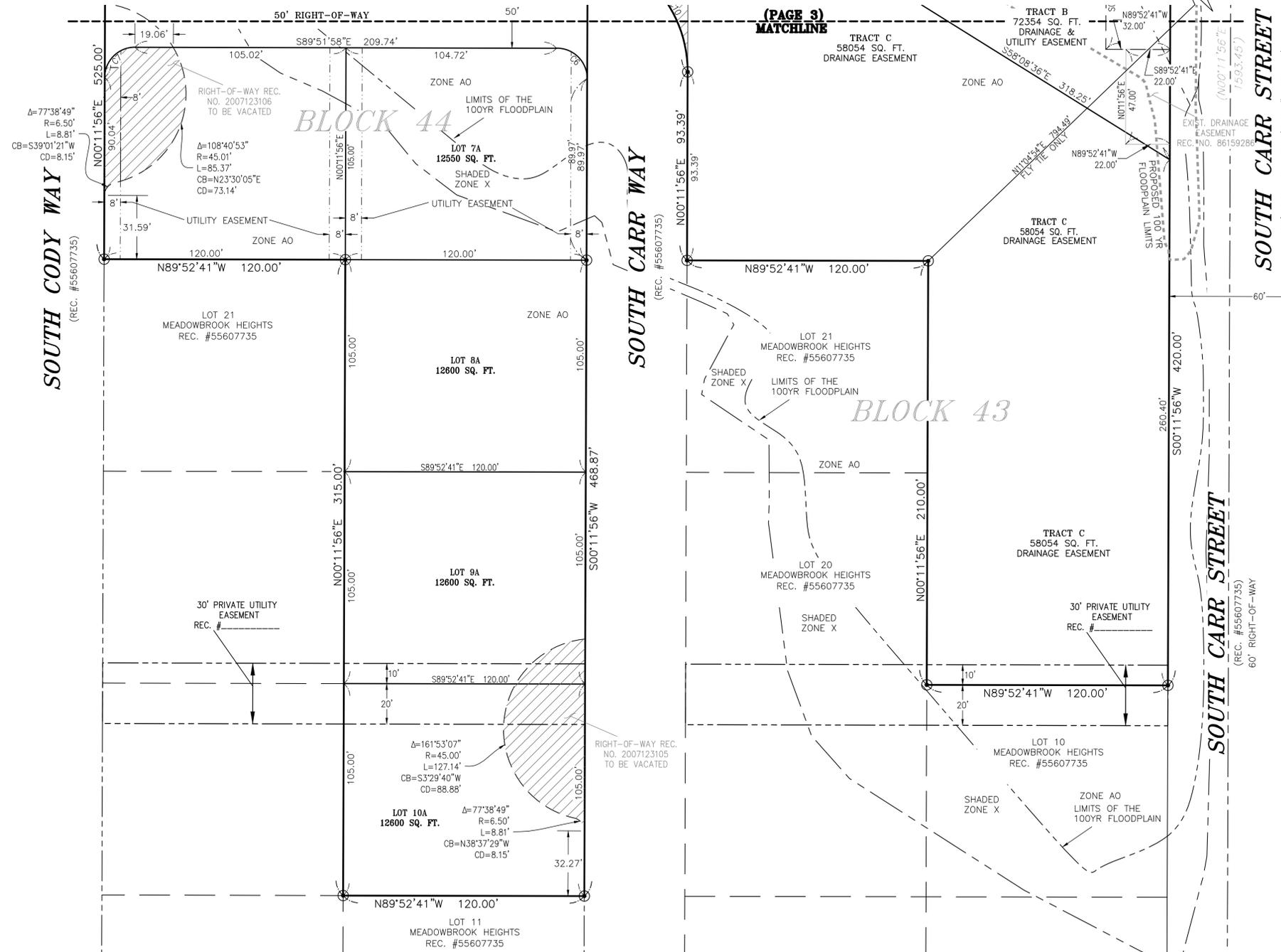
CASE NUMBER: 14-103521MA  
MAP NUMBER: 15

E 1/4 N. LINE SEC. 3  
2.5" ALUMINUM CAP PLS. 5112 IN  
RANGE BOX MATCHES MONUMENT  
RECORDS ON FILE 3/19/02

NORTH LINE OF SECTION 3 BASIS OF BEARINGS  
S89°52'41"E 1325.03'

**CHATFIELD AVENUE**

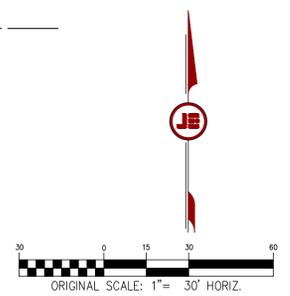
POINT OF COMMENCEMENT  
NE CORNER SEC. 3  
2.5" ALUMINUM CAP PLS 5112 IN  
RANGE BOX MATCHES MONUMENT  
RECORDS ON FILE 5/14/04



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	6.56'	4.37'	085°57'09"	N42°52'47"E	5.96'
C2	148.98'	50.00'	170°43'24"	S01°15'56"W	99.67'
C3	6.55'	4.40'	085°21'42"	N42°28'55"W	5.96'
C4	23.58'	15.00'	090°04'03"	S44°50'06"E	21.23'
C5	11.64'	61.50'	010°50'32"	N84°26'42"W	11.62'
C6	23.83'	15.00'	091°00'47"	N45°21'50"W	21.40'
C7	23.54'	15.00'	089°56'06"	S45°09'59"W	21.20'
C8	85.04'	61.50'	079°13'22"	N39°24'45"W	78.42'
C9	21.50'	61.50'	020°01'58"	N89°00'27"W	21.39'
C10	63.53'	61.50'	059°11'23"	N29°23'46"W	60.75'

**LEGEND**

- FOUND SECTION CORNER AS DESCRIBED HEREON
- SET #5X24" REBAR AND 1" YELLOW PLASTIC CAP PLS 34580
- EXISTING LOT LINE
- UTILITY & DRAINAGE EASEMENT LINE
- 8' XCEL EASEMENT LINE
- SECTION LINE
- BOUNDARY LINE
- NEW LOT LINE
- ADJOINER LOT LINE
- RIGHT-OF-WAY
- RIGHT-OF-WAY TO BE VACATED BY THIS MINOR ADJUSTMENT



REVISIONS			
NO	DESCRIPTION	DATE	BY
7	REDLINES FROM COUNTY	2/15/16	RJH
8	COUNTY REDLINES	3/2/16	RJH
3	PER COUNTY REDLINES	1/19/15	RJH
4	PER COUNTY COMMENTS	3/24/15	RJH
5	PER COUNTY REDLINES	8/17/15	RJH
6	FINAL REDLINES	9/16/15	RJH

**JēHN**  
ENGINEERING

5690 WEBSTER STREET  
ARVADA, CO 80002  
PH. (303) 423-6036 FAX (303) 467-9438

## ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT AGREEMENT (hereinafter "Easement Agreement") is made this 27<sup>th</sup> day of November, 2015 by and between ARKO COLORADO L.L.C. (hereinafter "Grantor") a Colorado limited liability company whose address is P.O. Box 260575 Lakewood, CO 80226, and John Todd and Kathy Marie Mellema (hereinafter "Grantees") whose address is 8377 S. Carr St. Littleton, CO 80128.

### I. RECITALS

WHEREAS, Grantor is the holder of legal title to a certain parcel of land legally described as Lot 26, Block 43, Meadowbrook Heights, County of Jefferson, State of Colorado Parcel ID: 69-031-01-027 also Tract B of Meadowbrook Heights Adjustment 6 (hereinafter "Grantor Property");

WHEREAS, Grantees are the holder of legal title to a certain parcel of land legally described as Lot 25, Block 43, Meadowbrook Heights, County of Jefferson, State of Colorado Parcel ID: 69-031-01-0059 (hereinafter "Grantees Property");

WHEREAS, Grantees now desire access over the property described in Exhibit A for their private use of ingress and egress (hereinafter "Access Easement").

NOW THEREFORE, the Grantor and Grantees agree to the following Easement Agreement:

### II. AGREEMENT

1. Grant of Access Easement. Grantor hereby grants to the Grantees a perpetual, private, nonexclusive easement over and across the Grantor Property for vehicular and pedestrian access, ingress to and egress to and from the Grantees Property to the public roadway South Carr Way, as legally described and depicted in Exhibit A attached hereto and incorporated herein.
2. Grantor Use of Easement. The Easement Agreement is non-exclusive and Grantor shall have the right to use the Access Easement for all purposes not inconsistent with the rights granted to Grantee herein.
3. Maintenance. Grantor shall be responsible for the surface maintenance of the Access Easement; however, Grantees shall have the perpetual right, but not the obligation, to cut, trim, control, and remove trees, brush and other obstructions along the Access Easement that interfere with the Grantees' use of the Access Easement.

KMM

4. Binding Effect. This Easement Agreement shall perpetually extend to and be binding upon the owners of the Grantees' Property and Grantor's property respectively. This agreement shall be transferred to and from property holders in the case that either party sells their property.
5. Governing Law. The easements and all of the terms and provisions hereof shall be governed by and constructed in accordance with the laws of the State of Colorado with venue in the County of Jefferson.

GRANTOR:

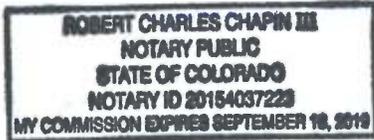
Nagib Kikhia, Manager ARKO COLORADO L.L.C

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF JEFFERSON )

Subscribed and sworn before me this 28<sup>th</sup> day of November, 2015 by  
Nagib Kikhia, as Manager of ARKO COLORADO, L.L.C.

My commission expires:  
September 18, 2019

Notary Public



GRANTEES:

John Todd Mellema

*Mellema JTM*

Kathy Marie Mellema

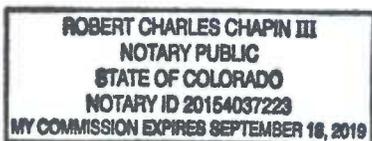
*Mellema KMM*

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF JEFFERSON )

Subscribed and sworn before me this 28<sup>th</sup> day of November, 2015 by  
John Todd Mellema and Kathy Marie Mellema.

My commission expires:  
September 18, 2019

Notary Public



ACCESS EASEMENT  
EXHIBIT "A"

PAGE 1 OF 2

A PARCEL OF LAND BEING A PORTION OF MEADOWBROOK HEIGHTS FINAL PLAT, PLAT BOOK 14, PAGE 38, AND MEADOWBROOK HEIGHTS ADJUSTMENT 6, RECEPTION NO. \_\_\_\_\_, JEFFERSON COUNTY PUBLIC RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS CONTAINED HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING CONSIDERED TO BEAR N 89°52'41" W, A DISTANCE OF 1325.03 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS;

*-THE EAST 1/16TH CORNER BEING A FOUND 2.5" ALUMINUM CAP IN RANGE BOX, MATCHING MONUMENT RECORDS ON FILE, P.L.S. 5112.*

*-THE NORTHEAST CORNER BEING A FOUND 2.5" ALUMINUM CAP IN RANGE BOX, MATCHING MONUMENT RECORDS ON FILE, P.L.S. 5112.*

COMMENCING AT SAID NORTHEAST CORNER SECTION 3;

THENCE SOUTH 29°03'20" WEST, A DISTANCE OF 411.34 FEET TO A POINT ON THE COMMON LINE OF LOTS 25 AND 26, BLOCK 43 OF MEADOWBROOK HEIGHTS REC. #55607735 AND THE POINT OF BEGINNING;

THENCE ALONG SAID COMMON LINE NORTH 89°52'41" WEST, A DISTANCE OF 27.35 FEET;

THENCE NORTH 54°41'01" WEST, A DISTANCE OF 80.91 FEET;

THENCE NORTH 00°07'19" EAST, A DISTANCE OF 18.37 FEET TO A POINT ON THE COMMON LINE OF SOUTHERLY RIGHT-OF-WAY OF SOUTH CARR WAY AND THE NORTHERLY LINE OF TRACT "B" AS SHOWN ON MEADOWBROOK HEIGHTS ADJUSTMENT 6;

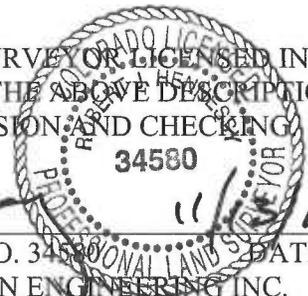
THENCE ALONG SAID COMMON LINE SOUTH 89°52'41" EAST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 00°07'19" WEST, A DISTANCE OF 8.00 FEET;

THENCE SOUTH 54°41'01" EAST, A DISTANCE OF 98.90 FEET TO SAID COMMON LINE LOTS 25 & 26 BEING ALSO THE POINT OF BEGINNING.

CONTAINING 2,062 SQUARE FEET OR 0.047 ACRES, MORE OR LESS.

I, ROBERT J. HENNESSY, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

ROBERT J. HENNESSY, PLS NO. 34580  
FOR AND ON BEHALF OF JEHN ENGINEERING INC.  
5690 WEBSTER STREET, ARVADA, CO. 80002

J:\2081\213049\SURVEY\LEGAL DESCRIPTION\REVISED ACCESS EASEMENT TRAIL B.DOCX

# ACCESS DEDICATION

## EXHIBIT "A"

PAGE 2 OF 2

E 1/4 N. LINE SEC. 3  
2.5" ALUMINUM CAP  
PLS 5112 IN RANGE  
BOX, MATCHES  
RECORDS ON FILE  
3/19/02

POINT OF COMMENCEMENT  
NE CONER SEC. 3  
2.5" ALUMINUM CAP PLS 5112  
IN RANGE BOX MATCHES  
MONUMENT RECORDS ON FILE  
5/14/04

**CHATFIELD AVENUE**  
NORTH LINE OF SECTION 3 BASIS OF BEARINGS  
N89°52'41"W 1325.03'

**SOUTH CARR WAY**

LOT 27  
MEADOWBROOK HEIGHTS  
REC. # 55607735

S29°03'20"W  
471.34'

**BLOCK 43**

S89°52'41"E  
20.00'

LOT 26  
MEADOWBROOK HEIGHTS  
REC. # 55607735

N00°07'19"E  
18.37'

S00°07'19"W  
8.00'

S54°41'01"E  
98.90'

POINT OF BEGINNING

80.91'  
N54°41'01"W

27.35'  
N89°52'41"W

TRACT B  
MEADOWBROOK HEIGHTS  
ADJUSTMENT 6  
73721 SQ. FT.  
DRAINAGE & UTILITY  
EASEMENT

105.00'



LOTS 4 & 25  
MEADOWBROOK HEIGHTS  
REC. #55607735  
JOHN & KATHY MELLEMA  
REC. #87110279



ORIGINAL SCALE: 1" = 30' HORIZ.

**NOTE:**

THIS IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT. NO MONUMENTS WERE SET FOR THE PREPARATION OF THE ATTACHED LEGAL DESCRIPTION.

J:\2081\213049\SURVEY\EXHIBITS\REVISED ACCESS TRAIL.DWG



**JēHN**  
ENGINEERING **JE**

5690 WEBSTER STREET  
ARVADA, CO 80002  
PH. (303) 423-6036 FAX (303) 467-9438

LOCATION: A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

0.047 ACRES	TITLE: REVISED ACCESS DEDICATION		
SCALE: 1" = 30'	REVISED: 11.13.15	2081-213-049	ACCESS TRAIL.DWG

ACCESS EASEMENT  
EXHIBIT "A"

PAGE 1 OF 4

A PARCEL OF LAND BEING A PORTION OF MEADOWBROOK HEIGHTS FINAL PLAT, PLAT BOOK 14, PAGE 38, JEFFERSON COUNTY PUBLIC RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS CONTAINED HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING CONSIDERED TO BEAR N 89°52'41"W, A DISTANCE OF 1325.03 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS;

*-THE EAST 1/16TH CORNER BEING A FOUND 2.5" ALUMINUM CAP IN RANGE BOX, MATCHING MONUMENT RECORDS ON FILE, P.L.S. 5112.*

*-THE NORTHEAST CORNER BEING A FOUND 2.5" ALUMINUM CAP IN RANGE BOX, MATCHING MONUMENT RECORDS ON FILE, P.L.S. 5112.*

COMMENCING AT SAID NORTHEAST CORNER SECTION 3;

THENCE SOUTH 20°59'45" WEST, A DISTANCE OF 497.66 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 24 OF MEADOWBROOK HEIGHTS REC. #55607735 AND THE POINT OF BEGINNING;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 96.13 FEET, A CENTRAL ANGLE OF 68°41'20", WHOSE CHORD BEARS SOUTH 04°18'57" EAST A DISTANCE OF 108.47 FEET, FOR A DISTANCE OF 115.25 FEET;

THENCE SOUTH 30°01'44" WEST, A DISTANCE OF 23.99 FEET;

THENCE SOUTH 29°10'21" WEST, A DISTANCE OF 14.00 FEET;

THENCE NORTH 60°49'39" WEST, A DISTANCE OF 3.86 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 64.00 FEET, A CENTRAL ANGLE OF 21°30'06", WHOSE CHORD BEARS NORTH 50°04'36" WEST A DISTANCE OF 23.88 FEET, FOR AN ARC DISTANCE OF 24.02 FEET;

THENCE NORTH 39°19'13" WEST, A DISTANCE OF 18.19 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 106.70 FEET, A CENTRAL ANGLE OF 11°59'43", WHOSE CHORD BEARS NORTH 45°19'04" WEST A DISTANCE OF 22.30 FEET, FOR AN ARC DISTANCE OF 22.34 FEET;

THENCE ALONG A COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 24.46 FEET, A CENTRAL ANGLE OF 15°21'04", WHOSE CHORD BEARS NORTH 58°59'27" WEST A DISTANCE OF 6.53 FEET, FOR AN ARC DISTANCE OF 6.55 FEET;

THENCE NORTH 66°39'59" WEST, A DISTANCE OF 22.62 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 75.90 FEET, A CENTRAL ANGLE OF 18°14'17", WHOSE CHORD BEARS NORTH 57°32'51" WEST A DISTANCE OF 24.06 FEET, FOR AN ARC DISTANCE OF 24.16 FEET;

THENCE ALONG A REVERSE CURVE, HAVING A RADIUS OF 5.48 FEET, A CENTRAL ANGLE OF 114°58'40", WHOSE CHORD BEARS SOUTH 74°04'58" WEST A DISTANCE OF 9.24 FEET, FOR AN ARC DISTANCE OF 10.99 FEET;

THENCE SOUTH 16°56'25" WEST, A DISTANCE OF 20.82 FEET;

THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 143.60 FEET, A CENTRAL ANGLE OF 16°55'50", WHOSE CHORD BEARS SOUTH 08°30'46" WEST A DISTANCE OF 42.28 FEET, FOR AN ARC DISTANCE OF 42.43 FEET;

THENCE SOUTH 00°10'20" WEST, A DISTANCE OF 33.15 FEET TO THE PROPOSED NORTHERLY RIGHT-OF-WAY OF SOUTH CARR WAY AS SHOWN WITHIN MEADOWBROOK HEIGHTS ADJUSTMENT 6 PLAT AS PRESENTLY UNDER COUNTY REVIEW;

THENCE ALONG SAID RIGHT-OF-WAY BEING ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 61.50 FEET, A CENTRAL ANGLE OF 100°23'35", WHOSE CHORD BEARS NORTH 68°04'58" WEST A DISTANCE OF 16.77 FEET, FOR AN ARC DISTANCE OF 10.78 FEET;

THENCE NORTH 00°10'20" EAST, A DISTANCE OF 29.16 FEET;



ACCESS EASEMENT  
EXHIBIT "A"

PAGE 2 OF 4

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 155.73 FEET, A CENTRAL ANGLE OF 16°41'13", WHOSE CHORD BEARS NORTH 08°30'56" EAST A DISTANCE OF 45.20 FEET, FOR AN ARC DISTANCE OF 45.36 FEET;

THENCE NORTH 16°51'33" EAST, A DISTANCE OF 32.28 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 10.27 FEET, A CENTRAL ANGLE OF 45°56'52", WHOSE CHORD BEARS NORTH 06°06'53" WEST A DISTANCE OF 8.02 FEET, FOR AN ARC DISTANCE OF 8.24 FEET;

THENCE NORTH 59°30'24" EAST, A DISTANCE OF 14.00 FEET;

THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 35°42'55", WHOSE CHORD BEARS SOUTH 48°21'03" EAST A DISTANCE OF 39.86 FEET, FOR AN ARC DISTANCE OF 40.52 FEET;

THENCE SOUTH 66°40'49" EAST, A DISTANCE OF 22.62 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 38.41 FEET, A CENTRAL ANGLE OF 15°22'45", WHOSE CHORD BEARS SOUTH 58°59'26" EAST A DISTANCE OF 10.28 FEET, FOR AN ARC DISTANCE OF 10.31 FEET;

THENCE ALONG A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 120.87 FEET, A CENTRAL ANGLE OF 11°58'33", WHOSE CHORD BEARS SOUTH 45°18'48" EAST A DISTANCE OF 25.22 FEET, FOR AN ARC DISTANCE OF 25.26 FEET;

THENCE SOUTH 39°19'31" EAST, A DISTANCE OF 18.19 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 49.83 FEET, A CENTRAL ANGLE OF 02°43'34", WHOSE CHORD BEARS SOUTH 40°41'18" EAST A DISTANCE OF 2.37 FEET, FOR AN ARC DISTANCE OF 2.37 FEET;

THENCE NORTH 30°01'44" EAST, A DISTANCE OF 21.62 FEET;

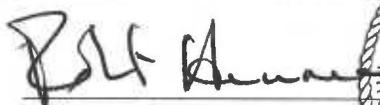
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 76.13 FEET, A CENTRAL ANGLE OF 68°41'20", WHOSE CHORD BEARS NORTH 04°18'56" WEST A DISTANCE OF 85.90 FEET, FOR AN ARC DISTANCE OF 91.27 FEET;

THENCE NORTH 38°39'37" WEST, A DISTANCE OF 16.07 FEET TO THE NORTHERLY LINE OF SAID LOT 24;

THENCE ALONG SAID NORTHERLY LINE SOUTH 89°52'41" EAST, A DISTANCE OF 25.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,928 SQUARE FEET OR 0.136 ACRES, MORE OR LESS.

I, ROBERT J. HENNESSY, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

  11/19/15

ROBERT J. HENNESSY, PLS AND. 34580 DATE

FOR AND ON BEHALF OF JEBB ENGINEERING INC.

5690 WEBSTER STREET, ARCADIA, CO. 80002

J:\2081\213049\SURVEY\LEGAL DESCRIPTION\ACCESS EASEMENT TRAIL A.DOCX

ACCESS DEDICATION

EXHIBIT "A"

PAGE 3 OF 4

E 1/8 N. LINE SEC. 3  
2.5" ALUMINUM CAP  
PLS 5112 IN RANGE  
BOX, MATCHES  
RECORDS ON FILE  
3/19/02

POINT OF COMMENCEMENT  
NE CORNER SEC. 3  
2.5" ALUMINUM CAP PLS 5112  
IN RANGE BOX MATCHES  
MONUMENT RECORDS ON FILE  
5/14/04

**CHATFIELD AVENUE**  
NORTH LINE OF SECTION 3 BASIS OF BEARINGS  
N89°52'41"W 1325.03'

LOT 25  
MEADOWBROOK HEIGHTS  
REC. # 55607735

S20°59'45"W  
497.66'

TRACT B  
MEADOWBROOK HEIGHTS  
ADJUSTMENT 6  
DRAINAGE & UTILITY  
EASEMENT

POINT OF  
BEGINNING

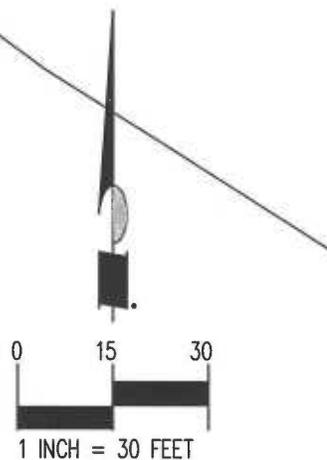
TRACT B  
MEADOWBROOK HEIGHTS  
ADJUSTMENT 6  
RECEPTION # \_\_\_\_\_

LOT 5  
MEADOWBROOK HEIGHTS  
REC. # 55607735

TRACT B  
MEADOWBROOK HEIGHTS  
ADJUSTMENT 6  
RECEPTION # \_\_\_\_\_

**SOUTH  
CARR WAY**

RIGHT-OF-WAY



**NOTE:**

THIS IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT. NO MONUMENTS WERE SET FOR THE PREPARATION OF THE ATTACHED LEGAL DESCRIPTION.

J:\2081\213049\SURVEY\EXHIBITS\REVISED ACCESS TRAIL 11-16-15.DWG

LOCATION: A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

0.136 ACRES

TITLE: ACCESS DEDICATION

SCALE: 1"=30'

REVISED: 11.13.15

2081-213-049

ACCESS TRAIL.DWG



**JēHN**  
ENGINEERING

5690 WEBSTER STREET  
ARVADA, CO 80002  
PH. (303) 423-6036 FAX (303) 467-9438

ACCESS DEDICATION  
EXHIBIT "A"  
PAGE 4 OF 4

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	115.25'	96.13'	68°41'20"	S04°18'57"E	108.47'
C2	24.02'	64.00'	21°30'06"	N50°04'36"W	23.88'
C3	22.34'	106.70'	11°59'43"	N45°19'04"W	22.30'
C4	6.55'	24.46'	15°21'04"	N58°59'27"W	6.53'
C5	24.16'	75.90'	18°14'17"	S57°32'51"E	24.06'
C6	10.99'	5.48'	114°58'40"	S74°04'58"W	9.24'
C7	42.43'	143.60'	16°55'50"	S08°30'46"W	42.28'
C8	10.78'	61.50'	10°02'35"	N68°04'58"W	10.77'
C9	45.36'	155.73'	16°41'13"	S08°30'56"W	45.20'
C10	8.24'	10.27'	45°56'52"	N06°06'53"W	8.02'
C11	40.52'	65.00'	35°42'55"	S48°21'03"E	39.86'
C12	10.31'	38.41'	15°22'45"	S58°59'27"E	10.28'
C13	25.26'	120.87'	11°58'33"	S45°18'48"E	25.22'
C14	2.37'	49.83'	2°43'34"	S40°41'18"E	2.37'
C15	91.27'	76.13'	68°41'20"	N04°18'57"W	85.90'

LINE TABLE		
LINE #	LENGTH	BEARING
L1	23.99'	S30°01'44"W
L2	14.00'	S29°10'21"W
L3	3.86'	N60°49'39"W
L4	18.19'	N39°19'13"W
L5	22.62'	N66°39'59"W
L6	20.82'	S16°56'25"W
L7	33.15'	S00°10'20"W
L8	29.16'	N00°10'20"E
L9	32.28'	N16°51'33"E
L10	14.00'	N59°30'24"E
L11	22.62'	S66°40'49"E
L12	18.19'	S39°19'31"E
L13	21.62'	N30°01'44"E
L14	16.07'	N38°39'37"W
L15	25.66'	S89°52'41"E



J:\2081\213049\SURVEY\EXHIBITS\REVISED ACCESS TRAIL 11-16-15.DWG



**JēHN**  
ENGINEERING

5690 WEBSTER STREET  
ARVADA, CO 80002  
PH. (303) 423-6036 FAX (303) 467-9438

LOCATION: A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

0.136 ACRES	TITLE: ACCESS DEDICATION		
SCALE: 1"=30'	REVISED: 11.13.15	2081-213-049	ACCESS TRAIL.DWG

# memorandum

**Date:** January 20, 2016

**To:** Steve Krawczyk ext. 8736

**From:** Carol Smith

**RE:** Deed for 14-103521MA

---

Steve:

Please find attached, the original of the following deed(s), ready for Commissioner's signature and recording. Please make sure all blanks on the deeds are filled in before recording.

D 15-124919 DE

This will show up on your Amanda to-do list for BCC signature, to be recorded with the case.

Thanks,

Carol

Attachments

**GENERAL WARRANTY DEED**

D 15-124919 DE

THIS DEED, Made this 29 day of October, 2015, is between ARKO Colorado, LLC, a Colorado limited liability company, whose address is P.O. Box 260575, Lakewood, CO 80226, ("Grantor"), and the COUNTY OF JEFFERSON, STATE OF COLORADO, a body politic and corporate, duly organized and existing under and by virtue of the laws of the State of Colorado, whose address is 100 Jefferson County Parkway, Golden, Colorado 80419 ("Grantee").

WITNESSETH That the Grantor, for and in consideration of the sum of One and No/100ths Dollars (\$ 1.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm unto the Grantee, its successors and assigns forever, the real property, together with improvements, if any, situate, lying and being in the County of Jefferson, State of Colorado, described on Exhibit A which is attached hereto and incorporated herein by this reference.

TOGETHER WITH all and singular hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above-bargained premises, with the hereditaments and appurtenances thereunto appertaining.

TO HAVE AND TO HOLD the said premises above-bargained and described, with the appurtenances, unto the Grantee, its successors and assigns forever. And the Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the ensealing and delivery of these presents, the Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind and nature whatsoever.

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

GRANTOR: ARKO Colorado, LLC, a Colorado limited liability company

BY: [Signature]  
Najib Kikhia, Manager

STATE OF COLORADO )  
 ) ss.  
COUNTY OF JEFFERSON )

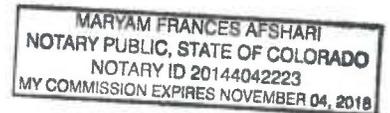
The foregoing GENERAL WARRANTY DEED was acknowledged before me this 29 day of October, 2015, by Najib Kikhia, as Manager of ARKO Colorado, LLC.

WITNESS my hand and official seal.

My Commission expires: 11/04/2018

Notary Public

[Signature]



APPROVED AS TO FORM:

[Signature]  
Assistant County Attorney

THE WITHIN DEED IS ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

COUNTY OF JEFFERSON  
STATE OF COLORADO

By: [Signature]  
Libby Szabo, Chairman  
Board of County Commissioners

**RIGHT-OF-WAY DEDICATION  
EXHIBIT "A"**

PAGE 1 OF 2

A PARCEL OF LAND BEING A PORTION OF LOT 2, BLOCK 44, AS PLATTED ON THE MEADOWBROOK HEIGHTS FINAL PLAT, PLAT BOOK 14, PAGE 38, JEFFERSON COUNTY PUBLIC RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS CONTAINED HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING CONSIDERED TO BEARS N 89°52'41" W, A DISTANCE OF 1325.03 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS;

*-THE EAST 1/16TH CORNER BEING A FOUND 2.5" ALUMINUM CAP IN RANGE BOX, MATCHING MONUMENT RECORDS ON FILE, P.L.S. 5112.*

*-THE NORTHEAST CORNER BEING A FOUND 2.5" ALUMINUM CAP IN RANGE BOX, MATCHING MONUMENT RECORDS ON FILE, P.L.S. 5112.*

COMMENCING AT SAID NORTHEAST CORNER;

THENCE SOUTH 58°40'04" WEST, A DISTANCE OF 375.43 FEET TO THE COMMON LINE OF THE WESTERLY RIGHT-OF-WAY OF SOUTH CARR WAY AND THE EASTERLY LINE OF SAID LOT 2 BEING ALSO THE POINT OF BEGINNING;

THENCE ALONG SAID COMMON LINE SOUTH 00°11'56" WEST, A DISTANCE OF 59.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 2 NORTH 89°52'41" WEST, A DISTANCE OF 44.77 FEET;

THENCE ALONG A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 86°02'40", WHOSE CHORD BEARS NORTH 36°45'53" EAST A DISTANCE OF 61.41 FEET, FOR AN ARC LENGTH OF 67.58 FEET;

THENCE ALONG A REVERSE CURVE, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 79°35'17", WHOSE CHORD BEARS NORTH 39°59'34" EAST A DISTANCE OF 12.80 FEET, FOR AN ARC LENGTH OF 13.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,835 SQUARE FEET OR 0.042 ACRES, MORE OR LESS.

I, ROBERT J. HENNESSY, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKED BY ME.

  
ROBERT J. HENNESSY, PLS. No. 34580 DATE 10/5/15  
FOR AND ON BEHALF OF JOHN ENGINEERING INC.  
5690 WEBSTER STREET, ARVADA, CO 80002



RIGHT-OF-WAY DEDICATION

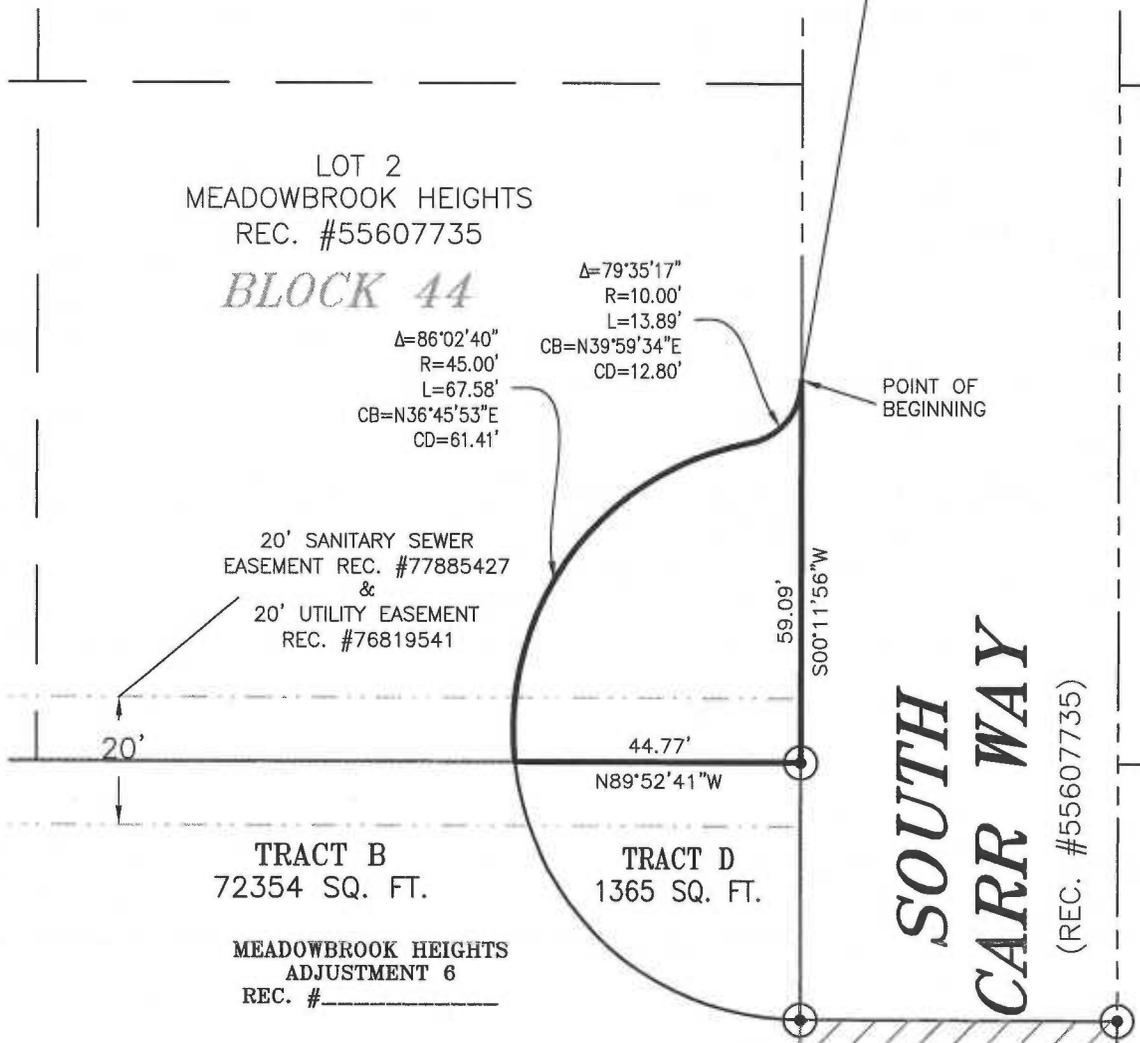
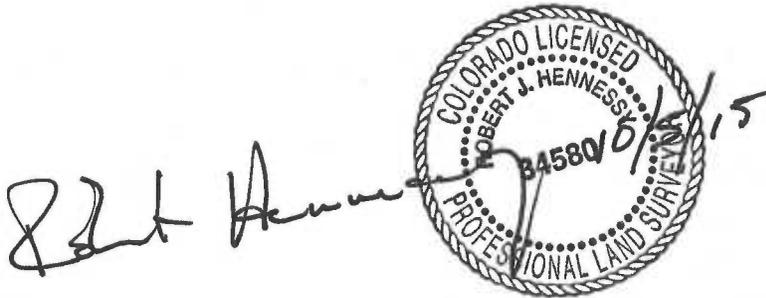
EXHIBIT "A"

PAGE 2 OF 2

E 1/4 N. LINE SEC. 3  
2.5" ALUMINUM CAP PLS. 5112 IN  
RANGE BOX MATCHES MONUMENT  
RECORDS ON FILE 3/19/02

**CHATFIELD AVENUE**  
NORTH LINE OF NE 1/4 OF THE NE 1/4 OF  
SECTION 3 BASIS OF BEARINGS  
S89°52'41"E 1325.03'

POINT OF COMMENCEMENT  
NE CONER SEC. 3  
2.5" ALUMINUM CAP PLS 5112 IN  
RANGE BOX MATCHES MONUMENT  
RECORDS ON FILE 5/14/04



J:\2081\213049\SURVEY\EXHIBITS\213-049 NEW CARR CUL DE SAC ROW.DWG



**JēHN**  
ENGINEERING, INC.

5690 WEBSTER STREET  
ARVADA, CO 80002  
PH. (303) 423-6036 FAX (303) 467-9436

LOCATION: LOCATED IN NORTHEAST 1/4 OF SECTION 3,  
TOWNSHIP 6 SOUTH, RANGE 69 WEST 6TH P.M.  
COUNTY OF JEFFERSON, STATE OF COLORADO

0.042 ACRES

TITLE: RIGHT-OF-WAY DEDICATION

SCALE: 1"=30'

REVISED: 7.20.15

2081-213-049

NEW CARR ROW.DWG



## CASE SUMMARY Consent Agenda

**PC Hearing Date:** March 2, 2016

**BCC Hearing Date:** March 29, 2016

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**15-125425RZ** Rezoning

**Case Name:** Mountain Parks Veterinary Clinic Official Development Plan

**Owner/Applicant:** E&R Property Group, LLC

**Location:** 5920 County Highway 73  
Section 22, Township 5 South, Range 71 West

**Approximate Area:** 0.91 Acre

**Purpose:** **To rezone from Commercial-Two (C-2) and Mountain Residential-One (MR-1) to Planned Development (PD) to allow existing single-family dwelling, limited commercial uses, veterinary hospital, and doggie daycare with outdoor runs.**

**Case Manager:** Alan Tiefenbach

---

**Issues:**

- Boarding, Doggie Daycare and Kennels as a primary use are not recommended in the location by the Plan. The Planning Commission approved a Plan Exception.

**Waivers:**

- The Director of Planning and Zoning approved an Alternative Standard from the requirement to provide an 8 hour well test.

**Recommendations:**

- **Staff:** Recommends APPROVAL subject to conditions
- **Planning:** Recommends APPROVAL subject to conditions

**Interested Parties:**

- None

**Level of Community Interest:** Low

**Representative for Applicant:** Heather Scott, SH Entitlements

**General Location:** NE of the County Highway 73 / High View Dr. intersection

**Case Manager Information:** Phone: 303-271-8738 e-mail: atiefenb@jeffco.us

It was moved by Commissioner **MOORE** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**March 2, 2016**

**RESOLUTION**

---

<b><u>15-125425RZ(B)</u></b>	<b>Rezoning</b>
<b>Case Name:</b>	Mountain Parks Veterinary Clinic Official Development Plan
<b>Owner/Applicant:</b>	E&R Property Group, LLC
<b>Location:</b>	5920 County Highway 73 Township 5 South, Range 71 West
<b>Approximate Area:</b>	0.91 Acre
<b>Purpose:</b>	<b>To rezone from Commercial-Two (C-2) and Mountain Residential-One (MR-1) to Planned Development (PD) to allow existing single-family dwelling, reduced commercial uses, veterinary hospital, and doggie daycare with outdoor runs.</b>
<b>Case Manager:</b>	Alan Tiefenbach

The Jefferson County Planning Commission hereby recommends **APPROVAL WITH CONDITIONS** of the above application on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
  - A. The proposal is in general conformance with the Comprehensive Master Plan because it meets all applicable sections of the Plan policies except for policies pertaining to the types of commercial uses allowed outside activity centers, of which doggie daycare, and commercial boarding and limited commercial uses are not specifically listed, for which staff is recommending APPROVAL of a Plan Exception.
  - B. The proposed land use is compatible with existing and allowable land uses in the surrounding area because veterinary clinics are recommended as allowable uses in residential areas in the Comprehensive Plan; the doggie daycare and kenneling

(including outdoor runs) has been operating without complaint, the existing Commercial-Two (C-2) zoning allows much more intensive uses, and Staff's recommendations to contain any future kennels in the same general location near the existing open space park and behind existing buildings would address any future impacts to adjacent residential properties.

C. The proposed land use will not result in significant impacts to the health, safety and welfare of the residents and landowners in the surrounding area.

3. The following are conditions of approval:

A. Removal of all offsite improvements on Denver Mountain property prior to recordation of the mylar.

B. Recordation of a revised Official Development Plan in accordance with the red-marked print dated March 2, 2016.

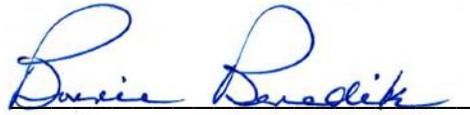
Commissioner **HATTON** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Commissioner	<b>Rogers</b>	<b>Aye</b>
Commissioner	<b>Moore</b>	<b>Aye</b>
Commissioner	<b>Harris</b>	<b>Aye</b>
Commissioner	<b>Hammond</b>	<b>Aye</b>
Commissioner	<b>Hatton</b>	<b>Aye</b>
Commissioner	<b>Burke</b>	<b>Aye</b>
Commissioner	<b>Guthrie</b>	<b>Aye</b>

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, Bonnie Benedik, Administrative Assistant for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, March 2, 2016.

Jefferson County Planning Commission Resolution  
Case #15-125425RZ  
March 3, 2016  
3 of 3

A handwritten signature in blue ink, appearing to read "Bonnie Benedik", is written over a horizontal line.

Bonnie Benedik  
Administrative Assistant

It was moved by Commissioner **MOORE** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**January 28, 2016**

**RESOLUTION**

---

**15-125425RZ(A)**      **Rezoning**  
**Case Name:**            Mountain Parks Veterinary Clinic Official  
   Development Plan  
**Owner/Applicant:**    E&R Property Group, LLC  
**Location:**              5920 County Highway 73  
   Township 5 South, Range 71 West  
**Approximate Area:**    0.91 Acre  
**Purpose:**                **To rezone from Commercial-Two (C-2) and  
Mountain Residential-One (MR-1) to Planned  
Development (PD) to allow existing single-family  
dwelling, reduced commercial uses, veterinary  
hospital, and doggie daycare with outdoor runs.**  
**Case Manager:**        Alan Tiefenbach

Based on the evidence, testimony, exhibits, and recommendations of the Jefferson County Planning and Zoning Division, and comments of public officials, agencies, citizens of the County, and other interested parties, the Planning Commission finds the following with respect to a Plan Exception for the above referenced case:

- A.    The purpose of the plan exception is to address a unique situation for the reason's articulated in the applicant's request for the plan exception.
- B.    The negative impacts to the surrounding community have been mitigated with the written restrictions in the official development plan and will be comparable to the recommended land use.
- C.    The exception is not considered to be setting a precedent because this is a unique situation and a variety of land uses are desirable in the County, and the County looks at these items on a case-by-case basis and the individual circumstances of the case.

- D. **NOW THEREFORE BE IT RESOLVED**, that a Plan Exception is hereby APPROVED WITH CONDITIONS for Rezoning Case No. 15-125425RZ subject to the following condition:

The Board of County Commissioners approves the rezoning of the above referenced property to allow doggie daycare and kennels, and limited commercial uses as proposed in Rezoning Case No. 15-125425RZ. In the event Rezoning Case No. 15-125425RZ is denied by the Board of County Commissioners, this Plan Exception shall become null and void.

Commissioner **HATTON** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Commissioner	<b>Rogers</b>	<b>Aye</b>
Commissioner	<b>Burke</b>	<b>Aye</b>
Commissioner	<b>Moore</b>	<b>Aye</b>
Commissioner	<b>Harris</b>	<b>Aye</b>
Commissioner	<b>Hammond</b>	<b>Aye</b>
Commissioner	<b>Hatton</b>	<b>Aye</b>
Commissioner	<b>Guthrie</b>	<b>Aye</b>

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, Bonnie Benedik, Administrative Assistant for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, March 2, 2016.



Bonnie Benedik  
Administrative Assistant

**Staff Report**

**PC Hearing Date:** March 2, 2016

**BCC Hearing Date:** March 29, 2016

---

**15-125425RZ** Rezoning

**Case Name:** Mountain Parks Veterinary Clinic Official Development Plan

**Owner/Applicant:** E&R Property Group, LLC

**Location:** 5920 County Highway 73  
Section 22, Township 5 South, Range 71 West

**Approximate Area:** 0.91 Acre

**Purpose:** **To rezone from Commercial-Two (C-2) and Mountain Residential-One (MR-1) to Planned Development (PD) to allow existing single-family dwelling, limited commercial uses, veterinary hospital, and doggie daycare with outdoor runs.**

**Case Manager:** Alan Tiefenbach

---

**Representative:** Heather Scott, SH Entitlements

**Existing Use:** Veterinary Hospital / Single Family Residence

---

**BACKGROUND/UNIQUE INFORMATION:**

The subject property is just under an acre in size and is located on the east side of County Highway 73, approximately 3 ½ miles south of “downtown evergreen.” It is bordered to the south and east by the Evergreen Lutheran Church, Denver Mountain Parks (Cub Creek Park) to the north, and existing single family residences to the west across Highway 73. There are two existing structures on the property – an approximately 4,000 square foot veterinary clinic (the main building) and a 538 square foot storage shed to the north. The business owners live within the veterinary clinic. There are existing fences and dog runs on the Denver Mountain property to the north. If this rezoning were approved, the applicant has agreed to remove all offsite improvements that are encroaching onto Denver Mountain Park property prior to recordation of the mylar.

The veterinary clinic has been operating since at least 1970. Sometime after 1970, the property owner desired to expand the veterinary building and entered into a land swap agreement with the church to the east. Although the property is a legal parcel, this land swap resulted in the property being split zoned.

The applicant proposes to rezone the property to a Planned Development that would allow reduced commercial uses, as well as doggie daycare and boarding as a primary use with indoor and outdoor runs. (This use is already occurring.) Although the existing C-2 zoning would allow significantly more intensive uses than what the applicant is proposing with this rezoning, it does not allow doggie daycare and boarding not associated with hospital treatment.

**SURROUNDING ZONING/LAND USE:**

	<b>Adjacent Zoning</b>	<b>Land Use</b>
<b>North:</b>	Conservation Zone District C-O	Denver Mountain Park
<b>South:</b>	Mountain Residential-One (MR-1)	Religious Institution
<b>East:</b>	Mountain Residential-One (MR-1)	Religious Institution
<b>West:</b>	Mountain Residential-One (MR-1) and Hwy 73	Single Family Residences and County ROW

**NOTIFICATION:**

A community meeting was held for this rezoning application on September 16, 2015. There was one citizen in attendance. The citizen in attendance only had questions in regard to the type of commercial uses that would be retained.

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to property owners within a 500 foot radius of the site and to Homeowners’ Associations and Umbrella Groups located within a two-mile radius of the site. In accordance with the Zoning Resolution, the mailing to property owners was reduced from a 1,320 foot (1/4 mile) radius to a 500 foot radius due to the unusually high density (more than 50 individual property owners within a 1,320 foot radius) in the vicinity of the proposed development. The initial notification was mailed at the time of the 1<sup>st</sup> referral. Additional notification was mailed 14 days prior to the Planning Commission Hearing identifying the scheduled hearings dates for both the Planning Commission Hearing and the Board of County Commissioners’ Hearing.
2. Sign(s), identifying the dates of both the Planning Commission Hearing and the Board of County Commissioners’ Hearing, were provided to the applicant for posting on the site. The sign(s) were provided to the applicant with instructions that the site be posted 14 days prior to the Planning Commission hearing.
3. Notification of the hearings before the Planning Commission and the Board of County Commissioners’ was published in the Denver Post – Golden / Foothills Hub.

The Homeowners’ Associations and Umbrella Groups that received notification are as follows:

- Downtown Evergreen Economic Dist.
- Evergreen Meadows HOA
- ENABLE
- Hilltop HOA
- Evergreen Heights HOA
- Jefferson County Horseman’s Assoc.
- Evergreen Park Estates HOA
- South Blue Spruce Road Citizens Group
- Hiwan Hills Improvement Assoc.
- Bear Mountain HOA
- Bell Park Estates

During the processing of the application, Staff **has not** received responses in objection to the proposal.

**COMPREHENSIVE MASTER PLAN ASSESSMENT:**

**Area Plan: Evergreen Area Community Plan** (At the time the application was submitted, the Evergreen Area Plan had not yet been updated, so the Evergreen Area Community Plan is used when evaluating this rezoning request.)

	Land Use	Physical Constraints	Community Resources	Infrastructure, Water and Services
<b>Conformance</b>		<b>X (2)</b>	<b>X (3)</b>	<b>X (4)</b>
<b>Non-Conformance</b>	<b>X(1)</b>			

**Services:** Evergreen Fire Protection District  
Well  
Private Septic System

\*\*\*\*\*

**ANALYSIS OF PLAN:**

**1. Land Use:**

**Areas of Conformance:**

**a. All Development**

The Comprehensive Master Plan discusses encouraging development that is appropriate to the area, and promotes a variety of land uses.

*The proposed rezoning merely allows an existing veterinary clinic and doggie daycare and boarding that is already occurring to continue operations. The property is adjacent to a church and open space on three sides, and is across the highway from any adjacent residential uses. The owners of the property live on the premises, which reduces the probability of night noise associated with animals. Also, it should be mentioned the majority of the lot is currently zoned C-2 which already allows the veterinary use, and staff has not received any complaints in regard to the existing doggie daycare and boarding that is occurring on the property. A locally owned vet clinic with boarding and retention of limited commercial uses, along a highway in the mountains is an appropriate and necessary use.*

**b. Business and Industry**

The Plan promotes land uses that expand and diversify the County's economic base and create primary jobs.

*As mentioned above, a local veterinary practice that caters to the local population is a needed use and does create jobs.*

**c. Housing**

The Plan strives to provide a variety of housing options, which complement the existing community character and utilize excellent design and materials.

*The subject property is recommended for residential at a density of 1 dwelling unit per 10 to 35 acres. As this lot is .96 acres, this would be an area of non-conformance with the Plan. However, the C-2 Zone District allows living quarters for one family associated with a business. The applicants do live within the practice and the Written Restrictions will continue to allow this live/work arrangement.*

**Areas of Non-Conformance:**

**I. Area/Community Plan Recommendation**

The Evergreen Area Community Plan recommends this property for residential at a density of 10 to 35 acres.

As mentioned above, although the lot does not meet the minimum lot size recommended for residential, the owners of the veterinary practice have been living on the property for at least 30 years, and living quarters associated with a business is allowed by the existing C-2 Zone District. Staff supports live/work arrangements of this nature.

In regard to the veterinary practice, the community plan recommends that commercial development outside of activity centers be limited to certain uses, including veterinary clinics and related facilities. Although boarding for patients has been considered a use that is customarily incidental to the primary use, boarding and doggie daycare as a primary use has historically not been allowed. Accordingly, a Plan Exception is required. Although there have not been noise complaints associated with this use, staff does have concerns with outdoor runs and kennels being expanded closer to the western residences than they presently exist. At staff's recommendation, the applicant added a note which requires a 50' front setback and a 200' south setback for outdoor runs and kennels. This would contain the dogs to their present location behind the buildings to the north and east portion of the lot, further away from the existing residences. The applicant is amenable to this revision.

As already mentioned, the majority of the property is already zoned Commercial-Two. This would allow numerous intensive commercial uses such as gas stations, sexually oriented businesses, and motor vehicle repair. As part of this rezoning, the applicant has agreed to remove nearly all the entitled commercial uses except for professional offices, music studios, and sales of specialty goods such as art galleries and plant stores. Although this is a significant downzoning of the property, because the Plan does not recommend these uses, this will be addressed in the Plan Exception.

*Summary of Analysis:* This rezoning would allow a use, which has existed for at least 30 years, to continue. Staff believes this is an appropriate use in this mountain location. However, retaining some of the commercial uses, as well as allowing doggie daycare and boarding as a primary use, along with the outdoor runs and kennels, is not considered a customarily incidental use to a veterinary clinic and a Plan Exception is required.

At the March 2, 2016 hearing, the Planning Commission approved this Plan Exception.

## **2. Physical Constraints:**

The Comprehensive Master Plan describes physical constraints as those physical features that due to safety concerns may potentially restrict where and how development occurs. Physical Constraints include geologic hazards and constraints, floodplains, wetlands, wildfire, radiation, landfills, abandoned mines, and wildlife habitat.

### **Areas of Conformance:**

#### **a. General**

The Plan promotes public safety and reducing loss of property due to geologic hazards and Constraints.

*The subject property is not indicated to be within a severe wildfire area, or geologic hazard area. No floodplains exist on the property. This rezoning application was referred to the County Geologist, who did not express concerns.*

**Summary of Analysis:** No physical constraints such as geologic hazards, floodplains, severe wildfire hazards or wetlands exist on the property. The rezoning complies with this section of the Plan.

## **3. Community Resources:**

The Community Resources chapter contains policies that relate to historic structures or sites, scenic corridors, natural features, air quality, light, odor and noise pollution, open space and trails.

### **Areas of Conformance:**

#### **a. Air, Light, Odor, and Noise**

The Plan encourages the effective management of air quality and the impacts of light, odor, and noise.

The existing vet clinic had been operating on the property for at least 30 years, and the subject property is predominately zoned C-2. The impacts associated with the uses proposed have already been established. Also, the applicant is scaling back many of the allowed uses of C-2 which are already entitled and could generate significantly more impacts than the more limited commercial uses the applicant proposes. Staff did have concerns in regard to expansion and/relocation of the outdoor runs and kennels and recommended setbacks of 50' from Highway 73 and 200 feet from the south property line to restrict the runs and kennels to their existing location. The applicant is agreeable to these recommendations.

**Summary of Analysis:** *Impacts associated with this use have already been established and the currently entitled uses could generate significantly more impacts than what the applicant proposes. Given the outdoor runs/kennels were restricted to their existing location, Staff finds the rezoning request complies with this section of the Plan.*

#### **4. Infrastructure, Water & Services:**

The applicable elements of this chapter include Transportation, Water and Wastewater, and Services.

##### **Areas of Conformance:**

###### **a. Transportation**

The Plan ensures that the transportation system will have the capacity to support future population growth while maintaining an acceptable level of service.

*This rezoning seeks to allow remedy a split zoning situation and to “legalize” existing uses. Planning Engineering and Transportation and Engineering have reviewed this rezoning and agree the currently entitled uses could create more traffic than the more limited uses the proposed Official Development Plan would allow.*

###### **b. Water & Wastewater:**

The Plan seeks to protect the quality and quantity of water resources in the County. Appropriate water service and wastewater treatment should be ensured for new development.

*The subject property is within the Mountain Groundwater Overlay District and is served by a private well. The applicant submitted a letter dated December 24, 2015 from the Colorado Division of Water Resources (CDWR) stating this well can be legally used for the veterinary hospital and boarding facility.*

*The use as it is occurring has been determined to have a water requirement of greater than .28 acre feet per year. Therefore, the applicant was required to provide an 8-hour well test. The applicant requested an Alternative Standard to allow a 4 hour well test due to the following reasons:*

- 1. The well is an existing, historic well that has been used for the proposed uses since 1970.*
- 2. The rezoning is “down-zoning” to uses that are much less intensive than what is presently allowed.*
- 3. A flow meter has been installed on the well that indicates the historic water usage is only 60% of the allocated water.*
- 4. A four hour well test has been conducted, and the additional cost associated with an 8-hour well test is unreasonable given the uses are already occurring and the well has already been shown to be sufficient.*

Staff was supportive of the request and the Director of Planning and Zoning approved the Alternative Standard.

###### **e. Services**

Ensure that existing and new developments are served at an acceptable level by law enforcement, fire protection, and emergency and disaster services.

*The property is served by Evergreen Fire Protection District, who submitted a “will serve” and did not*

*express concerns with the proposal.*

**Summary of Analysis:** *Any traffic associated with this proposal would be less than what could be generated with the present entitlements. The applicant has been granted an Alternative Standard from the requirement to provide an 8 hour well test. The Fire District did not express concerns. The proposal meets this section of the Plan.*

**COMPATIBILITY:**

The proposed rezoning is compatible with allowed and existing land uses in the general vicinity of the project area. The property is surrounded on three sides by open space and church uses, it is adjacent to a highway, and the outdoor runs and kennels have been restricted to continuing in their present location, with the exception of the removal of the runs encroaching on Denver Mountain Park property. The clinic is contained within an existing residentially-designed structure and no expansions are proposed. Also, the applicant has agreed to eliminate many of the more intensive C-2 uses that are already allowed by the present zoning.

**SUMMARY OF STAFF POSITION:**

*Staff supports this request. The use has been occurring for more than 30 years, and it is situated adjacent to a highway and not directly adjacent to existing residential. It is Staff's opinion that a mountain veterinary clinic, and the retention of low intensity commercial uses, is appropriate in this location.*

**PLANNING COMMISSION:**

Planning Commission Recommendation (Resolution Dated March 2, 2016 Attached):

Approval	_____
Approval with Conditions	X (7-0) vote
Denial	_____

The case was scheduled on the consent agenda for the Planning Commission hearing. The case remained on the consent agenda and was not removed for discussion.

The Planning Commission approved an exception to the Comprehensive Master Plan, thus allowing outdoor boarding, doggie daycare and Limited Commercial uses where residential is recommended by the Plan.

**FINDINGS/RECOMMENDATIONS:**

**Staff recommends that the Board of County Commissioners find that:**

- 1. The proposal is in general conformance with the Comprehensive Master Plan because it meets all applicable sections of the Plan policies except for policies pertaining to the types of commercial uses allowed outside activity centers, of which doggie daycare, and commercial boarding and limited commercial uses are not specifically listed, but for which uses the Planning Commission approved a Plan Exception.**
- 2. The proposed land use is compatible with existing and allowable land uses in the surrounding area because veterinary clinics are recommended as allowable uses in residential areas in the Comprehensive Plan, the doggie daycare and kenneling (including outdoor runs) has been operating without complaint, the existing Commercial-Two (C-2) zoning allows much more intensive uses, and Staff's recommendations to contain any future kennels in the same general location near the existing open space park and behind existing buildings would address any future impacts to adjacent residential properties; and,**

3. The proposed land use will not result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.

And;

Staff recommends that the Board of County Commissions APPROVE Case 15-125425RZ subject to the following conditions:

1. Removal of all offsite improvements on Denver Mountain property prior to recordation of the revised Official Development Plan.
2. Recordation of the revised Official Development Plan in accordance with the red-marked print dated March 29, 2016.

COMMENTS PREPARED BY:

A handwritten signature in black ink, appearing to read "Alan Tiefenbach", written over a horizontal line.

Alan Tiefenbach, Planner  
March 15, 2016

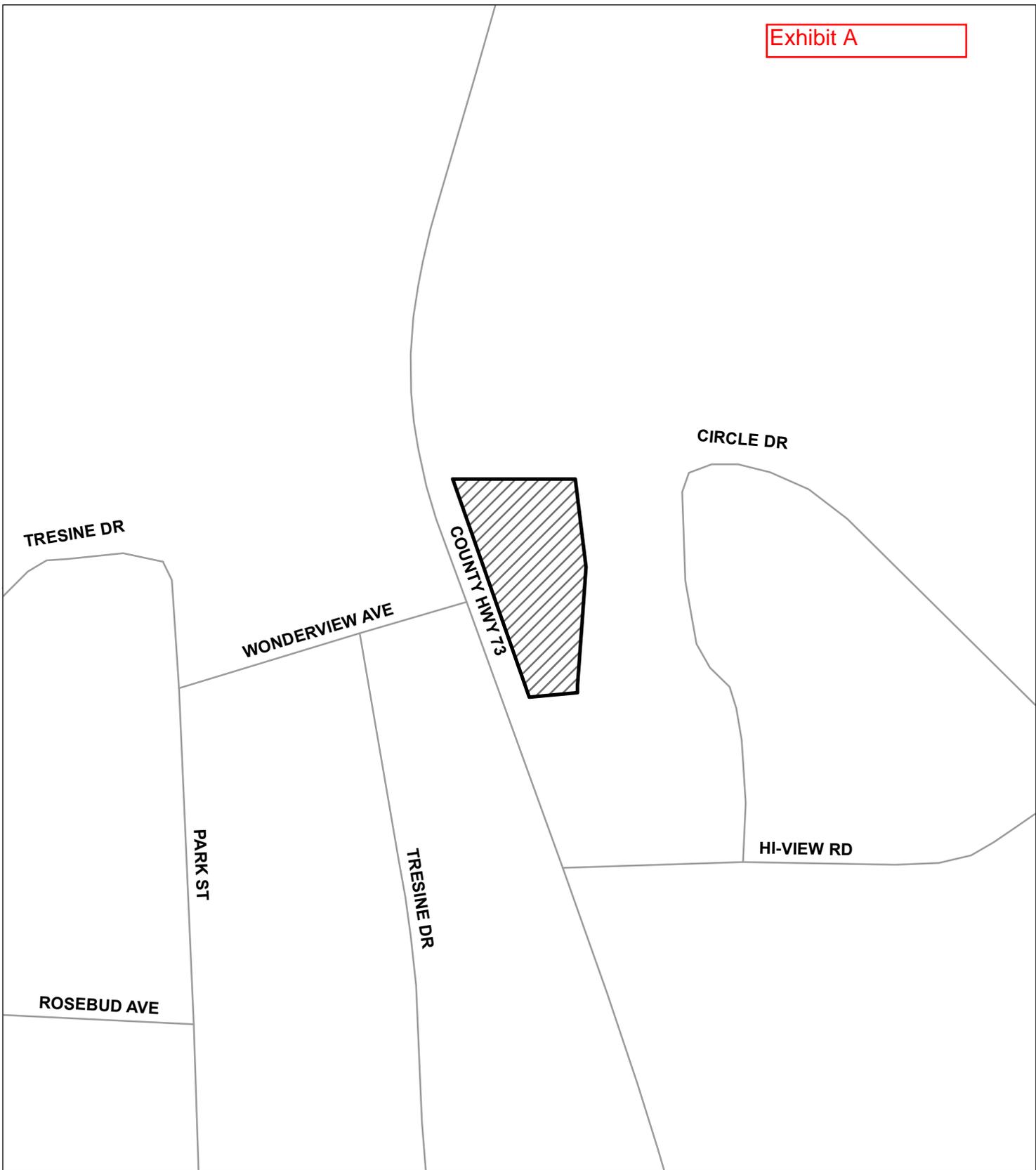


March 29, 2016

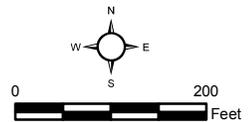
**Mountain Parks Veterinary Clinic Official Development Plan**  
**Rezoning Case #15-125425RZ**  
February 23, 2016

1. Intent – the purpose of this Rezoning is to allow veterinary uses including kennels and doggie daycare.
2. The Board of County Commissioners' resolution authorizing this rezoning subject to conditions is recorded at Reception # \_\_\_\_\_ in the Jefferson County, Colorado real property records.
3. All of the standards of the Mountain Residential-One (MR-1) Zone District, or other pertinent section of the Jefferson County Zoning Resolution shall apply to the property as shown on the graphic attached hereto as Exhibit A and the legal description attached hereto as Exhibit B with the follow exceptions:
4. Permitted Uses:
  - a. One single family dwelling
  - b. Veterinary hospital for all animals and related facilities including but not limited to: public boarding, dog training, doggie daycare, sales at retail incidental to the business and indoor and outdoor animal play facility.
    - i. Outdoor kennels and runs associated with doggie daycare are limited to a maximum of 30% of the property and are not to be used for overnight boarding.
  - c. Business, professional offices, medical and dental.
  - d. Lesson based studios and similar uses such as photography or dance.
  - e. Sale at retail of any commodity, manufactured, processed, fabricated or warehoused on the premises.
  - f. Low intensity specialty goods and services including but not limited to: art gallery, antiques, gift shop, plant store or nursery.
  - g. The non-residential building can be a separate building from the single family residence and is limited to a maximum of 5,000 square feet of gross floor area.
5. Accessory Uses:
  - a. Accessory structures including private garage, storage shed, canopy, corral, pens, and runs.
  - b. Accessory uses per the Accessory Use Section of the Zoning Resolution.
6. Lot and Building Standards:
  - a. Minimum Lot size shall be 37,792 square feet or .86 acres.
  - b. Minimum building setbacks:
    - i. Front - 20 feet
    - ii. Side - 20 feet
    - iii. Rear - 20 feet
  - c. Outdoor kennels and runs
    - i. Front – 50 feet
    - ii. South – 200 feet
    - iii. North and East – 20 feet





**Case Number: 15-125425RZ**  
**Location: Sec. 22, T5S, R71W**



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**Vicinity**

Legal Description

Street Location of Property 5920 County Highway 73

Is there an existing structure at this address?

Yes X No       

Type the legal description and address below.

PARCEL A:

THAT PART OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 71 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

2

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER;  
THENCE SOUTH 88 DEGREES 46 MINUTES WEST, ALONG THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, 178 FEET, MORE OR LESS, TO THE NORTHEASTERLY RIGHT OF WAY LINE OF THE COUNTY ROAD, AS SAID ROAD EXISTED ON NOVEMBER, 1948;  
THENCE SOUTH 16 DEGREES 51 MINUTES EAST, ALONG SAID RIGHT OF WAY LINE, 613.8 FEET, MORE OR LESS, TO THE EAST LINE OF SAID NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER;  
THENCE NORTH, ALONG THE EAST LINE OF SAID NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, 587.7 FEET, MORE OR LEES, TO THE POINT OF BEGINNING,

EXCEPT THE PORTIONS DESCRIBED IN BOOK 751 AT PAGE 536 AND IN BOOK 1095 AT PAGE 28,

COUNTY OF JEFFERSON,  
STATE OF COLORADO.

PARCEL B:

THE WESTERLY 12 FEET OF LOT 1 AND THE WESTERLY 12 FEET OF THE NORTHERLY 129.5 FEET OF LOT 2, PINECREST PARK, ACCORDING TO THE RECORDED PLAT THEREOF,

EXCEPT THOSE PORTIONS OF PARCELS A AND B DESCRIBED IN QUIT CLAIM DEED RECORDED DECEMBER 20, 1985 AT RECEPTION NO. 85123640,

COUNTY OF JEFFERSON,  
STATE OF COLORADO.

PARCEL C:

THAT PART OF LOTS 1 AND 2, PINECREST PARK, AS PLATTED AND RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, JEFFERSON COUNTY, COLORADO, DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT THE NW CORNER OF SAID LOT 1, PINECREST PARK;  
THENCE NORTH 89 DEGREES 52 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 12.00 FEET TO THE NE CORNER OF PARCEL B AS DESCRIBED IN BOOK 2209 AT PAGE 715, JEFFERSON COUNTY RECORDS;  
THENCE SOUTH 00 DEGREES 40 MINUTES EAST ALONG THE EASTERLY LINE OF SAID PARCEL B A DISTANCE OF 8.04 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 00 DEGREES 40 MINUTES EAST ALONG THE EASTERLY LINE OF SAID PARCEL B A DISTANCE OF 296.76 FEET;  
THENCE DEPARTING FROM THE EASTERLY LINE OF SAID PARCEL B NORTH 03 DEGREES 03 MINUTES 51 SECONDS EAST A DISTANCE OF 175.00 FEET;  
THENCE NORTH 05 DEGREES 59 MINUTES 53 SECONDS WEST A DISTANCE OF 122.60 FEET TO THE TRUE POINT OF BEGINNING,

COUNTY OF JEFFERSON,  
STATE OF COLORADO.

Advise of Ortho Map No. 178 Section 22 Township 5 S. Range 71 W.

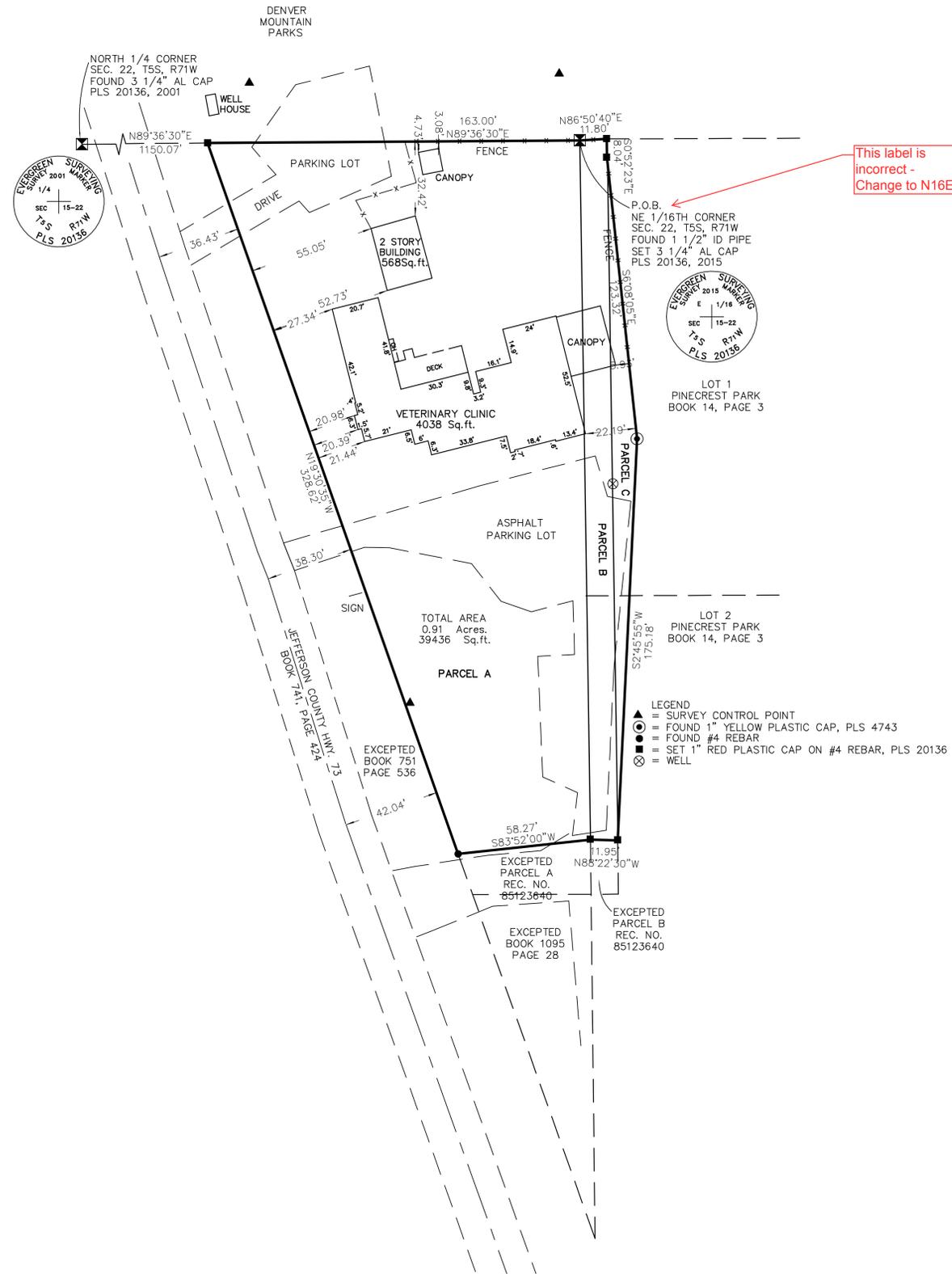
Calculated Acreage 0.91 Acres Checked by: Ed Wieland

Address Assigned (or verified) 5920 County Highway 73

# LAND SURVEY PLAT

A PORTION OF LOTS 1 AND 2, PINECREST PARK, AND A PARCEL LOCATED IN THE NW 1/4 OF THE NE 1/4 OF SECTION 22, T5S, R71W OF THE 6TH P.M., ALL LOCATED IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

Exhibit C



This label is incorrect - Change to N16E

Use words exactly as per the current deed - NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4

N16E

## LEGAL DESCRIPTION

### LEGAL DESCRIPTION

#### PARCEL A:

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 71 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST 1/16TH CORNER OF SAID SECTION 22; THENCE S 88°46' W, ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, 178 FEET, MORE OR LESS, TO THE NORTHEASTERLY RIGHT OF WAY OF THE COUNTY ROAD, AS SAID ROAD EXISTED ON NOVEMBER, 1948; THENCE S 16°51' E, ALONG SAID RIGHT OF WAY, 613.8 FEET, MORE OR LESS, TO THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH, ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, 587.7 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,

EXCEPT THE PORTIONS DESCRIBED IN BOOK 751 AT PAGE 536 AND IN BOOK 1095 AT PAGE 28,

COUNTY OF JEFFERSON,

STATE OF COLORADO

#### PARCEL B:

THE WESTERLY 12 FEET OF LOT 1 AND THE WESTERLY 12 FEET OF THE NORTHERLY 129.5 FEET OF LOT 2, PINECREST PARK, ACCORDING TO THE RECORDED PLAT THEREOF,

EXCEPT THE PORTIONS OF PARCELS A AND B DESCRIBED IN QUIT CLAIM DEED RECORDED DECEMBER 20, 1985 AT RECEPTION NO. 85123640,

COUNTY OF JEFFERSON,

STATE OF COLORADO

#### PARCEL C:

THAT PART OF LOTS 1 AND 2, PINECREST PARK, AS PLATTED AND RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, JEFFERSON COUNTY, COLORADO, DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT THE NW CORNER OF SAID LOT 1, PINECREST PARK; THENCE N 89°52' E ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 12.00 FEET TO THE NE CORNER OF PARCEL B AS DESCRIBED IN BOOK 2209 AT PAGE 715, JEFFERSON COUNTY RECORDS; THENCE S 0°40' E ALONG THE EASTERLY LINE OF SAID PARCEL B, A DISTANCE OF 8.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S 0°40' E ALONG THE EASTERLY LINE OF SAID PARCEL B, A DISTANCE OF 296.76 FEET; THENCE DEPARTING FROM THE EASTERLY LINE OF SAID PARCEL B N 3°03'51" E, A DISTANCE OF 175.00 FEET; THENCE N 5°59'53" W, A DISTANCE OF 122.60 FEET TO THE TRUE POINT OF BEGINNING,

EXCEPT THE PORTIONS DESCRIBED IN BOOK 751 AT PAGE 536 AND IN BOOK 1095 AT PAGE 28,

COUNTY OF JEFFERSON,

STATE OF COLORADO

SAID PARCELS A, B AND C BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST 1/16TH CORNER OF SAID SECTION 22 AND THE NORTHWEST CORNER OF SAID PINECREST PARK; THENCE N 86°50'40" E, AND ALONG THE NORTHERLY LINE OF SAID SECTION 22 AND THE NORTHERLY LINE OF SAID LOT 1, PINECREST PARK, A DISTANCE OF 11.80 FEET TO A POINT; THENCE S 0°52'23" E, A DISTANCE OF 8.04 FEET TO A POINT; THENCE S 6°08'05" E, A DISTANCE OF 123.32 FEET TO A POINT; THENCE S 2°45'55" W, A DISTANCE OF 175.18 FEET TO A POINT; THENCE N 88°22'30" W, A DISTANCE 11.95 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, PINECREST PARK AND A POINT ON THE EASTERLY LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22; THENCE S 83°52'00" W, A DISTANCE OF 58.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ST. HWY. 73; THENCE 19°30'35" W, AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 328.62 FEET TO A POINT ON THE NORTHERLY LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22; THENCE N 89°36'30" E, AND ALONG SAID NORTHERLY LINE, A DISTANCE OF 163.00 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINS 0.91 ACRES (39,436 SQ. FT.) MORE OR LESS.

## NOTES

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY EVERGREEN SURVEYING TO DETERMINE TITLE OR EASEMENTS OF RECORD. RESEARCH FOR THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH CRS 38-51-106 AND THE RULES OF PROCEDURE AND BOARD POLICY STATEMENTS OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, SPECIFICALLY THOSE BOARD RULES AND POLICY STATEMENTS RELATING TO THE DEPICTION OF EASEMENTS AND RIGHTS OF WAY ON SUBDIVISION PLATS.
- BASIS OF BEARING - THE OF THE NORTHERLY LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22 IS N 89°36'30" E (ASSUMED) WITH FOUND MONUMENTS AS SHOWN HEREON.
- THE LEGAL DESCRIPTIONS ON THIS PLAT WERE PREPARED BY ROBERT L. FEROLDI, PLS #20136, OF THE FIRM EVERGREEN SURVEYING, INC., P.O. BOX 3514, EVERGREEN, CO. 80439, (303)674-3444. JOB#B11033.
- DATE OF FIELD WORK - SEPTEMBER 2015.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT, OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 CRS.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- DIMENSIONS IN ( ) ARE AS PREVIOUSLY DEEDED OR SURVEYED.
- UTILITY LINES AS NOTED HAVE NO KNOWN EASEMENT.
- DISTANCES ON THIS LAND SURVEY PLAT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

## SURVEYOR'S CERTIFICATE

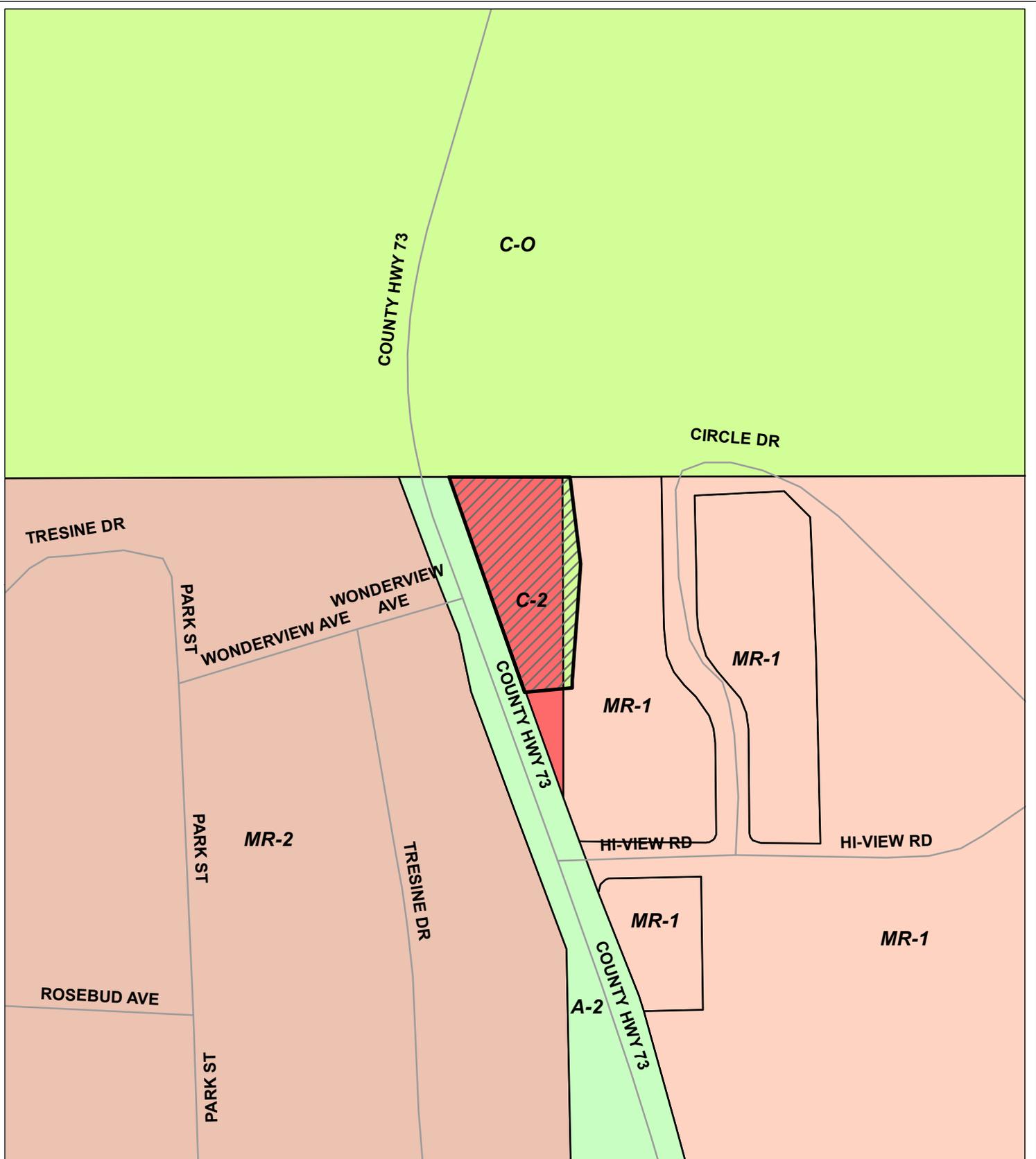
I, ROBERT L. FEROLDI, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY PLAT WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION ON OR ABOUT THE 20TH DAY OF JULY, 2015, AND THAT THE SURVEY IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE. THE SURVEY IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND THE ACCOMPANYING LAND SURVEY PLAT ACCURATELY AND PROPERLY SHOWS THE SURVEY THEREOF.

LICENSED COLORADO LAND SURVEYOR  
LICENSE NUMBER 20136

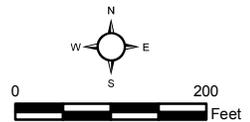


EVERGREEN SURVEYING, INC.  
6949 HWY. 73 SUITE MW-3  
P.O. BOX 3514  
EVERGREEN, CO 80439  
EVERGREENSURVEYING@MSN.COM  
303-674-3444 303-674-1318

REVISIONS:  
#1 1-6-16  
DATE: 9-29-15 JOB NO: B11033  
DWG LOCATION SURVEYJOBS  
F/B 136/77 DRAWN BY: MW/BF  
CHECKED BY:



Case Number: 15-125425RZ  
 Location: Sec. 22, T5S, R71W



**Legend**

 Site\_RZ

**Zoning**

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1:2,400

Plot: 2015-11-06

Orthos: 178

**Jefferson County Land Use Case Management**

**CASE DATES SUMMARY**

Case Number: **15-125425RZ**                      Case Type: **Rezoning**

Pre-application Meeting Date: **May 7, 2015**

Community Meeting Date: **September 16, 2015**

Applicant Makes Complete Submittal: **October 27, 2015**

Case Sent on First Referral: **October 28, 2015**

All Responses Provided to Applicant: **November 18, 2015**

Applicant Makes Second Submittal: **January 7, 2016**

Case Sent on First Referral: **January 7, 2016**

All Responses Provided to Applicant: **January 25, 2016**

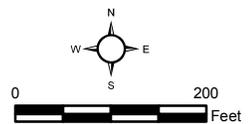
Determination That Case Should Proceed to Hearing: **February 2, 2016**

County Staff Determination:    **X**                      Applicant's Request:



**Case Number: 15-125425RZ**  
**Location: Sec. 22, T5S, R71W**

**2012 Photography**



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1:2,400

Plot: 2015-11-06

Orthos: 178

## **REQUEST FOR ALTERNATIVE STANDARD/REQUIREMENT**

**TO:** John Wolforth  
Director of Planning and Zoning

**FROM:** Alan Tiefenbach  
Planning

**DATE:** February 2, 2016

**SUBJECT:** Request for an Alternative Standard/Requirement at the time of Rezoning  
Alternative Standard/Requirement Case Number: 16-100880WR  
Rezoning Case Name: Mountain Parks Veterinary Clinic Official Development Plan (ODP)  
Rezoning Case No: 15-125425RZ

### **Background/Request:**

The applicant is proposing to rezone the subject property to allow the existing veterinary practice to continue, to allow doggie daycare, and to allow outdoor runs and kennels associated with the daycare.

The Alternative Standard request is for relief from the submittal requirement to provide an 8-hour aquifer test. The applicant did provide a 4-hour well test. This test is required by Section 21.B.2.a.(4)(a) of the Land Development Regulation when a rezoning has a water requirement greater than 0.28 acre feet per year. This provision relates to the requirement to show the aquifer's ability to yield withdrawal rates that would satisfy the proposed uses. The applicant's reason for requesting the Alternative Standard is:

- The well is an existing, historic well that has been used for the proposed uses since 1970.
- The rezoning is "down-zoning" to uses that are much less intensive than what is presently allowed.
- A flow meter has been installed on the well that indicates the historic water usage is only 60% of the allocated water.
- A four hour well test has been conducted, and the additional cost associated with an 8-hour well test is unreasonable given the uses are already occurring and the well has already been shown to be sufficient.

### **Analysis/Recommendation:**

This request was referred to Planning Engineering, Open Space, the County Geologist and Public Health. The rezoning proposal is for an existing use, the water usage as proposed is already occurring, and the applicant is removing many of the more intensive uses that are presently allowed by Commercial-Two (C-2). Thus, staff does not believe it necessary to send this Alternative Standard on public notification. Planning Engineering, Public Health and Open Space had no comments. According to the County Geologist, a 4-hour well test was provided, but there had been some interruption during the test, and this affected the quality of the data collected. However, the Geologist and Public Health are amenable to supporting the applicant's request because the rezoning is to allow a historic use and no additional uses are proposed.

Staff supports the Alternative Standard request. It is Staff's opinion that an additional pump test on the existing well would be unnecessary as the proposed primary uses of veterinary clinic and single family dwelling unit have been existing since 1970. Also, the property is presently zoned C-2. Given there is already a 4,000 square foot structure on the property, there are many allowed uses which are far more water-use intensive than what is presently occurring, and these uses could occur without the need for a Site Development Plan. Staff notes this rezoning is to allow doggie daycare uses and the applicant has agreed to eliminate many of the presently entitled uses on this newest ODP. Based on the reasons stated above, Staff recommends that the Director of Planning and Zoning waive the 8-hour well testing requirement.

In accordance with Section 2.B.5.a. of the Land Development Regulation, Staff is of the opinion that this Alternative Standard is not detrimental to or contrary to the purpose of the regulations and is in harmony with general purpose and intent of the provisions for which the Alternative Standard is sought. In addition, the applicant has adequately demonstrated that strict compliance with this provision is impractical. Therefore, Staff recommends approval of the applicant's request for the reasons cited above subject to recordation of the ODP document.

**Decision:**

Pursuant to Section 2.B.2 of the Land Development Regulation, the Director of Planning & Zoning may grant the following Alternative Standard/Requirement during the processing of the Mountain Parks Veterinary Clinic ODP, Case Number: 15-125425RZ.

Allow a four (4)-hour well test rather than a requirement for an 8-hour well test for a development in the Mountain Ground Water Overlay District with a water demand of more than .28 acre feet per year (Section 21.B.2.a.(4)(a) of the Land Development Regulation).

**Director of Planning and Zoning Action:**

- Alternative Standard granted subject to the condition of recordation of Mountain Parks Veterinary Clinic ODP, Case Number 15-125425RZ.
- Waiver Granted with Changes.
- Waiver Denied.

  
\_\_\_\_\_  
John Wolforth,  
Director of Planning and Zoning

2/5/16  
Date

**REVIEWED**

*By Russell D. Clark at 3:43 pm, Feb 02, 2016*

**REVIEWED**

*By Mike Schuster at 12:29 pm, Feb 05, 2016*

# ELECTRONIC REFERRAL

## JEFFERSON COUNTY, COLORADO

Documents related to a Rezoning have been submitted to Jefferson County Planning and Zoning. This case is now beginning the 1<sup>st</sup> Referral part of the process. Please review the specific electronic documents related to the 1<sup>st</sup> Referral found [here](#). Comments on the 1<sup>st</sup> Referral should be submitted electronically to the case manager by the due date below.

Case Number: 15-125425RZ

Case Name: Mountain Parks Veterinary Clinic ODP

Address: 5920 County Highway 73

General Location: County Highway 73 and Hi View Drive

Case Type: Rezoning

Type of Application: To rezone from C-2 and MR-1 to allow for a vet hospital, boarding facility, and other commercial uses.

Case Manager: Alan Tiefenbach

**Comments Due: November 18, 2015**

Case Manager Contact Information: [atiefenb@jeffco.us](mailto:atiefenb@jeffco.us) 303-271-8738

The entire case file for this application can be viewed [here](#).

JEFFCO:	EXTERNAL:	HOA:
Cartography Addressing Building Open Space Geologist Planning Engineering Long Range Historic Commission Zoning Administration Public Health Transportation & Engineering Road & Bridge, Dist. 3	Jeffco EDC Evergreen Fire Protection District Evergreen Park and Rec District Colorado Division of Wildlife Xcel	Bear Mountain HOA Bell Park Estates Downtown Evergreen Economic District Enable Evergreen Heights HOA Evergreen Highlands HOA Evergreen Meadows HOA Evergreen Park Estates HOA Hilltop HOA Hiwan Hills Improv Assn Jefferson County Horsemens Assn South Blue Spruce Road Citizens Group

Fold... Property(1) People(3) Info(88) Fee(5) Process(1... Document(9) Comment(...) Attachment

+ Add X Delete Save Refresh Add to Links View

**10081 Engineer (Development Review) - 5920 County Hwy 73 80439 15 125425 000 00 RZ**

Assigned User: Ross Klopf

Reference: [ ] Inspection#: [ ] Priority: [ ] Status: Complete Mandatory:

To Start: Oct 28, 2015 12:00a.m.  
 To End: Nov 18, 2015 12:00a.m.  
 Started: Nov 20, 2015 5:13p.m.  
 Ended: Nov 20, 2015 5:14p.m.

Base Start: Oct 28, 2015  
 Base End: Nov 18, 2015

Sign Off: Ross Klopf

Comment: [ ]

File1:  Print Flag  Scheduled  Assign To-Do

File2: [ ] File3: [ ] Discipline: Building \*

Display Order: 190 Process RSN: 5223964

Attempt... Checklist Memo Deficien... Attachment Info People Insp. Det...

+ Add X Delete Save Refresh

Date	User	Comment	Result	Time	Overtime	Unit	Ext Insp	Expense
Nov 20, 2015 17:13:35	Ross Klopf	No issues, net reduction in traffic from teh existing C-1 Zoning.	Complete			Hour		\$0.00

Audit Start Today Repeat Reschedule Re-Default Print

Assion

**Sent:** Friday, November 20, 2015 12:56 PM  
**To:** Roy Laws  
**Subject:** FW: 15-125425RZ Mountain Parks Veterinary Clinic ODP  
**Importance:** High

Hi Roy,

See Alan's email below. What are your thoughts? I asked Pat and I thought he had stated an aquifer test is needed. I need to run and do a food service with Terri and then I will be back to discuss. Thanks.

Tracy

Tracy R. Volkman, REHS  
Environmental Health Services  
Jefferson County Public Health  
645 Parfet Street  
Lakewood, CO 80215  
Phone: 303.271.5763  
FAX: 303.271.5760  
[tvolkman@jeffco.us](mailto:tvolkman@jeffco.us)  
[Public Health - Jefferson County, CO](http://PublicHealth-JeffersonCounty.CO)

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**From:** Alan Tiefenbach  
**Sent:** Friday, November 20, 2015 12:48 PM  
**To:** Pat OConnell; Tracy R. Volkman  
**Subject:** 15-125425RZ Mountain Parks Veterinary Clinic ODP

I am working on my response letter for the vet clinic and I am trying to figure out of Public Health and the Geologist comments jive.

Pat says an aquifer test is not required, it appears Public Health it might be.

Public Health says they do not have the legal water for the proposed uses, Pat says they do for the vet but doesn't indicate the rest.

Do these two letters agree?

Alan Tiefenbach  
Planner  
Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419  
303-271-8738

**MEMO**

**TO:** Alan Tiefenbach  
Jefferson County Planning and Zoning Division

**FROM:** Tracy Volkman  
Jefferson County Environmental Health Services Division

**DATE:** November 13, 2015

**SUBJECT:** Case #15-125425 RZ  
Mountain Parks Veterinary Clinic ODP  
Elsie Altman  
5920 County Hwy 73

**PROPOSAL SUMMARY**

Rezone from C-2 and MR-1 to Planned Development to allow for a vet hospital, boarding facility, and other commercial uses.

**COMMENTS**

Jefferson County Public Health (JCPH) provided comments dated May 4, 2015 regarding the pre-application process for this planning case. We have reviewed the documents submitted by the applicant for this rezoning process and have the following comments:

The applicant must submit the following documents or take the following actions prior to a ruling on the proposed rezoning of this property. NOTE: Items marked with a “✓” indicate that the document has been submitted or action has been taken. **Please read entire document for requirements and information. Please note additional documentation may be required.**

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
		Submit documents which demonstrate a legal right to the water supply in accordance with the Jefferson County Zoning Resolution (Section 1.I.2.k) and Land Development Regulation (LDR) Section 21.B.2.a (1) (a) (a-1). Such documentation may include, but is not limited to, a copy of a well permit or water court decree. This information can be obtained from the Colorado Division of Water Resources (CDWR), 303.866.3581.	Water

		Submit a letter from the CDWR that states well 295058 can be used for all the proposed uses in the written restrictions.	Water
		Submit results of an 8-hour aquifer test in accordance with the Land Development Regulation Section 21.C.2	Water
		Submit an Onsite Wastewater Report in accordance with the LDR Section 22.B.2	Wastewater
		Submit the monthly water meter readings for the previous 12 months.	Wastewater
		Submit an As-built drawing of the 750 gallon single compartment septic tank and its connection to the existing OWTS or verify if it is a holding tank.	Wastewater
✓	11-03-2015	Provide holding tank specifications (size, type, etc.).	Wastewater
		Provide the number of kennels the 750 gallon septic tank serves.	Wastewater
		Submit a noise study for the proposed canine boarding and doggie day care.	Noise

## WATER

The Jefferson County Zoning Resolution (Section 1.1.2.k) requires the applicant to provide documents which demonstrate a legal right to the water supply. Such documentation may include, but is not limited to, a copy of the well permit or water court decree.

The water source for 5920 County HWY 73 is supplied by an onsite well 295058 according to the well permit issued by the Colorado Division of Water Resources (CDWR) on July 17, 2014. Well 295058 can be used for drinking and sanitary purposes inside a veterinary hospital (individual business) and caretaker's home. Water from this well cannot be used for any use outside the business structure, including lawn or landscape irrigation, or animal watering.

Well Permit 295058 does not state that water from this well can be used in public animal boarding, doggie daycare, indoor and outdoor animal play facility, other commercial uses, such as medical and dental offices, lesson based studios, retail sales, plant store and nursery and other uses as described in the Mountain Parks Veterinary Clinic Planned Development Lite Written Restrictions dated October 21, 2015. **Please submit a letter from the Office of the State Engineer, Colorado Division of Water Resources stating this well can be legally used for all proposed uses stated in the written restrictions dated October 21, 2015.**

A 4-hour 20 minute stabilized well test was conducted on October 9, 2015 by GeoWater Services, LLC for the property located at 5920 HWY 73. The production rate of the well was 6.6 gallons per minute. The total amount of water pumped out during the test was 1,687 gallons of water. The Land Development Regulation Section 21.B.2.a (4)(a) requires a minimum of an 8-hour aquifer test for Rezoning applications if the development proposal will exceed 0.28 acre feet per acre per year (approximately 250 gallons of water per day per acre). Planning and Zoning will perform a water availability analyses to determine if an aquifer test must be performed.

For rezoning cases an aquifer test is required if the water use is greater than 0.28 acre feet per acre per year (250 gallons per day per acre). Given that the lot is 0.96 acres, an aquifer test would be required if the total water use would exceed 240 gallons per day. See calculation below:

A totalizing flow meter must be installed on this well and maintained in good working order according to the Well Permit 295058 and water meter readings must be available upon request.

This Department advises all parties to note that the long-term dependability of any water supply in Colorado, be it surface water, ground water, or a combination of surface water and ground water, cannot be guaranteed. All ground water and surface water supplies are subject to fluctuations in precipitation. During periods of drought, it will be necessary to carefully manage all uses of water so that the basic water supply needs for human health can be met.

### **WASTEWATER**

JCPH has records of an existing onsite wastewater treatment system (OWTS) that was repaired in 2001 that serves a 4-bedroom single family dwelling and veterinary hospital (Folder 03-121441 Old OW, Permit 18471) with a wastewater flow of 900 gallons per day designed by Church & Associates, Inc. on February 14, 2000. A continued use permit was issued on September 9, 2008. At that time the use inspector noted there was a holding tank for the kennel. **JCPH has no records of this “holding tank”**. It was also noted that the observation pipe for the absorption field had more than six (6) inches of effluent indicating that the soil treatment area may be saturated.

**The Jefferson County Zoning Resolution (Section 1.1.2.k) requires the applicant to complete an Onsite Wastewater Report in accordance with LDR Section 22.2. (a). This form (Form 6001) can be obtained from Jefferson County Planning and Zoning. Please complete and submit this form. In addition, please provide the daily meter readings from the totalizing flow meter for the previous 12 months in order for JCPH to better evaluate the capacity of the existing OWTS and the proposed uses. Please note: The existing system may need to be increased in size given the proposed uses.**

Shirley Septic Pumping, Inc. conducted an inspection on September 22, 2015 and provided information on the septic tank that provides service to the kennel. A 750-gallon single compartment concrete tank was observed servicing the existing kennel. It was noted that the kennel tank was missing the outlet baffle. **JCPH does not have any records regarding this tank and it is unclear if this tank is a holding tank or if it is connected to the soil treatment area. Please have Shirley Septic Pumping, Inc. or a professional engineer provide an As-Built diagram drawn to scale of this tank and its connection to the existing OWTS or verify that it is only a holding tank. Provide the number of kennels this tank serves.** The inspection also noted that there was approximately 9 inches of effluent in the observation port in the upper soil treatment area and 10 inches of effluent in the observation port for the lower soil treatment area. This may indicate that the soil treatment areas are becoming saturated. Shirley Septic noted that there was no surfacing sewage at the time of the inspection.

At the time of site development for any increased uses, **the wastewater cannot be discharged onto the ground and must be discharged into an OWTS. If the existing OWTS will be used, an engineer evaluation must be submitted to determine if the OWTS can adequately accommodate the additional wastewater. If a new OWTS will be installed, it must be properly permitted through JCPH.**

Onsite wastewater treatment systems (OWTS) with an average daily flow of 2000 gallons per day or more must comply with the Colorado Water Control Act, Article 8, Title 25 of the Colorado Revised Statutes, and Regulations adopted by the Colorado Water Quality Control Commission. Site approval from the Colorado Department of Public Health and Environment would then be required. Jefferson County Board of Health approval would also be required. The applicant must submit an application including an engineered design of the proposed OWTS to this Department by the first working day of any month to be scheduled for a hearing on the third Tuesday of the following month. There is no guarantee that such a request would be granted. Jefferson County Public Health would issue the actual OWTS construction permit.

**The new building must not be installed on any part of the OWTS system components and must meet all setback requirements in accordance with the OWTS Regulation of Jefferson County.**

### **AIR**

A fugitive dust permit is not required for the development of this site. However, the developer must use sufficient control measures and have a dust control plan in place to minimize any dust emissions during demolition, land clearing and construction activities. This department will investigate any reports of fugitive dust emissions from the project site. If confirmed, a notice of violation will be issued with appropriate enforcement action taken by the State.

The Colorado Department of Public Health and Environment, Air Quality Control Commission Regulation No. 8, Part B, Asbestos Control requires that **all buildings that are going to be remodeled, renovated, and or demolished must have a full inspection by a current Colorado-certified asbestos building inspector before conducting any work and must obtain a Demolition Permit.** Based on the results of the inspection, if asbestos is detected, the applicant must obtain an Asbestos Abatement Permit from the Asbestos Section at the Colorado Department of Public Health and the Environment (303.692.3100). All building materials that will be impacted that contain asbestos that is friable or will become friable during the remodel, renovation, or demolition in quantities over the volume of a 55-gallon drum must be removed prior to any work. The asbestos removal must be done by a certified asbestos removal contractor (General Abatement Contractor) using trained and certified asbestos abatement workers prior to demolition. Asbestos information can be found at <http://www.colorado.gov/cs/Satellite/CDPHE-AP/CBON/1251594599613>.

Please contact John Moody at 303.271.5714 or Dave Volkel at 303.271.5730 for more information about this process.

### **NOISE**

Since this facility is essentially surrounded by residential properties, noise levels emitted from this property are more stringent and must comply with the Colorado Revised Statutes (Sections 25-12-101 through 108) which stipulates that the maximum residential noise levels must comply with the following 25 feet from the property line:

- 55dB(A) between 7:00 a.m. and 7:00 p.m.
- 50dB(A) at all other times.

**Due to concerns regarding noise from outdoor kennel runs and the doggie daycare this Department requests that a noise study be conducted by the applicant for the proposed canine boarding and doggie daycare. This study will be reviewed and commented on by this Department once it is received.**

This Department recommends that this project be designed to minimize noise that may create a nuisance to neighboring properties.

Noise that exceeds the maximum permissible noise level constitutes a public nuisance. JCPH considers noise complaints as a nuisance which is enforced as a civil matter between the property owner and the complainant.

### **REGULATED FACILITIES**

State licenses are required for pet animal boarding facilities and similar uses. All requirements of the Pet Animal Care and Facilities Act, under the Colorado Department of Agriculture, must be complied with. Contact the Animal Industry Division at 700 Kipling Street, Suite 4000, Lakewood, Colorado 80215-5894, Phone: (303) 239-4161 for application requirements.

**From:** [Dean Dalvit](#)  
**To:** [Alan Tiefenbach](#)  
**Cc:** [Bonnie Benedik](#)  
**Subject:** RE: 15-125425RZ - Electronic referral  
**Date:** Wednesday, October 28, 2015 3:14:26 PM

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Dear Alan,

On behalf of the Greater Downtown Evergreen Economic District, we are in support of this rezoning request to Planned Development. Correcting entitlements in our mountain community, specifically where historic and grandfathered uses have been inconsistent with the zoning code for one reason or another, is an important aspect of preserving the businesses and removing barriers to improving the physical buildings in which they operate within our local economic district.

Thank you for the opportunity to respond to this request. If you have any questions for us, please do not hesitate to reach out at any time.

Sincerely,

**Dean Dalvit, PE, AIA**

**President, Greater Downtown Evergreen Economic District (A Colorado Nonprofit Corporation)**

Greater DEED Board, representing our Evergreen community:

Dean Dalvit, EVstudio; Gail Riley, Highland Haven; Bob Cardwell, Stillwater Partners; Kathleen Davis, Evergreen Players;

Eric Gill, Bearpaw Management; Rachel Emmer, Detritus Group; Jim Sherwood, Evergreen Clothing Company;

John Seevers, Valentine Seevers and Associates; Brad Bednar, Evergreen Park and Recreation District

Legal Council: Richard Toussaint, Toussaint Nemer & Coaty, PC

[evergreenlegacyfund.org](http://evergreenlegacyfund.org)

[contact@evergreenlegacyfund.org](mailto:contact@evergreenlegacyfund.org)

PO Box 252 Evergreen, CO 80437

----- Original Message -----

Subject: 15-125425RZ - Electronic referral  
From: Bonnie Benedik <[bbenedik@co.jefferson.co.us](mailto:bbenedik@co.jefferson.co.us)>  
Date: Wed, October 28, 2015 2:39 pm  
To:

## ELECTRONIC REFERRAL

### JEFFERSON COUNTY, COLORADO

Documents related to a Rezoning have been submitted to Jefferson County Planning and Zoning. This case is now beginning the 1<sup>st</sup> Referral part of the process. Please review the specific electronic documents related to the 1<sup>st</sup> Referral found [here](#). Comments on the 1<sup>st</sup> Referral should be submitted electronically to the case manager by the due date below.

Case Number: 15-125425RZ

Case Name: Mountain Parks Veterinary Clinic ODP

Address: 5920 County Highway 73

General Location: County Highway 73 and Hi View Drive

Case Type: Rezoning

Type of Application: To rezone from C-2 and MR-1 to allow for a vet hospital, boarding facility, and other commercial uses.

Case Manager: Alan Tiefenbach

**Comments Due: November 18, 2015**

Case Manager Contact Information: [atiefenb@jeffco.us](mailto:atiefenb@jeffco.us) 303-271-8738

The entire case file for this application can be viewed [here](#).

JEFFCO:	EXTERNAL:	HOA:
Cartography Addressing Building Open Space Geologist Planning Engineering Long Range Historic Commission Zoning Administration Public Health Transportation & Engineering Road & Bridge, Dist. 3	Jeffco EDC Evergreen Fire Protection District Evergreen Park and Rec District Colorado Division of Wildlife Xcel	Bear Mountain HOA Bell Park Estates Downtown Evergreen Economic District Enable Evergreen Heights HOA Evergreen Highlands HOA Evergreen Meadows HOA Evergreen Park Estates HOA Hilltop HOA Hiwan Hills Improv Assn Jefferson County Horsemens Assn South Blue Spruce Road Citizens Group

# Memorandum

**To:** Alan Tiefenbach  
Planner

**From:** Patrick O'Connell  
Geologist

**Date:** November 19, 2015

**Re:** 5920 County Highway 73, Case No. 15-125425RZ

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The intent of the application is to rezone to PD. I have the following comment.

1. The site is not within a zoned or unzoned geologic hazard area and reports are not required with the rezoning process.
2. Given the proposed uses (SFD & vet clinic) on 0.9 acres, it does appear that the water requirement would not exceed the 0.28 acre feet per acre per year threshold as described in Section 21 of the LDR. If the water requirement exceeds 0.28 acre feet per acre per year, an Aquifer Test in accordance with Section 21 of the LDR is required with the rezoning application. If the water requirement exceeds 0.10 acre feet per acre per year, an Aquifer Test in accordance with Section 21 of the LDR is required with the SDP/Plat application. If the applicant has other water requirement values than those utilized in the Water Availability Analysis (WAA), they should be provided. The applicant provided data from a 4.3 hour well yield test, however, the Aquifer Test requirements include a 8 hour test.
3. Well permit 295058 allows is permitted for an individual commercial business includes the veterinary hospital and care takers home with a maximum withdrawal of 1 acre foot.
4. A Water Availability Analysis is currently being completed for this case and will be forwarded once it is finalized.

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## ADDRESSING

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# MEMO

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To: Alan Tiefenbach  
FROM: Patricia Romero  
SUBJECT: 15-125425RZ 5920 County Highway 73  
DATE: November 3, 2015

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Addressing offers the following comments on this proposal:

1. The purpose of this Rezoning is to rezone from C-2 and MR-1 to Planned Development to allow for a vet hospital, boarding facility, and other commercial uses.
2. Access is off of county maintained County Highway 73. There is a valid existing address, 5920 County Highway 73, in the addressing database.
3. Addressing may change depending on final approval.
4. If additional addresses are needed they will be available when the SDP is approved and recorded.

Please let me know if you have any questions.

# SH Entitlements

October 15, 2015

Mr. Alan Tiefenbach, Case Manager  
Jefferson County Planning Department  
100 Jefferson County Parkway, Suite 3550  
Golden, Colorado 80401

Re: Formal Submittal to Rezone Mountain Parks Veterinary Clinic

Dear Mr. Tiefenbach,

Doctor and Mrs. Altman respectively request to rezone their property located at 5920 County Highway 73, Evergreen, Colorado 80439. The property currently has two zoned districts including Mountain Residential One and Commercial Two. A previous land owner built an addition over the lot line and then completed a land swap with the neighboring property. While the land division is legal, two zone districts on one lot are not. The Planning and Zoning Department noted that the parcel was legal "as is" however any alternations would require a Rezoning. The Altman's have no plans to expand at this time however; they recognize there may be a need to improve the existing facilities as they become functionally obsolete. Jefferson County Planning and Zoning does not support a Rezoning to Commercial Two due to the extensive uses allowed within this zone district. Rather, the Evergreen Community Plan recommends all rezonings be processed as Planned Developments to control uses and make standards befitting to the specific site. Therefore, the Altman's would like to rezone their property to Planned Development Lite.

Attached with this submittal are the following documents:

- Development Application
- Mineral Rights Notification Form
- Proof of Water
- Proof of Septic
- Proof of Fire Protection
- Plan Exception request
- Transportation Analysis
- Boundary Survey

We hosted a community meeting September 16th, 2015. The Altman's would like to formally apply for Rezoning at this time. Please let us know if you need anything else at this time. We look forward to processing this application and answering any questions you may have. We appreciate your time and thought on this request.

Sincerely,

*Heather Scott*

Heather Scott, AICP  
Consultant



**MOUNTAIN PARKS**  
VETERINARY HOSPITAL  
ADVENTURE CAMP + PET LODGE

Jefferson County Planning and Zoning  
Attn: Alan Tiefenbach  
100 Jefferson County Parkway  
Suite 3550  
Golden, Colorado 80419

December 7, 2015

Regarding: Noise Impacts of 5920 County Highway 73

Dear Alan,

This letter is in regard to the noise associated with the kennel and doggy daycare operations at Mountain Parks Veterinary Hospital, Adventure Camp & Pet Lodge. The kennel has been operating continuously since circa. 1970 when Doctor Bob Winters purchased the practice. While boarding dogs have always had access to outdoor areas for exercise, doggy daycare (or daytime boarding) has been marketed as a service since around 2000.

Although the general area of our property may be considered primarily residential, the property itself is surrounded by Denver Mountain Parks land to the North & Northeast, Evergreen Lutheran Church to the South & Southeast, and County Highway 73 to the West. All of the outdoor activity related to the kennel and doggy daycare is limited to the Northeast section of the property which borders Denver Mountain Parks land as well as the church's leach field for their septic system.

Currently, there are a total of 22 dog kennels and 6 cat condos supporting the boarding facility. The outdoor facilities consist of 6 outdoor yards of varying sizes for dogs to exercise, sometimes in a supervised group and sometimes by themselves. There are also 10 outdoor runs, which are an outdoor extension to 10 of our indoor boarding kennels during the day and were added in 1971 by the then owner, Doctor Bob Winters. There are 2 smaller outdoor kennels that are used to temporarily house dogs who either need a break from group play or who aren't boarding in one of our indoor/outdoor runs. All of our overnight boarding facilities are indoors only, and dogs are only permitted in our play yards and/or the outdoor portions of their kennels when staff is on-site from 7am-7pm daily.

The occupancy rate for the overnight boarding fluctuates, but in the last year, the average number of boarders per night was approximately 21 dogs and 1 cat with a peak of 42 dogs and 6 cats during our busiest times (i.e., Thanksgiving and Christmas). The daily average for doggy daycare also fluctuates, but in the last year the daily average was six dogs per day.

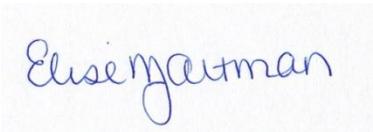
While there is no way to prevent dogs from barking entirely, we do recognize that, most of the barking in a kennel and doggy daycare environment is due to dogs missing their families, interacting with unfamiliar

dogs for the first time, or encountering an unexpected stimulus. When making changes to the facilities, we have made our improvements with these scenarios in mind, including but not limited to:

- offering supervised group play in our outdoor yards to provide social interaction (with people and other dogs) to distract the boarding dogs and tire them out.
- upgrading our kennel runs with privacy panels on the bottom portions so dogs don't see each other when they are secured in their kennels
- replacing chain link fencing with a privacy fence along the Southeast portion of the outdoor areas where there was direct line of sight to Evergreen Lutheran Church's outdoor worship area (which has only just been built in the last 3 years)
- utilizing privacy screens within our outdoor play yards to minimize barking from dogs along fence lines while still maintaining visibility to the surrounding vistas per the Evergreen Community Plan.

We hope that this letter has provided sufficient background about our property and the noise impacts of the existing kennel and doggy daycare. Please let us know if there is additional information that we can provide.

Sincerely,



Elise Altman

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CONTACT INFORMATION:

Elise Altman  
E & R Property Group, LLC.  
5920 County Highway 73  
Evergreen, CO 80439

[elise@mountainparksvet.com](mailto:elise@mountainparksvet.com)  
303.929.9648

## CASE SUMMARY

### Consent Agenda

**BCC Hearing Date:** March 29, 2016

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**15-126763EX** Exemption

**Case Name:** Mandalay Gardens Exemption Survey 6

**Owner/Applicant:** Yvonne E. Mannon

**Location:** 7937 West 106<sup>th</sup> Avenue  
Section 11, Township 2 South, Range 69 West

**Approximate Area:** 0.857 Acre

**Purpose:** **To correct an improper division of a residential lot.**

**Case Manager:** Sean Madden

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**Issues:**

- None

**Minor Variations:**

The Director of Planning and Zoning has granted the following Minor Variations:

- A lot size of 0.8531 acre that was not in single and separate ownership on or before March 6, 1972, where 5 acres is required.
- A 21.5 ft. side setback for the existing single-family home to the west property boundary where 30 ft. is required.
- A 17 ft. side setback for the existing detached garage to the west where 50 ft. is required.

**Recommendations:**

- **Staff:** Recommends APPROVAL subject to conditions

**Interested Parties:**

- Adjacent Property Owner

**Level of Community Interest:** Low

**Representative for Applicant:** Elvis Tippets, P.E. , E.H. Tippets Co.

**General Location:** Located just west of W. 106<sup>th</sup> Avenue and Yukon Way

**Case Manger Information:** Phone: 303-271-8719 e-mail: smadden@jeffco.us

## Staff Report

**BCC Hearing Date:** March 29, 2016

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**15-126763EX:** Exemption from Platting

**Case Name:** Mandalay Gardens Exemption Survey 6

**Owner/Applicant:** Yvonne E. Mannon

**Location:** 7937 West 106<sup>th</sup> Avenue  
Section 11, Township 2 South, Range 69 West

**Approximate Area:** 0.857 acre

**Purpose:** **To correct the improper division of a residential lot.**

**Case Manager:** Sean Madden

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**Representative:** Elvis Tippetts, P.E., E.H. Tippetts Co.

**Zoning:** Agricultural-One (A-1)

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### **BACKGROUND/UNIQUE INFORMATION:**

This development is located in a plains area that is characterized by slightly dipping slopes. Vegetation consists of native grasses. The zoning requirements of the A-1 Zone District and the Jefferson County Land Development Regulation are applicable to this development.

The existing home on the property was built in 1953 and is approximately 1,100 square feet. There is also an existing accessory structure that is approximately 672 square feet in size. There is an existing driveway that serves this property that accesses West 106<sup>th</sup> Avenue, which is a County maintained street. Water is provided by the City of Westminster and sewage is handled by an existing onsite waste water treatment system.

The purpose of this Exemption from Platting is to correct an improper division of land created by a previous owner. Staff is of the opinion that the Exemption meets the following criteria/limitations to correct an improper division of land as set forth in Section 10.B.1.a. of the Land Development Regulation:

- (1) The correction is not eligible for the Residential Structure Exclusion as described in this Regulation. *Met. The parcel is not eligible for the Residential Structure Exclusion due to the previous building permits not being verified by Staff due to the lack of records for issuance of building permits.*
- (2) The applicant swears that he or she was unaware of the improper division at the time of transfer of ownership. *Met. At the time of conveyance (1985), the applicant swears that she was unaware of the improper division of the land until the house was placed on the market for sale in 2015.*
- (3) The applicant wishes to correct the improper division of a single parcel, regardless of the number of improperly created parcels acquired in the sale. *Met. The applicant wishes to correct the improper division of a single parcel (her property). The applicant currently has an existing home (built in 1953) and accessory structure on the property that will remain in use.*
- (4) The applicant has demonstrated a diligent and unsuccessful attempt to obtain relief from sale of improperly divided parcel. *Met. The applicant was not able to work with the original owner who*

sold her the property to gain relief of the sale of the improperly divided parcel, due to him passing away last year.

- (5) The applicant has not used the Exemption Process in the past to correct another improper division of land. *Met.* The applicant has not been involved in a previous Exemption process to correct an improper division of land. The applicant states that she was not aware of the previous Exemption case that was processed in 2002 for the legalization of the parcel that abuts her property to the east.

**NOTIFICATION:**

As a requirement of the Jefferson County Land Development Regulation, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to property owners within a 500-foot radius of the site and to Homeowners’ Associations and Umbrella Groups located within a 1-mile radius of the site. The initial notification was mailed at the time of the 1<sup>st</sup> referral. Additional notification was mailed 14 days prior to the Planning Commission Hearing identifying the scheduled hearing dates for both the Planning Commission Hearing and the Board of County Commissioners Hearing.
2. Sign(s), identifying the dates of both the Planning Commission Hearing and the Board of County Commissioners’ Hearing, were provided to the applicant for posting on the site. The sign(s) were provided to the applicant with instructions that the site be posted 14 days prior to the Planning Commission hearing.

The Homeowners’ Associations and Umbrella Groups that received notification are as follows:

- Green Knolls HOA
- Jefferson County Horseman’s Assoc.

During the processing of the application, Staff **did** receive a phone call from an adjacent property owner that expressed concern about the potential of a failing leach field and a buried horse on the property. In response to this concern, Jefferson County Public Health conducted an investigation of the existing leach field and found no evidence of failure. Jefferson County Public Health stated there is nothing they can do with the buried horse situation. Jefferson County Public Health provided this information to the adjacent property owner that identified the potential failure. Staff **has not** received any further correspondence or phone calls after the investigation was conducted. Jefferson County Public Health approved a Board of Health Variance, Case Number 2016019294, recorded March 1, 2016 for the existing Waste Water Treatment System on a lot that is less than an acre in size. .

**ISSUES ANALYSIS:**

	Layout/Design	Access/Roads	Water/San. & Utilities	Fire Protection	Drainage	Hazards	Sensory Impacts	Wildlife/Landscaping
<b>Acceptable</b>	X(1)	X(2)	X(3)	X(4)	X(5)	X(6)	X(7)	X(8)
<b>Unacceptable</b>								

**Services:** North Metro Fire Rescue District

CenturyLink Communications Corporation  
City of Westminster (Water Supply)  
Onsite Wastewater Treatment System  
Xcel Energy

**SUMMARY OF ACCEPTABLE ISSUES:**

**1. Layout/Design:**

The proposed configuration of the lots is in compliance with Section 14.A. of the Jefferson County Land Development Regulation.

The Director of Planning and Zoning granted the following Minor Variations, 16-102021MV:

- A lot size of 0.8531 acre that was not in single and separate ownership on or before March 6, 1972, where 5 acres is required.
- A 21.5 ft. side setback for the existing single-family home to the west property boundary where 30 ft. is required.
- A 17 ft. side setback for the existing detached garage to the west where 50 ft. is required.

The rationale for granting the Minor Variation requests are:

- No objections from referral agencies and no objections as a result of the Exemption public notification process.
- The setbacks for the existing residence and detached garage are fixed in relation to the exterior boundary of the Exemption.
- A Board of Health Variance has been granted for the existing Onsite Waste Water Treatment System for a lot size less than 1 acre that is served by public water.

**2. Access/Roads/Streets:**

The subject property has existing access to West 106<sup>th</sup> Avenue, a County maintained street. Pursuant to Section 15.A.1.a. (1)(a) of the Land Development Regulation, adjoining ROW (Tract A) will be dedicated by the Exemption document along the frontage of this property.

**3. Water and Sanitation/Utilities:**

Water supply for the lot is provided by the City of Westminster.

There is an existing well permit, No 14103, issued for domestic purposes on January 18, 1963 for the South four (4) acres, Tract 34, Mandalay Gardens. According to the Division of Water Resources letter dated November 17, 2015, since the existing well permit is not tied to a specific parcel it may continue to be used to serve its historical purposes as long as it is operated in accordance with the terms and conditions of its well permit. Its uses are limited to those domestic uses that were in place prior to 1972. The surveyor of record for this Exemption has stated there is no well located on the subject property. The engineer of record for this case discussed this situation with the Division of Water Resources at the time this correspondence was provided to staff.

Onsite wastewater treatment system will be utilized for the lot. Jefferson County Public Health approved a Variance for the existing onsite waste water treatment system for lot size less than 1 acre that is served by public water.

Utilities are available for the lot. Xcel Energy will provide electricity and natural gas. Century- Link Communications will provide telephone service.

**4. Fire Protection:**

North Metro Fire Rescue District has deemed the proposal to be acceptable and will provide fire protection for the subject property.

**5. Drainage:**

The submitted Abridged Drainage Report was deemed to be acceptable by Planning Engineering Staff. The applicant is not required to dedicate a drainage easement or construct any type of drainage improvements. There is no evidence of erosion problems associated with this lot.

**6. Hazards:**

This site is not in an identified geohazard area.

**7. Sensory Impacts:**

The proposed project is not expected to have undue, acoustical, ocular or olfactory impacts. As proposed, the development complies with Section 26 of the Land Development Regulation.

**8. Wildlife/Landscaping:**

The proposal is not expected to have a significant impact on wildlife since all improvements are existing. A referral was sent to the Division of Wildlife; however, Staff has not received any response to date. Landscaping improvements are not required for this Exemption.

**ADDITIONAL REQUIREMENTS:**

**1. Park and School Requirements:**

Since no new residential density is generated by this Exemption, park and school fee requirements do not apply.

**FINDINGS/RECOMMENDATIONS:**

**Staff recommends that the Board of County Commissioners find that the proposal conforms to the Land Development Regulation because all applicable regulations have been satisfied as indicated within this report.**

**And;**

**Staff recommends that the Board of County Commissioners APPROVE Case No. 15-126763EX subject to the following conditions:**

1. Recordation of the Exemption Mylar in accordance with the red-marked print dated March 29, 2016.
2. Submittal of a current tax certificate from the County Treasurer's Office indicating that all ad valorem taxes applicable to Mandalay Gardens Exemption Survey 6 for prior years have been paid.

COMMENTS PREPARED BY:

*Sean Madden*

---

Sean Madden, Civil Planning Engineer  
March 21, 2016

**Jefferson County Case Management  
CASE DATE SUMMARY**

Case Number: 15-126763EX      Case Type: Exemption

Pre-Application Submitted: September 30, 2015

Pre-Application Meeting:    October 9, 2015

Formal Application Submitted: November 10, 2015

Case Sent on First Referral: November 13, 2015

Referral Responses Provided to Applicant: December 4, 2015

Case Sent on Second Referral: January 20, 2016

Referral Responses Provided to Applicant: February 3, 2016

Case Scheduled for Hearing(s): March 9, 2016

# Administrative Decision Memorandum

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**Date:** March 3, 2016

**16-102021MV** Minor Variation  
**Related Case:** Exemption (15-126763EX)

**Owner/Applicant:** Yvonne E. Mannon  
**Representative:** Elvis H. Tippetts

**Location:** 7905 W. 106<sup>th</sup> Avenue

**Purpose:** **To allow the existing lot size, and the setbacks of existing structures.**

**Case Manager:** Sean Madden, Civil Planning Engineer

---

## **Background / Discussion:**

The applicant is currently in an Exemption process to legalize an improper division of land. There is an existing single-family home and accessory structure located on this existing improper division of land. The exiting parcel does not meet current A-1 zoning requirements for lot size and the existing structures do not meet setbacks. During the processing of the Exemption, the applicant submitted the following requests for Minor Variations pursuant to Section 1.P of the Jefferson County Zoning Resolution:

1. Allow a lot size of 0.8531 acre that was not in single and separate ownership on or before March 6, 1972, where 5 acres is required.
2. Allow a 21.5 ft. side setback for the existing single-family home to the west property boundary where 30 ft. is required.
3. Allow a 17 ft. side setback for the existing detached garage to the west where 50 ft. is required.

## **Applicant's Rationale:**

The applicant's rationale for the lot size and setbacks are that these are existing conditions. The original owner owned the property from 1962 to 1982. The current owner/applicant has owned the property since 1982 and was unaware of these zoning requirements. The applicant provided correspondence stating they did not have direct contact with the adjacent property owner, to the east, during the Exemption process to legalize the improper division of land, Case 02-101992EX.

## **Applicable Regulations:**

Section 1.P. of the Jefferson County Zoning Resolution allows the Director of Planning and Zoning to grant Minor Variations in order to facilitate the reasonable and expeditious processing of a development application. A Minor Variation may be granted for both onsite and offsite requirements for an Exemption. Such variations shall be allowed only after a finding that:

- a. Such variation(s) does not constitute a substantial change to the permitted land use(s), and that
- b. Neither substantial detriment to the public good, nor harm to the general purpose and intent of this Zoning Resolution will be caused thereby.

## **Referral:**

This request was sent on a 1-week referral to internal agencies including Planning Staff, Public Health and Open Space. The internal referrals resulted in no objections or concerns with the request.

**Notification:**

Notice of this request was not mailed to any adjacent property owners due to the fact that the lot size and setbacks are an existing situation; however, the normal Exemption process notification was mailed at the time of formal submittal. Staff has received no comments regarding the lot size or setbacks for this case.

**Analysis**

Staff finds the Minor Variation requests do not constitute a substantial change to the permitted land use(s), and will not cause substantial detriment to the public good, nor harm to the general purpose and intent of the Zoning Resolution. Staff findings are based upon the following:

1. The requests were discussed at the Engineering Staff Meeting dated February 3, 2016 and again on February 17, 2016. Planning Engineering did not have any concerns being that the applicant is processing an Exemption to legalize the improper division of land and that the home and accessory structures are existing in relation to the existing property boundary. Staff also discussed the provisions as described in Section 3.D. of the Jefferson County Zoning Resolution. Staff agreed that:
  - Provision 3.D.1.a. - The property is not in conformance: The property did not exist in a single and separate ownership on or before March 6, 1972.
  - Provision 3.D.1.b. – The property is not in conformance due to the existing lot size being less than 1 acre. The applicant has requested a Minor Variation for lot size as described.
  - Provision 3.D.1.c. is in conformance. The existing uses are agriculture in nature.
  - Provision 3.D.1.d. is in conformance. The required setbacks will apply to all future structures that require a building permit. The applicant is currently requesting a Minor Variation for the existing setbacks for the existing structures. The applicant is currently processing an Exemption case to legalize this parcel.
  - Provision 3.d.1.e. is in conformance. Jefferson County Public Health has obtained all required documents regarding the existing leach field and has no further concerns.
2. There were no objections to this request from referral agencies.
3. There were no objections to this request as a result of the Exemption public notification.

**Staff Recommendation:**

For the reasons indicated within this report, Staff recommends **approval** of the applicant’s request subject to the requirement of the recordation of the Exemption.

**Decision:**

Pursuant to Section 1.P. of the Jefferson County Zoning Resolution, the Director of Planning and Zoning, or his/her appointed designee, render this decision on the request for the following Minor Variations:

1. A lot size of 0.8531 acre that was not in single and separate ownership on or before March 6, 1972, where 5 acres is required.
2. A 21.5 ft. side setback for the existing single-family home to the west property boundary where 30 ft. is required.
3. A 17 ft. side setback for the existing detached garage to the west where 50 ft. is required.

Minor Variations Granted subject to the requirement of the recordation of the Exemption, Case No.15-126763EX  
 Minor Modification Granted with Changes \_\_\_\_\_  
 Minor Modification Denied

  
 John Wolforth  
 Director of Planning and Zoning

3/4/16  
 Date

**REVIEWED**  
 By Charles Barthel at 6:03 pm, Mar 03, 2016

**REVIEWED**  
 By Mike Schuster at 1:17 pm, Mar 04, 2016

# ELECTRONIC REFERRAL

## JEFFERSON COUNTY, COLORADO

Documents related to an Exemption from Platting have been submitted to Jefferson County Planning and Zoning. This case is now beginning the 1<sup>st</sup> Referral part of the process. Please review the specific electronic documents related to the 1<sup>st</sup> Referral found [here](#). Comments on the Exemption from Platting should be submitted electronically to the case manager by the due date below.

Case Number: 15-126763EX  
Case Name: Exemption Sec 11, T2S, R69W 15-126763EX  
Address: 7905 W. 106<sup>th</sup> Avenue  
General Location: Located just west of W. 106<sup>th</sup> Avenue and Yukon Way  
Case Type: Exemption from Platting  
Type of Application: To legalize an improper division of land  
Comments Due: **Monday November 30th, 2015**  
Case Manager: Sean Madden  
Case Manager Contact Information: smadden@jeffco.us 303.271.8719

The entire case file for this application can be viewed [here](#).

### **Referrals:**

#### **Internal Agencies:**

Planning Engineering  
Zoning Administration  
Addressing  
Cartography  
County Geologist  
Public Health  
Open Space  
JeffCo Historical Commission  
Transportation and Engineering  
Road & Bridge  
Assessor

#### **External Agencies:**

North Metro Fire Rescue District  
Division of Water Resources, State Engineer's Office  
Colorado Historical Society  
Division of Wildlife  
Soils Conservation District  
Xcel  
Century Link  
Comcast  
Post Office  
Union Pacific

#### **Adjacent HOA'S:**

Green Knolls HOA  
Jefferson County Horsemens Association

#### **Adjacent Property Owners:**

PASSARELLI JENEANE  
LOUDIS LEONARD A  
SCHAUER CHARLES E III  
GOCHIS SHELLY D  
THOMPSON MARTIN V  
WESTMINSTER CITY OF

FLACK CHRISTY L  
ROOT DOUGLAS A  
BARNHART JAMES M JR  
BRESSLER RICHARD I  
STATE OF COLORADO FBO  
FALBO ANGELA M  
MITTAN ISAAC  
RODERICK RANDOHL  
REITZ BERNARD J  
POLZIN MARVIN G  
CAPOZELO BRIAN A  
JANNEN ATALIE SUSAN  
HOBART SUZANNE  
ROBERTS  
JANNEN ATALIE SUSAN

**From:** [Ben Hasten](#)  
**To:** [Sean Madden](#)  
**Subject:** RE: 15-126763EX  
**Date:** Wednesday, March 09, 2016 7:37:48 AM

---

Sean,  
Looks like all of my comments have been addressed.  
Do I need to sign off in AMANDA also?  
Ben

---

**From:** Sean Madden  
**Sent:** Wednesday, March 09, 2016 7:19 AM  
**To:** Ben Hasten  
**Subject:** 15-126763EX

Good morning Ben, can you please take a quick look and make sure you are good. I am trying to schedule this case today. If you are good to go, can you also provide updated comments?

Thanks Sean M

Public Health Approved Variance for existing leach field due to lot size being less than 1 acre.

## NOTICE OF VARIANCE

NOTICE IS HEREWITH GIVEN that Yvonne E. Mannon (the "Applicant") applied to the Jefferson County Board of Health (the "Board") for a variance from the provisions of the onsite wastewater treatment system regulation on land owned by her in Jefferson County, State of Colorado. The land for which the variance was applied for is described as:

**A portion of the SW ¼ of Section 11, T2S, R69W aka Mandalay Gardens Exemption Survey No 6 (7937 W 106<sup>th</sup> Ave, Westminster CO 80021)**

The Board hereby grants the requested variance under the following terms and conditions:

1. In accepting the variance, you do hereby acknowledge that abutting landowners may, in the future, receive a variance under the same terms and conditions as received by you and you will not in any way hold the Department, its agents or employees, responsible for any contamination of a water well or water supply system supplying the property owned by you.
2. If, at any time in the future, it is shown to the satisfaction of the Jefferson County Department of Health and Environment (the "Department") that the Onsite Wastewater Treatment System ("OWTS" or "system") on the Property is, in fact, surfacing, or showing other evidence of malfunction or causing contamination of any well, water system, or stream, that notice will be given to you and on the receipt of such notice, you will stop using the leaching field and septic system constructed by you under the terms of this variance until such time as the system has been repaired or replaced.
3. In the event the OWTS on this property malfunctions, no repair permit shall be issued by the Department if the Property is located within the boundaries of a sanitation district or water and sanitation district, and the Property is located within 400 feet of a sewer line operated and maintained by that district, and the district determines that public sewer service to the Property is feasible by means of connection to that sewer line.
4. Any repairs or upgrades to the OWTS shall include a system or component of a type currently approved by the Department to provide secondary or advanced treatment for nitrogen reduction.
5. This Variance is granted, subject to annual review, by the Department and if, on such review, it is found that adequate public health reasons exist to terminate this Variance, notice will be given to you of this finding and an opportunity granted to you to appear before the Board for further hearing to determine whether or not the Variance granted herewith should be continued.
6. This Agreement, as set forth in this Notice of Variance, shall be binding upon the heirs, successors, and assigns of the owners of the above described property, and the terms and conditions thereof shall operate on any successive owners in the same force and effect as if they had been the original applicants for the Variance, and to this end, notice is herewith given of the terms and conditions upon which the said Variance was granted.

Dated this 23<sup>rd</sup> Day of February, 2016

### JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

By: (signed) Yvonne E. Mannon Date: 2-25-16

The terms of this Variance are herewith accepted by the owners of the above described property.

By: (signed) Tracy A. Volkman Date: 2-25-16

Recordation information of  
Variance above.

**From:** [Tracy R. Volkman](#)  
**To:** [Sean Madden](#)  
**Subject:** RE: FW: Mannnon Exemption Survey  
**Date:** Thursday, March 03, 2016 9:59:32 AM

---

Hi Sean,

The Variance Reception Number is 2016019294 and was recorded on March 1, 2016. Please let me know if you need anything else from Public Health. Thanks. Have a great day!

Tracy

Tracy R. Volkman, REHS  
Environmental Health Services  
Jefferson County Public Health  
645 Parfet Street  
Lakewood, CO 80215  
Phone: 303.271.5763  
FAX: 303.271.5760  
[tvolkman@jeffco.us](mailto:tvolkman@jeffco.us)  
[Public Health - Jefferson County, CO](#)

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**From:** Sean Madden  
**Sent:** Wednesday, March 02, 2016 7:52 PM  
**To:** Jennifer Kelly; Tracy R. Volkman; Charles Barthel  
**Cc:** [ehippets@juno.com](mailto:ehippets@juno.com); Laura Hunt JK team; Jennifer Kelly  
**Subject:** RE: FW: Mannnon Exemption Survey

Hello all, Staff is currently processing the Minor variation request related to the lot size and sets backs. I expect the request will be decided upon by the Director of Planning and Zoning this week. If the decision is positive, I will review the available hearing dates for Board of County Commissioners and start the required notification and scheduling process. Hope this helps. Have a good day.

Sean M

---

**From:** Jennifer Kelly [[jenniferkellyteam@gmail.com](mailto:jenniferkellyteam@gmail.com)]  
**Sent:** Wednesday, March 02, 2016 7:02 PM

Public Health follow up  
comments.

**From:** [Tracy R. Volkman](#)  
**To:** [Sean Madden](#)  
**Subject:** 7937W106THAve.pdf - Variance  
**Date:** Friday, February 26, 2016 8:16:00 AM  
**Attachments:** [7937W106THAve.pdf](#)

---

Hi Sean,

Please see the attached signed variance for this property. I will record the document once the new address is issued. Public Health has all the documentation necessary so that you can proceed with this case. Thanks.

Tracy

Tracy R. Volkman, REHS  
Environmental Health Services  
Jefferson County Public Health  
645 Parfet Street  
Lakewood, CO 80215  
Phone: 303.271.5763  
FAX: 303.271.5760  
[tvolkman@jeffco.us](mailto:tvolkman@jeffco.us)

Public Health - Jefferson County, CO

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Your message is ready to be sent with the following file or link attachments:

7937W106THAve.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Public Health Comments  
related to Exemption case.

**From:** [Tracy R. Volkman](#)  
**To:** [Sean Madden](#)  
**Cc:** [Craig Sanders](#)  
**Subject:** RE: 16-102021MV for 15-126763EX  
**Date:** Thursday, February 25, 2016 4:02:13 PM

---

Hi Sean,

Public Health has officially received all documentation that we need so that you can proceed with these cases. If you have any questions or need anything else please feel free to contact me. Thanks.

Tracy

Tracy R. Volkman, REHS  
Environmental Health Services  
Jefferson County Public Health  
645 Parfet Street  
Lakewood, CO 80215  
Phone: 303.271.5763  
FAX: 303.271.5760  
[tvolkman@jeffco.us](mailto:tvolkman@jeffco.us)  
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**From:** Sean Madden  
**Sent:** Wednesday, February 17, 2016 8:15 AM  
**To:** Tracy R. Volkman  
**Cc:** Craig Sanders  
**Subject:** 16-102021MV for 15-126763EX

Hey Tracy, I know you provided correspondence on the EX case itself (perhaps a follow up to the leach field investigation), can you let me know if Public Health has any issues with the MV for lot size and setbacks. There is no AMANDA line item for you on this case.:)

Thanks Sean M

Public Health addition  
information

**From:** [Tracy R. Volkman](#)  
**To:** [Sean Madden](#)  
**Cc:** [Jon Vickery](#)  
**Subject:** RE: 7905 w 106th Ave  
**Date:** Tuesday, December 08, 2015 8:03:52 AM

---

Hi Sean,

The Use Permit was issued November 24, 2015 (Folder 15-127859 OW). Thanks.

Tracy

Tracy R. Volkman, REHS  
Environmental Health Services  
Jefferson County Public Health  
645 Parfet Street  
Lakewood, CO 80215  
Phone: 303.271.5763  
FAX: 303.271.5760  
[tvolkman@jeffco.us](mailto:tvolkman@jeffco.us)  
[Public Health - Jefferson County, CO](#)

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---

**From:** Sean Madden  
**Sent:** Tuesday, December 08, 2015 7:55 AM  
**To:** Tracy R. Volkman; Jon Vickery  
**Subject:** RE: 7905 w 106th Ave

Yes, thank you Jon. I will be interested in what the complainant has to say. I do believe he will be calling you back, please let me know if he contacts you. You mentioned a use permit, 11-19-??, do happen to have the year?

Thanks Sean M

---

**From:** Tracy R. Volkman  
**Sent:** Tuesday, December 08, 2015 7:45 AM  
**To:** Jon Vickery

**Cc:** Sean Madden  
**Subject:** RE: 7905 w 106th Ave

Thanks so much Jon! I really appreciate the follow up on this.

Sean,

Please see Jon's email below regarding this system. Thanks.

Tracy

Tracy R. Volkman, REHS  
Environmental Health Services  
Jefferson County Public Health  
645 Parfet Street  
Lakewood, CO 80215  
Phone: 303.271.5763  
FAX: 303.271.5760  
[tvolkman@jeffco.us](mailto:tvolkman@jeffco.us)  
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**From:** Jon Vickery  
**Sent:** Monday, December 07, 2015 4:24 PM  
**To:** Tracy R. Volkman  
**Subject:** 7905 w 106th Ave

I saw no evidence of surfacing, complainant wasn't home, but I looked for surfacing or odor from his property as well.

House is for sale and passed the use permit inspection (during which time the tank was pumped) on 11-19- it has been vacant since then. I walked the entire property and saw nothing and smelled nothing.

I would guess the complainant is mistaken or has the wrong address. There is not a way that I know that an unused system can surface.

Records show the field in the front yard. The complainants house is behind the house in question. I

left a message for the complainant and closing the SR.  
Home that helps.  
Jon

**MEMO**

Public Health may have updated comments based on the Leach field investigation.

**TO:** Sean Madden  
Jefferson County Planning and Zoning Division

**FROM:** Tracy Volkman  
Jefferson County Environmental Health Services Division

**DATE:** November 17, 2015

**SUBJECT:** Case #15-126763 EX  
Exemption Sec 11, T2s, R69w 15-126763ex  
Yvonne Mannon  
7905 W 106th Ave

The applicant has met the public health requirements for the proposed exemption from platting of this property.

**PROPOSAL SUMMARY**

Exemption to legalize improper division of land

**COMMENTS**

Jefferson County Public Health (JCPH) provided comments on October 4, 2015 regarding the pre-application process. We have reviewed the documents submitted by the applicant for this exemption from platting and have the following comments:

The applicant must submit the following documents or take the following actions prior to a ruling on the proposed exemption from platting of this property. NOTE: Items marked with a “✓” indicate that the document has been submitted or action has been taken. **Please read entire document for requirements and information. Please note additional documentation may be required.**

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
✓	11-17-2015	Submit a proof of services letter from the City of Westminster stating the current residence receives public water for the property in accordance with the Land Development Regulation (LDR) Section 21.B.2.a (1) (b).	Water
✓	10-05-2015	Submit proof of sewer in accordance with LDR Section 22.	Wastewater

✓	11-17-2015	Submit a notarized Environmental Questionnaire and Disclosure Statement packet, in accordance with the LDR Section 30, <b>if applicable.</b>	Environmental Site Assessment
---	------------	--	-------------------------------

### **WATER**

The applicant provided a water bill (8/18/2015 to 09/08/2015) from the City of Westminster as proof of services to verify that public water is provided to the residence located at 7905 W. 106<sup>th</sup> Avenue.

### **WASTEWATER**

JCPH has limited records of an existing onsite wastewater treatment system (OWTS) (File#5138, Folder 14-126408) that was installed in 1962 to serve a three-bedroom single-family dwelling on the property located at 7905 W. 106<sup>th</sup> Avenue.

### **ENVIRONMENTAL SITE ASSESSMENT**

This Department has reviewed the Environmental Questionnaire and Disclosure Statement. The applicant checked "No" on all categories of environmental concern on the cover sheet. From this information it does not appear that any environmental factors exist which would negatively impact the property.

**From:** [Tracy R. Volkman](#)  
**To:** [Sean Madden](#)  
**Cc:** [Craig Sanders](#); [Jon Vickery](#)  
**Subject:** RE: 7905 W. 106th Avenue  
**Date:** Tuesday, December 01, 2015 9:38:33 AM

---

Hi Sean,

Thanks. There is nothing we can do about the buried horse, but we will look into the failing septic system. Thanks.

Tracy

Tracy R. Volkman, REHS  
Environmental Health Services  
Jefferson County Public Health  
645 Parfet Street  
Lakewood, CO 80215  
Phone: 303.271.5763  
FAX: 303.271.5760  
[tvolkman@jeffco.us](mailto:tvolkman@jeffco.us)  
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**From:** Sean Madden  
**Sent:** Tuesday, December 01, 2015 7:53 AM  
**To:** Tracy R. Volkman  
**Cc:** Craig Sanders  
**Subject:** 7905 W. 106th Avenue

Good morning Tracy, hope your Thanksgiving was good. I received an interesting phone call from the adjacent property owner to the north of the subject property. He is stating that the leach field is failing and a horse was buried in the front yard within the last five years. His name is Steve Mitts, 7825 W. 106th Avenue, 303-903-0741. I mentioned to him that those items do not affect the Exemption case but I would have Public Health contact him and perhaps do an inspection. He is very concerned about his well. Why he has not contact us before this time, who knows. Please let me know when you speak to him.



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571.3284  
donna.l.george@xcelenergy.com

November 30, 2015

Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419

Attn: Sean Madden

**Re: Exemption Sec 11, T2S, R69W – Case # 15-126763EX**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for **Exemption Sec 11, T2S, R69W**. Please be aware PSCo owns and operates existing electric distribution facilities within the subject property and has **no apparent conflict** with the proposed exemption from platting.

The 5-foot x 170-foot easement as shown at Rec. No. F0254981 should be dated June 19, 1996 rather than 1986.

Should the project require any new gas or electric service, or modification to existing facilities, the **Builder's Call Line at 1-800-628-2121** must be contacted to complete the application process. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

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

Should you have any questions with this referral response, please contact me at 303-571-3306.

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



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

1313 Sherman Street, Room 821  
Denver, CO 80203

November 17, 2015

Sean Madden  
Jefferson County Planning and Zoning Department  
Transmitted via email:  
[smadden@jeffco.us](mailto:smadden@jeffco.us)

**RE:** Yvonne Mannon (7905 West 106<sup>th</sup> Avenue, Westminster)-Exemption from Platting  
Case no. 15-126763 EX  
SW1/4 of Section 11, T2S, R69W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 2

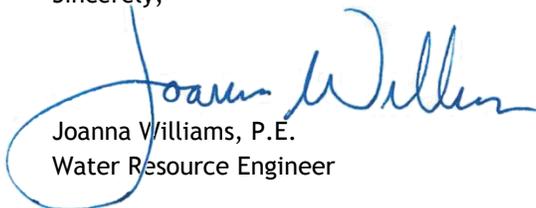
Dear Mr. Madden:

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the physical adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

According to the submitted information, the above referenced proposal is for a subdivision exemption to legalize one parcel of 0.857 acres located at 7905 West 106<sup>th</sup> Avenue, Westminster, also known as Lot 34B, Mandalay Gardens. The current source of water for the lot is through the City of Westminster (“City”). Our office has no comments regarding the City’s ability to serve the proposed lot.

In addition, according to our records, there appear to be an existing well located at 7905 West 106<sup>th</sup> Avenue, Westminster. Permit no. 14103 was issued for domestic purposes on January 18, 1963 for the South 4 acres, Tract 34, Mandalay Gardens. Its uses are limited to those domestic uses that were in place prior to 1972. Since this well permit is not tied to a specific parcel it may continue to be used to serve its historical purposes so long as it is operated in accordance with the terms and conditions of its well permit. If you, or the applicant, has any questions please contact Ioana Comanicu in this office.

Sincerely,



Joanna Williams, P.E.  
Water Resource Engineer

cc: File for permit no. 14013



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100 Jefferson County Parkway, Suite 3500, Golden, Colorado 80419-3500  
303.271.8459 • Fax 303.271.8490 • http://jeffco.us/highways

Jefferson County, Colorado  
Transportation & Engineering Division

# P&Z REFERRAL T&E RESPONSE

To:  *P&Z Case Manager* From:

Case #:  Due Date:

Property Address or PIN:

- Amanda Attempt Result & Attachments:**
- Comments Sent = T&E wants 2nd referral
  - Complete = Do Not send further referrals
  - No Comments = Do Not send further referrals
  - Additional information, plans, etc are also attached in Amanda

## Drainage

T&E is currently working on a project in the area. See attached information.

Other Notes:

No Concerns

## Right-of-Way / Roadway Corridor Expansion Projects

Land owner will need to refund County \$  for ROW purchased in  for

This amount **must** be paid before plat is recorded and/or plans are approved and released for construction.

Documentation attached in Amanda  Documentation to follow

Additional ROW needed for upcoming T&E project. Plan sheet attached with required width/area.

Fee-in-lieu of adjacent roadway construction preferred, due to planned construction by the County. Please have the applicant submit a cost estimate.

Other Notes:

No Concerns

## Traffic Operations / Transportation Planning

	Included in referral	Reviewed		Comments
		No	Yes	
Traffic study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Signage & striping plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Signal plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trails or sidewalks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Street road plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Concerns				

## Additional Comments

Comments

Name

# Memorandum

**To:** Sean Madden  
Engineer

**From:** Patrick O'Connell  
Geologist

**Date:** March 21, 2016

**Re:** 7905 West 106<sup>th</sup> Ave, Case No. 15-126763EX

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I reviewed the submitted documents related to an exemption to legalize a 0.8 acre lot. I have the following comments.

1. The structures are existing and I have no outstanding comments for this exemption.

**From:** [Carlos Atencio](#)  
**To:** [Sean Madden](#)  
**Subject:** RE: Referral Response for 15-126763 EX  
**Date:** Thursday, November 19, 2015 6:54:07 AM

---

I have no comments at this time. Thank you , Sean.

---

**From:** Sean Madden  
**Sent:** Wednesday, November 18, 2015 2:26 PM  
**To:** Carlos Atencio  
**Subject:** FW: Referral Response for 15-126763 EX

Hey Carlos, do you happen to have any additional comments to the T&E comments?

Thanks Sean M

---

**From:** Patricia Krmpotich  
**Sent:** Wednesday, November 18, 2015 2:21 PM  
**To:** Sean Madden  
**Subject:** Referral Response for 15-126763 EX

Good afternoon Sean,

Attached is T&E's response to Case No. 15-126763 EX. There were no comments. Please let me know if you have any questions or concerns.

Thanks,

Patricia

.....  
**Patricia Krmpotich | Administrative Assistant**  
Jefferson County Colorado | Transportation & Engineering  
Work: 303-271-8480 Fax: 303-271-8490  
Email: [pkrmpoti@jeffco.us](mailto:pkrmpoti@jeffco.us) | [www.jeffco.us/](http://www.jeffco.us/)



November 30, 2015

JCOS has no comments or concerns on this referral.

Regina Elsner



Fire Prevention Division  
101 Spader Way  
Broomfield, CO 80020  
720-887-8217 Fax 720-887-8336  
[www.northmetrofire.org](http://www.northmetrofire.org)

**Steven Gosselin**  
Division Chief

October 26, 2015

Mr. Elvis Tippets  
EH Tippets Company  
9605 West 49<sup>th</sup> Avenue  
Wheat Ridge, CO 80033

Via e-mail: [ehtippets@juno.com](mailto:ehtippets@juno.com)

Dear Mr. Tippets:

The North Metro Fire Rescue District's Fire Prevention Division has reviewed the Exemption Survey, received via e-mail on October 26, 2015, for the property located at 7905 West 106<sup>th</sup> Avenue in unincorporated Jefferson County, Colorado. The Fire District understands that no physical improvements (e.g., new structures) are being proposed for the property at this time. Consequently, the Fire District has no comments regarding the survey. However, if and when future developments are made to the property, the Fire District anticipates the opportunity to review those development proposals and issue comments at that time.

If you have any questions regarding this correspondence, please feel free to contact me at (303) 252-3540.

Respectfully,

Steven Gosselin  
Division Chief - Fire Prevention  
SG/sg

**From:** [German, Dave](#)  
**To:** [Sean Madden](#)  
**Subject:** Jeffco Case #15-126763EX - Platting Exemption for 7905 W. 106th Avenue  
**Date:** Wednesday, November 25, 2015 10:48:10 AM

---

Mr. Madden:

The City of Westminster has no comments with respect to this application.

Respectfully,

**David W. German, AICP**  
**Associate Planner**

*City of Westminster Planning Division  
Community Development Department  
4800 W. 92nd Avenue  
Westminster, Colorado 80031  
303.658.2101*

***City Hall is open from 7:00AM to 6:00PM, Monday through Thursday.  
City Hall is closed every Friday, Saturday, and Sunday.***



**WESTMINSTER**

**From:** [Carolyn Carpenter](#)  
**To:** [Sean Madden](#)  
**Cc:** [Kathy Sewolt](#)  
**Subject:** case #15-126763EX  
**Date:** Wednesday, December 02, 2015 8:42:31 AM

---

The ownership matches our records as of December 2, 2015.  
The legal description also matches our records.

Carolyn Carpenter  
Real Property GIS Specialist  
303-271-8625  
Jefferson County Assessor's Office  
100 Jefferson County Pkwy.  
Golden CO 80419

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## ADDRESSING

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# MEMO

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To: Sean Madden  
FROM: Patricia Romero  
SUBJECT: 15-126763EX 7905 W 106<sup>th</sup> Avenue  
DATE: November 24, 2015

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Addressing offers the following comments on this proposal:

1. The purpose of this Exemption is for an Exemption from Platting survey to legalize an improper division of land.
2. Access is off of West 106<sup>th</sup> Avenue. There is a valid existing address, 7905 W 106<sup>th</sup> Avenue, in the addressing database. This address will change.
3. The addresses on the north side of West 106<sup>th</sup> Avenue are not in sequential order. The address to the east of this parcel is 7927 West 106<sup>th</sup> Avenue, and to the west of this parcel is 7955 West 106<sup>th</sup> Avenue. The address for this parcel needs to be in between these two addresses.
4. The address for this parcel will change to 7937 West 106<sup>th</sup> Avenue.
5. Addressing will send out official notifications of the change in the address for this parcel.

Please let me know if you have any questions.

Planning Staff is currently updated their final comments. The MV for setbacks and lot size has been approved.

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**ZONING REVIEW MEMO**

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Date: January 27, 2016  
To: Sean Madden  
From: Justin Montgomery, Planner  
Re: Zoning Comments  
Case no. 15-126763EX

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I have the following comments on this case:

1. The property is zoned A-1 and should have a minimum lot size of 5 acres. Since the property was platted without county approval prior to 1946, the minimum lot size should be 1 acre and would have to adhere to Section 3.D of the Zoning Resolution. The proposed lot size is less than 1 acre (0.857 acres) and would not meet the aforementioned requirements. Relief from Section 3.D. would be required.
2. At its widest point, subject parcel is approximately 102.26 feet wide. The A-1 zone district requires 30 ft. side setbacks for primary structures and 50 ft. side setbacks for accessory structures. Both the single family residence and the detached garage will need relief from the side setbacks to the west.
3. Why are the out-building (horse shelters) labeled as non-conforming? A case could be made to declare all of the structures non-conforming, so no expansion would be permitted.
4. How many horses are on the property? They should be limited according to the Zoning Resolution, which requires 9,000 sq. ft. of open space for the first animal and 6,000 sq. ft. for each additional animal with a maximum of four.
5. The Assessor's report for the property shows a residential pole barn, does this structure exist? If so, what is it used for? The property is over its limit of accessory square footage unless the barn is used for an agricultural purpose.
6. The applicant should seek relief from setbacks through this EX process.

Thank you,

Justin Montgomery

**From:** [Justin Montgomery](#)  
**To:** [Sean Madden](#); [Russell Clark](#)  
**Subject:** RE: Update comemnts for 16-126763EX  
**Date:** Wednesday, March 09, 2016 9:43:43 AM

---

Hi Sean,

No comment.

---

Thanks,  
Justin

---

**From:** Sean Madden  
**Sent:** Wednesday, March 09, 2016 7:17 AM  
**To:** Justin Montgomery; Russell Clark  
**Subject:** FW: Update comemnts for 16-126763EX

Sorry Russ, should have went to Justin.

Hey Justin, per the comments below, can I get some updated comments?

Thanks Sean M

---

**From:** Sean Madden  
**Sent:** Wednesday, March 09, 2016 7:13 AM  
**To:** Russell Clark  
**Subject:** Update comemnts for 16-126763EX

Hey Russ, can you please update your comments for the above case this morning. I am trying to get this case scheduled for BCC. The MV for Lot size and setbacks has been approved. Public health has completed their paperwork for the leach field and lot being less than 1 acre.

Thanks Sean M

Ms. Yvonne E. Mannon  
21334 Weld County Road 35  
LaSalle, CO 80645  
December 28, 2015

Mr. Shaun Madden  
Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419

Re: Property at 7905 West 106th Avenue  
Westminster, CO 80021

Dear Mr. Madden,

This letter is in response to the list of key issues that are of importance to the Exemption from Platting application for my property at 7905 West 106th Avenue, Westminster, CO.

Key Issues:

**Item No. 1 - Residential Structure Exclusion.**

A residence and garage is on the property. The county building department does not have a recorded building permit for these structures as they were constructed many years ago. A copy of the assessor's records does not give the date of the property improvements. The permit for the septic system is dated December 17, 1962. The house has been occupied since that time. I have owned the property since 1984 when I purchased it from the Picraux's. A copy of the assessor's record and the septic permit is enclosed.

**Item No. 2 - Applicant was unaware of the improper division.**

The property has been in use since its development in 1962. I was not aware of an improper division when it was sold to me in 1984. A title to the property was given to me and I always believed that was sufficient for proper ownership.

**Item No. 3 - Applicant wishes to correct the improper division.**

When recently contemplating the sale of the property, I was informed by my real estate agent that there was an improper division of it. It is my desire to have the property corrected for continued use, either by myself or other future owners.

**Item No. 4 - The applicant has demonstrated an attempt to obtain relief from the sale of the property.**

The property was purchased by me more than 30 years ago and I resided there without any knowledge of an improper division. My purchase of the property was from Mr. Lyle and Mrs. Betty Picraux. Both of them died in 2008, and therefore, the legalization of the property cannot be corrected through that sale to me.

**Item No. 5 - Applicant has not used the Exemption Process in the past.**

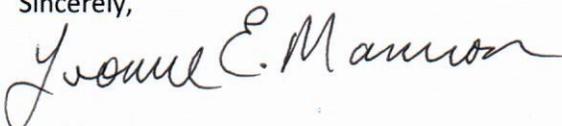
I own no other property and I have not used the exemption process in the past for any property.

**Item No. 6 - Option for full platting process.**

It is my understanding that without the availability of this exemption process a full platting of the property would be required to make it a legal entity.

Thank you for your consideration.

Sincerely,



Yvonne E. Mannon  
Property Owner



Ms. Yvonne E. Mannon  
21334 Weld County Road 35  
LaSalle, CO 80645  
February 25, 2016

Mr. Shaun Madden  
Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419

Re: Property at 7905 (7937) West 106th Avenue  
Westminster, CO 80021

Dear Mr. Madden,

This letter is in response to the key issue item number 4 in the previous referenced report dated December 28, 2015.

**Item No. 4 - The applicant has demonstrated an attempt to obtain relief from the sale of the property.**

The property was purchased by me more than 30 years ago and I resided there without any knowledge of an improper division. My purchase of the property was from Mr. Lyle and Mrs. Betty Picraux. Both of them died in 2008, and therefore, the legalization of the property cannot be corrected through that sale to me.

Comment:

Possible knowledge of the exemption case for the adjacent property at 7927 West 106th Avenue that was filed in 2002.

No contact was made to me at that time regarding this exemption and I was not aware of the condition related to that property. As I had only a casual acquaintance with the owners, I was not involved with their process.

Should you have any questions concerning this situation, do not hesitate to contact me.

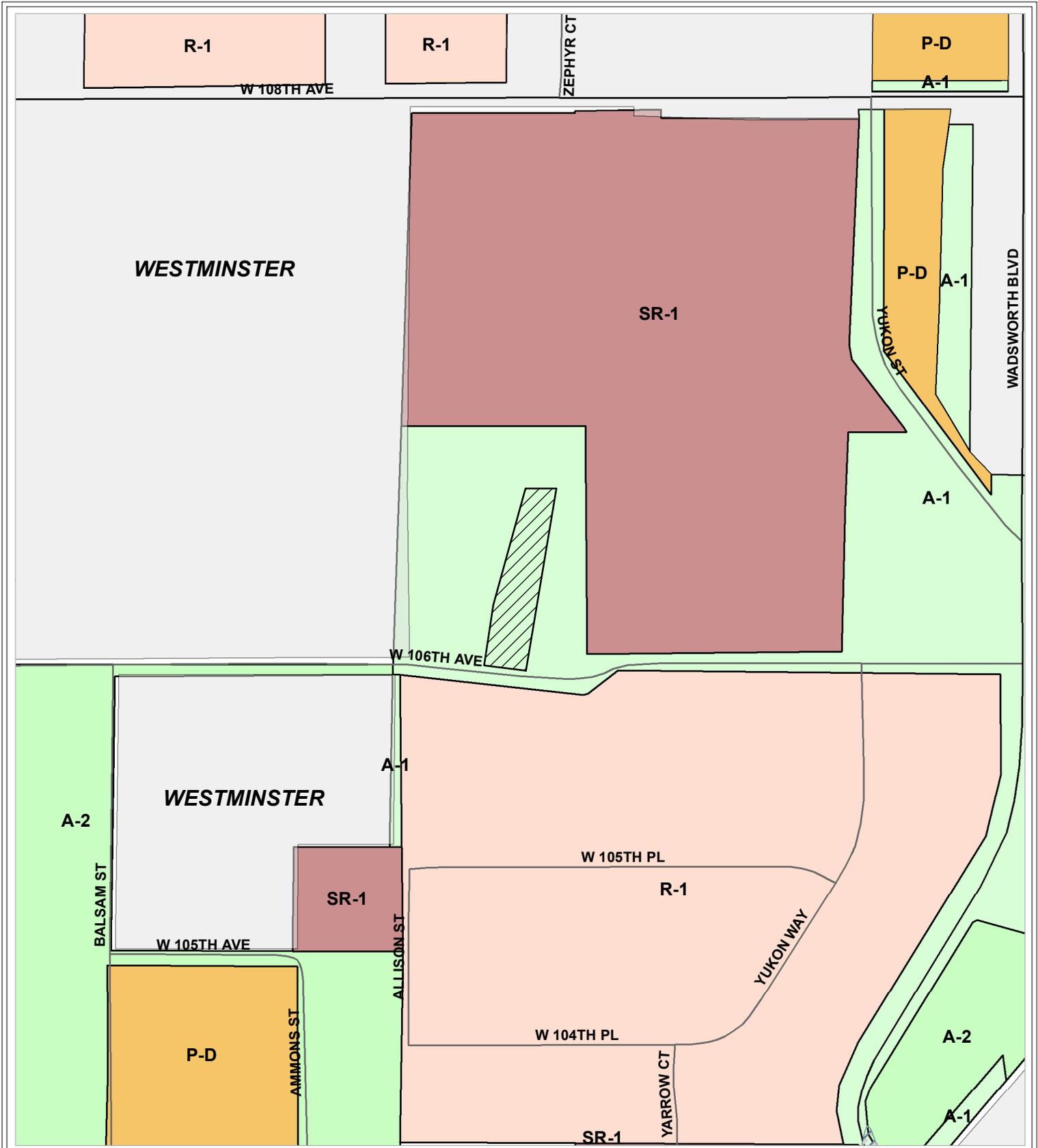
Thank you for your consideration.

Sincerely,

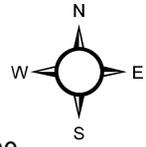
*Yvonne E. Mannon*

*2-25-16*

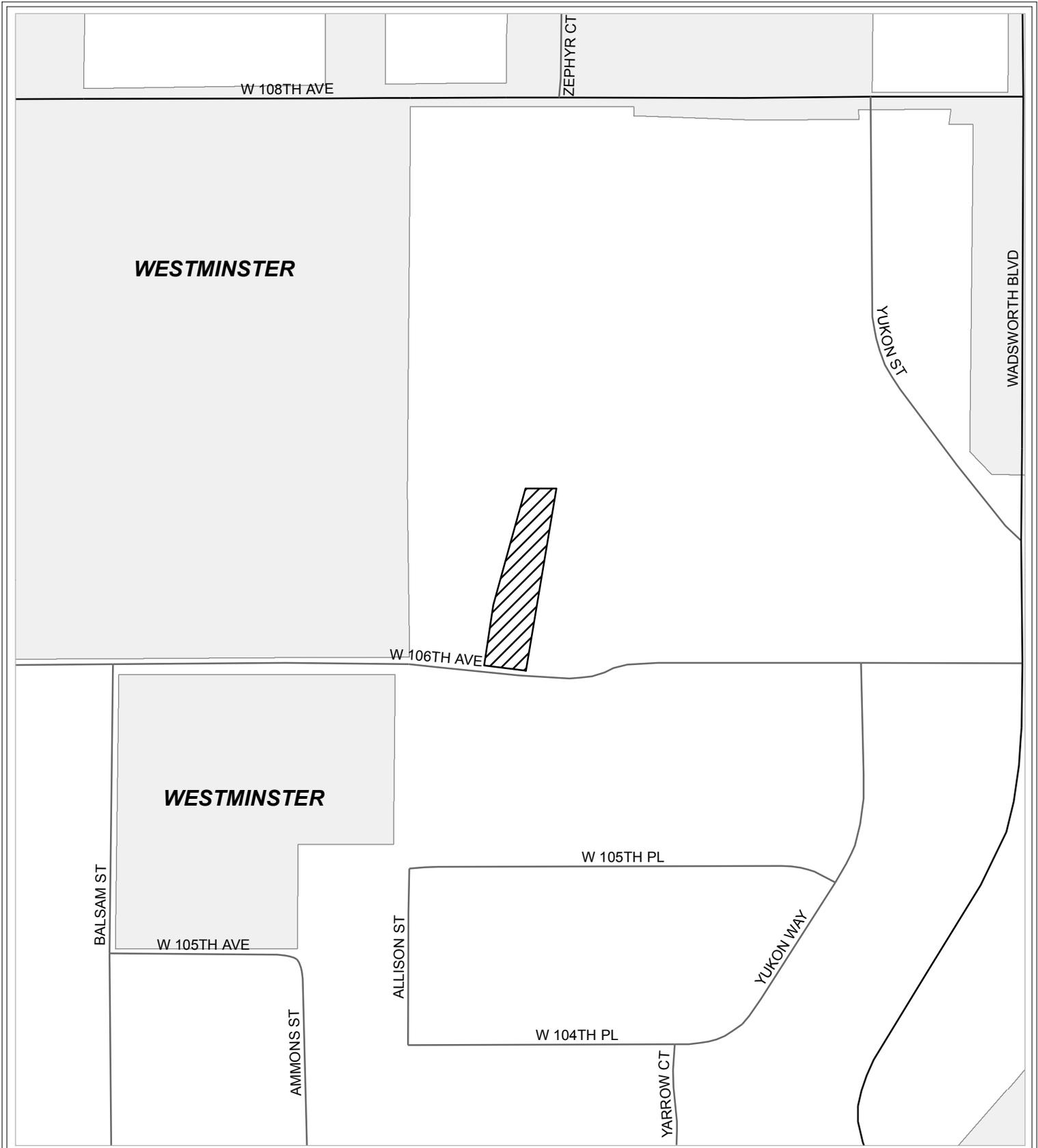
Yvonne E. Mannon  
Property Owner



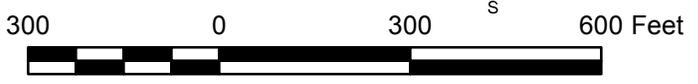
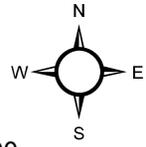
**Case Number: 15-126763EX**  
**Location: Section 11, T2S, R69W**



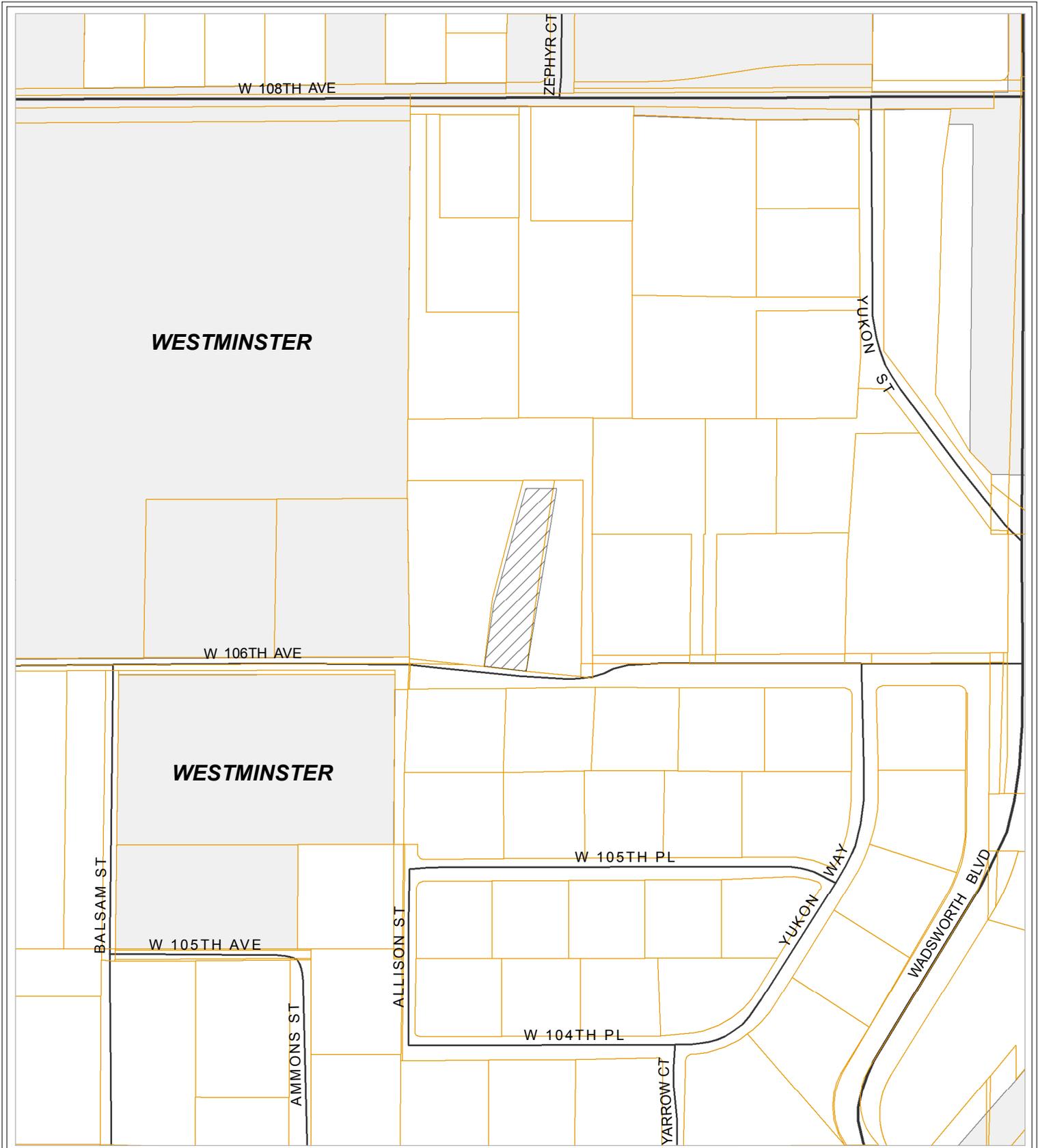
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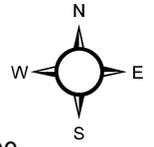
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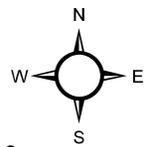
**Case Number: 15-126763EX**  
**Location: Section 11, T2S, R69W**



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**Case Number: 15-126763EX**  
**Location: Section 11, T2S, R69W**



300 0 300 600 Feet



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# MANDALAY GARDENS EXEMPTION SURVEY 6

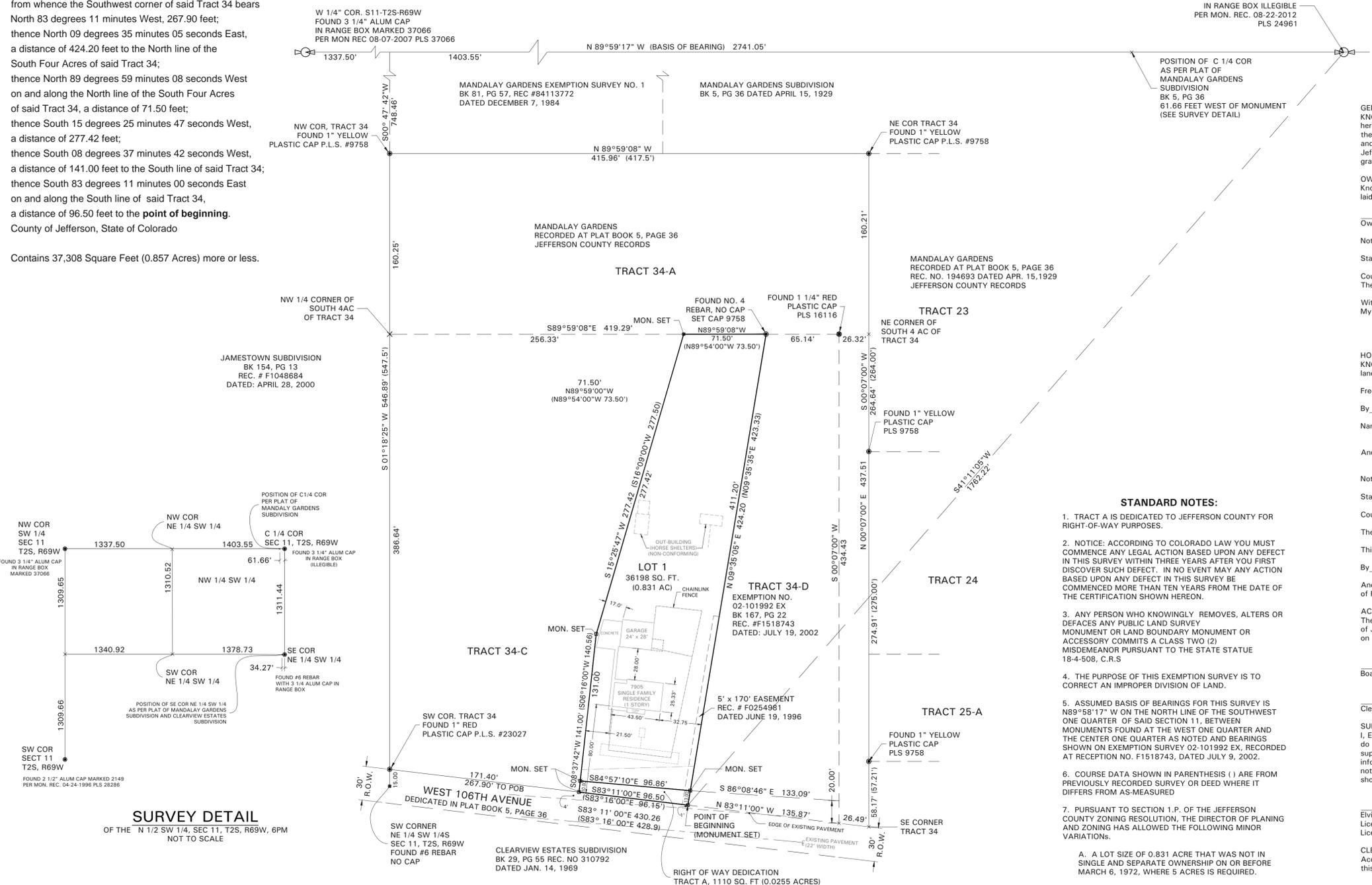
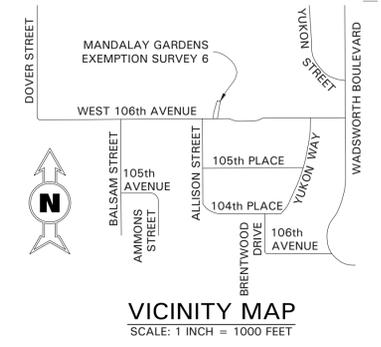
A Portion of the SW 1/4, Sec. 11, T2S, R69W, of the 6th Principal Meridian, Jefferson County, Colorado  
SHEET 1 OF 1 SHEET

**LEGAL DESCRIPTION**

That portion of the South Four Acres of Tract 34, Mandalay Gardens, County of Jefferson, State of Colorado, being more particularly described as follows:

Beginning at a point on the South line of said Tract 34 from whence the Southwest corner of said Tract 34 bears North 83 degrees 11 minutes West, 267.90 feet; thence North 09 degrees 35 minutes 05 seconds East, a distance of 424.20 feet to the North line of the South Four Acres of said Tract 34; thence North 89 degrees 59 minutes 08 seconds West on and along the North line of the South Four Acres of said Tract 34, a distance of 71.50 feet; thence South 15 degrees 25 minutes 47 seconds West, a distance of 277.42 feet; thence South 08 degrees 37 minutes 42 seconds West, a distance of 141.00 feet to the South line of said Tract 34; thence South 83 degrees 11 minutes 00 seconds East on and along the South line of said Tract 34, a distance of 96.50 feet to the **point of beginning**.  
County of Jefferson, State of Colorado

Contains 37,308 Square Feet (0.857 Acres) more or less.



**STANDARD NOTES:**

- TRACT A IS DEDICATED TO JEFFERSON COUNTY FOR RIGHT-OF-WAY PURPOSES.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO THE STATE STATUTE 18-4-508, C.R.S.
- THE PURPOSE OF THIS EXEMPTION SURVEY IS TO CORRECT AN IMPROPER DIVISION OF LAND.
- ASSUMED BASIS OF BEARINGS FOR THIS SURVEY IS N89°58'17" W ON THE NORTH LINE OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 11, BETWEEN MONUMENTS FOUND AT THE WEST ONE QUARTER AND THE CENTER ONE QUARTER AS NOTED AND BEARINGS SHOWN ON EXEMPTION SURVEY 02-10192 EX, RECORDED AT RECEPTION NO. F1518743, DATED JULY 9, 2002.
- COURSE DATA SHOWN IN PARENTHESIS ( ) ARE FROM PREVIOUSLY RECORDED SURVEY OR DEED WHERE IT DIFFERS FROM AS-MEASURED.
- PURSUANT TO SECTION 1.P. OF THE JEFFERSON COUNTY ZONING RESOLUTION, THE DIRECTOR OF PLANNING AND ZONING HAS ALLOWED THE FOLLOWING MINOR VARIATIONS.
  - A. A LOT SIZE OF 0.831 ACRE THAT WAS NOT IN SINGLE AND SEPARATE OWNERSHIP ON OR BEFORE MARCH 6, 1972, WHERE 5 ACRES IS REQUIRED.
  - B. A 21.5 FT. SIDE SETBACK FOR THE EXISTING SINGLE FAMILY HOME TO THE WEST PROPERTY BOUNDARY WHERE 30 FT. IS REQUIRED.
  - C. A 17 FT. SIDE SETBACK FOR THE EXISTING DETACHED GARAGE TO THE WEST WHERE 50 FT. IS REQUIRED.

**GENERAL DEDICATION:**  
KNOW ALL MEN BY THESE PRESENTS: THAT, the undersigned, being the owner of those lands described hereon, has laid out, subdivided and platted the same into a lot, a tract and easements as shown hereon under the name and style of Mandalay Gardens Exemption Survey 6, and does, by these presents, of my own free will and voluntarily, without coercion, threat or business compulsion, grant, dedicate and convey to the County of Jefferson, State of Colorado, in fee simple Tract A together with all appurtenances thereto for public use and grant and convey to the County of Jefferson all easements, except those of prior record, as shown hereon.

**OWNERSHIP CERTIFICATE:**  
Know all men by these presents that I, the undersigned, being the owner of those lands described hereon, have laid out the same into a lot, a tract and easements as shown hereon.

Owner: Yvonne E. Mannon  
Notary Public:  
State of Colorado )  
County of Jefferson ) SS  
The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_, 20\_\_\_ by Yvonne E. Mannon  
Witness my hand and seal:  
My commission expires \_\_\_\_\_  
Notary Public

**HOLDER DEED OF TRUST CERTIFICATE**  
KNOW ALL MEN BY THESE PRESENT THAT THE UNDERSIGNED, being the holder DEED OF TRUST of those lands described hereon has laid out the same into a lot, a tract and easements.

Freedom Mortgage Corporation  
By \_\_\_\_\_ as \_\_\_\_\_  
Name \_\_\_\_\_  
(print name)  
And by \_\_\_\_\_ as \_\_\_\_\_  
(print name)  
Notary Public  
State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS  
The foregoing instrument was acknowledged before me  
This \_\_\_ day of \_\_\_  
By \_\_\_\_\_ as \_\_\_\_\_  
of Freedom Mortgage Corporation

**ACCEPTANCE CERTIFICATE**  
The foregoing exemption survey is approved for filing and conveyance of TRACT A is accepted by the County of Jefferson, State of Colorado, on this \_\_\_ day of \_\_\_, 20\_\_\_

Board of County Commissioners Chairman \_\_\_\_\_  
Clerk \_\_\_\_\_  
SURVEYOR'S CERTIFICATE:  
I, Elvis H. Tippets, a professional Land Surveyor licensed to practice Land Surveying in the State of Colorado, do hereby certify that the survey of Mandalay Gardens Exemption 6 was made by me or directly under my supervision on or about the 15th day of September, 2015 and that survey is based upon my knowledge, information and belief. It has been prepared in accordance with applicable standards of practice. The survey is not a guaranty or warranty, either expressed or implied, and the accompanying plat accurately and properly shows said Mandalay Gardens Exemption Survey 6 and the survey thereof.  
Date \_\_\_\_\_  
Elvis H. Tippets  
Licensed Colorado Land Surveyor  
License Number 9758  
CLERK AND RECORDERS CERTIFICATE:  
Accepted for recording in the office of the County Clerk and Recorder of Jefferson County at Golden, Colorado, this \_\_\_ day of \_\_\_, 20\_\_\_  
Jefferson County Clerk and Recorder \_\_\_\_\_  
Deputy Clerk \_\_\_\_\_

SURVEY DATE: September 15, 2015  
REVISIONS: No. 1 - NOV. 10, 2015  
No. 2 - DEC. 15, 2015  
No. 3 - FEB. 24, 2016  
No. 4 - MAR. 21, 2016

**PREPARED BY:**  
**E.H. TIPPETS CO.**  
CONSULTING ENGINEERS  
9605 W. 49TH AVE  
WHEAT RIDGE, CO 80033  
303-420-5020

DESIGNED BY:	EHT	CHECKED BY:	EHT
DATE:	01/07/16	DRAWN BY:	CAF
FILE NAME:	EHT	SCALE:	AS NOTED
PROJECT NO.	215-114	SHEET NO.	1 of 1

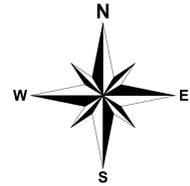
**LEGEND**

⊗	SET MONUMENT NO. 5 REBAR WITH 1 1/4" PLASTIC CAP PLS 9758
⊙	FOUND MONUMENT AS NOTED
×	POSITION GIVEN - NO MONUMENT SET

MAP 29-113



Ron Sandstrom Assessor



Scale bar in feet: 0, 100, 200, 300. (Initially plotted at 1 inch = 100 feet, or 1:1,200)

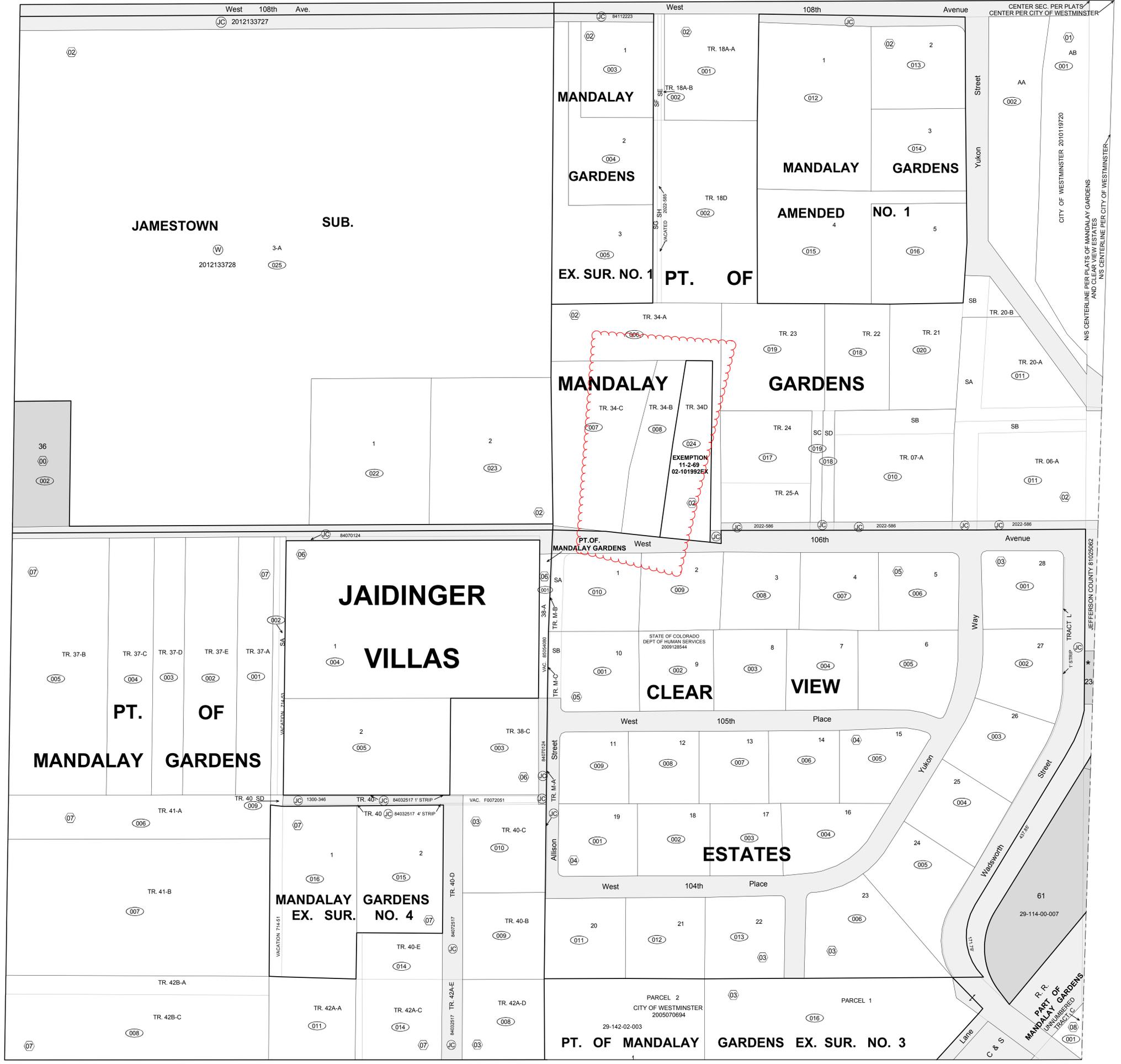
MAP INDEX grid showing a 3x3 grid of map sheets with MAP 29-113 highlighted in the center.

TOWNSHIP INDEX grid showing township and section numbers. Includes a SECTION INDEX and QUARTER SECTIONS diagram.

Disclaimer text: 'This map is for assessment purposes only. It is not necessarily accurate by surveying standards. DO NOT USE FOR LEGAL CONVEYANCE.'

KEY legend defining symbols for Section Lines, Tie Bar Lines, Subdivision Lines, Quarter Section/Tie Bar Lines, Township Lines, County Boundaries, All Others, Mapsheet Boundaries, Rights of Way, Water, and Railroads, and Metes and Bounds Associated Parcels.

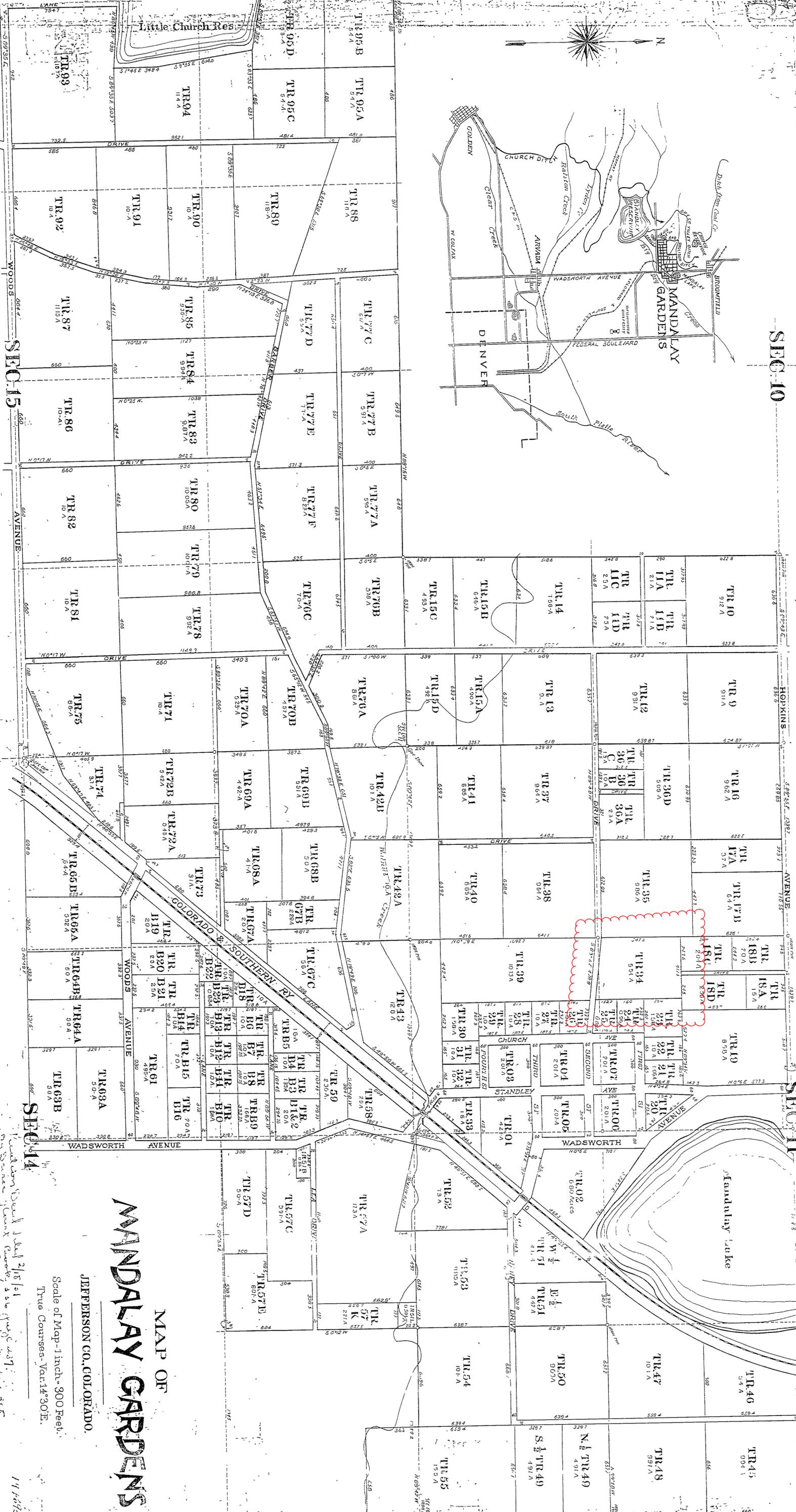
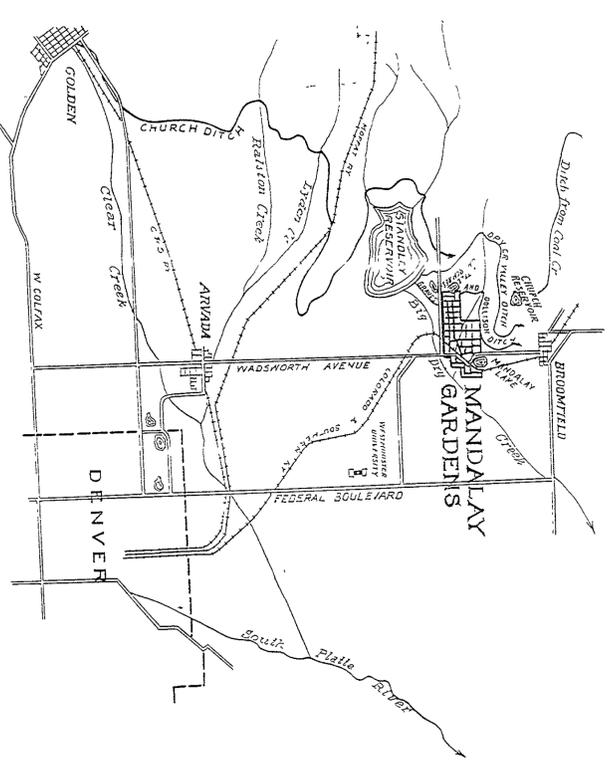
Map update information: 'This map was last updated on Thursday September 24, 2015 at 03:20 PM. http://www.co.jefferson.co.us/assr/pdf/mmap29-113.pdf' and projection details.



Vertical text on the right edge: 'CITY OF WESTMINSTER 2010119720' and 'N/S CENTERLINE PER PLATS OF MANDALAY GARDENS AND CLEAR VIEW ESTATES N/S CENTERLINE PER CITY OF WESTMINSTER'.

SEC 10

SEC 11



T.2S., R.69W.6th.P.M.

Know All Men By These Presents: That Mandalay Gardens, Inc., has laid out and divided and subdivided into small parcels or Tracts, all of the E 1/2 of Section 10, Township 2 South, Range No. 69 West of the 6th P.M., under the name and style of **MANDALAY GARDENS**, according to the lines, courses, measurements, and alphabetical and numerical designations as the same are shown on this map, and does hereby dedicate to the public the perpetual use of the avenues, streets, drives and lanes as the same are shown on this map.

Witness my hand and seal, this 24th day of April, 1929.

*Kath Clark*  
Secretary

*Kath Clark*  
President

STATE OF COLORADO,  
CITY AND COUNTY OF DENVER: The foregoing instrument was acknowledged before me this 24th day of April, 1929, by Katherine E. Clark, and Ruth Clark, President and Secretary respectively of Mandalay Gardens, Inc.

Witness my hand and seal, this 24th day of April, 1929.

*M. J. ...*  
Notary Public.

MAP OF  
**MANDALAY GARDENS**  
JEFFERSON CO., COLORADO.

Scale of Map-1 inch=300 Feet.  
True Courses-Vari 14°30' E.

1929  
144693

29194693

34 9722

Rec # 194693

Book 5-36

## CASE SUMMARY Regular Agenda

**PC Hearing Date:** March 9, 2016

**BCC Hearing Date:** March 29, 2016

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**16-100922AM** Regulation Amendment

**Applicant:** Jefferson County

**Location:** Unincorporated Jefferson County

**Purpose:** **To amend Zoning Resolution Sections 1 (Administrative Provisions) and 3 (Enforcement and Administrative Exceptions) in order to provide reasonable accommodations for a disability**

**Case Manager:** Russell D. Clark

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**Summary:** Amendment to Sections 1 and 3 of the Zoning Resolution to allow the Director of Planning and Zoning to permit Administrative Exceptions to provide reasonable accommodations for disabilities.

**Recommendations:**

- **Staff:** Recommends APPROVAL subject to conditions
- **Planning Commission:** Recommends APPROVAL subject to conditions

**Level of Community Interest:** Medium

**Case Manager Information:** Phone: 303-271-8754 e-mail: rclark@jeffco.us

It was moved by Commissioner **HATTON** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**March 9, 2016**

**RESOLUTION**

---

**16-100922AM**

**Regulation Amendment**

**Applicant:**

Jefferson County

**Purpose:**

**Amendment to Enforcement and Administrative Exceptions**

- Zoning Resolution Section 3

**Case Manager:**

Russell D. Clark

The Jefferson County Planning Commission hereby recommends **APPROVAL WITH CONDITIONS** of the above application on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
  - A. The amendments to the Zoning Resolution establish clear, concise and comprehensive documents that meet the needs of our community today.
  - B. The amendments to the Zoning Resolution ensure consistency with current County regulations, State statutes and applicable Federal standards.
  - C. The amendments are in the best interest of the health, safety, and general welfare of the residents of Jefferson County.
3. The following is a condition of approval:
  - A. Revision to Section 3 of the Zoning Resolution in accordance with the red-marked prints dated March 9, 2016.

Jefferson County Planning Commission Resolution  
Case #16-100922AM  
March 9, 2016  
2 of 2

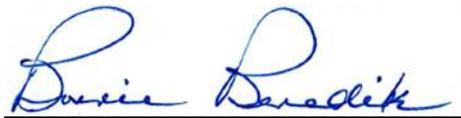
And, the Planning Commission gives authority to Planning and Zoning Division Staff to revise the Zoning Resolution for the limited purposes of formatting the Regulations and correcting any typographical error and any other non-substantive changes to the Regulations that Staff deems necessary prior to final publication of the Regulations.

Commissioner **HARRIS** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Commissioner	<b>Rogers</b>	<b>Aye</b>
Commissioner	<b>Harris</b>	<b>Aye</b>
Commissioner	<b>Hammond</b>	<b>Aye</b>
Commissioner	<b>Hatton</b>	<b>Aye</b>
Commissioner	<b>Burke</b>	<b>Aye</b>
Commissioner	<b>Ahuja</b>	<b>Nay</b>
Commissioner	<b>Westphal</b>	<b>Nay</b>

The Resolution was adopted by **majority** vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, Bonnie Benedik, Administrative Assistant for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, March 9, 2016.



Bonnie Benedik  
Administrative Assistant

## Staff Report

**PC Hearing Date:** March 9, 2016

**BCC Hearing Date:** March 29, 2016

---

**16-100922AM:** Regulation Amendment

**Applicant:** Jefferson County

**Location:** Unincorporated Jefferson County

**Purpose:** **To amend Zoning Resolution Sections 1 (Administrative Provisions) and 3 (Enforcement and Administrative Exceptions) in order to provide reasonable accommodations for a disability**

**Case Manager:** Russell D. Clark

---

### **BACKGROUND**

Currently, for properties not in a separate qualifying process (Subdivision, Site Development Plan, etc...), the Jefferson County Zoning Resolution (JCZR) allows property owners to seek relief from certain requirements of the JCZR through one of two processes. One of these processes is administrative, and the other requires a hearing before the Board of Adjustment.

Section 3 of the JCZR allows the Director of Planning and Zoning to administratively permit certain Administrative Exceptions for the purpose of relieving difficulties or hardships due to physical constraints *with the property*, or to allow limited flexibility to lot standards. Typically, relief can be granted for a maximum of 25% of the required standard. For example, an Administrative Exception could allow for a setback of 7.5 feet, where the JCZR requires 10 feet.

Section 4 of the JCZR allows the Board of Adjustment (BOA) to authorize Variances from the strict application of the JCZR, provided that the applicant can demonstrate difficulties or hardships *related to the property*. Relief from the BOA is not limited to 25%. However, neither form of relief allows for relief due to hardships or limitations of the residents, such as a disability.

Staff is proposing this regulation at this time, due to a recent case where an applicant was requesting relief from front setbacks to allow a carport. The request for relief was in excess of that allowed by an Administrative Exception and therefore it was required to go to the BOA as a Variance case. There was no statutory hardship related to the property, as the parcel had no topographic constraints, and was not irregularly shaped. During the hearing the applicant in this case explained that they needed the carport due to a physical hardship related to getting in and out of their car in their driveway under snowy conditions. The applicant stated that they had mobility issues due to a disability. The BOA correctly denied the application since a physical disability is not the type of hardship that they are allowed to consider. Currently, there is not a process through Planning and Zoning that would allow this relief to be granted, short of rezoning the property.

### **Discussion/Proposal**

Staff is proposing an Amendment to Section 3 of the JCZR authorizing the Director of Planning and Zoning (Director) to permit Administrative Exceptions to provide reasonable accommodations for a disability. The proposed language is broad because it is unknown what types of relief may be sought by those with a disability. Staff explored limiting the reasonable accommodations to lot and building standards, but realized that this would not allow the Director to provide relief for service animals that may not be allowed in certain zone districts. For example, if a family already had three pets (the maximum allowed in some zone districts) and needed a service dog, this would allow the Director to approve an Administrative Exception to allow the

fourth animal.

The proposed Amendment would apply to dwellings only. Evidence of the disability, and the need for the requested reasonable accommodation, are required submittal items. The proposed language would allow the accommodation to be granted on a temporary basis, if appropriate. It is anticipated that the Director would consult with the County Attorney's Office before rendering any decisions on Administrative Exceptions for reasonable accommodations. Further, due to comments received from the community, the proposed Amendment clearly states that the Director may not permit group homes that do not meet the separation requirements in the JCZR, nor would the proposed language allow the Director to allow more residents in an existing group home than is authorized by the JCZR. Additionally, the proposed revisions would require public notification for all Administrative Exceptions.

### **Summary of Proposed Changes**

- Section 3:
  - Add language stating that "The Director of Planning and Zoning may permit Administrative Exceptions to any zoning requirement other than the separation and occupancy limitations of group homes, in order to provide reasonable accommodations for a disability where necessary to afford the resident(s) an equal opportunity to use and enjoy a dwelling"
  - Modify the requirements of when an Improvement Location Certificate is required following an Administrative Exception.
    - Add the conditions of when an Administrative Exception for reasonable accommodations may be permitted.
  - Establish the criteria for approval of Administrative Exceptions for Reasonable Accommodations.
  - Require public notification of all Administrative Exceptions.
- Section 1:
  - Modify "Notification Requirements" table (page 16) to include Administrative Exceptions.

### **Attachments**

The document listed below is attached to this Staff Report and identifies the specific changes to the regulations that are being proposed by Staff.

#### Zoning Resolution

- Section 3 – Enforcement and Administrative Exceptions
  - Section 1 – Administrative Provisions
- 

## **PUBLIC NOTIFICATION AND OUTREACH**

A formal draft of this proposed amendment was sent to the Jefferson County Regulation Review Team, numerous County departments, every city/town in the County, adjacent counties, and every HOA and Umbrella Group registered with Planning and Zoning.

In addition, a newspaper notification identifying the Planning Commission Hearing and Board of County Commissioner's Hearing was published in the Lakewood, Golden/Foothills, Ken Caryl and Arvada/Westminster hubs of the Denver Post and the proposed regulations were posted on the Planning and Zoning website.

Staff has received several comments on the proposed amendments. Multiple agencies responded with no concerns, while others voiced concerns about the apparently overly broad language in the proposed regulations. Staff revised the proposed amendments, where possible, in response to concerns raised by the citizens. The original proposed language did not explicitly exclude the ability for the Director to grant relief for the spacing requirements of group homes, so this was modified. Also, the final draft now requires that evidence of a disability be submitted, rather than stating that such proof may be required.

### **PLANNING COMMISSION:**

Planning Commission Recommendation (Resolution Dated March 9, 2016 Attached):

Approval	_____
Approval with Conditions	<u>X (5-2) vote</u>
Denial	_____

The case was scheduled on the regular agenda for the Planning Commission hearing. Staff was aware of some specific citizen concerns that were raised prior to the Hearing, but after the Planning Commission's Hearing Packets were prepared. As a result, Staff prepared, and presented after the formal presentation, revised language that addressed many of these concerns. These concerns related to the applicability of the proposed regulation amendments to group homes, and the need for public notification of Administrative Exceptions. After this language was presented, public testimony was taken. There were several citizens in attendance, and eleven who offered public testimony. There was one citizen who spoke in favor of the proposed changes. Ten other citizens offered testimony stating that they were generally opposed to the changes. The reasons for opposition included: not supporting an administrative solution, wanting a definition of disability, disagreement with the language regarding community character, wanting the accommodation to be for accessibility only, and noting a perceived lack of 'checks and balances'. The Planning Commission carefully evaluated the testimony, and discussed at length if the more appropriate solution was an administrative solution, or a public hearing before the Board of Adjustment. In the end, the Planning Commission recommended approval of the revisions presented by Staff with a 5-2 vote.

**FINDINGS/RECOMMENDATIONS:**

**Staff recommends that the Board of County Commissioners find that:**

- 1. The amendments to the Zoning Resolution establish clear, concise and comprehensive documents that meet the needs of our community today.**
- 2. The amendments to the Zoning Resolution ensure consistency with current County regulations, State statutes and applicable Federal standards.**
- 3. The amendments are in the best interest of the health, safety, and general welfare of the residents of Jefferson County.**

**And;**

**Staff recommends that the Board of County Commissioners APPROVE Case No. 16-100922AM The amendments shall be effective March 29, 2015, and shall apply to all applications submitted on or after that date.**

**And;**

**Staff further recommends that Planning and Zoning Division Staff be given the authority to revise the Zoning Resolution for the limited purposes of formatting the Regulations and correcting any typographical errors and any other non-substantive changes to the Regulations that Staff deems necessary prior to final publication of the Regulations.**

COMMENTS PREPARED BY:

*Russell D. Clark*

\_\_\_\_\_  
Russell D. Clark, Planning Supervisor  
March 21, 2016

## Section 3: Enforcement and Administrative Exceptions

(orig. 5-6-46; am. 9-6-77; am. 12-12-78; am. 5-20-08)

### A. Compliance

It shall be unlawful for any person, firm, corporation or other entity to use, or cause to be used, any land within the unincorporated areas of Jefferson County except as permitted by this Zoning Resolution. If a use is not listed within the "Permitted Uses" of a zone district, then the use is not allowed. (orig. 9-6-77; am. 3-28-00; am. 12-17-02)

### B. Director of Planning and Zoning/Enforcement

1. No oversight or error on the part of the Director of Planning and Zoning, his/her appointed designee's, assistants, or any official or employee of the County shall legalize, authorize, or excuse the violation of any of the provisions of this Zoning Resolution. (orig. 5-6-46; am. 9-6-77; am. 6-14-88; am. 12-17-02; am. 3-3-15)
2. It shall be the duty of the Director of Planning and Zoning to interpret and enforce all regulations and requirements contained in this Zoning Resolution and in Special Exceptions, Variances, Special Uses, County-approved landscape plans, and Official Development Plans unless that duty has been expressly delegated to another office. (orig. 9-6-77; am. 6-1-93, am. 8-17-99; am. 12-17-02; am. 3-3-15)
3. Cease and Desist Order (orig. 12-14-04)
  - a. If the Director of Planning and Zoning determines that a violation of this Zoning Resolution exists, the Director of Planning and Zoning may issue a cease and desist order. (orig. 12-14-04; am. 3-3-15)
  - b. The cease and desist order shall be in writing and served on the owner of the property involved or the owner's agent or the person committing the violation. All cease and desist orders shall be served upon such person by personal service or certified or registered mail, return receipt requested. (orig. 12-14-04)
  - c. The cease and desist order shall set forth with particularity the provisions of the Zoning Resolution being violated, the facts that constitute the violation and the time by which the violation must be terminated or corrected. An immediate order to cease the violation may be issued but in no case shall a correction period of longer than 30 calendar days be granted unless the Director of Planning and Zoning approves a longer time period. (orig. 12-14-04; am. 3-3-15)
  - d. Unless provided otherwise in the cease and desist order or granted in writing by the Director of Planning and Zoning, all cease and desist orders are effective upon service. (orig. 12-14-04; am. 3-3-15)
  - e. Failure to comply with a cease and desist order issued pursuant to this section shall be considered a violation of this Zoning Resolution. (orig. 12-14-04)
  - f. All appeals of cease and desist orders must be filed in accordance with the Board of Adjustment Section of this Zoning Resolution and applicable law. If an appeal of a cease and desist order is filed, the effect of the order shall be stayed until affirmed or modified in accordance with the Board of Adjustment Section of this Zoning Resolution. (orig. 12-14-04; am. 3-26-13)

4. Enforcement Measures for Mining Operations (orig. 6-1-93)

- a. Periodic inspections of mining operations, made by personnel from the County and other agencies with enforcement responsibilities concerning regulation of any aspect of the mining operation, shall be allowed by the operator. Such inspectors shall comply with all state and federal safety and health regulations. Any violation of the provision and terms of the Board of Adjustment's resolution authorizing a Special Exception, and/or any violation of the provisions and terms of the Board of County Commissioner's resolution authorizing a Special Use within the M-C District, and/or any violation of the provisions and terms of the Official Development Plan (ODP) within the Planned Development District is a violation of this Zoning Resolution. In addition to all other remedies as provided by law, this may result in the issuance of a notice of zoning violation. Any attempt to modify conditions of the existing Special Exception shall be in accordance with the Mineral Conservation District Section of this Zoning Resolution. (orig. 2-20-80; am. 6-1-93; am. 12-17-02; am. 3-26-13)

b. Annual Report

The operator shall prepare an annual report for any previously approved Special Exception and, unless waived by the Board of County Commissioners, a Special Use or Planned Development for mining, which shall include the following: (orig. 2-20-80; am. 6-1-93)

- (1) Operations: A report identifying days of operation and identifying all days on which the detonation of blasting material within 250 feet of the ground surface has occurred. (orig. 2-20-80)
- (2) Reclamation: A progress report on reclamation identifying areas being reclaimed, areas in which reclamation is complete, and the success or failure of all reclamation efforts to date. A copy of the mined land reclamation annual report shall satisfy this requirement. (orig. 2-20-80; am. 6-1-93)
- (3) Seismic and Noise Monitoring: A report on the seismic and noise monitoring of the operation, if required. (orig. 2-20-80; am. 6-1-93)
- (4) Air Quality Data: A report on air quality monitoring, if required. (orig. 2-20-80; am. 6-1-93)
- (5) Production and Transportation: A report on transportation activities which is a summary of how material was actually transported off-site, including truck and/or rail trips, as appropriate. This report will demonstrate how actual transportation compares to the traffic study as originally presented to the Board of Adjustment and/or the Board of County Commissioners. New traffic studies may be required of operators when routes and methods of transportation to major markets undergo substantial changes that will result in negative impacts on areas not considered during the hearings approving the mining use. The operator should mark documents which they believe to be confidential. Information marked "confidential," which may be precluded from disclosure under 24-72-204, C.R.S., as amended, shall not be available to the public until the mining operation is terminated unless the operator gives a written consent to the release of all or any part of the information. (orig. 2-20-80; am. 6-1-93)
- (6) Hydrologic Data: A report on hydrologic data, which identifies any impact of the operation on surface and ground water as addressed in the Official Development Plan and/or Special Exception, and/or Special Use. (orig. 2-20-80; am. 6-1-93)
- (7) Community Relations Summary: A report on any community relations activities that have occurred during the past year. (orig. 6-1-93)
- (8) Other: Any other data required by the Board of County Commissioners at the time the Special Use or Official Development Plan was approved. (orig. 6-1-93)
- (9) Violation of any standard in the Official Development Plan, and/or Special Use, and/or Special Exception that has been brought to the attention of the operator shall be identified and measures taken to prevent reoccurrence shall be provided. (orig. 6-1-93)

c. Mining Operation Review

The Director of Planning and Zoning shall review the annual report for all mining operations

and determine compliance with the conditions and restrictions of the resolution granting the Special Exception or Special Use or the conditions and restrictions of the Official Development Plan. Notification will be provided, in writing, to the operator of such determination. (orig. 6-1-93; am. 12-17-02; am. 3-3-15)

d. Community Analysis

During the period of the mining operation, the operator shall designate a staff person (and phone number) who shall be available to meet with citizens and County officials concerning problems and address these issues on behalf of the operator. (orig. 6-1-93)

5. Enforcement Measures for Landscaping (orig. 8-17-99)

a. Periodic inspections of landscaping made by personnel from the County shall be allowed by the landowner. (orig. 8-17-99; am. 12-17-02)

b. Landscaped areas shall comply with and be maintained in accordance with this Zoning Resolution, unless the Board of Adjustment has, by resolution, authorized a Special Exception of this Zoning Resolution. In addition, if a Landscape Plan has been approved as a part of a development application, then the landscaped areas shall be maintained in accordance with the approved plan. All aspects of the approved Landscape Plan, such as landscaping, fencing, signage, etc., shall be enforceable even if the standards are more stringent than the requirements of this resolution. (orig. 8-17-99; am. 12-17-02; am. 4-20-10)

c. Owners shall cut, or cause to be cut, all weeds growing on their property and remove or cause the removal of the cut weeds to a legal refuse disposal site. (orig. 7-6-04)

d. Any deviation from the provisions and terms of a Board of Adjustment's resolution authorizing a Special Exception to landscaping requirements, or any deviation from the County-approved landscape plan(s) is a violation of this Zoning Resolution. In addition to all other remedies as provided by law, this may result in the issuance of a notice of zoning violation. (orig. 8-17-99; am. 12-17-02)

6. Enforcement Measures for Defensible Space and Associated Fuel Break Thinning (orig. 6-18-02)

a. Periodic inspections of defensible space and associated fuel break thinning made by personnel from the County shall be allowed by the landowner. (orig. 6-18-02)

b. Defensible space and associated fuel break thinning shall comply with and be maintained in accordance with this Zoning Resolution and Colorado State University's Cooperative Extension Fact Sheet 6.302 unless the Board of Adjustment has, by resolution, authorized a Special Exception to this Zoning Resolution and Colorado State University's Cooperative Extension Fact Sheet 6.302. (orig. 6-18-02; am. 12-17-02)

c. Any deviation from the provisions and terms of a Board of Adjustment's resolution authorizing a Special Exception to defensible space and associated fuel break thinning requirements, or any deviations from the County approved defensible space and associated fuel break thinning plans is a violation of this Zoning Resolution. In addition to all other remedies as provided by law, this may result in the issuance of a notice of zoning violation. (orig. 6-18-02; am. 12-17-02)

7. Enforcement Measures for Floodplain Overlay District

a. Suspension and Revocation of Permit: The County may suspend or revoke a permit for violation of any provision of the floodplain regulations, violation of the permit or misrepresentations by permit holder, his agents or his employees or independent contractors under contract with the permittee. The decision of the County to suspend or revoke a permit may be appealed to the Board of Adjustment. No work shall be performed while an appeal is pending except as authorized by the County. (orig. 8-27-13)

b. Court Action: Nothing in the floodplain regulations shall be construed to prevent the County Attorney, at the County Attorney's discretion, from filing a court action based upon a violation or potential violation of the floodplain regulations. (orig. 8-27-13)

c. Right of Entry: As necessary, the County may enter the premises to inspect or perform any

duty imposed by the floodplain regulations. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. (orig. 8-27-13)

- d. Stop Work Orders: When any work is being done which is not in compliance with an approved permit and/or the provisions of the floodplain regulations or any other applicable law, rule or regulation, the County can order the work stopped by serving written notice on any persons engaged in doing or causing such work to be done. Such person shall immediately stop such work until authorized by the County to proceed with the work or until approval to proceed has been obtained from the Board of Adjustment or other legal process. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation. The notice shall not be removed until the violation has been vacated or authorization to remove the notice has been issued. Failure to comply with any Stop Work Order is a violation of the Zoning Resolution and the County may proceed with Court Action and/or the actions listed below: (orig. 8-27-13)
- e. The County may contact the U.S. Army Corps of Engineers to notify them about any violation of Section 404 of the Clean Water Act. (orig. 8-27-13)
- f. The County may contact the Colorado Parks and Wildlife to determine and/or notify them about any violation to the Endangered Species Act. (orig. 8-27-13)
- g. The County may issue a declaration of violation, under Section 1316 of the National Flood Insurance Act of 1968 to the Federal Emergency Management Agency to deny flood insurance on the property in violation. The effects of having a Section 1316 violation are non-availability of flood insurance for any buildings, possible reduction of market value, risk of damage without compensation, possible mortgage foreclosure, and denial of disaster assistance for repair of structural damage. (orig. 8-27-13)

### C. Administrative Exceptions

1. The Director of Planning and Zoning may permit certain Administrative Exceptions to the requirements for lot area, front, side and rear setbacks, building height, sign height and sign face area. Said Administrative Exceptions shall be for the purpose of relieving difficulties or hardships due to narrowness, shallowness, shape or topographic condition of a specific piece of property, or to provide limited flexibility to lot standards when it is determined that no substantial detriment to the public good nor harm to the general purpose and intent of this Zoning Resolution will be caused thereby. (orig. 9-6-77; am. 12-12-78; am. 11-6-79; am. 1-17-84; am. 12-5-95; am. 12-17-02; am. 7-12-05; am. 3-3-15)
2. The Director of Planning and Zoning may permit Administrative Exceptions to any zoning requirement other than the separation and occupancy limitations of group homes in order to provide reasonable accommodations for a disability where necessary to afford the resident(s) an equal opportunity to use and enjoy a dwelling. (orig. xx-xx-xx)
3. The Director of Planning and Zoning may permit certain Administrative Exceptions for temporary uses, temporary living quarters, home occupations, and minor modifications. Said Administrative Exceptions shall be reviewed based on the criteria outlined in each of those subsections found within this section of the Zoning Resolution. (orig.3-26-13; am. 3-3-15)
34. Administrative Exceptions may be permitted only after a site inspection has been made by the County and it has been determined by the County that no substantial detriment will be caused to the general public welfare or local community character. The decision for an Administrative Exception for a disability will not be made solely based on an evaluation of community character. If granted, Administrative Exceptions shall be issued in writing. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. xx-xx-xx)
45. Notification Criteria: The Director of Planning and Zoning shall determine, at their discretion, the potentially affected property owners related to the specific Administrative Exception request. This may include the adjacent property owners and any other properties that may be impacted by the proposed request. Once the potentially affected property owners are determined, notification will be provided by one of the following methods: Notification is required in accordance with the notification provisions of the Administrative Provisions Section of the Zoning Resolution. (orig. 3-26-13; am. 3-3-15; am. xx-xx-xx)

- a. ~~The County shall notify all potentially affected owners in writing of the proposed Administrative Exception. Those notified owners will have 15 calendar days to reply in writing before a decision is rendered. (orig. 3-26-13; am. xx-xx-xx)~~
  - b. ~~The applicant may present written statements from the potentially affected owners indicating their position as to the Administrative Exception requested. (orig. 3-26-13)~~
56. The Director of Planning and Zoning may revoke any Administrative Exception granted under this section by issuing a Zoning Violation Notice if, in the Director of Planning and Zoning's opinion, the use is not in compliance with the intent and purpose for which the Administrative Exception was granted. if the conditions of approval of the Administrative Exception or requirements of the Zoning Resolution have not been satisfied. (orig. 12-12-78; am. 6-14-88; am. 12-17-02; am. 3-3-15, am. xx-xx-xx)
67. Improvement Location Certificate (ILC): Prior to obtaining a framing inspection for any building or structure allowed by an Administrative Exception, it shall be the responsibility of the applicant to submit an improvement location certificate, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot line(s) affected by the Administrative Exception. The following provisions apply to the ILC requirement: (orig. 12 12 78; am. 12-17-02; am. 3-3-15, am. xx-xx-xx)
- a. If no framing inspection is required for the building or structure, then the applicant shall be required to furnish the ILC promptly following completion of the construction and/or prior to final permit close out. (orig. xx-xx-xx)
  - b. The Director of Planning and Zoning shall have the ability to waive the requirement of a ILC if the applicant is seeking an accommodation of a disability. This waiver may be granted if it is the Director of Planning and Zoning's opinion that the information from the survey would not aid in the review or enforcement of the Administrative Exception granted for such disability. (orig. xx-xx-xx)
8. Administrative Exceptions shall only be permitted when the request falls within the parameters set forth below: (orig. 9-6-77; am. 12-12-78)
- a. Lot Area
 

Under the following conditions, the Director of Planning and Zoning may permit the following Administrative Exceptions to the lot area requirement of any zone district. (orig. 5-6-46-§23; am. 9-6-77-§28; am. 11-6-79; am. 12-17-02; am. 3-3-15)

    - (1) If a lot, platted and recorded ON or BEFORE April 1, 1946, has less lot area than current minimums require, the Director of Planning and Zoning may permit the use of such lot as though the area conforms to minimum requirements, provided that: (orig. 5-6-46-§23; am. 9-6-77-§28; am. 11-6-79; am. 12-17-02; am. 3-3-15)
      - (a) Current setback and height regulations shall be complied with for any new construction or structural alteration; and (orig. 9-6-77)
      - (b) Current use regulations shall be complied with for any new construction or structural alteration. (orig. 9-6-77)
      - (c) The applicant shall present the Director of Planning and Zoning with a written statement from owners of immediately adjacent lots indicating their position as to the Administrative Exception requested, or the County shall notify all owners of adjacent lots in writing. Those owners will have 10 calendar days to reply in writing before a decision is rendered. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)
    - (2) If a lot was platted and recorded AFTER April 1946; OR IF the property is unplatted with a metes and bounds legal description, and such parcel has less lot area than the current minimum required, the Director of Planning and Zoning may permit the use of such parcel, provided that: (orig. 9-6-77; am. 11-6-79; am. 12-17-02; am. 3-3-15)
      - (a) All current setback and height regulations shall be complied with; and (orig. 9-6-77)
      - (b) Current use regulations shall be complied with for any new construction or

structural alteration; and (orig. 9-6-77)

- (c) The area is not less than 75 percent of the minimum required. (orig. 9-6-77; am. 11-6-79; am. 7-1-03)
- (d) The applicant shall present the Director of Planning and Zoning with a written statement from owners of immediately adjacent lots indicating their position as to the Administrative Exception requested, or the County shall notify all owners of adjacent lots in writing. Those owners will have 10 calendar days to reply in writing before a decision is rendered. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

b. Front, Side and Rear Setbacks, Building Heights, and Sign Height and Sign Face Area

Under the following conditions, the Director of Planning and Zoning may permit, in writing, certain Administrative Exceptions to setback, building height, and sign height and sign face area requirements in any zone district as set forth below. (orig. 9-6-77; am. 12-12-78; am. 1-17-84; am. 12-17-02; am. 7-12-05; am. 3-3-15)

(1) Front Yard Setback

- (a) A front yard setback of up to 75 percent of the minimum required.(orig. 12-12-78; am. 1-17-84; am. 12-17-02;am. 3-26-13)
- (b) Administrative Exceptions to setbacks on corner lots cannot be granted by the Director of Planning and Zoning in the area required for vision clearance at corners and railroad crossings unless it is specifically found by the County that no potential traffic problem is created because of diminished sight distances. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

(2) Side Yard Setbacks

- (a) A side yard setback up to 75 percent of the minimum required. (orig. 5-6-46-§23; am. 9-6-77-§28; am. 12-12-78; am. 1-17-84; am. 12-17-02; am.3-26-13)
- (b) Chimneys, open fire escapes or stairways to extend not more than 5 feet into a required side yard if they can be so situated as not to unreasonably obstruct light and ventilation of an existing dwelling or other main building on an adjoining lot. (orig. 5-6-46-§23; am. 9-6-77-§28)
- (c) Administrative Exceptions to side setbacks on corner lots cannot be granted by the Director of Planning and Zoning in the area required for vision clearance at corners and railroad crossings unless it is specifically found by the County that no potential traffic problem is created because of diminished sight distance. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

(3) Rear Yard Setback

- (a) A rear yard setback of up to 75 percent of the minimum required. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-26-13)
- (b) Chimneys, open fire escapes or stairways to extend not more than 5 feet into the required rear yard if such rear yard abuts on an alley which is not less than 16 feet in width. (orig. 5-6-46-§23; am. 9-6-77-§28)

(4) Building Height

- (a) The maximum height of a building may be increased by 5 feet over the allowable maximum. (orig. 1-17-84; am. 12-17-02; am. 3-26-13)
- (b) Administrative Exceptions shall not be granted for both setback and building height requirements on a given lot. (orig. 1-17-84; am. 7-12-05)

(5) Sign Height and Face Area

A sign height or sign face area may be increased up to 25 percent of the allowable maximum. (orig. 7-12-05; am. 3-26-13)

(6) Vertical Height Disturbance for Private Roads and Driveways

The maximum height of a vertical cut or fill slope may be increased by 5 feet over the

allowable maximum upon approval by the Director of Planning and Zoning. In determining whether to approve or disapprove the request, the Director of Planning and Zoning shall consider all technical evaluations, relevant factors, standards specified in other sections, and whether the applicant has adequately addressed the provisions of The Board of Adjustment Section of this Zoning Resolution (orig. 11-12-02; am. 12-17-02; am. 3-26-13)

c. Accommodation of a Disability

The Director of Planning and Zoning may permit, in writing, certain Administrative Exceptions modifying any requirement of this Zoning Resolution other than the separation requirements and occupancy limitations of group homes, in order to provide a reasonable accommodation for a disability where necessary to afford the resident(s) an equal opportunity to use and enjoy a dwelling. The reasonable accommodation shall not authorize a use listed as a Special Use in the underlying zone district. The reasonable accommodation shall be subject to the following restrictions: (orig. xx-xx-xx)

- (1) The Director of Planning and Zoning shall require the submission of evidence of disability and evidence establishing that an accommodation is reasonably necessary. (orig. xx-xx-xx)
- (2) The requested accommodation shall not exceed the minimum reasonably necessary to accommodate the disability. (orig. xx-xx-xx)
- (3) The requested accommodation shall not impose an undue financial or administrative burden on the County. (orig. xx-xx-xx)
- (4) The requested accommodation shall not create a fundamental alteration in the County's land use and zoning plans. (orig. xx-xx-xx)
- (5) The accommodation may be granted on a temporary basis. (orig. xx-xx-xx)

In the event that an Administrative Exception to accommodate a disability is granted, the Director of Planning and Zoning may require an affidavit be recorded with the Clerk and Recorder, with owner acknowledgement, to provide notice of the Administrative Exception. (orig. xx-xx-xx)

The Director of Planning and Zoning shall review all pertinent information pertaining to the request and render a decision in writing. Such determination may be appealed to the Board of Adjustment as outlined in the Board of Adjustment Section of this Zoning Resolution. (orig. xx-xx-xx)

Improvement Location Certificate (ILC) Survey

- ~~(1) Prior to obtaining a framing inspection for the building allowed by an Administrative Exception, it shall be the responsibility of the applicant to furnish the Director of Planning and Zoning with a survey, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot line(s) affected by the Administrative Exception. (orig. 12-12-78; am. 12-17-02; am. 3-3-15)~~
- ~~(2) In the event the applicant fails to provide this survey, the Administrative Exception shall be void and the applicant shall be in violation of the Zoning Resolution. (orig. 12-12-78; am. 7-1-03)~~

~~79.~~ Temporary Uses:

Upon written request by the property owner or his/her representative, submission of a plot plan and proof of property ownership, the Director of Planning and Zoning may permit in any zone district a temporary use (excluding firework stands), including but not limited to: greenhouses, seasonal sales, temporary structures and those uses not covered by the Special Events Section of this Zoning Resolution provided the use is permitted in that zone district: (orig. 12-17-02; am. 12-14-04; am. 3-3-15)

- a. In making a decision, the Director of Planning and Zoning shall evaluate parking, location of structures and buildings, access, adequacy of road system, hours of operation, length of operation, dust, noise and vibration beyond the property boundaries and any other items deemed necessary. (orig. 12-17-02; am. 3-3-15)

- b. The property owner or his/her representative must reapply for the temporary uses on an annual basis. A maximum of 5 total years, beginning from the date that the first exception was granted, shall be allowed. (orig. 12-17-02; am. 12-14-04)

#### 810. Temporary Living Quarters

- a. Upon written request by the property owner or his/her representative, submission of a plot plan and proof of property ownership, the Director of Planning and Zoning may permit in any zone district the temporary occupation, for residential purposes, of a temporary living quarter. Temporary living quarters may be permitted only in circumstances where a permanent dwelling is being constructed on the same property. Such permit may be granted only when the following requirements have been met. (orig. 6-14-88; am. 12-17-02; am. 3-3-15)
  - (1) An affidavit has been submitted stating that the occupant of the temporary living quarters will be the property owner, contractor or builder. (orig. 6-14-88; am. 12-17-02)
  - (2) Proof of financing has been presented for the permanent dwelling. (orig. 6-14-88)
  - (3) A Building Permit has been obtained for the permanent dwelling. (orig. 6-14-88)
  - (4) A permit for an Individual Sewage Disposal System or other sewage disposal facility, approved by Public Health, exists for such temporary living quarters. (orig. 6-14-88; am. 12-17-02; am. 10-25-05; am. 4-20-10)
  - (5) A well permit has been obtained or public water supply exists for such temporary living quarters. (orig. 6-14-88; am. 12-17-02)
  - (6) Any other restrictions as may be deemed necessary by the Director of Planning and Zoning. (orig. 6-14-88; am. 12-17-02; am. 3-3-15)
- b. The permit may be granted only to the true fee owners of the property on which the permanent home is to be constructed. Only 1 temporary living quarter may be permitted on the property and may be occupied by either the true fee owner or the contractor or builder, as approved by the Administrative Exception. (orig. 6-14-88; am. 12-17-02)
- c. The permit may be granted for a period of up to 1 year and may be renewed for up to 6 months. Any extension beyond the maximum period must be granted by the Board of Adjustment. (orig. 6-14-88; am. 12-17-02)
- d. A temporary living quarter permitted as an Administrative Exception by the Director of Planning and Zoning must be removed from the property prior to the expiration of the permit or within 60 days after a certificate of occupancy is issued, whichever date occurs first. (orig. 7-22-97; am. 12-17-02; am. 3-3-15)

#### 911. Home Occupations

Under the following conditions, the Director of Planning and Zoning may permit, in writing, certain Administrative Exceptions to home occupations for hair, nail or similar beauty salon or barber shop, mail order businesses and large day-care homes. (orig. 7-1-03 am. 7-12-05; am. 3-3-15)

- a. Such home occupation shall be approved initially for a period of up to one year and may be renewable for periods of greater duration after complete resubmittal thereon through the Administrative Exception process. (orig. 7-1-03)
- b. The Administrative Exception shall establish restrictions on location, access, water and sewer facilities, parking and any other reasonable stipulations deemed necessary for the protection of the health, safety and welfare of the citizens of Jefferson County. (orig. 7-1-03; am. 7-12-05)
- c. In approving or denying such home occupations, the Director of Planning and Zoning shall consider all uses incidental to such home occupations, including retail sale of commodities, if any. (orig. 7-1-03; am. 3-3-15)
- d. Such home occupation shall be approved only if it would not have a detrimental impact on the public good and would not substantially impair the intent and purpose of this Zoning Resolution. (orig. 7-1-03)

~~4012.~~ Minor Modifications

The Director of Planning and Zoning may permit minor modifications within any given zone district to provide limited flexibility when it is determined that no substantial detriment to the public good nor harm to the general purpose and intent of this Zoning Resolution will be caused thereby. (orig. 7-12-05; am. 3-3-15)

- a. Upon written request by the property owner or his/her representative, submission of supporting documentation and proof of property ownership, the Director of Planning and Zoning may permit in any zone district such modification(s) only after a finding that: (orig. 7-12-05; am. 3-3-15)
  - (1) Such modification does not constitute a substantial change to the intent of the underlying zoning on the subject property. (orig. 7-12-05)
  - (2) The modification will comply with the minimum zoning requirement of the underlying zone district and will also comply with all other applicable requirements. (orig. 7-12-05)
  - (3) Careful review of pertinent records, files and documentation has been completed showing that such modification will not contradict or invalidate approval previously granted by a decision making body. (orig. 7-12-05)
  - (4) The modification will not be incompatible with existing or surrounding uses adjacent to the proposal. (orig. 7-12-05)
  - (5) The modification will not increase the density allowed in the underlying zone district. (orig. 7-12-05)
  - (6) The modification will not create adverse impact to adjacent properties such as dust, noise, vibration, odor or visual impacts. (orig. 7-12-05)
  - (7) The modification will not result in undue traffic congestion or traffic hazards. (orig. 7-12-05)
  - (8) The modification will be adequately landscaped and screened. (orig. 7-12-05)
- b. Such modification(s) shall not constitute grounds for disapproval by the Board of Adjustment of any permit or interpretation made by the Director of Planning and Zoning, unless the Board of Adjustment specifically finds such modification(s) constitutes a substantial change to the underlying zoning on the property or causes a substantial detriment to the public good or harm to the general purpose and intent of the Zoning Resolution. (orig. 7-12-05; am. 3-3-15)
- c. Review and Approval
  - (1) The Director of Planning and Zoning shall review all pertinent information pertaining to the request and render a decision in writing. Such determination may be appealed to the Board of Adjustment as outlined in the Board of Adjustment Section of this Zoning Resolution. (orig. 7-12-05; am. 3-26-13; am. 3-3-15)
  - (2) The following information may be required as part of the Minor Modification review process as determined by the Director of Planning and Zoning to adequately review the proposed modification(s): (orig. 7-12-05; am. 3-3-15)
    - (a) Application Form: A fully completed and executed application form. (orig. 7-12-05)
    - (b) Referral fees as required by reviewing agencies. (orig. 7-12-05)
    - (c) Site Plan: A neat and legible drawing of the proposed site layout showing the required information at a scale of 1 inch to 50 feet or larger, or another scale as required by these regulations or as approved by Planning and Zoning which allows for maximum clarity of the proposal. (orig. 7-12-05; am. 5-20-08)
    - (d) Survey: A survey shall be provided for one of the following: for metes and bounds properties, portions of lots or multiple lots, a survey including a legal description in compliance with the requirements of Part I of the Land Development Regulation. (orig. 7-12-05)

- (e) Landscape Plan. (orig. 7-12-05)
  - (f) Architectural Elevations. (orig. 7-12-05)
  - (g) Grading and Erosion Control Plan. (orig. 7-12-05)
  - (h) Civil Construction Plans. (orig. 7-12-05)
  - (i) Parking Plan: A parking plan (which may be combined with the civil construction plans.) (orig. 7-12-05)
  - (j) Supporting Documents such as: Proof of Ownership, Proof of Water and Sewer, Proof of Access, Fire Protection, Geotechnical Report, Floodplain Overlay Zone District Report, Deeds, Performance Guarantees. (orig. 7-12-05)
  - (k) Additional Documentation: Other reports, studies, or plans and evidence of compliance with Plat or Exemption from Platting restrictions as deemed necessary by Planning and Zoning to address issues unique to the application. (7-12-05; am. 5-20-08)
- (3) Upon an affirmative decision, a Site Development Plan, Grading Permit, Floodplain Permit, Building Permit, or Miscellaneous Permit may be required prior to commencement of the approved modification. (orig. 7-12-05)
- (4) The Director of Planning and Zoning may revoke any Minor Modification granted under this section by issuing a Zoning Violation Notice if, in the Director of Planning and Zoning's opinion, the use is not in compliance with the intent and purpose for which the Minor Modification was granted. (orig. 7-12-05; am. 3-3-15)
- (5) If the appropriate development permit(s), has not been issued for the modification or, if no permit is necessary, if the approved modification is not commenced within 12 months of approval, the approved modification shall become void, unless a six month extension is requested and approved by the Director of Planning and Zoning at least 30 days prior to the 12 month expiration date. Only one such extension shall be granted. (orig. 7-12-05; am. 3-3-15)
- (6) Review and Referral
- Upon review of any request for an Administrative Exception, the Director of Planning and Zoning may refer the request to the Board of Adjustment if, in the Director of Planning and Zoning's opinion, circumstances are such that a public hearing is warranted, or if there is adequate need to satisfy adjoining property owners' concerns or objections. (orig. 12-12-78; am. 6-14-88; am. 12-17-02; am. 3-3-15)
- (7) Application Fee
- Accompanying each application for an Administrative Exception shall be a nonrefundable processing fee in an amount established by the Board of County Commissioners. (orig. 12-12-78; am. 1-17-84; am. 5-3-94)

**D. Property in Agricultural-One and Agricultural-Two and Agricultural-Thirty Five Zone Districts**

1. The Director of Planning and Zoning shall only permit the use of any unplatted Agricultural-One, Agricultural-Two, or Agricultural-Thirty Five zoned tract or parcel that is less than 5 acres, 10 acres, or 35 acres respectively, provided that all of the following provisions are met. (orig. 9-6-77; am. 11-6-79; am. 6-16-80; am. 7-2-97; am. 12-17-02; am. 3-3-15)
  - a. The property existed in single and separate ownership on or before March 6, 1972. (orig. 9-6-77; am. 6-16-80)
  - b. The property is 1 acre in size or greater. (orig. 6-16-80)
  - c. Use of the property shall conform with current use regulations in effect for the respective Agricultural-One, Agricultural-Two, and Agricultural-Thirty Five Zone Districts. (orig. 9-6-77; am. 7-2-97)
  - d. Any new construction or structural alteration shall conform with current setback and height regulations in effect for the respective Agricultural-One, Agricultural-Two, and Agricultural-Thirty Five Zone Districts. (orig. 9-6-77; am. 7-2-97)

- e. Requirements of Public Health for water and sanitation shall be complied with prior to the Building Permit being issued. (orig. 9-6-77; am. 12-17-02; am. 4-20-10)
2. The Director of Planning and Zoning shall only permit the use of any Agricultural-One, Agricultural-Two, or Agricultural-Thirty Five zoned lot which was platted without County approval provided that the provisions of paragraphs D.1.a through D.1.e above, are complied with. (orig. 6-16-80; am. 7-2-97; am. 12-17-02; am. 3-26-13; am. 3-3-15)
3. The Director of Planning and Zoning shall only permit the use of any Agricultural-One, Agricultural-Two, or Agricultural-Thirty Five zoned lot which was platted with County approval prior to time said lot was zoned, provided that the provisions of paragraphs D.1.b. through D.1.e. above, are complied with. (orig. 6-16-80; am. 7-2-97; am. 12-17-02; am 3-26-13; am. 3-3-15)
4. The Director of Planning and Zoning shall only permit the use of any zoned lot which was platted with County approval subsequent to the date it was zoned provided that the provisions of paragraphs D.1.c. through D.1.e. above, are complied with. (orig. 6-16-80; am. 7-2-97; am. 12-17-02; am 3-26-13; am. 3-3-15)
5. Single and separate ownership means that no contiguous property is owned exclusively or in co-ownership with others by the owner or any owner of said property. Contiguous properties held by different persons as the result of a common plan or transaction entered into in order to evade this merger requirement, i.e., "checkerboard plans," do not meet this single and separate ownership requirement. In addition, ownership of contiguous property by persons related by blood, marriage or adoption is presumed to be a checkerboard plan and therefore not single and separate ownership. (orig. 6-16-80; am. 7-2-97)

**E. Flood Plain Authority of the Director of Planning and Zoning**

The Director of Planning and Zoning may grant a Flood Plain Development Permit for those uses allowed in the underlying zone districts subject to the restrictions and conditions of the Floodplain Overlay District Section of this Zoning Resolution. The Director of Planning and Zoning shall decide on Flood Plain Development permits pursuant to the Policies and Procedures Manual. (orig. 5-31-88; am. 12-17-02; am. 3-26-13; am. 3-3-15)

## Section 1: Administrative Provisions

(orig. 5-6-46; am. 2-6-84)

### A. Purpose

In pursuance of the authority conferred by Chapter 92, Session Laws of Colorado, 1939, this Zoning Resolution is enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of Jefferson County by lessening the congestion in streets or roads, securing safety from fire and other dangers, providing light and air, avoiding undue congestion of population, facilitating the adequate provision of transportation, water, sewage, schools and other public requirements, securing protection of the tax base, and by other means in accordance with a Comprehensive Plan. (orig. 5-6-46; am. 4-20-10)

### B. When Effective

This Zoning Resolution shall be in effect from and after its passage. (orig. 5-6-46)

### C. Repeal

The Zoning Resolution is passed and adopted February 3, 1941, and all other Resolutions in conflict with the provisions of this Zoning Resolution are hereby repealed. (orig. 5-6-46; am. 12-17-02)

### D. Validity

Should any section, clause, sentence or part of this Zoning Resolution be adjudged by any Court or competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the Zoning Resolution as a whole or any part thereof, other than the part so declared to be invalid. (orig. 5-6-46)

### E. Violation and Penalty

1. Any person, firm partnership, joint venture, association or corporation violating any regulation of this Zoning Resolution shall be subject to the penalties provided in C.R.S. § 30-28-124 and 30-28-124.5. (orig. 5-6-46; am. 12-17-02; am 6-27-06; am. 10-13-09)
2. In case of a violation of this Zoning Resolution, the Board of County Commissioners, the County Attorney, or any owner of real estate in the zoned area may institute injunction proceedings to halt such violation. (orig. 5-6-46; am. 12-17-02)
3. Any person, firm or corporation failing to obtain the required zoning approval and/or permit(s) as required by this Zoning Resolution and having submitted an application for a process to correct such violation, shall be required to pay an additional fee in an amount established by the Board of County Commissioners (orig. 5-3-94; am. 12-17-02; am. 10-13-09)

### F. Interpretation

1. In interpreting and applying the provisions of this Zoning Resolution, they shall be held to be the minimum requirements for the promotion of the health, safety and welfare. It is not intended by this Zoning Resolution to interfere with or abrogate or annul any easements, covenants or agreements between parties; provided however, that wherever this Zoning Resolution imposes a greater restriction upon the use of buildings or land or upon the location or height of buildings or structures or required larger open spaces about buildings than are imposed or required by other laws, resolutions or by easements, covenants or agreements between parties, the provisions of this Zoning Resolution shall govern. If there is a conflict between sections in this Zoning Resolution that were adopted at different times, the most recent amendment applies. (orig. 5-6-46; am. 12-17-02; am. 4-20-10)
2. Restrictive or protective covenants which contain any specification limiting the transfer, rental, or lease of any housing because of race, creed, religion, color, sex, marital status, national origin or ancestry or handicap are prohibited by C.R.S. 1973, 24-34-502 of Title VIII of the Fair Housing Act of 1968, 42 U.S.C. 3604 (c), or as amended. (orig. 5-12-81; am. 12-17-02)
3. When the term "Director of Planning and Zoning" is used in this Zoning Resolution it shall mean the Jefferson County Director of Planning and Zoning or his/her appointed designee. (orig. 3-3-15)

## G. Zoning Maps

### 1. Adoption and Recording

The computer generated Zoning Maps, which together with this Zoning Resolution constitute the Zoning Plan of Jefferson County, as amended, are hereby declared to be the official Jefferson County Zoning Maps. The zone districts set forth on the Zoning Maps are hereby and herewith adopted and approved, except that in the case of a conflict between the zone district depicted on the Jefferson County Zoning Maps and the zone district adopted at a hearing pertaining to a particular parcel of property or shown in other official documents of Jefferson County, the latter shall control. Planning and Zoning shall maintain on file true and correct copies of all official Jefferson County Zoning Maps. This version of the zoning maps, as of the date of adoption, will be recorded with the Clerk and Recorder's Office. (orig. 5-6-46; am. 11-14-55; am. 8-2-60; am. 7-10-79; am. 8-18-92; am. 3-28-00; am. 12-17-02; am. 4-27-04)

### 2. Zone District Designations

#### a. Zone District Classification

The zone district for any piece of property within the unincorporated area of the County is shown on the appropriate zoning map by a letter and/or number symbol corresponding to the appropriate zone district classification as set forth in the Table of Contents section of this Zoning Resolution. (orig. 7-10-79; am. 12-17-02; am. 3-26-13)

#### b. S.T.P. or S.T.C.

(1) Where the zone district classification symbol is followed by the symbol "S.T.P.," the zone district shown thereon was approved by a Rezoning resolution subject to platting. No building permits will be issued until such time as said condition has been fulfilled. Said condition of platting is fulfilled upon the recordation of a plat approved by the Board of County Commissioners or upon the recordation of a Platting Exemption Agreement after approval of the exemption by the Board of County Commissioners. (orig. 7-10-79)

(2) Where the zone district classification symbol is followed by the symbol "S.T.C.," the zone district shown thereon was approved by a Rezoning resolution subject to conditions. No building permits will be issued until such time as said condition has been fulfilled. The Director of Planning and Zoning is hereby empowered to determine whether said condition(s) has (have) been fulfilled. Upon an adverse decision of said Director of Planning and Zoning, the aggrieved party may appeal the decision to the Board of Adjustment for review pursuant to the provisions of Board of Adjustment Section of this Zoning Resolution. (orig. 7-10-79; am. 12-17-02; am. 3-26-13; am. 3-3-15)

#### c. Rezoning Case Number

(1) The Rezoning case number, if any, shall appear on the map following the zone district classification symbol and any S.T.P. or S.T.C. designation. (orig. 7-10-79; am. 12-17-02)

(2) If no Rezoning case number appears following the zone district classification symbol, the zone district shown for that property is the original zoning on said property according to the official documents of Jefferson County. (orig. 7-10-79; am. 8-18-92)

### 3. Amendment of Zoning Maps

It shall be the responsibility of the Director of Planning and Zoning to keep, revise, and maintain the Jefferson County Zoning Maps. Revision shall be made upon the receipt of a certification of a zone district classification change from the Clerk to the Board of County Commissioners or upon determination by the Director of Planning and Zoning that there is an error in the official zoning maps, based on the official documents of Jefferson County. The Director of Planning and Zoning shall also revise said maps upon receipt of a certification by the County Clerk and Recorder that an approved Subdivision Plat or Platting Exemption Agreement has been recorded covering the subject property. The S.T.P. designation shall be removed upon such certification. The S.T.C. designation shall be removed upon certification of fulfillment of the

condition(s) by the Director of Planning and Zoning. (orig. 7-10-79; am. 8-18-92; am. 12-17-02; am. 3-3-15)

4. **Geologic Hazard (G-H) and Floodplain (F-P) Overlay Zone District Maps**

The special floodplain study maps showing the boundaries of the various Floodplain Overlay Zone Districts as they have been adopted or as they may be adopted in connection with each Rezoning case which places all or a portion of the 100-year floodplain of any stream within the Flood Plain Overlay Zone District, and the special series maps showing the boundaries of the various Geologic Hazard Overlay Zone Districts, are hereby declared to be a part of the Zoning Plan of Jefferson County and are the official Zoning Maps of Jefferson County for purposes of the delineation of the aforementioned zone district boundaries. (orig. 7-10-79)

**H. Applicability To Government Facilities**

1. The permitted uses and the lot and building standard provisions of this Zoning Resolution shall not apply to buildings, facilities or uses owned or operated by the government of the United States, State of Colorado or any political subdivision thereof provided that: (orig. 9-16-85; am. 4-20-10)
  - a. No state or federal law, statute or regulation requires such building, facility or use to comply with local zoning regulations. (orig. 9-16-85)
  - b. Such building, facility or use has been reviewed pursuant to the provisions of Section 30-28-110(1), Section 22-32-124(1) or Section 22-32-124(1.5) C.R.S. or as amended. (orig. 9-16-85; am. 3-26-13)
  - c. Such building, facility or use provides or fulfills a governmental (nonproprietary) function which the governmental owner/operator is legally authorized to provide. (orig. 9-16-85; am. 12-17-02)
  - d. A Land Disturbance permit has been obtained, where applicable, in accordance with the requirements of the Land Disturbance Section of this Zoning Resolution for the construction of onsite and/or offsite improvements related to the proposed development, unless said improvements have been obtained through another County development process. The Land Disturbance permit shall include improvements typically required for the development of land as identified in the Land Development Regulation and shall be approved prior to issuance of a building permit. Onsite disturbance through the Land Disturbance Permit will not be required for properties that are covered by a separate Municipal Separate Storm Sewer System (MS-4) permit through the State of Colorado. (orig. 7-11-06; am. 4-20-10; am. 12-21-10; am. 3-26-13)
  - e. Such building, facility or use has all applicable permits including but not limited to building, fence, sign, floodplain and miscellaneous permits required by this Zoning Resolution. (orig. 4-20-10)
2. Where subsequent private use of buildings or facilities originally erected and used in legal noncompliance with this Zoning Resolution by virtue of this exemption is substantially the same in nature as the prior governmental use, such subsequent use shall be considered a legal nonconforming use and shall be administered pursuant to the provisions of the Nonconforming Buildings, Structures, and Uses Section of this Zoning Resolution. (orig. 9-16-85; am. 3-26-13)
3. For purposes of this section, "facility" shall not include any open mining of gravel, gravel excavation, crushing or stockpiling conducted by the County pursuant to the County Gravel Mining, Crushing and Stockpiling Section of this Zoning Resolution. (orig. 4-18-89; am. 12-17-02; am 5-20-08)

**I. Submittal Requirements**

1. **Intent and Purpose**

The purpose of this section is to provide applicants with a clear description of the documents that will be required to be submitted for specific development processes. This section differentiates between documents that must be submitted as a part of the development application, those documents that must be submitted prior to hearing or determination, and those documents that need to be submitted after hearing or determination. This section also identifies required submittal documents and additional documents that are required based on

the specific circumstances of the proposed development. (orig. 4-20-10)

## 2. Requirements

- a. The tables within this section identify the submittal requirements for each specified application type. Each document is listed as either a **required document (R)** or an **additional document (A)**. A **required document** is a document that is required to be submitted for a specific application. An **additional document** is a document that can be required by the Case Manager based on the specific circumstances of the application. (orig. 4-20-10)
- b. Any submittal documents that have been submitted and approved as a part of a previous development application will not have to be resubmitted as long as the previous documents are applicable to the property being developed and are in compliance with current County regulations. In addition, the circumstances related to the development have to be consistent to the circumstances of the previous application during which the documents were originally submitted. (orig. 4-20-10)
- c. The Case Manager, the Planning Commission or the Board of County Commissioners may require the applicant to submit additional documents, not listed in the tables below, in response to unique circumstances or based upon information received from referral agencies or other sources. (orig. 4-20-10)
- d. **Proof of Access:** Prior to acceptance of a Formal Application, Planning and Zoning must verify that all of the access locations that will be utilized to serve the proposed development meet the criteria listed below. The Director of Planning and Zoning may allow the formal application to be accepted without meeting the criteria below, if in his/her opinion the circumstances related to proving access should be finalized during the processing of the development application. (orig. 4-20-10; am. 12-21-10)
  - (1) Evidence must be submitted demonstrating that the applicant has right of access in accordance with the Access Standards of the General Provisions and Regulations Section of the Zoning Resolution and the following: (orig. 4-20-10; am. 3-26-13)
    - (a) The provision for "road of record" may only be considered for applications that meet the conditions listed below. The determination of "road of record" for a development process shall be made by the Director of Planning and Zoning. (orig. 4-20-10; am. 12-21-10)
      - (a-1) Any application where the proposal does not increase the number of existing building sites and where there are existing properly permitted dwelling structures within the building sites. (orig. 4-20-10)
      - (a-2) Any application where the proposal does not increase the number of existing building sites within a platted subdivision, regardless of whether there are existing properly permitted dwelling structures. (orig. 4-20-10)
    - (b) If a development is proposing to create or authorize additional lots or building sites, then the access must be shown to be transferable to the future owners within the development. (orig. 4-20-10)
  - (2) The required width of the access right must be in accordance with the Access Standards of the General Provisions and Regulations of the Zoning Resolution, unless a variance or a minor variation has been granted. In cases where a variance or a minor variation is being considered, the evaluation will include a review of the physical location of the access and the physical standards of the access. (orig. 4-20-10; am. 3-26-13)

**Note:** The physical location of an existing access and the physical standards of an existing access, shall be described as a part of this proof of access review, however, the resolution of any issues that arise related to the physical location or standards will be resolved at the time of processing the application, except as described above. (orig. 4-20-10)
- e. An applicant should review the submittal requirements with Planning and Zoning prior to submitting an application. A review of the submittal requirements can be accomplished by meeting with Staff and discussing the proposed application, or by going through the Pre-

Application Review Process. (orig. 4-20-10)

- f. The Director of Planning and Zoning may waive submittal requirements for Rezoning and Special Use applications if the information would not materially aid in reviewing the application. (orig. 10-25-05; am. 5-20-08; am. 4-20-10; am. 12-21-10; am. 9-27-11)
- g. The Director of Planning and Zoning may waive submittal requirements for a Site Development Plan if the information would not materially aid in reviewing the application. (orig. 7-23-02; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 4-20-10; am. 9-27-11; am. 3-3-15)
- h. All documents submitted for a referral process must be collated and packaged by the applicant. The applicant is responsible the postage required to mail the referral documents to outside reviewing agencies. (orig. 4-20-10)
- i. The submittal requirements for the Pre-Application Review Process are listed in the Pre-Application Review Process Section of this Regulation. (orig. 4-20-10)
- j. The submittal of notification documents is required in accordance with the Notification Section of this Regulation. (orig. 4-20-10)
- k. The table below identifies the documents that are to be submitted as a part of the development application. (orig. 4-20-10; am. 9-27-11; am. 4-30-13; am. 8-27-13; am. 9-24-13; am 11-24-15)

	Document Type	Rezoning to Standard Zone District	Rezoning to Planned Development	Special Use	Site Development Plan (Non-Residential)	Site Development Plan (Multi-Family)	Floodplain Development Permit		
								Table Key	
								R	A
1.	Application Form	R	R	R	R	R	R		
2.	Application and Referral Fees	R	R	R	R	R	R		
3.	Cover Letter	R	R	R	R	R	R		
4.	Proof of Ownership	R	R	R			R		
5.	Title Insurance Commitment				R	R			
6.	Survey	A	A	A	A	A	A		
7.	Access	A	A	A	A	A	A		
8.	Legal Description	R	R	R			A		
9.	Official Development Plan (ODP)		R						
10.	Special Use Plan			R					
11.	Site Development Plan				R	R			
12.	Architectural Elevations				A	A			
13.	Lighting Plan				A	A			
14.	Parking Plan	A	A	A	A	A			
15.	Landscape Plan				A	A			
16.	Visual Analysis	A	A	A					
17.	Slope Analysis	A	A	A					
18.	Vegetation Preservation Plan	A	A	A					
19.	Market Analysis	A	A	A					
20.	Water Supply Information	R	R	R	R	R			
21.	Wastewater Collection Information	R	R	R	R	R			
22.	Fire Protection Proof	R	R	R	R	R			
23.	Forest Management Plan	A	A	A	A	A			
24.	Construction Plans				A	A	A		

Document Type		Rezoning to Standard Zone District	Rezoning to Planned Development	Special Use	Site Development Plan (Non-Residential)	Site Development Plan (Multi-Family)	Floodplain Development Permit
R	A document that is required to be submitted for an application						
A	A document that can be required by the Case Manager based on the specific circumstances of an application						
25.	Exhibit A				A	A	A
26.	Transportation Information	A	A	A	A	A	
27.	Deeds/Easements/Agreements	A	A	A	A	A	A
28.	Phase I Drainage Report	A	A	A			
29.	Phase III Drainage Report				R	R	A
30.	Geologic and Geotechnical Report	A	A	A	R	R	
31.	Radiation Assessment/Report/Plan	A	A	A	A	A	
32.	Environmental Questionnaire/Assessment	A	A	A	R	R	
33.	Floodplain Study						A

- i. The table below identifies documents that are required during the processing of the application and prior to hearing or determination. In addition to the documents listed below, the Case Manager will require the submittal of any of the documents from the table above that were either not submitted by the applicant or may require revisions based on review by the Case manager or referral agencies. (orig. 4-20-10; am. 8-27-13; am. 9-24-13)

Document Type		Rezoning to Standard Zone District	Rezoning to Planned Development	Special Use	Site Development Plan (Non-Residential)	Site Development Plan (Multi-Family)	Floodplain Development Permit
R	A document that is required to be submitted for an application						
A	A document that can be required by the Case Manager based on the specific circumstances of an application						
34.	Mylar				R	R	
35.	Improvements Agreement				A	A	A
36.	Performance Guarantee				A	A	A
37.	Executed Deeds/Easements/Agreements	A	A	A	A	A	A
38.	Final Documents				A	A	A
39.	Recording Fees				A	A	
40.	Fees-in-Lieu of Land Dedication					A	
41.	Mineral Estate Notification Form			R			
42.	Cash-in-Lieu of Construction				A	A	
43.	Title Insurance Commitment (updated)				R	R	

- m. The following table identifies the documents that must be submitted prior to recordation of the final documents. In addition to the documents below, any documents that have been listed as a condition of approval by the Board of County Commissioners will also need to be submitted prior to recording. (orig. 4-20-10; am. 12-21-10; am. 9-27-11; am. 9-24-13)

Document Type		Rezoning to Standard Zone District	Rezoning to Planned Development	Special Use
R	A document that is required to be submitted for an application			
A	A document that can be required by the Case Manager based on the specific circumstances of an application			
34.	Mylar		A	A
37.	Executed Deeds/Easements/Agreements	A	A	A
39.	Recording Fees		R	R

3. Submittal Requirement Definitions

a. The submittal requirements are defined as follows:

- (1) Application Form: A fully completed and executed application on the form provided by Planning and Zoning. (orig. 7-21-81; am. 7-11-95; am. 4-27-04; am. 10-25-05)
- (2) Application and Referral Agency Fees:
  - (a) Application Fee: Application Fee as specified by the Board of County Commissioners. The fee shall be made payable to the Jefferson County Treasurer. (orig. 2-22-00; am. 12-17-02; a.m. 4-27-04; am. 10-25-05; am. 4-20-10)
  - (b) Referral Agency Fees: Review fees charged by a referral agency shall be made payable to the reviewing agency based on current rates and paid at the time of application. The fee amounts can be obtained by contacting Planning and Zoning. (orig. 9-12-83; am. 7-11-95; am. 10-25-05; am. 4-20-10)
- (3) Cover Letter: The cover letter shall include the name, address and phone number of both the property owner(s) and any appointed representative. The cover letter must provide a clear, concise description of the proposal and should include a graphic depiction of the proposal as necessary for clarification purposes. (orig. 2-22-00; am 12-17-02; am. 10-25-05; am. 4-20-10; am. 12-21-10)
- (4) Proof of Ownership: A copy of a current deed, title commitment or title policy showing that the person signing as the owner on the application is indeed the fee owner of the property. (orig. 7-11-95 am. 10-25-05; am. 4-20-10)
- (5) Title Insurance Commitment: A copy of recent title insurance commitment or policy issued by a company authorized to transact title insurance business in Colorado. The legal description on the commitment shall exactly match the legal description of the proposed development. The commitment or policy shall indicate the names and addresses of all current surface owners, mortgagees or lien holders; and any mineral estate owners or lessees of mineral owners. The names submitted shall be listed as they appear on the relevant title documents and instruments that have been recorded with the County Clerk and Recorder. Copies of the documents listed in said commitment or policy shall be submitted for review. Any easement listed in said commitment must be shown and labeled on the survey document. Any easement within a Jefferson County right-of-way will need subordination from the easement holder. The commitment shall be approved by the County Attorney's office. The applicant may be required to have the commitment updated to remove any unacceptable liens or encumbrances. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am. 4-20-10)
- (6) Survey: The format of the survey shall comply with the Final Plat provisions for format and survey as set forth in the Land Development Regulation. Any documents of record that are referenced on the survey document shall also be submitted with the survey document. A survey may be required if the legal description on a deed is not adequate to determine the size and shape of the parcel in question, or if there appears to be conflicts with adjoining deeds or surveys. In addition, a survey may be

required in order to establish the location of the physical improvements in relation to parcel boundaries. (orig. 7-23-02; am. 7-1-03; am. 10-25-05; am. 4-20-10; am. 12-21-10)

- (7) Access: The applicant shall submit the memorandum from Planning and Zoning that verifies the legal right of access and width of the access for the property in accordance with the proof of access provisions listed above. If the location of the access for the development changes from that originally verified, then additional access information may be required by the Case Manager. As a part of the review of the development application, the applicant will have to prove that the physical location and physical standards of the existing access are in conformance with the Access Standards of the General Provisions and Regulations Section of the Zoning Resolution, the requirements of the Land Development Regulation and the Transportation Design and Construction Manual. The review of the physical location and physical standards of the existing access may lead to the requirement for the right of access and width of the access to be re-evaluated and for additional rights to be obtained by the applicant. (orig. 2-22-00; am. 10-25-05; am. 4-20-10; am. 3-26-13; am. 11-24-15)

- (8) Legal Description: The legal description of the property designated as a lot, block or tract on a recorded plat or aliquot description or a metes and bounds description. Copies of all documents called for or made reference to in the legal description must be submitted. (orig. 9-11-90; am. 5-5-92; am. 7-1-03; am. 10-25-05; am. 12-21-10)

**Rezoning and Special Use:** If there is an existing hazard overlay district on the property, a legal description or a graphic describing the location of such hazard overlay district shall be provided. The Director of Planning and Zoning may waive the submittal of the legal description or graphic for the hazard overlay district if the Director of Planning and Zoning finds that such information would not materially aid in the rezoning process. (orig. 9-11-90; am. 5-5-92; am. 7-1-03; am. 10-25-05; am. 12-21-10; am. 3-3-15)

The legal description written on the application form shall match the written legal description on the deed or title commitment, or the land survey if one is required. The application for a Rezoning shall also include a qualification phrase if present on the land survey. (orig. 9-11-90; am. 7-11-95; am. 10-25-05; am. 4-20-10)

- (9) Official Development Plan (ODP): The main component of an ODP is the written restrictions that identify the uses and standards for the subject property. A graphic may also be required by Planning and Zoning to show the configuration of use areas and other features. The typical format for the ODP (with a graphic) is a 24" X 36" size document; however, a smaller format may be allowed at the discretion of Planning and Zoning. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)

(a) Written Restrictions: The written restrictions serve to establish the specific regulations and requirements for the lot or parcel. The written restrictions shall list permitted and accessory uses, and may include specific standards for signs, fences, lighting, parking, buildings, lots, architecture, open space and landscaping. The written restrictions may also address general provisions dealing with matters specific to the property, for example (without limitation) animals, pollution control, or hours of operation. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)

(b) Graphic: When required, the graphic shall depict the layout of the parcel and proposed use areas, and may show other features such as the location of existing buildings, buildable and non-buildable areas, hazard areas, and/or other relevant physical features of the property. (orig. 5-20-08; am. 9-27-11)

- (10) Special Use Plan: The main component of a Special Use Plan is the written restrictions that identify the uses and standards for the subject property. A graphic may also be required by Planning and Zoning to show the configuration of use areas and other features. The typical format for the Special Use Plan (with a graphic) is a 24" X 36" size document; however, a smaller format may be allowed at the discretion of Planning and Zoning. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)

- (a) Written Restrictions: The written restrictions serve to establish the specific regulations and requirements for the lot or parcel. The written restrictions shall list permitted and accessory uses, and may also include specific standards for signs, fences, lighting, parking, buildings, lots, architecture, open space and landscaping. The written restrictions may also address general provisions dealing with matters specific to the property, for example (without limitation) animals, pollution control, or hours of operation. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)
  - (b) Graphic: When required, graphic shall depict the layout of the parcel and proposed use areas, and may show other features such as the location of existing buildings, buildable and non-buildable areas, hazard areas, and/or other relevant physical features of the property. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)
- (11) Site Development Plan: The Site Plan in accordance with the Site Development Plan Format provisions. (orig. 2-22-00; am. 10-25-05; am. 4-4-06; am. 4-20-10)
  - (12) Architectural Elevations: Architectural Elevations prepared in accordance with the Site Development Plan Format provisions. (orig. 10-25-05; am. 4-4-06)
  - (13) Lighting Plan: Lighting Plan prepared in accordance with the Site Development Plan Format provisions. (orig. 10-25-05; am. 4-4-06)
  - (14) Parking Plan: Parking Plan prepared in accordance with the Site Development Plan Format provisions. (orig. 10-25-05; am. 4-4-06)
  - (15) Landscape Plan: Required when necessary to ensure developments comply zoning documents or to ensure compliance with the Landscaping Section of this Resolution. The areas to be landscaped may include common areas, greenbelts, traffic islands, buffer areas and streetscapes. The plan shall include, but not be limited to, species, general location of plantings, type of ground cover, berm, walls, fences and bodies of water and water courses. The intents and purposes of such features shall be indicated on the plan. (orig. 2-22-00; am. 12-17-02; am. 10-25-95; am. 4-4-06; am. 4-20-10)
  - (16) Visual Analysis: Required when necessary to ensure developments comply with recommendations of applicable community plan or when a proposed development has the potential to significantly impact view corridors, such as mountain backdrops, ridgelines, scenic vistas, historic sites or other areas of visual significance. The analysis shall determine the impacts of a proposal upon view corridors. The preparation of the plan may use methods such as photo mockups or simulations, view corridor mapping, modeling or other techniques, and should indicate how the surrounding land uses and associated viewer groups will be affected by different placement locations. The plan should include views from public areas as well as from private residences; and should include recommended mitigation measures such as height limitations, building clustering or massing, camouflage, screening, blending measures, or designated areas of open space. (orig. 4-20-10)
  - (17) Slope Analysis: Required when necessary to ensure developments comply with recommendations of applicable community plan or when topographical constraints would result in development that requires significant cut and fill activities or presents adverse impacts to health, safety and welfare. The analysis shall include a scaled site plan based upon a topographic contour map with contour intervals of not less than 5 feet. Areas of between 0-20%, 20%-30% and greater than 30% slope shall be indicated. The plan shall include the location of existing and proposed building footprints and other development, proposed roads, sidewalks, rock outcroppings, ridges, tree stands, water courses or other geographical features. (orig. 4-20-10)
  - (18) Vegetation Preservation Plan: Required when necessary to ensure developments comply zoning documents or when there is vegetation onsite that would meet the preservation criteria of the Landscaping Section of this Resolution. The plan must be prepared by a registered landscape architect or forester. The plan shall consist of a scaled site plan and indicate vegetation to be preserved, proposed grading activities, and measures to be taken to protect existing vegetation. (orig. 4-20-10)

- (19) Market Analysis: Required when necessary to ensure developments comply with recommendations of applicable community plan and/or to justify that a proposal for a commercial use when the community plan does not recommend a commercial use. The analysis is required to justify that the market area can support the proposed development. This could include a map of the market area, demonstration of the level of demand for the subject land use, analysis of the economic base of the market area, growth projections, demographics of the surrounding market, including income and education, and the potential impact on surrounding businesses. (orig. 4-20-10)
- (20) Water Supply Information: Information on the proposed water supply in accordance with the Water Supply Section of the Land Development Regulation. (orig. 7-11-07; am. 4-20-10; am. 4-30-13)
- (21) Wastewater Information: Information on the proposed wastewater disposal in accordance with the Wastewater Section of the Land Development Regulation. (orig. 4-20-10; am. 4-30-13)
- (22) Fire Protection Proof: A written statement from the appropriate fire district, indicating that they serve the referenced property. If the property is not located within a fire protection district, a contract with a district or a municipality indicating that they will provide service to the property shall be required. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am. 4-20-10)
- (23) Forest Management Plan: Forest Management Plan(s) prepared in accordance with the Fire Protection Section for all developments located within the boundary of the Wildfire Hazard Overlay District. (orig. 4-20-10)
- (24) Construction Plans: When the provisions of any applicable County regulation or plan require improvements associated with a development application, those improvements will be incorporated into the Civil Construction Plans. The construction plans shall be comprised of the following applicable plans: (orig. 10-25-05; am. 4-4-06; am. 4-20-10)
  - (a) Circulation Improvement Plans prepared in accordance with the Jefferson County Transportation Design and Construction Manual and the Circulation Section of the Land Development Regulation. The plans shall include any design elements required to address necessary improvements identified in a Traffic Analysis or Study. (orig. 4-20-10; am. 11-24-15)
  - (b) Trail construction plans, as required by the Transportation Design and Construction Manual and the Trails Section of the Land Development Regulation. (orig. 4-20-10; am. 11-24-15)
  - (c) Grading, Erosion and Sediment Control Plans prepared in accordance with the Grading, Erosion and Sediment Control Section of the Land Development Regulation and the Land Disturbance Section of this Resolution. (orig. 10-25-05; am. 4-4-06; am. 4-20-10)
  - (d) Fire protection measures as required by the Fire Protection Section of the Land Development Regulation shall be incorporated into the plans listed below, as appropriate. (orig. 4-20-10)
  - (e) Geologic and Geotechnical Plans prepared in accordance with the Geologic and Geotechnical Section of the Land Development Regulation and in conformance with the requirements of the Geologic and Geotechnical Report, unless waived by the County Engineering Geologist. (orig. 4-20-10)
  - (f) Floodplain mitigation measures as required by the Floodplain Section of the Land Development Regulation shall be incorporated into the plans listed below, as appropriate. (orig. 7-23-02; am. 10-25-05; am. 4-20-10)
  - (g) Water Supply System Plans prepared in accordance with the Water Supply Section of the Land Development Regulation. (orig. 4-20-10)
  - (h) Wastewater Collection Plan(s) prepared in accordance with the Wastewater Section of the Land Development Regulation. (orig. 4-20-10)

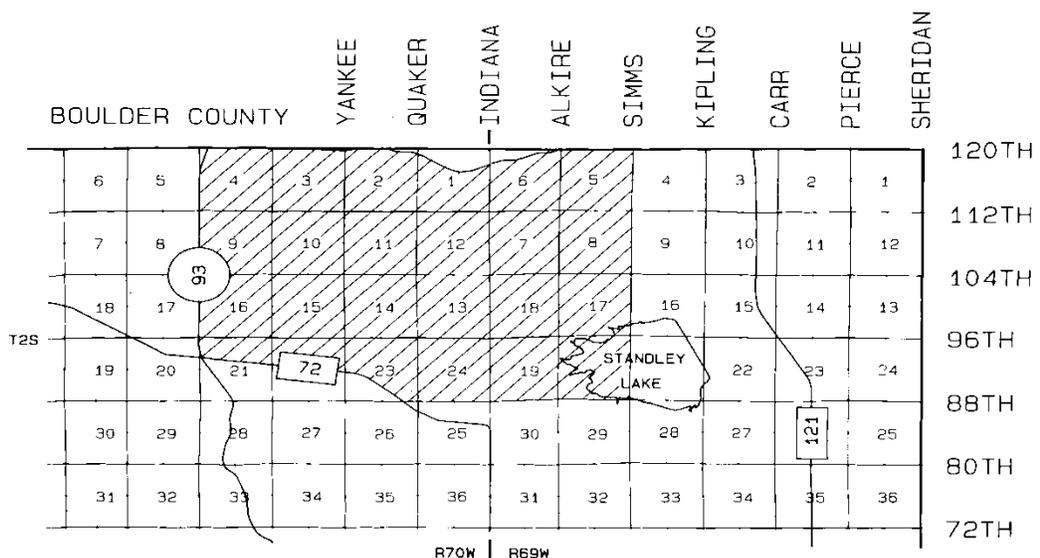
- (i) Groundwater Collection Plans as required by the Subsurface Groundwater Collection Systems Section of the Land Development Regulation. (orig. 4-20-10)
- (25) Exhibit A: When the provisions of any applicable County regulation or plan require improvements associated or fees with a development application, then a detailed list of those improvements and fees will need to be provided. The detailed improvement/fee list will be divided into different sections, as applicable, for the different types of improvements or fees associated with the project. The different categories that may be included are public improvements, landscape improvements, cash in-lieu of construction and fees as described in the Development Agreements, Warranties and Guarantees Section of the Land Development Regulation. The Exhibit A may either be submitted with the initial application or at the time of resubmittal after the 1st Referral. (orig. 4-20-10; am. 9-24-13)
- (26) Transportation Information: Detailed Transportation Information will be required during the development process in accordance with the following provisions, unless it was submitted with a previous process and the information related to traffic has not changed. In addition, the submittal of an analysis or a study may be required by the underlying zoning regardless of the number of vehicular trips being generated. (orig. 7-11-95; am. 3-13-99; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 4-20-10; am. 11-24-15)
  - (a) Transportation Analysis: A Transportation Analysis may be required by Planning and Zoning to determine the amount and/or distribution of traffic generated from a proposed development. A transportation analysis is a computation of the traffic that is generated by a proposed development that is expected to generate less than 1000 average daily trips. The analysis should address any onsite and offsite improvements that may be necessary to mitigate traffic impacts from the proposed development. Required improvements may include the addition of turning lanes, traffic signals and bicycle/pedestrian facilities, including any other improvements which may be suggested by the analysis. (orig. 4-20-10; am. 11-24-15)
  - (b) Minor Transportation Study: A Minor Transportation Study is required when a proposed development is expected to generate 1000 average daily trips or more, and the traffic impacts are localized as determined by Planning and Zoning. The study should address any onsite and offsite improvements that may be necessary to mitigate traffic impacts from the proposed development. Required improvements may include the addition of traffic signals, turning lanes and bicycle/pedestrian facilities, including any other improvements which may be suggested by the study. (orig. 4-20-10; am. 11-24-15)
  - (c) Major Transportation Study: A Major Transportation Study is required when a proposed development is expected to generate 1000 average daily trips or more, and the traffic impacts are regional as determined by Planning and Zoning. The study should address any onsite and offsite improvements that may be necessary to mitigate traffic impacts from the proposed development. Required improvements may include the widening of existing streets; the addition of new intersections or interchanges; and the addition of traffic signals, turning lanes and bicycle/pedestrian facilities, including any other improvements which may be suggested by the study. (orig. 4-20-10; am. 11-24-15)
  - (d) Updated Analysis/Study: Updated information may be required when there is a proposed alteration to the traffic patterns of a development that previously required an analysis or a study. Planning and Zoning may require either a new transportation analysis or study or an amendment to the analysis or study on file as a part of the previous development. (orig. 4-20-10; am. 11-24-15)
- (27) Deeds/Easements/Agreements: Deeds/Easements/Agreements for off-site improvements and dedications that may arise due to the requirements of the development application. (orig. 7-28-02; am. 4-20-10)

- (28) Phase I Drainage Report and Plan: A Phase I Drainage Report and Plan prepared in accordance with the Storm Drainage Design and Technical Criteria, if the property is traversed by a major drainageway which is to be modified in any way. If Planning and Zoning determines that the Phase I Drainage Report and Plan would not materially aid in the review of the application, the submittal may be deferred to a subsequent development process. (orig. 5-12-87; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 4-20-10)
- (29) Phase III Drainage Report and Plan: A Phase III Drainage Report and Plan prepared in accordance with the Storm Drainage Design and Technical Criteria. (orig. 4-20-10)
- (30) Geologic and Geotechnical Report: If the property is located within the Designated Dipping Bedrock Overlay District, the Geo-Hazard Overlay District or in an area of known geologic hazards, a Geologic and Geotechnical Report must be submitted in accordance with the Geologic and Geotechnical Section of the Land Development Regulation. The County Engineering Geologist may defer the submittal of the report to a subsequent development process or to the building permit process, if he/she determines that the information required for the subsequent process or building permit will sufficiently provide recommendations for foundation design, floor slab, pavement design and site grading. For example, a rezoning for a residential development in the Designated Dipping Bedrock Overlay District may have the report requirements deferred to the subsequent platting process since the characteristics of the geology and the methods of mitigation are fairly consistent for that hazard. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am. 4-20-10)

**Site Development Plan:** A proposal for a Site Development Plan, regardless of whether it is located in the hazard areas listed above, must include a the Design Level Geotechnical Report as described in the Geologic and Geotechnical Section of the Land Development Regulation. (orig. 4-20-10)

**Rezoning:** A rezoning, application located in the Geo-Hazard Overlay District or in an area of known geologic hazards, will be required to submit detailed hazard mitigation plans, along with the Geologic and Geotechnical Report, unless the hazard area is set aside as an area that will not be disturbed. (orig. 4-20-10)

- (31) Radiation Assessment/Report/Plan: Radiation Assessment/Report/Plan prepared in accordance with the Radiation Section, applicable to those proposed developments located within any potential radiation hazards that may be identified by Public Health and/or the Colorado Department of Public Health and Environment, and for the area as delineated by diagonal hatching on the following Map. ((orig. 4-20-10)



- (32) Environmental Questionnaire/Assessment: An Environmental Questionnaire/Assessment in accordance with the Environmental Assessment Section of the Land Development Regulation. (orig. 10-25-05; am. 4-20-10)
- (33) Floodplain Study: A Floodplain Study prepared in accordance with the Floodplain Overlay District Section of the Zoning Resolution. (orig. 8-27-13)
- (34) Mylar: The Mylar shall: (orig. 4-20-10)
  - (a) Reflect all corrections as indicated on the red-marked print. (orig. 4-20-10)
  - (b) Be a minimum of 0.003 inches in thickness, black line and have a matte finish on both sides. Sepia Mylars are not acceptable for recording. (orig. 4-20-10)
  - (c) Not have any erasures. (orig. 4-20-10)
  - (d) Be signed in fine tip, black permanent ink by: (orig. 4-20-10)
    - (d-1) the fee simple owners and the holders of deeds of trust (if applicable), with signatures notarized. (orig. 4-20-10)
    - (d-2) the developer's attorney or the developer's title company (if applicable). (orig. 4-20-10)
  - (e) Have the appropriate seals affixed. No seals shall be placed within the margins. (orig. 4-20-10)

**Rezoning (Planned Development) and Special Use:** The Planning and Zoning Division will determine if the Official Development Plan or Special Use Document will need to be submitted on a Mylar. (orig. 9-27-11)

- (35) Improvements Agreement: The executed Improvements Agreement with the attached Exhibit A is required if there are improvements associated with the proposed development and the applicant would like to postpone the submittal of the performance guarantee. By entering into an improvement agreement, an applicant may begin site construction without submitting a performance guarantee for the improvements, with the understanding that the construction will need to be completed or a performance guarantee submitted prior to sale or issuance of a building permit. The Improvements Agreement shall: (orig. 7-23-02; am. 7-1-03; am. 6-21-05; am. 7-12-05; am. 10-25-05; am. 4-20-10)
  - (a) Match the County standard template unless alterations have been approved by the County Attorney's Office. There are different templates for an original improvement agreement and an amended improvement agreement. (orig. 4-20-10)
  - (b) Be signed by the fee simple owners and the holders of deeds of trust, with signatures notarized. (orig. 4-20-10)
  - (c) Have the attached Exhibit A (quantity estimate only) for public improvements and landscape improvements that have been signed by the developer and by the preparer of the exhibit. (orig. 4-20-10)
- (36) Performance Guarantees shall be administered in compliance with the Development Agreements, Warranties and Guarantees Section of the Land Development Regulation. (orig. 7-23-02; am. 7-1-03; am. 6-21-05; am. 7-12-05; am. 10-25-05; am. 4-20-10)
- (37) Executed Deeds/Easements/Agreements: Any deeds, easements or agreements that were required based on the processing of the development shall be properly executed and submitted so that the recordation of these documents can be coordinated with the recording of the final development documents. (orig. 4-20-10; am. 9-27-11)

If any interest (fee simple, easement or otherwise) in a street, road, tract, parcel or strip of land is to be dedicated to the County, the property owner shall indemnify the County from any and all damages, claims, losses, injuries and expenses (including attorneys' fees) related to or arising out of the presence of hazardous materials, whether known or unknown, including, without limitation, any clean-up costs for such

hazardous materials. Such indemnification shall be in a form acceptable to the County Attorneys Office. (orig. 4-20-10)

- (38) Final Documents: All final plans related but not limited to site development, construction, drainage and landscaping shall be submitted in accordance with the correspondence from the Case Manager and shall be properly executed and sealed. (orig. 4-20-10)
- (39) Recording Fees: Recording fees shall be those currently charged by and made payable to the Jefferson County Clerk and Recorder. (orig. 4-25-05)
- (40) Fees-in-Lieu of Land Dedication: If the applicant is proposing to satisfy some or the entire park or school land dedication requirement through the payment of fees, then the fees must be paid prior to recordation of the final development documents. Prior to scheduling a case for hearing, the applicant must submit a letter indicating that they agree to pay the calculated fee prior to recordation of the final development documents. (orig. 4-20-10; am. 9-27-11)
- (41) Mineral Estate Owner Notification Form: A completed and executed Mineral Estate Owner Notification Form must be provided to the Case Manager. The Case Manager will provide the blank form for the applicant to use to satisfy this requirement. (orig. 10-25-05; am. 4-20-10)
- (42) Cash-In-Lieu of Construction: If the County has agreed to take cash payment for a portion or all of the improvements required for a development, the cash payment shall be made prior to recordation of the final development documents, unless the County has agreed to incorporate the payment into the requirements of the Improvements Agreement. (orig. 4-20-10; am. 9-27-11)
- (43) Title Insurance Commitment (updated): The title insurance commitment should have an effective date within 45 days of the recordation date of the final development documents. (orig. 4-20-10; am. 9-27-11)

**J. Pre-Application Review Process (orig. 2-22-00; am. 10-25-05)**

1. Intent and Purpose

The Pre-Application Review Process was created to provide applicants with a quick review of development proposals based on very limited information. The review by Staff is intended to provide the type of information that will assist an applicant in making key decisions about the development proposal prior to making application. The Pre-Application Review Process will also assist the applicant in gaining a more thorough understanding of the County's process and issues relative to the land use request. (orig. 2-22-00, am. 10-25-05; am. 4-20-10)

2. Application

The Pre-Application Review Process is optional and may be used before applying for any process. (orig. 2-22-00, am. 10-25-05)

3. Procedure

- a. The applicant must submit a complete Pre-Application package to Planning and Zoning. Planning and Zoning will schedule a date and time for the Pre-Application Review Meeting. (orig. 2-22-00; a.m. 4-27-04, am. 10-25-05; am. 5-20-08)
- b. Staff will send the information submitted by the applicant to a select few referral agencies in order to obtain the type of information that will be of most benefit to the applicant. (orig. 4-20-10)
- c. The Pre-Application Review Meeting will begin with a description by the applicant of what is being requested. The Case Manager and other county staff will present their comments and findings, as well as request any additional information that may be required. Issues that need to be resolved prior to application submittal will also be identified. (orig. 2-22-00, am. 10-25-05)
- d. After the Pre-Application Meeting, Staff will provide written comments outlining the key issues that must be addressed as a part of the application submittal. (orig. 2-22-00, am. 10-25-05; am. 4-20-10)

#### 4. Submittal Requirements

The following shall be the minimum information required in order to schedule the Pre-Application Meeting. The number of copies of each document that will need to be submitted for review is identified in the Pre-Application Guide available in Planning and Zoning. (am. 4-20-10)

- a. Cover Letter: The cover letter shall include the name, address and phone number of the property owner(s), the applicant(s) or any appointed representative. The letter should include a clear, concise description of the proposal, including the proposed uses. It should also address following key items related to the proposed development: (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 4-20-10)
  - (1) Access (orig. 4-20-10)
  - (2) Water (orig. 4-20-10)
  - (3) Sanitation (orig. 4-20-10)
- b. Vicinity Map: The vicinity map showing the location of the property involved in the request. (orig. 2-22-00; am. 10-25-05)
- c. Site Plan: A site plan drawn to scale, including the following information: (orig. 2-22-02; am. 10-25-05; am. 4-4-06; am. 4-20-10)
  - (1) Scale (orig. 4-20-10)
  - (2) North Arrow (orig. 4-20-10)
  - (3) Existing and proposed lot lines (orig. 4-20-10)
  - (4) Streets/Roads: The proposed and existing streets/roads (orig. 4-20-10)
  - (5) Access Points: Location of existing and proposed access points (orig. 4-20-10)
  - (6) Structures: Location and size of existing structures (orig. 4-20-10)
  - (7) Use Areas: Proposed use areas if the proposal is for a multi-use Planned Development rezoning. (orig. 4-20-10)
  - (8) Any additional information that may aid in the review of the proposal (orig. 4-20-10)
- d. Written Restrictions: Written restrictions if the proposal is for a Planned Development rezoning (orig. 12-17-02; am. 10-25-05; am. 4-20-10)
- e. Proof of Ownership: A copy of the deed which the owner holds for the property or a current title commitment or policy. (orig. 7-11-95; am. 10-25-05; am. 4-20-10)
- f. Proof of Access: Information shall be submitted for review that is intended to prove access for the proposed development in accordance with the Submittal Requirements Section. (orig. 2-22-00; am. 10-25-05; am. 4-20-10)
- g. Additional Documentation: The applicant should provide any additional information that they believe would aid in the review of the Pre-Application, such as proof of water, proof of sewer and proof of fire protection. (orig. 2-22-00; am. 10-25-05; am. 4-20-10)

#### K. Notification

##### 1. Intent and Purpose

The purpose of this section is to specify the notification requirements and procedures for various applications. The notification requirements are intended to keep property owners and registered associations informed of proposed development activities in Jefferson County. (orig. 10-25-05; am. 10-13-09)

##### 2. Application

- a. Specific notification requirements for various applications are identified in the table below. These notification requirements include Community Mailing, Sign Posting and Newspaper Publication. If an application type is not listed below, then the notification requirements for that application are either listed in that application's process requirements or notification is not required. Reference the criteria section below for a description of the levels described in the notification table. (orig. 10-13-09; am 4-20-10; am. 8-27-13; am xx-xx-xx)

Application Type	Notification Requirements						
	Community Meeting		At Time of 1st Referral*		Prior to Hearing		
	Community Mailing	Sign Posting	Community Mailing	Sign Posting	Community Mailing	Sign Posting	Newspaper Publication
Rezoning	Level 1	Level 1	Level 1	Not Required	Level 1	Level 1	Yes
Special Use	Level 1	Level 1	Level 1	Not Required	Level 1	Level 1	Yes
Site Development Plan	N/A	N/A	Level 1	Level 1	N/A	N/A	N/A
Land Disturbance Permit	N/A	N/A	Level 2	Level 2	N/A	N/A	N/A
Floodplain Development Permit**	N/A	N/A	Level 2	Level 2	N/A	N/A	N/A
<u>Administrative Exception</u>	<u>N/A</u>	<u>N/A</u>	<u>Level 2</u>	<u>Level 2</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

\* In accordance with the process requirements for each application type, the 1st Referral is scheduled to occur within 3 days of the applicant making a Formal Application. (orig. 4-20-10)

\*\* Notification requirements are only applied to Floodplain Development Permits that include an **alteration of a watercourse**. (orig. 8-27-13)

- b. If any one of the following occurs during the hearing process, the applicant will be required to provide additional notification in accordance with the “Prior to Hearing” notification requirements in the table above. (orig. 12-21-10)
  - (1) The application has been continued, but a hearing date has not been specified in the continuance. (orig. 12-21-10)
  - (2) The application has been in the hearing process for more than 6 months without a final determination. Under this circumstance, the additional notification will serve to reset the clock for an additional 6 months. (orig. 12-21-10)
  - (3) The application is remanded back to the Planning Commission by the Board of County Commissioners. (orig. 12-21-10)
  - (4) The application needs to return to hearing in order to effect a change to the application. This provision will not apply if the change is determined to be a non-substantial change as discussed below, however the notification described in the provision below still apply. (orig. 12-21-10)
- c. If an application has been approved in a public hearing and needs to return to hearing to effect a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed to hearing without notification in accordance with this section; provided, however any notification specifically required by the Colorado Revised Statutes is still completed for such hearing. (orig. 4-20-10; am. 12-21-10)

3. Criteria

- a. Community Mailing: Community mailing requirements fall into two (2) levels.
  - (1) Level 1 requires notices to be sent to property owners and registered associations within a specified radius based on whether the proposed development is located in the Mountains or Plains as defined in the Definition Section of this Regulation. (orig. 10-13-09; am 4-20-10)

- (a) The following table shows the Notification Radius of the Mountains and Plains. The notification area will be measured from the exterior boundary of the proposed development. (orig. 10-25-05; am. 10-13-09)

	Mountains	Plains
Registered Associations	Two (2) miles	One (1) mile
Individual Property Owners	1,320 feet (1/4 mile)*	500 feet

When the subject property is located in an area of unusually high density development, greater than 50 individual property owners within 1,320 feet (1/4 mile), then the area of notification shall be decreased to 500 feet from the subject property. (orig. 10-25-05; am. 10-13-09)

- (2) Level 2 requires notices to be sent to adjoining property owners. For the purpose of this Regulation adjoining will mean a property that shares any length of common boundary with the applicant's property. In addition, if it is determined that the proposed development is on property that is located within a property owners association, or other similar entity, then notice will also be sent to that entity. The Case Manager may require additional notices to be sent if in the opinion of the Case Manager the development activity may have impacts to other properties. (orig. 10-13-09)
- b. Sign Posting: Sign posting requirements fall into two (2) levels:
- (1) Level 1 requires a minimum of one (1) sign to be posted on each boundary of the property having frontage on either a public or private street/road. The provision of posting along public streets/roads shall not apply to freeways, unless the freeway has a frontage road on which the requirements will apply. For the purpose of this Regulation, freeways shall be identified as I-70, US-285, SH-58, C-470, and US-6 east of its intersection with I-70. If the frontage on a public or private street/road is greater than 500 feet, then additional sign(s) will be required in accordance with the table below. The maximum number of signs required to be posted along public or private streets/roads shall be six (6). If the number of signs calculated for posting exceeds six (6), then the required signs will be spaced along the street/road frontage as deemed appropriate by the Case Manager. If the property does not have any street/road frontage at the time of posting, then a minimum of one (1) sign must be posted on the property at the location most visible to the general public. If the Case Manager determines that the signs required to be posted on the property would not be readily seen by the general public, then he/she may require the posting of off-site signs, in the number and location deemed appropriate. (orig. 10-13-09; am 4-20-10)

<b>Sign requirements for frontage along public or private</b>	
Length of Frontage (feet)	Number of signs required
0 to 500	1
501 to 1000	2
1001 to 1500	3
1501 to 2000	4
2001 to 2500	5
Greater than 2500	6

- (2) Level 2 requires one (1) sign to be posted on the property at a location most visible to the general public. If the Case Manager determines that the sign required to be posted on the property would not be readily seen by the general public, then he/she may require the posting of off-site signs, in the number and location deemed appropriate. (orig. 10-13-09; am 4-20-10)
  - c. Newspaper Publication: Newspaper publication is a notification requirement where notice of a hearing is published in one publication of a newspaper of general circulation in the County. (orig. 10-13-09)
3. Procedure
- a. Community Mailings: Notification letters shall be mailed in accordance with the following:
    - (1) Community Mailings at the time of 1st Referral shall be mailed at the time the case is sent out on the 1st Referral. Prior to the 1st Referral, the Case Manager will provide the applicant the completed notification form and other information so that the applicant can prepare the notification documents. (orig. 10-13-09; am 4-20-10)
    - (2) Community Mailings prior to a Community Meeting or hearing shall be mailed at least 14 calendar days prior to the Community Meeting or the first scheduled hearing. Approximately 19 days prior to the Community Meeting or the first scheduled hearing, the Case Manager will provide the applicant the completed notification form and other information so that the applicant can prepare the notification documents. (orig. 10-13-09)
    - (3) General Requirements;
      - (a) The Case Manager shall provide the applicant:
        - (a-1) A completed notification form and vicinity map; and (orig. 4-4-06; am. 10-13-09)
        - (a-2) A list of all registered associations and/or property owners that are required to be notified; (orig. 4-4-06; am. 10-13-09)
      - (b) The applicant shall provide the Case Manager the community mailing envelopes corresponding to the list of registered associations and individual property owners. The envelopes must: (orig. 4-4-06; am. 10-13-09)
        - (b-1) be addressed; (orig. 10-13-09)
        - (b-2) have sufficient postage; (orig. 4-4-06)
        - (b-3) use the Planning and Zoning's return address; (orig. 4-4-06)
        - (b-4) contain a completed notification form and vicinity map; and (orig. 4-4-06)
        - (b-5) be un-sealed. (orig. 4-4-06; am. 10-13-09)
  - b. Sign Posting: Sign posting shall be completed in accordance with the following requirements.
    - (1) Sign posting at the time of 1st Referral: The sign(s) will be given to the applicant when the case is sent out on the 1st Referral. It is the applicant's responsibility to post the sign(s) on the property within 4 calendar days from the date on which the application was sent out on the 1st Referral. The applicant shall take every reasonable effort to keep the sign(s) posted on the property until a determination has been made on the application. The signs shall be removed from the property within 7 calendar days after the final determination. (orig. 10-13-09; am. 4-20-10; am. 12-21-10)
    - (2) Sign posting at the time of Community Meeting or hearing:
      - (a) Community Meeting: The sign(s) will be given to the applicant approximately 19 calendar days prior to the Community Meeting. It is the applicant's responsibility to post the sign(s) on the property a minimum of 14 calendar days prior to the meeting. The applicant shall take every reasonable effort to keep the sign(s) posted on the property until the Community Meeting has been completed. The signs shall be removed from the property within 7 calendar days after the Community Meeting. (orig. 10-13-09; am. 12-21-10)

- (b) Hearing: The sign(s) will be given to the applicant approximately 19 calendar days prior to the first scheduled hearing. It is the applicant's responsibility to post the sign(s) on the property a minimum of 14 calendar days prior to the first hearing. The applicant shall take every reasonable effort to keep the sign(s) posted on the property until the application is approved, conditionally approved or denied at the final hearing for the application. The signs shall be removed from the property within 7 calendar days after the final hearing for the application. (orig. 10-13-09; am. 12-21-10)
- (3) General Requirements:
  - (a) The Case Manager shall provide the applicant:
    - (a-1) A map indicating where the signs shall be posted; (orig. 10-13-09)
    - (a-2) the completed signs; (orig. 10-13-09)
    - (a-3) instructions on how to post the signs; and (orig. 10-13-09)
    - (a-4) a blank posting affidavit form. (orig. 10-13-09)
  - (b) The applicant shall:
    - (b-1) Post the sign(s) on the property in accordance to the location map and instructions; and (orig. 10-13-09)
    - (b-2) Return the completed posting affidavit to the Case Manager indicating that the sign(s) were posted upon the subject property in accordance with the requirements. (orig. 10-13-09)
- c. Newspaper Publication: Planning and Zoning shall publish notice of the hearing before the Board of County Commissioners in one publication of a newspaper of general circulation in the County. The notice shall be published at least 14 calendar days prior to the Board of County Commissioners Hearing. (orig. 10-13-09)

**L. Community Meeting Process**

- 1. Intent and Purpose
 

The purpose of the Community Meeting is to inform the public of a possible land use change. The Community Meeting will provide the applicant the opportunity to answer any community concerns and solicit input about the proposal to achieve the best possible results. (orig. 2-22-00; am. 10-25-05)
- 2. Application
 

The Community Meeting requirement shall apply to Rezoning and Special Use applications. (orig. 2-22-00; am. 10-25-05)
- 3. Procedure
  - a. The Community Meeting must occur prior to formal submittal of the application and after the Pre-Application Review Meeting, if one was held. (orig. 10-25-05)
  - b. The applicant shall arrange the date, time and location for the Community Meeting. The applicant shall coordinate with the Case Manager at least 21 calendar days prior to the Community Meeting. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05)
  - c. Notification is required in accordance with the notification provisions of this section. (orig. 10-25-05; am. 4-4-06; am. 10-13-09)
  - d. Community Meeting: The applicant shall present their request to the attendees at the Community Meeting, and the applicant shall facilitate the meeting. The Case Manager may attend the Community Meeting and may provide information to the attendees regarding County regulations. The applicant may desire to revise the application to respond to expressed concerns, prior to formal submittal. (orig. 2-22-00; am. 12-17-02; am. 10-25-05)
- 4. Community Meeting Waiver: A written request to waive the Community Meeting requirement may be submitted to the Director of Planning and Zoning. The request to waive the Community Meeting requirement must include the reason(s) why relief from this requirement should be granted. Waiver requests may be approved at the discretion of the Director of Planning and

Zoning prior to formal submittal of the Rezoning or Special Use application. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10)

**M. Rezoning Process**

(orig. 5-6-46; am. 6-2-58; am. 12-26-62; am.2-7-72; am. 5-1-72; am. 7-21-81; am. 9-12-83; am. 5-12-87; am. 1-31-89; am. 9-11-90; am. 5-5-92; am. 12-14-93; am. 5-3-94; am. 6-7-94; am. 7-11-95; am. 7-22-97; am. 3-23-99; am. 2-22-00; am. 10-25-05; am. 5-20-08)

1. Intent and Purpose

This process was created to move projects through the review and approval process as quickly as possible. The process outlines time frames and expectations that provide the applicant with a clear understanding of the steps involved prior to being scheduled for hearing before the Planning Commission and the Board of County Commissioners. The Director of Planning and Zoning may waive the time frames included in this process depending on Planning and Zoning staffing levels and the complexity of the proposal. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 12-21-10)

2. Application

- a. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-20-08)
- b. The following procedure, requirements and criteria shall apply to Rezoning applications. (orig. 10-25-05)
- c. Notification is required in accordance with the notification provisions of this section. (orig. 10-13-09)

3. Procedure

If the applicant complies with all given time frames, submits a complete application and complies with all requirements of the regulation, the estimated time to reach the public hearing phase of the process is 100 calendar days from the date of the 1st Referral. (orig. 10-25-05; am. 4-4-06; am. 5-20-08; am. 10-13-09)

Process Steps	Processing Time Frames	
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process	
Community Meeting		
<b>Steps prior to 1st Referral</b>		
Sufficiency Review	7 calendar days	
Formal Application	3 calendar days	
<b>Process from 1st Referral to Public Hearings</b>		
1st Referral	21 calendar days	100 Days to tentatively scheduled hearings if processing time frames are met.
Forwarding 1st Referral Comments	5 calendar days	
Response 1 <sup>st</sup> Referral	21 calendar days	
Submittal of Revised Documents	3 calendar days	
2 <sup>nd</sup> Referral	14 calendar days	
Forwarding 2 <sup>nd</sup> Referral Comments	5 calendar days	
Hearing Documents	10 calendar days	
Hearing Preparation	21 calendar days	
<b>Public Hearings and Post Hearing Review</b>		
Planning Commission Hearing	Time varies based on PC and BCC actions; and applicant meeting approval conditions	
Board of County Commissioners Hearing		
Post Hearing Review		

Prior to submitting an application for this process, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the pre-application provision of this

section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the platting process and will also help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the proposal. (orig. 10-13-09)

Community Meeting: The applicant shall hold a Community Meeting, pursuant to the Community Meeting Process, prior to submittal of the formal application and following the Pre-Application Review Meeting, if one was held. (orig. 2-22-00; am. 10-25-05)

#### **Steps Prior to 1st Referral**

- a. Sufficiency Review: The applicant shall submit all documents as identified in the Submittal Requirements Section of this Regulation for review by Staff. (5-20-08)

Staff shall have 7 calendar days to review this submittal. (5-20-08)

Staff will review the sufficiency application to determine if the submittal documents are complete. Following this review, Staff will prepare a letter explaining any deficiencies in the submittal documents. The letter will include a referral matrix that identifies the referral agencies that will require referral documents. The response from Staff will also include a request for the applicant to submit the notification documents that are required to be mailed when the case is sent out on the 1st Referral. The applicant shall revise the submittal information as may be required to comply with County standards, and then submit the Formal Application. (orig. 2-22-00; am. 10-25-05; am. 5-20-08; am. 10-13-09)

- b. Formal Application: The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 5-20-08; am. 10-13-09)

The Case Manager shall have 3 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 4-4-06; am. 5-20-08)

#### **Process from 1st Referral to Public Hearings**

- c. 1st Referral:

The referral agencies shall have 21 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 10-13-09)

The Case Manager will tentatively schedule the Planning Commission Hearing and the Board of County Commissioners' hearing when the application is sent out on the 1st Referral. The Planning Commission hearing will be tentatively set to the first available hearing date after 100 calendar days from the date of the 1st Referral. The Board of County Commissioners hearing will be scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08)

- d. Forwarding 1st Referral Comments:

The Case Manager shall have 5 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of referral agency responses. If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Hearing Documents phase of the process. Under this circumstance, the application will be able to get to the hearing phase earlier than the date(s) tentatively scheduled at the time of the 1st Referral. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08)

- e. Response to 1st Referral:

The applicant shall have 21 calendar days to address, in writing, any issues identified by

the Case Manager or any referral agency and resubmit revised documents for the 2<sup>nd</sup> referral. The applicant will be deemed to have consented to later hearing dates, than the tentatively scheduled hearing dates, if the resubmittal is not received within the 21 calendar day period. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his or her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10)

- f. Submittal of Revised Documents: The Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 10-25-05; am. 5-20-08)
- g. 2<sup>nd</sup> Referral: The referral agencies shall have 14 calendar days to respond in writing to the 2<sup>nd</sup> referral. (orig. 5-20-08)
- h. Forwarding 2<sup>nd</sup> Referral Comments: The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

If the applicant has not consented to later hearing dates based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled hearings, the applicant shall submit the Hearing Documents as requested by the Case Manager in accordance with the Hearing Documents phase of the process. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)

- i. Response to 2<sup>nd</sup> Referral: The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10)
- j. Additional Changes: For the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter, the Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 5-20-08)

The referral agencies shall have 7 calendar days to respond in writing to the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter. (orig. 5-20-08)

The Case Manager shall have 5 calendar days after the end of the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter, to provide the applicant with a full Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 12-21-10)

- k. Hearing Documents: The Hearing Documents shall be comprised of the revised ODP and Written Restrictions (if applicable) and other final documents as identified by the Case Manager. (orig. 5-20-08; am. 9-27-11)

If the applicant has not consented to later hearing dates based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the Hearing Documents for the tentatively scheduled hearings. The applicant will be deemed to have consented to

later hearing dates if the Hearing Documents are not received within the 10 calendar day period. (orig. 2-22-00; am. 10-25-05; am. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments or to submit the Hearing Documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fee and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 10-13-09; am. 12-21-10)

l. Hearings Scheduled:

- (1) Planning Commission Hearing: If the applicant has consented to later hearing dates based on the time frames of this Regulation, the Planning Commission hearing will be scheduled for the first available hearing date after 21 calendar days from the submittal of the Hearing Documents. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)
- (2) Board of County Commissioners Hearing: The Board of County Commissioners hearing will be scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)

m. Hearing Preparation

- (1) Revisions to Documents Prior to Hearing: To ensure completeness and to allow adequate public review, no substantial revisions or additions, except in response to a Staff request or those specifically requested by the Planning Commission or the Board of County Commissioners, may be made to any application or supporting documents within 21 calendar days prior to any hearing. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)
- (2) Notification: Notification of the scheduled hearings is required in accordance with the notification provisions of this section. (orig. 10-13-09)

**Public Hearings and Post Hearing Review**

- n. Planning Commission Hearing: The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and shall recommend approval, conditional approval, or denial of the request to the Board of County Commissioners. The Planning Commission may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10)
- o. Board of County Commissioners Hearing: The Board of County Commissioners shall review the request, Staff report, and the Planning Commission recommendation, receive testimony and evidence on the application, and shall approve, conditionally approve or deny the application. The Board of County Commissioners may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 2-22-00; am. 10-25-05; am. 5-20-08; am. 12-21-10)
- p. Post Hearing Review

- (1) Planned Development: The applicant shall comply with all conditions of approval within 180 calendar days from the approval date by the Board of County Commissioners. If the applicant does not comply with the conditions within this timeframe, the approval of the rezoning shall be automatically rescinded. The Director of Planning and Zoning may extend this 180 calendar day recordation deadline for additional 180 calendar day periods if, in his/her opinion, the delay is for good cause. (orig. 5-20-08; am. 12-21-10)

The Case Manager shall have 7 calendar days to review all documents submitted by the applicant for compliance with the approval conditions. If the revisions have been made in accordance with the approval conditions, the Case Manager will authorize the preparation of the final ODP document and other any final documents. If additional revisions are required to meet the approval conditions, the Case Manager will return a letter to the applicant identifying the revisions that must be made in order to comply with the approval conditions. (orig. 5-20-08; am. 9-27-11)

At such time as the applicant complies with the approval conditions, submits the executed ODP and other final documents, and pays the recordation fees, Staff will obtain the required County approval signatures on the ODP and final documents, and have the documents recorded, as appropriate. (orig. 2-22-00; am. 10-25-05; am. 5-20-08; am. 9-27-11)

- (2) Standard Zone District: The Board of County Commissioners resolution shall be recorded within 7 calendar days after approval. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)
- (3) If an application needs to return to hearing for a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed directly to a hearing before the Board of County Commissioners' without a hearing before the Planning Commission. (orig. 4-20-10; am. 12-21-10)

q. Rehearings of Rezoning Cases

- (1) Upon denial of a Rezoning application by the Board of County Commissioners, the applicant may petition the Board within 1 year of the Board's decision, requesting a rehearing of its application if there is a substantial change. Said petition shall be comprehensive in delineating all proposed changes. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-6-82; am. 12-17-02; am. 10-25-05)
- (2) The Board of County Commissioners at its sole discretion may grant a petition for rehearing where it determines that a substantial change is being proposed that could significantly affect one or more of the reasons for denial of the original case. The Board may deny the petition solely upon the contents of the petition or when deemed advisable by the Board upon the petition and evidence presented. Discussion of such petition may occur at a regularly scheduled Board of County Commissioners briefing. Public testimony will not be allowed during such meeting. (orig. 7-21-81; am. 12-6-82; am. 7-1-03)
- (3) When the Board of County Commissioners grants a rehearing petition, it shall set a date and time for said rehearing before the Board, and public notice of same shall be given as set forth in the rezoning provisions. Planning and Zoning shall present the amended application to the Planning Commission and the Planning Commission shall review and make a recommendation thereon, prior to the date of the Board of County Commissioners rehearing. (orig. 7-21-81; am. 12-6-82; am. 12-17-02; am. 4-27-04; am. 5-20-08)
- (4) After conducting the rehearing, the Board of County Commissioners shall approve, conditionally approve or deny the Rezoning application as amended based upon the evidence submitted at the rehearing together with the relevant evidence received at the prior hearings on said application. (orig. 7-21-81; am. 10-25-05)

- (5) No petition for rehearing may be granted where the decision of the Board of County Commissioners on the Rezoning application has been appealed or contested in any court of law or during the pendency of said court action. (orig. 7-21-81; am. 12-17-02; am. 10-25-05)
4. Criteria for Decisions in Standard Zone District Cases
- In reviewing Standard Zone District Rezoning applications, the Planning Commission and the Board of County Commissioners may consider the following criteria: (orig. 7-1-03)
- a. The compatibility of the permitted uses with existing and allowable land uses in the surrounding area. (orig. 7-1-03)
  - b. The degree of conformance of the proposed zone change to applicable land use plans. (orig. 7-1-03)
  - c. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area. (orig. 7-1-03)
5. Criteria for Rezoning Open Space within the Planned Development Zone District
- a. Except as set forth in paragraph b. below, requests to rezone all or any portion of a property designated in the Planned Development Zone District as open space, conservation, preservation, or other similar term to a classification that would permit development may be granted only if the applicant shows to the satisfaction of the Board of County Commissioners that the open space designation is not warranted because: (orig. 8-31-93)
    - (1) The property has none of the following features: (orig. 8-31-93)
      - (a) Significant or desirable wildlife habitat or migration routes. (orig. 8-31-93)
      - (b) Rare or unusual vegetation or ecosystems. (orig. 8-31-93)
      - (c) Remarkable geologic features such as rock outcrops or formations. (orig. 8-31-93)
      - (d) Historic resources. (orig. 8-31-93)
      - (e) Significant views or view corridors. (orig. 8-31-93)
      - (f) Riparian and/or wetland areas. (orig. 8-31-93)
      - (g) Bodies of water, except those constructed for utilitarian purposes which are no longer needed for that purpose and which were not intended also to provide wildlife habitat. (orig. 8-31-93)
      - (h) Trail corridors, such as existing trails, trail easements, or trail connections shown on an ODP. (orig. 8-31-93)
    - (2) The open space area was not set aside as an integral part of the overall development, rather than designated as "open space" because future development was unknown or unplanned at the time of zoning to Planned Development. (orig. 8-31-93)
    - (3) The property is not being used for active or passive recreation by the surrounding community. (orig. 8-31-93)
    - (4) The open space was not designated as the result of a density transfer or other adjustment to allow a higher density elsewhere. (orig. 8-31-93)
    - (5) The open space was not part of a Rural Cluster development. (orig. 7-1-03)
  - b. Property not eligible for Rezoning under the Open Space Rezoning criteria may only be rezoned where all of the following exist. (orig. 8-31-93; am. 12-17-02)
    - (1) The Rezoning request includes additional land in the same vicinity which land would replace the lost open space value set forth above with land that is superior in open space quality. (orig. 8-31-93)

- (2) The applicant has given notice of the Rezoning request by first class mail, return receipt requested, to property owners, registered associations, the Colorado State Division of Wildlife, local park and recreation district, and other referral agencies, as determined by Planning and Zoning. This provision does not supersede notice requirements set forth elsewhere in this Zoning Resolution. (orig. 8-31-93; am. 4-27-04; am. 5-20-08)
  - c. Nothing set forth above shall require the Board of County Commissioners to grant a Rezoning request which meets the criteria set forth above where the Board of County Commissioners determines that such request is not in the best interests of the present and future inhabitants of Jefferson County or is not in conformance with the Rezoning criteria set forth elsewhere in this Zoning Resolution. (orig. 8-31-93)
6. Limitations upon Rezoning Applications
- a. Non-contiguous properties may not be rezoned to Planned Development within a single rezoning application. For the purposes of Rezoning Applications, contiguous shall be defined as a common or shared boundary or tract wide enough to provide sufficient access in accordance with the access requirements in the General Provisions Section. Properties on opposite sides of local, collector or arterial streets/roads shall not be considered contiguous. The Director of Planning and Zoning may allow non-contiguous parcels to be processed as a single Planned Development Application if in his or her opinion the processing of a single application would be appropriate. If the Director of Planning and Zoning makes such a determination, the applicant(s) will be required to pay the standard application fee for each non-contiguous parcel. (orig. 5-20-08; am. 10-13-09; am. 12-21-10)
  - b. The boundary of the area subject to Rezoning may not be drawn to result in contiguous property under the same ownership that does not conform to the zone district standards applicable to said contiguous parcel. (orig. 9-11-90; am. 10-25-05)
  - c. Except as provided in the "Rehearings of Rezoning Cases" portion of this section, no Rezoning application shall be accepted for a Rezoning to the same zone district for the same parcel of ground or portion thereof for which a previous application has been denied by the Board of County Commissioners within 1 year prior to the date of filing of said application. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 10-25-05)
  - d. A Rezoning application shall not be accepted for any lot, parcel, tract of land or portion thereof where a court action brought by the applicant is pending against the County contesting the existing zoning or any previous Rezoning decision of the Board of County Commissioners thereon. (orig. 7-24-72; am. 7-21-81; am. 7-1-03; am. 10-25-05)
  - e. A Rezoning application shall not be accepted by Planning and Zoning as long as there is a pending application for Rezoning or Special Use of said premises before the Planning Commission or the Board of County Commissioners. However, nothing herein shall prevent amendment of a pending application before the Planning Commission or the Board of County Commissioners by the applicant, except amendment to a new zone district or Special Use that is more restrictive than the original request will require that the pending application be withdrawn and a new application be submitted in accordance with the "Rezoning Procedures," portion of this section. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

7. County-Initiated Rezoning

The Planning Commission and/or the Board of County Commissioners may, at any time, direct Planning and Zoning to initiate Rezoning for any parcel or parcels of land within the unincorporated area of Jefferson County. Notwithstanding any provisions of this section to the contrary, County Initiated Rezoning procedures shall be only in accordance with the provisions of Section 30-28-116, C.R.S. 1973, or as amended. (orig. 12-17-74; am. 7-21-81; am. 12-17-02; am. 4-27-04; am. 5-20-08)

**N. Special Use Process**

1. Intent and Purpose

This process was created to move projects through the review and approval process as quickly as possible. The process outlines time frames and expectations that provide the applicant with a clear understanding of the steps involved prior to being scheduled for hearing before the Planning Commission and the Board of County Commissioners. The Director of Planning and Zoning may waive the time frames included in this process depending on Planning and Zoning staffing levels and the complexity of the proposal. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

2. Application
  - a. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-20-08)
  - b. The following procedure, requirements and criteria shall apply to Special Use applications. (orig. 10-25-05)
  - c. Notification is required in accordance with the notification provisions of this section. (orig. 10-13-09)

3. Procedure

If the applicant complies with all given time frames, submits a complete application and complies with all requirements of the regulation, the estimated time to reach the hearing phase of the process is 100 calendar days from the date of the 1st Referral. (orig. 10-25-05; am. 4-4-06; am. 5-20-08)

Process Steps	Processing Time Frames	
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process	
Community Meeting		
<b>Steps prior to 1st Referral</b>		
Sufficiency Review	7 calendar days	
Formal Application	3 calendar days	
<b>Process from 1st Referral to Public Hearings</b>		
1st Referral	21 calendar days	100 Days to tentatively scheduled hearings if processing time frames are met.
Forwarding 1st Referral Comments	5 calendar days	
Response 1st Referral	21 calendar days	
Submittal of Revised Documents	3 calendar days	
2 <sup>nd</sup> Referral	14 calendar days	
Forwarding 2 <sup>nd</sup> Referral Comments	5 calendar days	
Hearing Documents	10 calendar days	
Hearing Preparation	21 calendar days	
<b>Public Hearings and Post Hearing Review</b>		
Planning Commission Hearing	Time varies based on PC and BCC actions; and applicant meeting approval conditions	
Board of County Commissioners Hearing		
Post Hearing Review		

Prior to submitting an application for this process, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the Pre-Application Process Section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the platting process and will also help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the proposal. (orig. 10-13-09)

Community Meeting: The applicant shall hold a Community Meeting, pursuant to the Community Meeting Process, prior to submittal of the formal application and following the Pre-Application Review Meeting, if one was held. (orig. 10-25-05)

**Steps Prior to 1st Referral**

- a. Sufficiency Review: The applicant shall submit all documents as identified in the Submittal Requirements Section of this Regulation for review by Staff. (orig. 5-20-08; am. 10-13-09)  
Staff shall have 7 calendar days to review this submittal. (orig. 5-20-08)

Staff will review the sufficiency application to determine if the submittal documents are complete. Following this review, Staff will prepare a letter explaining any deficiencies in the submittal documents. The letter will include a referral matrix that identifies the referral agencies that will require referral documents. The response from Staff will also include a request for the applicant to submit the notification documents that are required to be mailed when the case is sent out on the 1st Referral. The applicant shall revise the submittal information as may be required to comply with County standards, and then submit the Formal Application. (orig. 10-25-05; am. 5-20-08; am. 10-13-09)

- b. Formal Application: The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 5-20-08; am. 10-13-09)

The Case Manager shall have 3 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not

complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 10-25-05; am. 4-4-06; am. 5-20-08)

#### **Process from 1st Referral to Public Hearings**

- c. 1st Referral: The referral agencies shall have 21 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 10-13-09)

The Case Manager will tentatively schedule the Planning Commission Hearing and the Board of County Commissioners' hearing when the application is sent out on the 1st Referral. The Planning Commission hearing will be tentatively set to the first available hearing date after 100 calendar days from the date of the 1st Referral. The Board of County Commissioners hearing will be scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing. (orig. 10-25-05; am. 5-20-08)

- d. Forwarding 1st Referral Comments: The Case Manager shall have 5 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Hearing Documents phase of the process. Under this circumstance, the application will be able to get to the hearing phase earlier than the date(s) tentatively scheduled at the time of the 1st Referral. (orig. 10-25-05; am. 5-20-08)

- e. Response to 1st Referral: The applicant shall have 21 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2<sup>nd</sup> referral. The applicant will be deemed to have consented to later hearing dates, than the tentatively scheduled hearing dates, if the resubmittal is not received within the 21 calendar day period. (orig. 10-25-05; am. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his or her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

- f. Submittal of Revised Documents: The Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 10-25-05 am. 5-20-08)

- g. 2<sup>nd</sup> Referral: The referral agencies shall have 14 calendar days to respond in writing to the 2<sup>nd</sup> referral. (orig. 5-20-08)

- h. Forwarding 2<sup>nd</sup> Referral Comments: The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of

referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

If the applicant has not consented to later hearing dates based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled hearings, the applicant shall submit the Hearing Documents as requested by the Case Manager in accordance with the Hearing Documents phase of the process. (orig. 10-25-05; am. 5-20-08)

- i. Response to 2<sup>nd</sup> Referral: The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for an additional 120 calendar day period if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10)
- j. Additional Changes: For the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter, the Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 5-20-08)

The referral agencies shall have 7 calendar days to respond in writing to the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter. (orig. 5-20-08)

The Case Manager shall have 5 calendar days after the end of the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter, to provide the applicant with a full Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

- k. Hearing Documents: The Hearing Documents shall be comprised of the revised Special Use Plan and other final documents as identified by the Case Manager. (orig. 10-25-05; am. 9-27-11)

If the applicant has not consented to later hearing dates based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the Hearing Documents for the tentatively scheduled hearings. The applicant will be deemed to have consented to later hearing dates if the Hearing Documents are not received within the 10 calendar day period. (orig. 10-25-05; am. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments or to submit the Hearing Documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fee and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods, if in his/her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

- l. Hearings Scheduled:
  - (1) Planning Commission Public Hearing: If the applicant has consented to later hearing dates based on the time frames of this Regulation, the Planning Commission hearing will be scheduled for the first available hearing date after 21 calendar days from the submittal of the Hearing Documents. (orig. 10-25-05; am. 5-20-08)

- (2) Board of County Commissioners Hearing: The Board of County Commissioners hearing will be scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing. (orig. 10-25-05; am. 5-20-08)
- m. Hearing Preparation:
  - (1) Revisions to Documents Prior to Hearing: To ensure completeness and to allow adequate public review, no substantial revisions or additions, except in response to a Staff request or those specifically requested by the Planning Commission or the Board of County Commissioners, may be made to any application or supporting documents within 21 calendar days prior to any public hearing. (orig. 10-25-05; am. 5-20-08)
  - (2) Notification: Notification of scheduled hearings is required in accordance with the notification provisions of this section. (orig. 10-13-09)

**Public Hearings and Post Hearing Review**

- n. Planning Commission Hearing: The Planning Commission shall review the application and the Staff report, receive testimony and evidence on the application, and shall recommend approval, conditional approval, or denial of the application to the Board of County Commissioners. The Planning Commission may continue the hearing for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)
- o. Board of County Commissioners Hearing: The Board of County Commissioners shall review the application, Staff report, and the Planning Commission recommendation, receive testimony and evidence on the application, and shall approve, conditionally approve or deny the application. The Board of County Commissioners may continue the hearing for no more than 40 calendar days without the consent of the applicant. The continuance will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)
- p. Post Hearing Review: The applicant shall comply with all conditions of approval within 180 calendar days from the approval date by the Board of County Commissioners. If the applicant does not comply with the conditions within this timeframe, the approval of the Special Use shall be automatically rescinded. The Director of Planning and Zoning may extend this 180 calendar day recordation deadline for additional 180 calendar day periods if, in his/her opinion, the delay is for good cause. (orig. 5-20-08; am. 10-13-09; am. 12-21-10)

The Case Manager shall have 7 calendar days to review all documents submitted by the applicant for compliance with the approval conditions. If the revisions have been made in accordance with the approval conditions, the Case Manager will authorize the preparation of the final Special Use Plan and other any final documents. If additional revisions are required to meet the approval conditions, the Case Manager will return a letter to the applicant identifying the revisions that must be made in order to comply with the approval conditions. (orig. 5-20-08; am. 9-27-11)

If the application needs to return to hearing for a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed directly to a hearing before the Board of County Commissioners' without a hearing before the Planning Commission. (orig. 4-20-10; am. 12-21-10)

At such time as the applicant complies with the approval conditions, submits the executed Special Use Plan and other final documents, and pays the recordation fees, Staff will obtain the required County approval signatures on the Special Use Plan and final documents, and have the documents recorded, as appropriate. (orig. 10-25-05; am. 5-20-08; am. 9-27-11)

- q. Rehearings of Special Use Cases:

- (1) Upon denial of a Special Use application by the Board of County Commissioners, the applicant may petition the Board within 1 year of the Board's decision, requesting a rehearing of its application if there is a substantial change. Said petition shall be comprehensive in delineating all proposed changes. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-6-82; am. 12-17-02; am. 10-25-05)
  - (2) The Board of County Commissioners at its sole discretion may grant a petition for rehearing where it determines that a substantial change is being proposed that could significantly affect one or more of the reasons for denial of the original case. The Board may deny the petition solely upon the contents of the petition or when deemed advisable by the Board upon the petition and evidence presented. Discussion of such petition may occur at a regularly scheduled Board of County Commissioners briefing. Public testimony will not be allowed during such meeting. (orig. 7-21-81; am. 12-6-82; am. 7-1-03)
  - (3) When the Board of County Commissioners grants a rehearing petition, it shall set a date and time for said rehearing before the Board, and public notice of same shall be given as set forth in the Special Use Provisions. Planning and Zoning shall present the amended application to the Planning Commission and the Planning Commission shall review and make a recommendation thereon, prior to the date of the Board of County Commissioners rehearing. (orig. 7-21-81; am. 12-6-82; am. 12-17-02; am. 4-27-04; am. 5-20-08)
  - (4) After conducting the rehearing, the Board of County Commissioners shall approve, conditionally approve or deny the Special Use application as amended based upon the evidence submitted at the rehearing together with the relevant evidence received at the prior hearings on said application. (orig. 7-21-81; am. 10-25-05)
  - (5) No petition for rehearing may be granted where the decision of the Board of County Commissioners on the Special Use application has been appealed or contested in any court of law or during the pendency of said court action. (orig. 7-21-81; am. 12-17-02; am. 10-25-05)
4. Criteria for Decisions in Special Use Cases
- a. Inclusion of a use as a Special Use within a zone district as set forth in this Zoning Resolution represents a determination only that that use may under certain circumstances or conditions and in certain locations, be compatible with land uses in the surrounding area. Special review of such proposed use to determine its compatibility with those other uses is necessary and therefore such use may not occur without approval of the Board of County Commissioners as set forth in this Zoning Resolution. (orig. 7-21-81)
  - b. The Planning Commission, in reviewing Special Use applications, and the Board of County Commissioners, in making its decision upon such applications, shall consider the following criteria: (orig. 7-21-81)
    - (1) The impacts of the proposed use upon property in the surrounding area, including but not limited to: (orig. 7-21-81)
      - (a) Traffic impacts, volumes of trips, safety and access; (orig. 7-21-81; am. 9-11-90)
      - (b) Fire hazards; (orig. 7-21-81)
      - (c) Visual and aesthetic impact, including bulk, scale of buildings as they relate to the surrounding uses; (orig. 7-21-81; am. 9-11-90)
      - (d) Solar access; (orig. 7-21-81)
      - (e) Noise; (orig. 7-21-81)
      - (f) Geological hazards; (orig. 7-21-81)
      - (g) Drainage, erosion and flood hazards; (orig. 7-21-81)
      - (h) Radiation hazards; (orig. 7-21-81)
      - (i) Community character; (orig. 7-21-81)
      - (j) Adequate water quality and quantity and sewage disposal availability; (orig. 7-21-

81)

- (k) Availability of public facilities to serve the proposed use. (orig. 7-21-81)
  - (2) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area, including but not limited to construction of necessary public facilities. (orig. 7-21-81)
  - (3) The compatibility of the proposed use with existing and allowable land uses in the surrounding area. (orig. 7-21-81)
  - (4) The effect upon health, safety and welfare of the residents in the surrounding area. (orig. 7-21-81)
  - (5) The degree of conformance of the proposed Special Use to the Jefferson County Comprehensive Master Plan. (orig. 5-21-13)
  - c. Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the proposed use upon the surrounding area, the Board of County Commissioners may condition the decision to approve the Special Use application upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the County to guarantee such implementation. (orig. 7-21-81)
5. Limitations upon Special Use Applications
- a. The lot, parcel, or boundary area subject to the Special Use must conform to the minimum lot and building standards of the underlying zone district. (orig. 9-11-90; am. 10-25-05, am. 10-13-09)
  - b. Except as provided in the "Rehearings of Special Use Cases" portion of this section, no Special Use application shall be accepted for the same Special Use for the same parcel of ground or portion thereof for which a previous application has been denied by the Board of County Commissioners within 1 year prior to the date of filing of said application. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 10-25-05)
  - c. A Special Use application shall not be accepted for any lot, parcel, tract of land or portion thereof where a court action brought by the applicant is pending against the County contesting the existing zoning or any previous Special Use decision of the Board of County Commissioners thereon. (orig. 7-24-72; am. 7-21-81; am. 7-1-03; am. 10-25-05)
  - d. A Special Use application shall not be accepted by Planning and Zoning as long as there is a pending application for Rezoning or Special Use of said premises before the Planning Commission or the Board of County Commissioners. However, nothing herein shall prevent amendment of a pending application before the Planning Commission or the Board of County Commissioners by the applicant, except amendment to a new zone district or Special Use that is more restrictive than the original request will require that the pending application be withdrawn and a new application be submitted in accordance with the "Special Use Procedures," portion of this section. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

## **O. Site Development Plan**

### **1. Intent and Purpose**

The Site Development Plan process was established to provide an administrative evaluation procedure for industrial, commercial, multi-family, recreational and institutional developments that do not include the subdivision of land. The development must be in compliance with Plat and/or Exemption from Platting restrictions, zoning conditions, the Land Development Regulation and the Zoning Resolution. (orig. 7-23-02; am. 12-17-02; am. 4-20-10; am. 3-26-13)

The process outlines time frames and expectations, providing the applicant with a clear understanding of the steps involved prior to the final decision on the application. The Director of Planning and Zoning may waive the time frames included in this process depending on the Planning and Zoning staffing levels and complexity of the application. (orig. 7-23-02; am. 12-17-02; am. 5-20-08; am. 4-20-10; am. 12-21-10)

### **2. Application**

- a. Compliance with this process shall be required for industrial, commercial, multi-family, mobile home park, recreational and institutional uses in the following situations. (orig. 7-23-02; am. 7-12-05; am. 4-20-10; am. 3-26-13)
    - (1) Prior to the issuance of any permit to construct any new building or structure. (orig. 7-23-02; am. 7-12-05; am. 4-20-10)
    - (2) Prior to the issuance of any permit to construct an addition of 50% or greater to any existing building or structure. (orig. 7-23-02; am. 7-12-05; am. 4-20-10)
    - (3) Prior to the issuance of any building permit to construct an addition of 5,000 square feet or greater even if the addition is less than 50% of an existing building or structure. (orig. 4-20-10)
    - (4) Subsequent to any changes from a residential use or residential zoning to an industrial, commercial or institutional use or zone regardless of whether there are existing or proposed structures. (orig. 7-23-05; am. 7-12-05; 4-20-10)
    - (5) Prior to the creation of any additional multi-family units within an existing structure. (orig. 4-20-10)
    - (6) When modifying a previously approved Site Development Plan, unless the modification is determined to be minor in accordance with the provisions of this section. (orig. 4-20-10)
    - (7) Prior to the issuance of a the first permit for a mobile home in a new mobile home park or when more than 50% of the existing mobile home spaces have been modified. (orig. 3-26-13)
  - b. This process shall not be applicable to:
    - (1) Residential land uses, with the exception of multi-family. (orig. 7-23-02; am. 4-20-10; am. 12-21-10)
    - (2) Any property that had a site plan reviewed and approved as part of an approved Plat, Site Approval, or Exemption from Platting after 1978 and prior to the adoption of the Site Development Plan process (July 23, 2003), if proposed for development as originally approved. (orig. 7-23-02; am. 4-27-04; am. 4-20-10)
    - (3) Planned Developments for Mining. (orig. 7-23-02)
    - (4) Government facilities. (orig. 7-11-07; am. 4-20-10)
  - c. The Site Development Plan process may occur simultaneously with other development or entitlement processes. (orig. 7-23-02; am. 12-17-02; am. 5-20-08; am. 4-20-10)
  - d. The Site Development Plan Process is allowed on either platted or unplatted property, provided that the property is a proper division of land. (orig. 4-20-10)
  - e. The Site Development Plan may redefine building envelopes defined on a previously approved Plat or Exemption from Platting, provided the new building envelope complies with all of the requirements of the Land Development Regulation and Zoning Resolution. (orig. 4-20-10)
  - f. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-20-08)
  - g. Notification is required in accordance with the Notification Section. (orig. 10-16-09; am. 4-20-10)
  - h. The following procedure and requirements shall apply to Site Development Plan applications. (am. 5-20-08)
3. Procedure
- If the applicant complies with all given time frames, submits a complete application and complies with all requirements of this Regulation, the estimated time to reach the Determination Phase of the process is 70 calendar days from the date of the 1st Referral. (orig. 10-25-05; am. 5-20-08; am. 3-3-15)

Process Steps	Processing Time Frames
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process
<b>Steps prior to 1st Referral</b>	
Sufficiency Review	7 calendar days
Formal Application	3 calendar days
<b>Process from 1st Referral to Determination</b>	
1st Referral	14 calendar days
Forwarding 1st Referral Comments	5 calendar days
Response 1st Referral	21 calendar days
Submittal of Revised Documents	3 calendar days
2 <sup>nd</sup> Referral	7 calendar days
Forwarding 2 <sup>nd</sup> Referral Comments	5 calendar days
Final Documents	10 calendar days
Determination Preparation	5 calendar days
<b>Determination</b>	
Determination	Time varies based on Director of Planning and Zoning action and the applicant meeting approval conditions

Prior to submitting an application for this process, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the Pre-Application Process Section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the Site Development Plan process and will also help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the proposal. (orig. 10-13-09; am. 12-21-10)

If the applicant is unable or unwilling to comply with a standard in the Land Development Regulation, then a request for a waiver from that standard must be made by the applicant pursuant to the waiver requirements of the Land Development Regulation. Waiver requests shall be approved prior to approval of the Site Development Plan. (orig. 7-23-02; am. 10-25-05)

If the applicant is unable or unwilling to comply with a standard in this Zoning Resolution, then a request for a variance or minor variation from that standard shall be made by the applicant pursuant to the requirements of this Zoning Resolution. Variance or minor variation requests shall be approved prior to approval of the Site Development Plan. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am. 4-20-10)

**Steps Prior to 1st Referral**

- a. Sufficiency Review: The applicant shall submit all documents as identified in the Submittal Requirements Section of this Regulation for review by Staff. (orig. 5-20-08; am. 10-13-09)

Staff shall have 7 calendar days to review this submittal. (orig. 5-20-08)

Staff will review the sufficiency application to determine if the submittal documents are complete. Following this review, Staff will prepare a letter explaining any deficiencies in the submittal documents. The letter will include a referral matrix that identifies the referral agencies that will require referral documents. The response from Staff will also include a request for the applicant to submit the notification documents that are required to be mailed when the case is sent out on the 1st Referral. The applicant shall revise the submittal information as may be required to comply with County standards, and then submit the Formal Application. (orig. 10-25-05; am. 5-20-08; am. 10-13-09)

- b. Formal Application: The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 5-20-08; am. 10-13-09)

The Case Manger shall have 3 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 7-23-02; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)

**Process from 1st Referral to Determination**

- c. 1<sup>st</sup> Referral: The referral agencies shall have 14 calendar days to respond in writing to the

application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 10-13-09)

The Case Manager will identify the tentative date for reaching the Determination phase of the process. The date will be set when the application is sent out on the 1st Referral. (orig. 7-23-02; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

- d. Forwarding 1st Referral Comments: The Case Manager shall have 5 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Final Documents phase of the process. (orig. 5-20-08)

Under this circumstance, the application will be able to reach the Determination phase of the process earlier than the date tentatively scheduled at the time of the 1st Referral. (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

- e. Response to 1st Referral: The applicant shall have 21 Calendar days to address in writing any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2<sup>nd</sup> referral. (orig. 5-20-08)

The applicant will be deemed to have consented to a later determination date, than that tentatively scheduled, if the resubmittal is not received within the 21 calendar day period. (orig. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am 5-20-08; am. 12-21-10)

- f. Submittal of Revised Documents: The Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)
- g. 2<sup>nd</sup> Referral: The referral agencies shall have 7 calendar days to respond in writing to the 2<sup>nd</sup> referral. (orig. 5-20-08)
- h. Forwarding 2<sup>nd</sup> Referral Comments: The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Determination phase or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

If the applicant has not consented to a later determination date based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled determination date, the applicant shall submit the final documents as requested by the Case Manager in accordance with the Final Documents phase of the process. (orig. 10-25-05; am. 5-20-08)

- i. Response to 2<sup>nd</sup> Referral Comments: The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10)
- j. Additional Changes: For the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter, the Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not

complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 5-20-08)

The referral agencies shall have 7 calendar days to respond in writing to the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter. (orig. 5-20-08)

The Case Manager shall have 5 calendar days after the end of the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter, to provide the applicant with a full Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward for determination or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

- k. Final Documents: The final documents shall be comprised of the executed Site Development Plan Mylar, the executed improvement agreement (if applicable) and other final documents as identified by the Case Manager. (orig. 5-20-08)

If the applicant has not consented to a later determination date based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the final documents for the tentatively scheduled determination date. The applicant will be deemed to have consented to a later determination date if the final documents are not received within the 10 calendar day period. (orig. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments or submit the final documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

- l. Determination Preparation: The Case Manager shall have 5 calendar days to review the final documents and prepare the Staff recommendation. (orig. 10-25-05; am. 5-20-08)

If the additional revisions are required to comply with County standards, the Case Manager will return a letter to the applicant identifying the revisions that must be made in order to gain Staff support for the proposal. (orig. 5-20-08)

**Determination and Post Determination**

- m. Determination: The Director of Planning and Zoning shall have 5 calendar days to review the request and staff recommendation and approve, approve with conditions, or deny the application. The Director of Planning and Zoning may ask for additional documents before making a determination. Upon approval by the Director of Planning and Zoning, Staff shall record the approved Site Development Plan. (orig. 10-25-05; am. 5-20-08; am. 4-20-10; am. 3-3-15)

The applicant shall obtain building permits within 2 years of Site Development Plan approval, or the approval shall be rescinded. (orig. 7-23-02; am. 5-20-08; am. 4-20-10)

An approval by the Director of Planning and Zoning may be subject to the applicant meeting certain conditions before the issuance of building permits. (orig. 7-23-02; am. 4-27-04; am. 10-25-05; am. 3-3-15)

- n. Appeal of a Denial of a Site Development Plan: An appeal of a denial of a Site Development Plan shall be made to the Board of Adjustment in writing within 30 calendar days of the denial, otherwise Planning and Zoning will consider the application withdrawn. In the case of a withdrawn application or a denial of an appeal, a new application shall be required to process a Site Development Plan on the same property. In the case of a successful appeal, the approved site plan shall be recorded and filed in Planning and

Zoning files. (orig. 7-23-02; am. 4-27-04; am. 5-20-08)

- o. Modifications to the Site Plan and Supporting Documents: The Director of Planning and Zoning may approve minor modifications to the approved Site Plan and supporting documents, so long as such modifications are consistent with the overall intent of the Zoning Resolution, the Land Development Regulation, Plat and Exemption From Platting restrictions, and zoning conditions, and do not result in adverse impacts that were not considered at the time of the original Site Development Plan approval. If the Director of Planning and Zoning determines that a proposed modification is not minor, then the applicant will be required to file a new application with the required fees and documents. (orig. 7-23-02; am. 12-17-02; am. 4-27-04; am. 5-20-08; am. 3-3-15)

#### 4. Plan Format

- a. All plans listed in this section shall be 24x36 inches with the long dimension being horizontal. The Plans shall include the following information in the format described. (orig. 7-23-02; am. 4-20-10)
  - (1) An information block shall be located in the lower right-hand corner or along the right hand margin of the sheet and shall include the following information: (orig. 7-23-02)
    - (a) Sheet title (i.e. Site Development Plan, Landscape Plan, etc.) (orig. 7-23-02; am. 7-1-03)
    - (b) Name of the proposed project (orig. 7-23-02)
    - (c) Name, address, and telephone number of the applicant if different than the owner (orig. 7-23-02)
    - (d) Name, address, and telephone number of the preparer if different than the applicant (orig. 7-23-02)
    - (e) Name, address, and telephone number of the owner (orig. 7-23-02)
    - (f) Date of plan preparation, and revision dates (orig. 7-23-02)
    - (g) Sheet page number (i.e., 1 of 3, 2 of 3, etc.) (orig. 7-23-02)
  - (2) The Planning and Zoning assigned case number shall be located in the upper right corner of each sheet. (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 4-4-06; am. 4-20-10)
  - (3) A graphic and written scale. (orig. 7-23-02; am. 4-4-06; am. 4-20-10)
  - (4) A North Arrow. The graphic should be oriented with north to the top of the page, unless otherwise approved by Planning and Zoning. (orig. 7-23-02; am. 4-4-06; am. 4-20-10)
- b. The Site Development Plan shall include the following:
  - (1) A neat and legible drawing of the proposed site layout showing the required information at a scale of one (1) inch to 50 feet or larger, or as approved by Planning and Zoning. The drawing shall include the following information: (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 5-20-08; am. 4-20-10)
    - (a) The size, location, and type of all existing and proposed easements or other rights-of-way. (orig. 7-23-02)
    - (b) Fully-dimensioned property lines and all non-buildable areas, if previously defined, and building footprints, and setbacks of all proposed and existing structures which are to be retained on the site. ((orig. 7-23-02; am. 12-17-02; am. 4-4-06)
    - (c) Location, dimensions and names of proposed, platted and existing adjoining streets, and internal streets showing edge of right-of-way and pavement or face of curb, centerline, radii, and curb return radii. A note shall be placed on the Site Plan indicating whether the proposed streets are to be public or private. (orig. 7-23-02; 4-4-06)

- (d) Driveways and intersections adjacent to, or across the street from the subject property. (orig. 2-22-02; am. 12-17-02; am. 10-25-05)
  - (e) Approximate proposed and existing street grades. (orig. 2-22-00; am. 12-17-02; am. 10-25-05)
  - (f) Location of existing and proposed access points. (orig. 2-22-00; am. 10-25-05)
  - (g) Location and dimensions of bicycle/pedestrian/equestrian paths, walkways, and trails shall be shown. (orig. 7-23-02)
  - (h) Location and placement of all signage and freestanding walls. (orig. 7-23-02; am. 12-17-02; am. 7-1-03)
  - (i) The location of all existing and proposed fire hydrants or cisterns. (orig. 7-23-02)
  - (j) The location and size of existing/proposed wells and sewage disposal system absorption fields. (orig. 2-22-00; am. 10-25-05)
  - (k) Location and type of existing and proposed easements and utility lines. (orig. 2-22-00; am. 10-25-05)
  - (l) Existing and proposed surfacing of all traveled areas, on-site and within 100 feet off-site. (orig. 7-23-02)
  - (m) Existing floodplain limits (if applicable). (orig. 7-23-02; am. 10-25-05)
  - (n) Location of any known hazardous areas, or a note stating that no known hazardous areas exist. (orig. 2-22-02; am. 12-17-02; am. 10-25-05)
- (2) The title shall be comprised of a main title and a subtitle. The main title should be a large bold text, while the subtitle is a non-bold smaller text. The following formats shall be used, unless otherwise approved by Planning and Zoning: (orig. 7-1-03; am. 4-20-10)
- (a) For parcels within a recorded Plat or Exemption from Platting: (orig. 7-1-03; am. 4-20-10)

**(Plat or Exemption Title) Lot(s) \_\_\_\_\_  
Site Development Plan**

Located in the \_\_\_\_ ¼ of Sec \_\_\_\_, T\_\_S, R\_\_W of the  
6<sup>th</sup> Principal Meridian, County of Jefferson, State of Colorado

- (b.) For parcels not located in a recorded Plat or Exemption from Platting: (orig. 7-1-03; am. 4-20-10)

**Site Development Plan – (Project Name)**

Located in the \_\_\_\_ ¼ of Sec \_\_\_\_, T\_\_S, R\_\_W, of the  
6<sup>th</sup> Principal Meridian, County of Jefferson, State of Colorado

- (3) A vicinity map showing adequate information for the reviewer to easily locate the project. The vicinity map need not be scalable; however it must be legible and located within the upper left-hand corner of the site plan. (orig. 7-23-02; am. 7-1-03)
- (4) The complete legal description of the parcel shall be located immediately below the vicinity map on the left side of the document. If the Site Development Plan is only affecting a small portion of the overall ownership of a property, then Planning and Zoning may allow the legal description to be confined to a use area or a lease area within the larger parcel. (orig. 7-1-03; am. 4-20-10)
- (5) A note section shall be located below the legal description and shall include any standard Site Development Plan notes as well as any notes listed on a previous Plat or Exemption document that must be satisfied prior to the issuance of building permits. (orig. 7-1-03; am. 4-20-10)
- (6) The following Approval Certificate shall be placed on the first page: (orig. 7-23-02; am. 4-20-10; am. 3-3-15)

This site plan has been reviewed and found to be complete, and in accordance with Jefferson County regulations and is hereby approved by the County and agreed to by the landowner.

\_\_\_\_\_  
 Jefferson County Director of Planning and Zoning Date

\_\_\_\_\_  
 (Owner(s) Name) Date

- (a) All individuals shall sign their names as shown on the deed of ownership. Corporate ownership or interest shall be shown by the official signature of the necessary officers of the Corporation. The full name of the corporation shall be shown above their signatures and the seal affixed. All partners of a general partnership must sign the certification. All general partners of a limited partnership and all members of a limited liability company must sign the certification unless the limited partnership agreement or Articles of Organization, respectively, authorize otherwise. (orig. 10-25-05)
- (b) The owners signature(s) shall be acknowledged utilizing the forms provided in 12-55-208 C.R.S. with the Notary Seal affixed as near as practicable to the acknowledgement. (orig. 10-25-05)
- (c) With the approval of the Attorney's Office, the certification or acknowledgment may be modified based on unique situations provided such modification protects the interests of Jefferson County. (orig. 10-25-05)

COUNTY OF ) ss:  
 STATE OF )

The foregoing dedication and the foregoing covenant and plat restriction on conveyance, sale or transfer were acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by \*(name-printed).

WITNESS my hand and official seal.  
 SEAL \_\_\_\_\_  
 NOTARY PUBLIC  
 My Commission expires: 20 \_\_\_\_\_

- (7) The following Clerk and Recorder's Certificate shall be placed on the first page:

Accepted for filing in the Office of the County Clerk and Recorder of  
 Jefferson County at Golden,  
 Colorado, this day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
 County Clerk and Recorder

By: Deputy Clerk

- (8) The following Site Data Table shall be placed on the Site Development Plan: (orig. 7-23-02; am. 10-25-05)

Site Data

Total area of the property	(square feet)
Total multi-family units	
Building coverage	(square feet)
Parking lot coverage	(square feet)
Landscaped area coverage	(square feet)
Number of parking spaces required	
Number of parking spaces provided	
Existing and proposed gross floor area of all buildings and structures, shown per use (e.g. retail, office, etc.)	(square feet)

- c. Landscape Plan: The landscape plan shall be prepared by a landscape architect and shall include all of the following: (orig. 7-23-02)
- (1) Scale (scale shall be at least 1:20 or larger for sites of 2 acres or less and at least 1:50 for sites greater than 2 acres in size); (orig. 7-23-02)
  - (2) The proposed site grading topographic contours at a minimum of 2-foot intervals (in steep terrain, larger intervals may be required) or other appropriate interval as approved by Planning and Zoning and necessary spot elevations; (orig. 7-23-02; am. 12-17-02; am. 4-27-04; am. 5-20-08)
  - (3) Plant legend, shown on each sheet, including botanical and common plant names, plant sizes and quantities of all trees, shrubs, and ground covers proposed and slated for preservation; (orig. 7-23-02)
  - (4) Seed mixes, application rates, and quantities; (orig. 7-23-02)
  - (5) The location and size of all landscaped areas within the site, sight distance triangles, lot boundaries, trees and vegetation (proposed and to be preserved), significant existing physical site features (e.g. watercourses, rock outcroppings), property lines and easement locations, utilities (e.g. water, sewer, telephone, power, cable), existing and proposed buildings and structures, existing and proposed driveways, roads, walkways (including grades), plazas, buildings, playground equipment, parking areas, landscape amenities (e.g. fences, walls, planters, benches, signs), areas to be paved, graveled or covered by decks, retaining walls, detention ponds, drainageways or swales, areas to be revegetated, proposed plants to a scale at maturity, soil amendments, existing vegetation and its condition, 100-year floodplain, all areas on and off-site, including within the adjacent rights-of-way, that will be disturbed by construction activity. (orig. 7-23-02)
  - (6) Planting and construction details (where applicable) as well as plan notes to assist in clarifying design intent; (orig. 7-23-02)
  - (7) Easement(s) for any off-site landscaping proposed; and (orig. 7-23-02)
  - (8) A phasing plan for multi-phased projects identifying the separate phases, revegetation, stabilization and erosion control between phases, and the landscaping associated with each phase. (orig. 7-23-02)
- d. Architectural Elevations: The architectural elevations shall include all of the following:
- (1) Scale (scale shall be at least one-eighth inch equals one foot); (orig. 7-23-02)
  - (2) Building elevations of all sides of proposed buildings with proposed and existing grades; (orig. 7-23-02)
  - (3) Building materials and colors of exterior walls, roofs, doors, and windows; (orig. 7-23-02)
  - (4) Changes in building plane; (orig. 7-23-02)
  - (5) Building heights; (orig. 7-23-02)
  - (6) Location and screening of mechanical equipment; (orig. 7-23-02)

- (7) A note indicating the reflectivity or opacity of mirror glass for buildings in the Mountains; and (orig. 7-23-02)
- (8) Colored renderings and material boards (upon request by Planning and Zoning). (orig. 7-23-02; am. 4-27-04; am. 5-20-08)
- e. Lighting Plan: A lighting plan certified by a lighting designer, lighting engineer, licensed electrical contractor, or someone with experience in the lighting field showing all of the following: (orig. 7-23-02)
  - (1) The location and height of all existing and proposed building and ground-mounted luminaries; (orig. 7-23-02)
  - (2) Photometric data indicating the maximum foot-candles at all property lines; (orig. 7-23-02)
  - (3) A description of all proposed luminaries, including lamp type, the manufacturer, lamp wattage, lumen output per lamp, mounting or support device, and shielding (manufacturer's catalog cuts and drawings may be submitted); (orig. 7-23-02)
  - (4) Any additional information as may be required by Planning and Zoning to determine compliance with County regulations or to support the Illuminating Engineering Society of North America's recommended practices. Exceptions to the Illuminating Engineering Society of North America's recommended practices can be made by the County where necessary for safety purposes. (orig. 7-23-02; am. 4-27-04; am. 5-20-08)
  - (5) All calculations and results, including all sources and assumptions. (orig. 7-23-02)
  - (6) A statement of certification addressing accountability for the content and accuracy of the submitted lighting plan and the installation of the lights according to the approved lighting plan. It is the responsibility of the owner to ensure compliance to all standards in effect. (orig. 7-23-02)
- f. Parking Plan: A parking plan (which may be combined with the civil construction plans) showing all of the following: (orig. 7-23-02)
  - (1) The location, size, area, dimensions and configuration of all proposed off-street parking and loading bays, access drives, maneuvering lanes, medians, pedestrian areas, curb cuts, easements, and accessible ramps and spaces; (orig. 7-23-02)
  - (2) The direction of traffic circulation and the location, size, type, and height of all proposed traffic signs, and the material, color, line width, and pattern of all surface markings; (orig. 7-23-02)
  - (3) The percent grade of the parking lot surface and the direction of drainage flow as indicated by arrows; (orig. 7-23-02)
  - (4) The material and construction drawings of the parking surface, including cross-sections; and (orig. 7-23-02)
  - (5) The location of any off-site or remote parking spaces or areas and a complete parking plan for these areas together with evidence that indicates these areas are to be used for parking for the proposed use. (orig. 7-23-02)

**P. Minor Variations**

- 1. Minor variation(s) from strict application of the provisions of a zoning requirement may be allowed at the discretion of the Director of Planning and Zoning in order to facilitate the reasonable and expeditious processing of a development application. A minor variation may be granted for both onsite and offsite requirements for the following: Plats, Exemptions, Minor Adjustments, Residential Structure Exclusions, Land Disturbance Permits, Floodplain Permits, Oil and Gas Production Drilling, and Site Development Plans. A minor variation may be granted for the offsite requirements of the following: Zonings, Special Uses or Site Approvals. Such variations shall be allowed only after a finding by the Director of Planning and Zoning that: (orig. 1-17-84; am. 6-14-88; am. 12-17-02; am. 5-20-08; am. 4-20-10; am. 12-21-10)
  - a. Such variation(s) does not constitute a substantial change to the permitted land use(s); and that (orig. 1-17-84)

- b. No substantial detriment to the public good nor harm to the general purpose and intent of this Zoning Resolution will be caused thereby. (orig. 1-17-84)
- 2. Such variation(s) shall not constitute grounds for disapproval by the Board of County Commissioners of any Plat, Exemption, Rezoning or Special Use, unless the Board specifically finds that such variation(s) constitutes a substantial change in the permitted land use(s) or causes a substantial detriment to the public good or harm to the general purpose and intent of this Zoning Resolution. (orig. 1-17-84; am. 4-20-10)

**From:** [Russell Clark](#)  
**To:** [Russell Clark](#)  
**Bcc:** ["jkleinm@msn.com"](#); ["rdudley@associacolorado.com"](#); ["marilyn@cmsincorp.net"](#); ["barbmac@comcast.net"](#); ["hendel.solterrahoa@gmail.com"](#); ["mark@donelsonarchitecture.com"](#); ["eliadair@msn.com"](#); ["JDelao@ehammersmith.com"](#); ["smumaw@msiho.com"](#); ["1cohenhome@comcast.net"](#); ["kellie@kchoa.com"](#); ["jhilgers@broomfield.org"](#); ["tgrant@cpmanagers.com"](#); ["rward@associacolorado.com"](#); ["codychristman@ymail.com"](#); ["planner@bouldercounty.org"](#); ["wrmoorej@msn.com"](#); ["cbndit@aol.com"](#); ["tchudy@tmccares.com"](#); ["frollenhagen@co.clear-creek.co.us"](#); ["joanobert@yahoo.com"](#); ["wajjau@lakewood.org"](#); ["nfdame@gmail.com"](#); ["carla@geneseefoundation.org"](#); ["info@ckha.org"](#); ["bellparkestateshoa@gmail.com"](#); ["dhastings@lcmpm.com"](#); ["columbinehills80128@gmail.com"](#); ["Kathy@kchoa.com"](#); ["mattm@superiorcolorado.gov"](#); ["tina@kchoa.com"](#); ["pschanock@gmail.com"](#); ["brandonrigo@hotmail.com"](#); ["info@285pomc.org"](#); ["lbradley@tmccares.com"](#); ["schmidtjam@comcast.net"](#); ["MaMcLoug@cityofwestminster.us"](#); ["yeagerfam33@hotmail.com"](#); ["admin@tvhoa.com"](#); ["jerry@metro-denver-homes.com"](#); ["donaldparker@gmail.com"](#); ["kathy@kchoa.com"](#); ["dpepper@associacolorado.com"](#); ["daviddesch@comcast.net"](#); ["ray@chopejeffco.com"](#); ["etomandjudy@centurylink.net"](#); ["cmsbeth@yahoo.com"](#); ["animated.chris@gmail.com"](#); ["caronrealtyinc@att.net"](#); ["kpfestag@wispertel.net"](#); ["billrobie@prodigy.net"](#); ["mroz@comcast.net"](#); ["pieceparts@comcast.net"](#); ["cksehoa@gmail.com"](#); ["president@hiwan.com"](#); ["tpetersen@co.gilpin.co.us"](#); ["jwhatton@msiho.com"](#); ["denise@5150cm.com"](#); ["wburdan119@aol.com"](#); ["suzannestmartin@gmail.com"](#); ["donaldsno@msn.com"](#); ["jschartz@edgewaterco.com"](#); ["bme2030@gmail.com"](#); ["kmondragon@earthlink.net"](#); ["lspies@msiho.com"](#); ["teddi@kchoa.com"](#); ["switulski72@gmail.com"](#); ["danielswelch@comcast.net"](#); ["gcaves@wildblue.net"](#); ["smitchell@msiho.com"](#); ["tbender@coloradomanagement.com"](#); ["irie007@aol.com"](#); ["imavoice@aol.com"](#); ["developmentservices@denvergov.org"](#); ["info@welca-hoa.com"](#); ["miransl56@aol.com"](#); ["tinamcfarlin1967@gmail.com"](#); ["springhill\\_hoa@hotmail.com"](#); ["slmowatt@hotmail.com"](#); ["barrywinchell@gmail.com"](#); ["alisa@kchoa.com"](#); ["ksullivan@adcogov.org"](#); ["rsmetana@arvada.org"](#); ["m.schmidt@immeron.com"](#); ["Vivan@coloradomanagement.com"](#); ["hoaofbellevuefarmers@gmail.com"](#); ["brenda@lakesideamusementpark.com"](#); ["creardon@associacolorado.com"](#); ["harnagels@aol.com"](#); ["swinfrey@associacolorado.com"](#); ["westranchgate@qwestoffice.net"](#); ["wbdietz@yahoo.com"](#); ["jenniferj@withcpmg.com"](#); ["rmve2@comcast.net"](#); ["nnoll3@yahoo.com"](#); ["shorton@ehammersmith.com"](#); ["ntompkins@msiho.com"](#); ["mountainviewco@att.net"](#); ["ryan@withcpmg.com"](#); ["ahanson@ci.broomfield.co.us"](#); 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["daralynn.butler@gmail.com"](#); ["gerald.garfield@gmail.com"](#); ["paul@withcpmg.com"](#); ["lcw0901@comcast.net"](#); ["president@cksil.org"](#); ["fdmuldoon@comcast.net"](#); ["jbogner@msiho.com"](#); ["charles.h.tappan@ulalauch.com"](#); ["will@sawhoa.com"](#); ["contact@evergreenlegacyfund.org"](#); ["sally@carruthproperties.com"](#); ["jerry@svservices.com"](#); ["Mapoole@ix.netcom.com"](#); ["deb@carneylaw.net"](#); ["jon.ingersoll66@gmail.com"](#); ["gjshin@msn.com"](#); ["je\\_jackman@msn.com"](#); ["dwolfe@associacolorado.com"](#); ["cliff@maximummgt.com"](#); ["comnthomes@aol.com"](#); ["thomasantiffany@aol.com"](#); ["president@hiwanhomeowners.org"](#); ["newwestproperty@gmail.com"](#); ["telebark@myedl.com"](#); ["LBFoos@comcast.net"](#); ["plandevlop@bouldercolorado.gov"](#); ["john@lakehurstwest5.com"](#); ["wegnerclan@juno.com"](#); ["tnoble@wispertel.net"](#); ["enable4ever@comcast.net"](#); ["sdixon@laurercompany.com"](#); ["charlieoleson@yahoo.com"](#); ["bjhans2@gmail.com"](#); ["PlanningCommission@cityofgolden.net"](#); ["BRENNANJR@AOL.COM"](#); ["daveo71@yahoo.com"](#); ["zenisek@associacolorado.com"](#); ["nancysommer@msn.com"](#); ["president@hilldalepines.com"](#); ["caitync@q.com"](#); ["tfoust@associacolorado.com"](#); ["crisp@kcranch.org"](#); ["janet@vistamgmt.com"](#); ["vivan@coloradomanagement.com"](#); ["connie@skylinedenver.com"](#); ["alan@LSIJeff.com"](#); ["pat\\_kelly@dinoridge.org"](#); ["kzakhem@comcast.net"](#); ["scrosbie@creginc.com"](#); ["felicia@acmhoa.com"](#); ["scross@parkco.us"](#); ["arl@wsps.net"](#); ["mbordas@homesteadmgt.com"](#); ["esandoval@coloradomanagement.com"](#); ["Burke\\_n\\_mel@comcast.net"](#); ["tbenett@ehammersmith.com"](#); ["schemel@q.com"](#); ["nancylee.scott@gmail.com"](#); ["cbg51@msn.com"](#); ["clpimm@aol.com"](#); ["RMerritt@coloradomanagement.com"](#); ["kmkulasza@comcast.net"](#); ["troche@coloradomanagement.com"](#); ["evergreenhighlands@gmail.com"](#); ["cboyd@douglas.co.us"](#); ["gijack08@gmail.com"](#); ["Kellie@kchoa.com"](#); ["mikeshaw@leawoodneighbors.com"](#); ["jeannegrhoa@aol.com"](#); ["cstorrey@grantranch.org"](#); ["brenda@milehighmg.com"](#); ["diraup@msn.com"](#); ["whittend@comcast.net"](#); ["groxanne1957@yahoo.com"](#); ["jyckes@co.arapahoe.co.us"](#); ["sstone@associacolorado.com"](#); ["ricdane@aol.com"](#); ["losincup@aol.com"](#); ["marti44@aol.com"](#); ["foothill@peakpeak.com"](#); ["jon@kchoa.com"](#); ["jennifer@vistamgmt.com"](#); ["jfsass@msn.com"](#); ["lguardado@ehammersmith.com"](#); ["wallack4@q.com"](#); ["5953toscano@comcast.net"](#); ["swenson@skybeam.com"](#); ["theranks@yahoo.com"](#); ["brewster@evcohs.com"](#); ["tluebke@associacolorado.com"](#); ["triple1953@gmail.com"](#); ["steve@denverjewelers.com"](#); ["dkrummick@ehammersmith.com"](#); ["rholderith@summitgroupdenver.com"](#); ["heather1024@hotmail.com"](#); ["buffyben@aol.com"](#); ["board@emha.us"](#); ["valleyhi@valleyhi.org"](#); ["applemeadows@gmail.com"](#); ["tvlaberge@gmail.com"](#); ["jdjohansen@cs.com"](#); ["jyludwig@msn.com"](#); ["rsimms@rsimmspc.com"](#); ["kjohnstone@ci.wheatridge.co.us"](#); ["avaboard2007-8@comcast.net"](#); ["cmdrewek@comcast.net"](#); ["shellymeans@hotmail.com"](#); ["joy.of.travel@comcast.net"](#)

**Subject:** Proposed Regulation Amendment - Jefferson County Zoning Resolution  
**Date:** Monday, January 25, 2016 5:14:00 PM  
**Attachments:** [ZR Section 3 Enforcement - Proposed Changes.pdf](#)

---

Hello,

Jefferson County is proposing to amend Section 3 of the Zoning Resolution to allow the Director of Planning and Zoning to permit Administrative Exceptions to provide reasonable accommodations for disabilities.

A red-marked copy of the proposed changes is attached, or they can be found [here](#).

If you have any comments, please send them to me by Feb 5, 2016.

It is anticipated that public hearings for these changes will be held on these dates:

Planning Commission: Wednesday, March 9, 2016 @ 6:15 pm

Board of County Commissioners: Tuesday, March 29, 2016 @ 8:00 am

Thanks,

Russ Clark,

Planning Supervisor, Jefferson County



## JEFFERSON COUNTY NOTIFICATION

### Planning Commission & Board of County Commissioners' Hearing

**Case Type:** Regulation Amendment

**Case Number:** 16-100922AM      **Case Name:** Reasonable Accommodations for Disability

**Where:**

**General Location:** Unincorporated Jefferson County

**Case Manager:** Russell Clark, 303-271-8754, rclark@jeffco.us

**Purpose:** Proposed amendments to Section 3 of the Zoning Resolution to allow the Director of Planning and Zoning to permit Administrative Exceptions to provide reasonable accommodations for disabilities.

**Planning Commission:** Wednesday, Mar 09, 2016 at 6:15 p.m.

**Board of County Commissioners:** Tuesday, Mar 29, 2016 at 8:00 a.m.

*Public Testimony will be taken at these Hearings.*

**Location of Hearings:** 100 Jefferson County Pkwy., Administration and Courts Building, Golden Colorado

Documents for this case can be accessed through the Planning & Zoning Website.

**<http://jeffco.us/planning-and-zoning/active-cases/>**

through the QR code on this card, or by contacting the case manager.



## JEFFERSON COUNTY NOTIFICATION

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100 Jefferson County Parkway, Suite 3500, Golden, Colorado 80419-3500  
303.271.8459 • Fax 303.271.8490 • http://jeffco.us/highways

Jefferson County, Colorado  
Transportation & Engineering Division

# P&Z REFERRAL T&E RESPONSE

To:  *P&Z Case Manager* From:

Case #:  Due Date:

Property Address or PIN:

- Amanda Attempt Result & Attachments:**
- Comments Sent = T&E wants 2nd referral
  - Complete = Do Not send further referrals
  - No Comments = Do Not send further referrals
  - Additional information, plans, etc are also attached in Amanda

## Drainage

T&E is currently working on a project in the area. See attached information.

Other Notes:

No Concerns

## Right-of-Way / Roadway Corridor Expansion Projects

Land owner will need to refund County \$  for ROW purchased in  for

This amount **must** be paid before plat is recorded and/or plans are approved and released for construction.

Documentation attached in Amanda  Documentation to follow

Additional ROW needed for upcoming T&E project. Plan sheet attached with required width/area.

Fee-in-lieu of adjacent roadway construction preferred, due to planned construction by the County. Please have the applicant submit a cost estimate.

Other Notes:

No Concerns

## Traffic Operations / Transportation Planning

	Included in referral	Reviewed		Comments
		No	Yes	
Traffic study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Signage & striping plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Signal plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trails or sidewalks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Street road plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Concerns				

## Additional Comments

Comments

Name

**MEMO**

**TO:** Russell Clark  
Jefferson County Planning and Zoning Division

**FROM:** Tracy Volkman  
Jefferson County Environmental Health Services Division

**DATE:** January 27, 2016

**SUBJECT:** Case #16-100922 AM  
Reasonable Accommodations For Disability  
Jefferson County  
Jefferson County

**PROPOSAL SUMMARY**

Proposed amendments to Section 3 of the Zoning Resolution to allow the Director of Planning and Zoning to permit Administrative Exceptions to provide reasonable accommodations for disabilities

**COMMENTS**

Jefferson County Public Health has reviewed the planning documents related to this case and has no concerns with the proposed amendments to Section 3 of the Zoning Resolution.

**From:** [Axelrad, Tina R. - CPD Development Svcs \(CPDDS\)](#)  
**To:** [Russell Clark](#)  
**Subject:** Proposed Regulation Amendment -Jefferson County Zoning Resolution  
**Date:** Wednesday, January 27, 2016 10:44:38 AM

---

**Hi Russ,**

**The City of Denver has no comments.**

**FYI, our Denver Zoning Code contains a similar provision in Section 12.4.5, Administrative Adjustments. [www.denvergov.org/zoning](http://www.denvergov.org/zoning)**

**Good luck,  
Tina Axelrad  
Assistant Zoning Administrator**

**From:** Russell Clark [<mailto:rclark@co.jefferson.co.us>]  
**Sent:** Monday, January 25, 2016 5:14 PM  
**To:** Russell Clark <[rclark@co.jefferson.co.us](mailto:rclark@co.jefferson.co.us)>  
**Subject:** Proposed Regulation Amendment -Jefferson County Zoning Resolution

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It is anticipated that public hearings for these changes will be held on these dates:

Planning Commission: Wednesday, March 9, 2016 @ 6:15 pm

Board of County Commissioners: Tuesday, March 29, 2016 @ 8:00 am

Thanks,  
Russ Clark,  
Planning Supervisor, Jefferson County

**From:** [Alice Hanson](#)  
**To:** [Russell Clark](#)  
**Cc:** [John Hilgers](#)  
**Subject:** RE: Proposed Regulation Amendment -Jefferson County Zoning Resolution  
**Date:** Thursday, January 28, 2016 3:27:26 PM

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Russ

Thank you for forwarding the proposed regulation changes.

Both John and I looked them over and have no comments to forward.

Hope all is well with you

***Alice Hanson***

*Senior Planner*

*City and County of Broomfield*

*One DesCombes Drive*

*Broomfield, CO 80020*

*303-438-6383*

[ahanson@broomfield.org](mailto:ahanson@broomfield.org)

[www.broomfield.org](http://www.broomfield.org)

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**From:** Russell Clark [mailto:[rclark@co.jefferson.co.us](mailto:rclark@co.jefferson.co.us)]  
**Sent:** Monday, January 25, 2016 5:14 PM  
**To:** Russell Clark  
**Subject:** Proposed Regulation Amendment -Jefferson County Zoning Resolution

Hello,

Jefferson County is proposing to amend Section 3 of the Zoning Resolution to allow the Director of Planning and Zoning to permit Administrative Exceptions to provide reasonable accommodations for disabilities.

A red-marked copy of the proposed changes is attached, or they can be found [here](#).

If you have any comments, please send them to me by Feb 5, 2016.

It is anticipated that public hearings for these changes will be held on these dates:

Planning Commission: Wednesday, March 9, 2016 @ 6:15 pm

Board of County Commissioners: Tuesday, March 29, 2016 @ 8:00 am

Thanks,

Russ Clark,

Planning Supervisor, Jefferson County

**From:** [Simone Meyer](#)  
**To:** [Russell Clark](#)  
**Subject:** RE: Proposed Regulation Amendment -Jefferson County Zoning Resolution  
**Date:** Wednesday, February 03, 2016 12:48:49 PM

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Thanks for the clarification. I, personally, did not ask for the change but it was requested from a homeowner.

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**From:** Russell Clark [<mailto:rclark@co.jefferson.co.us>]  
**Sent:** Friday, January 29, 2016 2:08 PM  
**To:** Simone Meyer  
**Subject:** RE: Proposed Regulation Amendment -Jefferson County Zoning Resolution

I'm sorry. Your question about do we allow citizen/community comment is yes. We are actively seeking comments now, and understand that you would prefer the language to state that evidence of a disability must be provided instead of saying it may be asked for.

Citizens may also attend the Planning Commission Hearing and/or the Board of County Commissioner's Hearing to provide comments in person to the respective commission or board.

There is no one case that set this in motion, although there are examples of situations where this provision would have been useful to have. (one involved a person seeking permission to install a carport that did not meet the setback requirements of the zone district. There was no hardship related to the property, so the BOA could not approve the variance, even though the person had a disability.)

-Russ

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**From:** Simone Meyer [<mailto:simone@kiwiandcompany.com>]  
**Sent:** Friday, January 29, 2016 1:06 PM  
**To:** Russell Clark  
**Subject:** FW: Proposed Regulation Amendment -Jefferson County Zoning Resolution

Hi Russ. I didn't get my questions answered. Could you please review the email and answer?

Many thanks

Simone

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**From:** Russell Clark [<mailto:rclark@co.jefferson.co.us>]  
**Sent:** Wednesday, January 27, 2016 11:51 AM  
**To:** Simone Meyer  
**Subject:** RE: Proposed Regulation Amendment -Jefferson County Zoning Resolution

Thanks for your comments.

-Russ

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**From:** Simone Meyer [<mailto:simone@kiwiandcompany.com>]  
**Sent:** Wednesday, January 27, 2016 11:33 AM  
**To:** Russell Clark  
**Subject:** RE: Proposed Regulation Amendment -Jefferson County Zoning Resolution

Hi Russ. Thanks for the clarification. When I said "case", I was wondering if there is any particular property at hand that set this in motion.

I also have a question from a neighbor. They want to know:

"I have one question and one specific comment on the proposed language:

Does the JEFFCO process allow citizen/community comment on proposed language?

Specific language comment:

Section 8 c. (1) The Director of Planning and Zoning may require the submission of evidence of disability and evidence establishing that an accommodation is reasonably necessary. (orig. xx-xx-xx).

**I believe "may" should read "shall" in order to avoid falsification of circumstances attempting to circumvent the ZR."**

Thanks again in advance.

Simone

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**From:** Russell Clark [<mailto:rclark@co.jefferson.co.us>]  
**Sent:** Tuesday, January 26, 2016 2:36 PM  
**To:** Simone Meyer  
**Subject:** RE: Proposed Regulation Amendment -Jefferson County Zoning Resolution

Hi Simone,

Our regulations currently allow property owners to seek relief from certain criteria (usually setbacks, but it can be other things as well) for having a 'hardship' that is related to the property. Such a hardship could be due to steep slopes, or irregular lot shape. However, we do not have the ability to allow the same relief if the 'hardship' is related to the property owner. For example, if someone needed a ramp to access their home, but the ramp would need to extend into the setbacks, but the property does not have any physical hardship, we do not have the ability to grant the relief, potentially making the only option rezoning the property.

The 'case' is the proposed regulation amendment. We call everything a 'case', whether it is a rezoning, a subdivision, or a change to the regulations. The 'first part of the process' is sending out the draft to all HOAs, and other groups in the County. The next steps will be a hearing before the Planning Commission, then the Board of County Commissioners.

Feel free to give me a call if you would like to discuss further.

Russ  
303-271-8754

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**From:** Simone Meyer [<mailto:simone@kiwiandcompany.com>]  
**Sent:** Tuesday, January 26, 2016 1:09 PM  
**To:** Russell Clark  
**Subject:** FW: Proposed Regulation Amendment -Jefferson County Zoning Resolution

Hi Russ. Can you tell me why JeffCo is proposing to amend this section?

The "red-marked" copy link of the changes bring this up and it doesn't make a lot of sense (see below).

Which "case" is now beginning the first part of the process?

Thanks in advance

Simone Meyer

VP

Evergreen Meadows HOA

SUBJECT LINE: 16-100922AM- ELECTRONIC REFERRAL

-  
**ELECTRONIC REFERRAL**  
-

-  
**JEFFERSON COUNTY, COLORADO**  
-

Documents related to a Regulation Amendment are being processed by Jefferson County Planning and Zoning. This case is now beginning the first part of the process. Please review the specific electronic documents related to this proposed amendment found [here](#). Comments should be submitted via e-mail to the case manager by the due date below.

Case Number: 16-100922AM

Case Name: Reasonable Accommodations for Disability

General Location: Unincorporated Jefferson County

Case Type: Regulation Amendment

Type of Application: Proposed amendments to Section 3 of the Zoning Resolution to allow the Director of Planning and Zoning to permit Administrative Exceptions to provide reasonable accommodations for disabilities.

Case Manager: Russell D. Clark

**Comments Due: Feb 5, 2016**

Case Manager Contact Information: [rclark@jeffco.us](mailto:rclark@jeffco.us) 303-271-8754

Additional information related to this case can be viewed [here](#). Some of the links on this page that may be helpful are the links to the case file (public documents), and to the case tracking system (general application details).

<u>Jeffco:</u> County Attorney County Administrator Open Space Cartography Addressing Geologist T&E Public Health Zoning Planning Engineering Long Range Road and Bridge		
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**From:** [Jean Osborne](#)  
**To:** [Russell Clark](#); [John Wolforth](#)  
**Cc:** [Bonnie Benedik](#); [Debbie McIntyre](#); [commish1](#); [commish2](#); [commish3](#); [pz\\_web](#)  
**Subject:** Proposed Amendments to Section 3 of the Zoning Resolution  
**Date:** Friday, February 05, 2016 1:45:03 PM

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February 5, 2016

Russ Clark

Planner Supervisor, Jefferson County

Mr. Clark,

I am writing in response to the proposed amendments to Section 3 of the Zoning Resolution to allow the Director of Planning and Zoning to permit Administrative Exceptions to provide reasonable accommodations for disabilities.

I have reviewed these amendments and find that the language is very general. It allows a wide latitude for interpretation and discretionary approval of developments by the Planning Director. It places all authority with the Director and effectively eliminates any oversight by the Planning Commission or the Board of County Commissioners for any developments for the disabled.

My concerns are as follows:

Language already exists to provide reasonable accommodation for structural and design elements needed to meet the needs of a disabled population. We were told that the change in language was needed to resolve concerns re construction of a carport. Surely this is permitted with current language and could be resolved without giving the Planning Director carte blanche over planning exceptions.

The language would potentially allow a developer to put a large assisted living facility within a neighborhood. Our HOA successfully opposed placement of a large assisted living/memory care facility in our neighborhood. The Planning Director continued to support this development even after denial by the Planning Commission. No substantive changes were made to the original plan and it went before the BOCC without addressing any of the concerns expressed by the PC and without regard to its' noncompliance with the Comprehensive Plan. With the proposed zoning changes, this development could have been approved by the Planning Department without comment by the community or approval of the PC and BOCC.

I see no language to enforce the 750 foot rule for distance between similar group homes. I would propose a change to include language that would prohibit exceptions to the 750 foot rule and to clarify whether this measurement is lot to lot or residence to residence. This was a question posed by the Planning Commission as another group home was within this 750

foot limit of the Sevens Plan and was left unresolved.

The language eliminates consideration of community character as a factor for approval. This should be a major consideration when reviewing all proposed plans as stated in the Comprehensive Plan. Does the County want to blur the lines between residential and commercial and compromise the integrity of its residential communities?

The language does not support the need for a SUP for group homes over 8. We have 4 group homes and a foster home in our neighborhood which house between 8 and 12 individuals each. The owners purchased and converted an existing house which easily blend into our community. New construction which accommodates a large population is commercial in nature and is not in character with any residential neighborhood. The application for a SUP is a simple process and is needed to insure the scope and impact of any plan on a neighborhood.

Why would a waiver for an ILC be granted simply because construction is planned for the disabled? If a standard is necessary for general construction it should apply to all situations.

These proposed zoning changes come on the heels of the PC and BOCC denial of the proposed Sevens Assisted Living Facility in our neighborhood. The timing is disconcerting. It gives the appearance of an effort by the Planning Department to circumvent the process and to structure the zoning regulations to eliminate the potential for future denials of plans they deem worthy.

I would expect that any changes to the zoning regulations would be designed to preserve and protect the quality and character of Jeffco neighborhoods while promoting commercial development and not to eliminate the system of checks and balances that are intended to provide oversight and a fair hearing when a plan is in dispute.

I respectfully request that you deny these zoning changes.

Thank you,

Jean Osborne

303-601-8998

**From:** [judson@bajabb.com](mailto:judson@bajabb.com)  
**To:** [Russell Clark](#)  
**Subject:** Re: Proposed Regulation Amendment -Jefferson County Zoning Resolution  
**Date:** Monday, January 25, 2016 10:33:25 PM

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Hello Russell Clark,

Thank you for sending this resolution to me. I do think that this is a very wise adaptation to the said regulation. Thank you for being so thoughtful.

Regards,

Flora Andrus  
President Fairmount Improvement Association.

**From:** [Russell Clark](#)  
**Sent:** Monday, January 25, 2016 5:14 PM  
**To:** [Russell Clark](#)  
**Subject:** Proposed Regulation Amendment -Jefferson County Zoning Resolution

Hello,

Jefferson County is proposing to amend Section 3 of the Zoning Resolution to allow the Director of Planning and Zoning to permit Administrative Exceptions to provide reasonable accommodations for disabilities.

A red-marked copy of the proposed changes is attached, or they can be found [here](#).

If you have any comments, please send them to me by Feb 5, 2016.

It is anticipated that public hearings for these changes will be held on these dates:

Planning Commission: Wednesday, March 9, 2016 @ 6:15 pm

Board of County Commissioners: Tuesday, March 29, 2016 @ 8:00 am

Thanks,  
Russ Clark,  
Planning Supervisor, Jefferson County

**From:** [david.crespo](#)  
**To:** [Russell.Clark](#)  
**Subject:** Objection to Procedural Change for ADA Administrative Exceptions  
**Date:** Friday, February 05, 2016 3:23:35 PM

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Russell

The Elk Falls Property Association (EFPOA) has learned that Jefferson County is considering a change to administrative policy that will state "the Director of Planning and Zoning may permit Administrative Exceptions to any zoning requirement in order to provide reasonable accommodations for disabilities". We support ADA accommodations but feel the current requirements for Planning Commission and Board of County Commissioners review and approval should remain in place.

Sincerely,

David Crespo

President Elk Falls Property Association  
Pine, CO 80470

CINDY GOLDMAN  
1045 ZINNIA STREET  
GOLDEN, CO 80401

February 1, 2016

Russell Clark; [rclark@co.jefferson.co.us](mailto:rclark@co.jefferson.co.us)  
John Wolforth; [jwolforth@co.jefferson.co.us](mailto:jwolforth@co.jefferson.co.us)  
Planning Commission; [bbenedik@jeffco.us](mailto:bbenedik@jeffco.us)  
Commissioner Szabo, Chairman; [commish1@jeffco.us](mailto:commish1@jeffco.us)  
Commissioner Tighe; [commish2@jeffco.us](mailto:commish2@jeffco.us)  
Commissioner Rosier; [commish3@jeffco.us](mailto:commish3@jeffco.us)

Dear All:

We are writing regarding the proposed changes to Section 3 of the Zoning Resolution to provide the Planning and Zoning Director with authority to make administrative exceptions for disabled persons. Proposing these changes just six days after the Sevens project at 10<sup>th</sup> and Xenon was disapproved by the Board of County Commissioners is an obvious attempt to provide an opportunity to overturn the decisions by the Planning Commission and the Board. The proposed language could allow the Planning and Zoning Director to approve a project that has already been rejected by the Planning Commission and Board of County Commissioners after careful consideration of both the developer's proposal and community comments. It appears to be a disingenuous attempt by staff to get through a project that they supported but was not approved under the current process. This is very concerning.

Whatever the intent for the proposal, the language is vague, contradictory and provides too much authority to the Director. It would allow only the Director to make a decision that can alter the character of a neighborhood if in their opinion it is a reasonable accommodation for a disabled person. "Reasonable accommodations" and "disabled" are not defined in the proposed changes, and there is no reference to the Fair Housing Act Amendments (FHAA) where these terms are not only defined but have years of case law providing clarification as to their meaning. Even if the definitions from the FHAA were adopted, the authority granted to the Director of Planning and Zoning to allow an exception for "ANY zoning requirement in order to provide reasonable accommodations for disabilities" (emphasis added) proposed in Section 3, C.2. simply goes too far. Clearly there are some zoning requirements for which no exception should be granted – the 750 foot rule between like group homes or a special use permit for group homes of greater than 8 residents, for instance. There are good reasons why specific zoning ordinances have been put in place and that should not be undone by a Director's

exception. In addition, the exception at Section 3, C.4. would allow the Director to ignore the Comprehensive Master Plan by allowing exceptions that could be inconsistent with the character of the neighborhood.

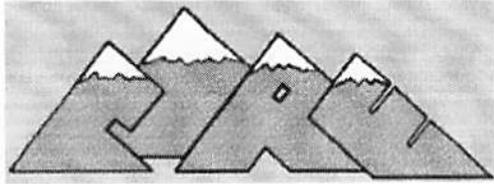
In Section 3, C.8.c.4., it is unclear what the language “the accommodation may not create a fundamental alteration in the County’s land use and zoning plans” means. Does it include the character of a neighborhood, which would contradict the language in Section 3, C.4, requiring an exception to not be based solely on an evaluation of community character. In fact, an exception allowing accommodations that change the character of a neighborhood could only be a fundamental alteration of the Comprehensive Master Plan.

It is unclear if Staff believes an administrative exception by the Director is necessary because Jeffco zoning resolutions require some dwellings be constructed without the ability to make accommodations for the disabled, thereby requiring an exception by the Planning and Zoning Director. If that is the case, those situations should be more specifically identified, narrowing the situations for which an exception would be available. There are already available exceptions for height, setbacks, and minor modifications, among others. It doesn’t appear that any additional authority is necessary since under the existing regulations, the Director may grant an exception for minor modifications so long as they meet criteria regarding consistency with zoning requirements and do not create a substantial change to the intent of the underlying zoning. If there are minor exceptions to be granted by the Planning and Zoning Director to a specific dwelling to make “reasonable accommodations” for “disabled” individuals, the same criteria required for minor modifications should be equally applicable. We don’t understand why an additional exception needs to be granted to what is already provided under Section 3, C.12 (currently C.10). for minor modifications.

In summary, the proposed language is vague and could be subject to a broad range of interpretations including an approval of the Sevens project that was recently disapproved by both the Planning Commission and the Board of County Commissioners. Further, these changes are not necessary as the Planning and Zoning Director already has the authority to make exceptions for minor modifications. If it is determined that for some reason the issues to be addressed by this proposal do not fit within the minor modifications language, then any reasonable accommodation for disabled persons should have to meet the criteria and qualifications set forth in Section 3, C.12 (currently C.10).

Sincerely,

*Cindy Goldman*



## CANYON AREA RESIDENTS FOR THE ENVIRONMENT

**A coalition of homeowners' associations & neighborhoods in the Mount Vernon Canyon.**  
Since 1987 it has served as an umbrella organization representing the central mountain communities  
from Clear Creek to Bear Creek and the Hogback to the western border of Jefferson County

Feb 3, 2016

Russell Clark, Planning Commission and Board of County Commissioners

Re: Proposed Amendment to ZR Section 3 allowing Director of Planning & Zoning to grant exceptions to any zoning requirement in order to provide reasonable accommodations for disabilities

Dear Russell Clark, Planning Commission and County Commissioners,

Canyon Area Residents for the Environment (CARE) opposes the current proposed rezoning amendment regarding accommodations for persons with disabilities because it delegates powers that are too broad to the Zoning Administrator. Granting Administrative Exceptions to **any** zoning requirement is too broad but that is what this proposed amendment does;

**The Director of Planning and Zoning may permit Administrative Exceptions to any zoning requirement in order to provide reasonable accommodations for disabilities.**

This open-ended language completely disregards the Comprehensive Plan and current zoning restrictions. Individual small scale disability accommodation exceptions for disabled individuals living in family homes and working in businesses do not present as much concern to our homeowner associations as exceptions done for group homes for people with disabilities because the latter are much bigger and more likely to be incompatible with the neighboring residences.

This language granting wholesale lack of review by the Planning Commission or the Board of County Commissioners conveys authority that is reserved for the Planning Commission and Board of County Commissioners. The Director is an Administrator not subject to election by the public.

Thank you for your attention to this matter.

Yours truly,

Deborah Carney, CARE President -[www.carejeffco.org](http://www.carejeffco.org)

February 10, 2016

John Wolforth  
Jefferson County Planning and Zoning

Re: Proposed language amendment to Section 3 of the Zoning Resolution

Mr. Wolforth,

Thank you for your time Monday. Now that we understand the intent behind the proposed language a little better we would like to suggest the following changes to make the language apply directly to the intended purpose.

If the intent is to allow minor to moderate structural changes to existing dwellings that do not comply with zoning laws in order to allow those with disabilities to have full use and enjoyment of their homes; that is a goal we fully support.

As you had mentioned the definition of "hardship" which allows for a Board exception does not include disabilities. We are however concerned with your reference to the ADA. As we understand ADA does not apply to private residences. The language as proposed is from the Fair Housing Act and not the ADA. I think you will find the terms and definitions are different and you may find that you may have the same problem you had with the definition of hardship. If your references to ADA are referring to ramps, lifts, wider access areas and other physical modifications to existing dwellings then that is certainly appropriate. Obviously, most dwellings, especially older ones were not designed and built with an expectation of these modifications.

**With all this in mind I would suggest that language be added to Section 4 of the Zoning Resolution. The Board of Adjustment was formed by state statute to grant Special Exceptions like these. Great time and care was put into Section 4 of our Zoning Resolution for this very purpose. It should very little time and effort to add the language to allow for a hardship to include physical impairment. All the rest of the criteria is already there and not have to be recreated as is being done in Section 3.**

If this is to remain in Section 3 we suggest a multitude of changes to the language are necessary to preserve the balance of authority of the Director and afforded to the Boards and Commissions.

C.2

Since the issue the County is trying to address is just structural modifications to existing dwellings this should be specified in the language. Obviously, new construction that includes allowances for physical disabilities can be designed to meet zoning requirements and therefore, does not need an exception unless approved by a Board. The term "disabilities" includes those with hearing, mobility, visual impairments, chronic alcoholism, chronic illness, AIDS, AIDS Related Complex and mental retardation. By using the word disabilities you will have requests from groups that don't necessarily have the physical limitations you are trying to address. The language should either define disabilities or be replace with

“physical impairments”. The physically impaired are often in Group Homes and since there are specific regulations for these they should be eliminated from this exception process.

#### C.4.

As we discussed yesterday, there seems to be no justification for the proposed change to the paragraph that discusses community character. Exceptions related to disabilities should meet the same standard as all other exceptions. I hardly think that any of the modifications this change is addressing would in any way make this much difference to a community. This is just not needed to meet the stated goals. Protecting community character is a concept that is used throughout our Comprehensive Plan and Zoning codes and should not be something that is subject to exception without community input and going through the normal process.

#### C.7.b

There is no other instance in our Zoning Resolution for a waiver from providing an ILC and one should not be inserted for this. This is especially since these items would have less review than something going through the normal process of Planning Commission and Board of County Commissioners review. Item C.7.b should be deleted.

#### C.8.c

The proper description for this section is Structural Modification for a Disability. This should allow for exceptions to "certain" requirements in order to facilitate modifications for the disabled. Using the Fair Housing Act language confuses the intent of the Exception.

#### C.8.c (1-5)

We agree with the changing the word "may" to "shall". The term accommodation should be changed to exception to avoid confusion with the FHA.

#### C.8.c.(6)

An item 6 needs to be added stating the exception will conform to paragraph C.12. An exception such as this would not, and should not violate any of the items listed therein. This would retain the current level of authority the Director has and not erode the duties of the Board of Adjustment, Planning Commission and Board of County Commissioners. The items from C.12 are cornerstones of our Zoning Resolution and are the limits of the authority of the Director. Anything further should only be allowed by a vote of the Planning Commission and Board of County Commissioners and not an administrative decision that has no recourse.

We believe these changes permit the County to achieve its stated goals without changing the balance of authority between the Director and the Board and Commissions. We appreciate the opportunity to have this dialogue early in the process and hope it leads to a proposal we can support.

duty imposed by the floodplain regulations. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. (orig. 8-27-13)

- d. Stop Work Orders: When any work is being done which is not in compliance with an approved permit and/or the provisions of the floodplain regulations or any other applicable law, rule or regulation, the County can order the work stopped by serving written notice on any persons engaged in doing or causing such work to be done. Such person shall immediately stop such work until authorized by the County to proceed with the work or until approval to proceed has been obtained from the Board of Adjustment or other legal process. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation. The notice shall not be removed until the violation has been vacated or authorization to remove the notice has been issued. Failure to comply with any Stop Work Order is a violation of the Zoning Resolution and the County may proceed with Court Action and/or the actions listed below: (orig. 8-27-13)
- e. The County may contact the U.S. Army Corps of Engineers to notify them about any violation of Section 404 of the Clean Water Act. (orig. 8-27-13)
- f. The County may contact the Colorado Parks and Wildlife to determine and/or notify them about any violation to the Endangered Species Act. (orig. 8-27-13)
- g. The County may issue a declaration of violation, under Section 1316 of the National Flood Insurance Act of 1968 to the Federal Emergency Management Agency to deny flood insurance on the property in violation. The effects of having a Section 1316 violation are non-availability of flood insurance for any buildings, possible reduction of market value, risk of damage without compensation, possible mortgage foreclosure, and denial of disaster assistance for repair of structural damage. (orig. 8-27-13)

### C. Administrative Exceptions

- 1. The Director of Planning and Zoning may permit certain Administrative Exceptions to the requirements for lot area, front, side and rear setbacks, building height, sign height and sign face area. Said Administrative Exceptions shall be for the purpose of relieving difficulties or hardships due to narrowness, shallowness, shape or topographic condition of a specific piece of property, or to provide limited flexibility to lot standards when it is determined that no substantial detriment to the public good nor harm to the general purpose and intent of this Zoning Resolution will be caused thereby. (orig. 9-6-77; am. 12-12-78; am. 11-6-79; am. 1-17-84; am. 12-5-95; am. 12-17-02; am. 7-12-05; am. 3-3-15)
- ~~2. The Director of Planning and Zoning may permit Administrative Exceptions to any zoning requirement in order to provide reasonable accommodations for disabilities. (orig. xx-xx-xx)~~
- 23. The Director of Planning and Zoning may permit certain Administrative Exceptions for temporary uses, temporary living quarters, home occupations, and minor modifications. Said Administrative Exceptions shall be reviewed based on the criteria outlined in each of those subsections found within this section of the Zoning Resolution. (orig. 3-26-13; am. 3-3-15)
- 34. Administrative Exceptions may be permitted only after a site inspection has been made by the County and it has been determined by the County that no substantial detriment will be caused to the general public welfare or local community character. ~~The decision for an Administrative Exception for a disability will not be made solely based on an evaluation of community character.~~ If granted, Administrative Exceptions shall be issued in writing. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. xx-xx-xx)
- 45. Notification Criteria: The Director of Planning and Zoning shall determine, at their discretion, the potentially affected property owners related to the specific Administrative Exception request. This may include the adjacent property owners and any other properties that may be impacted by the proposed request. Once the potentially affected property owners are determined, notification will be provided by one of the following methods: (orig. 3-26-13; am. 3-3-15)
  - a. The County shall notify all potentially affected owners in writing of the proposed Administrative Exception. Those owners will have 15 calendar days to reply in writing before a decision is rendered. (orig. 3-26-13)
  - b. The applicant may present written statements from the potentially affected owners

Allow for structural modifications to an existing dwelling in the case of persons with physical impairments. The spacing and occupancy requirements for group homes as specified in the Zoning resolution are not subject to exception.

indicating their position as to the Administrative Exception requested. (orig. 3-26-13)

56. The Director of Planning and Zoning may revoke any Administrative Exception granted under this section by issuing a Zoning Violation Notice if, in the Director of Planning and Zoning's opinion, the use is not in compliance with the intent and purpose for which the Administrative Exception was granted, if the conditions of approval of the Administrative Exception or requirements of the Zoning Resolution have not been satisfied. (orig. 12-12-78; am. 6-14-88; am. 12-17-02; am. 3-3-15, ~~am. xx-xx-xx~~)

67. Improvement Location Certificate (ILC): Prior to obtaining a framing inspection for any building or structure allowed by an Administrative Exception, it shall be the responsibility of the applicant to submit an improvement location certificate, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot line(s) affected by the Administrative Exception. The following provisions apply to the ILC requirement: (orig. 12 12 78; am. 12-17-02; am. 3-3-15, ~~am. xx-xx-xx~~)

a. If no framing inspection is required for the building or structure, then the applicant shall be required to furnish the ILC promptly following completion of the construction and/or prior to final permit close out. (orig. ~~xx-xx-xx~~)

~~b. The Director of Planning and Zoning shall have the ability to waive the requirement of a ILC if the applicant is seeking an accommodation of a disability. This waiver may be granted if it is the Director of Planning and Zoning's opinion that the information from the survey would not aid in the review or enforcement of the Administrative Exception granted for such disability. (orig. ~~xx-xx-xx~~)~~

8. Administrative Exceptions shall only be permitted when the request falls within the parameters set forth below: (orig. 9-6-77; am. 12-12-78)

a. Lot Area

Under the following conditions, the Director of Planning and Zoning may permit the following Administrative Exceptions to the lot area requirement of any zone district. (orig. 5-6-46-§23; am. 9-6-77-§28; am. 11-6-79; am. 12-17-02; am. 3-3-15)

(1) If a lot, platted and recorded ON or BEFORE April 1, 1946, has less lot area than current minimums require, the Director of Planning and Zoning may permit the use of such lot as though the area conforms to minimum requirements, provided that: (orig. 5-6-46-§23; am. 9-6-77-§28; am. 11-6-79; am. 12-17-02; am. 3-3-15)

(a) Current setback and height regulations shall be complied with for any new construction or structural alteration; and (orig. 9-6-77)

(b) Current use regulations shall be complied with for any new construction or structural alteration. (orig. 9-6-77)

(c) The applicant shall present the Director of Planning and Zoning with a written statement from owners of immediately adjacent lots indicating their position as to the Administrative Exception requested, or the County shall notify all owners of adjacent lots in writing. Those owners will have 10 calendar days to reply in writing before a decision is rendered. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

(2) If a lot was platted and recorded AFTER April 1946; OR IF the property is unplatted with a metes and bounds legal description, and such parcel has less lot area than the current minimum required, the Director of Planning and Zoning may permit the use of such parcel, provided that: (orig. 9-6-77; am. 11-6-79; am. 12-17-02; am. 3-3-15)

(a) All current setback and height regulations shall be complied with; and (orig. 9-6-77)

(b) Current use regulations shall be complied with for any new construction or structural alteration; and (orig. 9-6-77)

(c) The area is not less than 75 percent of the minimum required. (orig. 9-6-77; am. 11-6-79; am. 7-1-03)

(d) The applicant shall present the Director of Planning and Zoning with a written

statement from owners of immediately adjacent lots indicating their position as to the Administrative Exception requested, or the County shall notify all owners of adjacent lots in writing. Those owners will have 10 calendar days to reply in writing before a decision is rendered. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

b. **Front, Side and Rear Setbacks, Building Heights, and Sign Height and Sign Face Area**

Under the following conditions, the Director of Planning and Zoning may permit, in writing, certain Administrative Exceptions to setback, building height, and sign height and sign face area requirements in any zone district as set forth below. (orig. 9-6-77; am. 12-12-78; am. 1-17-84; am. 12-17-02; am. 7-12-05; am. 3-3-15)

(1) **Front Yard Setback**

- (a) A front yard setback of up to 75 percent of the minimum required. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-26-13)
- (b) Administrative Exceptions to setbacks on corner lots cannot be granted by the Director of Planning and Zoning in the area required for vision clearance at corners and railroad crossings unless it is specifically found by the County that no potential traffic problem is created because of diminished sight distances. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

(2) **Side Yard Setbacks**

- (a) A side yard setback up to 75 percent of the minimum required. (orig. 5-6-46-§23; am. 9-6-77-§28; am. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-26-13)
- (b) Chimneys, open fire escapes or stairways to extend not more than 5 feet into a required side yard if they can be so situated as not to unreasonably obstruct light and ventilation of an existing dwelling or other main building on an adjoining lot. (orig. 5-6-46-§23; am. 9-6-77-§28)
- (c) Administrative Exceptions to side setbacks on corner lots cannot be granted by the Director of Planning and Zoning in the area required for vision clearance at corners and railroad crossings unless it is specifically found by the County that no potential traffic problem is created because of diminished sight distance. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

(3) **Rear Yard Setback**

- (a) A rear yard setback of up to 75 percent of the minimum required. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-26-13)
- (b) Chimneys, open fire escapes or stairways to extend not more than 5 feet into the required rear yard if such rear yard abuts on an alley which is not less than 16 feet in width. (orig. 5-6-46-§23; am. 9-6-77-§28)

(4) **Building Height**

- (a) The maximum height of a building may be increased by 5 feet over the allowable maximum. (orig. 1-17-84; am. 12-17-02; am. 3-26-13)
- (b) Administrative Exceptions shall not be granted for both setback and building height requirements on a given lot. (orig. 1-17-84; am. 7-12-05)

(5) **Sign Height and Face Area**

A sign height or sign face area may be increased up to 25 percent of the allowable maximum. (orig. 7-12-05; am. 3-26-13)

(6) **Vertical Height Disturbance for Private Roads and Driveways**

The maximum height of a vertical cut or fill slope may be increased by 5 feet over the allowable maximum upon approval by the Director of Planning and Zoning. In determining whether to approve or disapprove the request, the Director of Planning and Zoning shall consider all technical evaluations, relevant factors, standards specified in other sections, and whether the applicant has adequately addressed the provisions of The Board of Adjustment Section of this Zoning Resolution (orig. 11-12-

# Structural Modification for a Disability

02; am. 12-17-02; am. 3-26-13)

## c. ~~Accommodation of a Disability~~

To certain

Structural modifications

~~The Director of Planning and Zoning may permit, in writing, certain Administrative Exceptions modifying any requirements of this Zoning Resolution in order to provide a reasonable accommodation for a disability where necessary to afford the resident(s) an equal opportunity to use and enjoy a dwelling, subject to the following restrictions: (orig. xx-xx-xx)~~

(1) ~~The Director of Planning and Zoning may require the submission of evidence of disability and evidence establishing that an accommodation is reasonably necessary.~~ <sup>shall</sup> ~~(orig. xx-xx-xx)~~ <sup>Exception</sup>

(2) ~~The requested accommodation may not exceed the minimum reasonably necessary to accommodate the disability.~~ <sup>Exception</sup> ~~(orig. xx-xx-xx)~~ <sup>shall</sup>

(3) ~~The requested accommodation may not impose an undue financial or administrative burden on the County.~~ <sup>Exception</sup> ~~(orig. xx-xx-xx)~~ <sup>shall</sup>

(4) ~~The requested accommodation may not create a fundamental alteration in the County's land use and zoning plans.~~ <sup>Exception</sup> ~~(orig. xx-xx-xx)~~ <sup>shall</sup>

(5) ~~The accommodation may be granted on a temporary basis.~~ <sup>Exception</sup> ~~(orig. xx-xx-xx)~~

~~In the event that an Administrative Exception to accommodate a disability is granted, the Director of Planning and Zoning may require an affidavit be recorded with the Clerk and Recorder, with owner acknowledgement, to provide notice of the Administrative Exception. (orig. xx-xx-xx) Improvement Location Certificate (ILC) Survey~~

(1) ~~Prior to obtaining a framing inspection for the building allowed by an Administrative Exception, it shall be the responsibility of the applicant to furnish the Director of Planning and Zoning with a survey, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot line(s) affected by the Administrative Exception. (orig. 12-12-78; am. 12-17-02; am. 3-3-15)~~

(2) ~~In the event the applicant fails to provide this survey, the Administrative Exception shall be void and the applicant shall be in violation of the Zoning Resolution. (orig. 12-12-78; am. 7-1-03)~~

## 79. Temporary Uses:

Upon written request by the property owner or his/her representative, submission of a plot plan and proof of property ownership, the Director of Planning and Zoning may permit in any zone district a temporary use (excluding firework stands), including but not limited to: greenhouses, seasonal sales, temporary structures and those uses not covered by the Special Events Section of this Zoning Resolution provided the use is permitted in that zone district: (orig. 12-17-02; am. 12-14-04; am. 3-3-15)

a. In making a decision, the Director of Planning and Zoning shall evaluate parking, location of structures and buildings, access, adequacy of road system, hours of operation, length of operation, dust, noise and vibration beyond the property boundaries and any other items deemed necessary. (orig. 12-17-02; am. 3-3-15)

b. The property owner or his/her representative must reapply for the temporary uses on an annual basis. A maximum of 5 total years, beginning from the date that the first exception was granted, shall be allowed. (orig. 12-17-02; am. 12-14-04)

## 810. Temporary Living Quarters

a. Upon written request by the property owner or his/her representative, submission of a plot plan and proof of property ownership, the Director of Planning and Zoning may permit in any zone district the temporary occupation, for residential purposes, of a temporary living quarter. Temporary living quarters may be permitted only in circumstances where a permanent dwelling is being constructed on the same property. Such permit may be granted only when the following requirements have been met. (orig. 6-14-88; am. 12-17-02; am. 3-3-15)

6. Exception  
Will conform  
To items 1-8  
of C.12

**From:** [Dean Dalvit](#)  
**To:** [Russell Clark](#)  
**Subject:** RE: Proposed Regulation Amendment -Jefferson County Zoning Resolution  
**Date:** Tuesday, January 26, 2016 4:05:01 PM

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Russ,

On behalf of the Downtown Evergreen Economic District, we have reviewed the proposed language and have no objection to the County's amendments to this regulation. Additionally, we feel that the ability for the professional experts in the County Planning and Zoning department to have a broader ability to exercise good judgment and apply their skills directly on such matters without need for a costly public process will be beneficial to the community.

Thank you for the opportunity to express our opinion on this matter. If you have any questions, please do not hesitate to contact us at any time. Thank you.

Sincerely,

Dean

**Dean Dalvit,**

**President, Downtown Evergreen Economic District (A Colorado Nonprofit Corporation)**

**DEED Board, representing our Evergreen community:**

Dean Dalvit, EVstudio; Gail Riley, Highland Haven; Bob Cardwell, Stillwater Partners;  
Kathleen Davis, Evergreen Players;  
Eric Gill, Bearpaw Management; Rachel Emmer, Detritus Group; Jim Sherwood,  
Evergreen Clothing Company;  
John Seevers, Valentine Seevers and Associates; Brad Bednar, Evergreen Park and  
Recreation District  
Legal Council: Richard Toussaint, Toussaint Nemer & Coaty, PC  
[evergreenlegacyfund.org](http://evergreenlegacyfund.org)  
[contact@evergreenlegacyfund.org](mailto:contact@evergreenlegacyfund.org)  
PO Box 252 Evergreen, CO 80437

----- Original Message -----

Subject: Proposed Regulation Amendment -Jefferson County Zoning Resolution  
From: Russell Clark <[rclark@co.jefferson.co.us](mailto:rclark@co.jefferson.co.us)>  
Date: Mon, January 25, 2016 5:14 pm  
To: Russell Clark <[rclark@co.jefferson.co.us](mailto:rclark@co.jefferson.co.us)>

Hello,

Jefferson County is proposing to amend Section 3 of the Zoning Resolution to allow the Director of Planning and Zoning to permit Administrative Exceptions to provide reasonable accommodations for disabilities.

A red-marked copy of the proposed changes is attached, or they can be found

[here.](#)

If you have any comments, please send them to me by Feb 5, 2016.

It is anticipated that public hearings for these changes will be held on these dates:

Planning Commission: Wednesday, March 9, 2016 @ 6:15 pm

Board of County Commissioners: Tuesday, March 29, 2016 @ 8:00 am

Thanks,

Russ Clark,

Planning Supervisor, Jefferson County

**From:** [Russell Clark](#)  
**To:** [Russell Clark](#)  
**Subject:** FW: Colorado Statute - 750-foot spacing rule  
**Date:** Monday, February 29, 2016 5:20:00 PM

---

**From:** Jon Goldman [<mailto:jongoldman@comcast.net>]  
**Sent:** Monday, February 29, 2016 4:32 PM  
**To:** John Wolforth  
**Cc:** [rthorsheim1@comcast.net](mailto:rthorsheim1@comcast.net); 'David Ranker'; 'Diane Duffey'  
**Subject:** RE: Colorado Statute - 750-foot spacing rule

John,

Please include my email to you and its attachment with the case file documents posted online, and include them in the packets prepared for the PC and BCC hearings. Maybe they are posted somewhere, but I can't find them online.

Also, you mentioned in our meeting that you had received comments from several people in our neighborhood. I can find only two online that were submitted before our meeting. Please post the rest of them.

Jon

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**From:** John Wolforth [<mailto:jwolfort@co.jefferson.co.us>]  
**Sent:** Tuesday, February 09, 2016 8:33 AM  
**To:** 'Jon Goldman' <[jongoldman@comcast.net](mailto:jongoldman@comcast.net)>; Diane Duffey <[dduffey@msn.com](mailto:dduffey@msn.com)>  
**Cc:** [rthorsheim1@comcast.net](mailto:rthorsheim1@comcast.net); 'David Ranker' <[theranks@yahoo.com](mailto:theranks@yahoo.com)>  
**Subject:** RE: Colorado Statute - 750-foot spacing rule

Jon,

Thank you for sending and thanks to all of you for coming in and having a dialogue rather than just assuming. I have always been open to sit down with any member of the public and discuss any matter of concern, so it is much appreciated.

Diane,

Will you or someone else be sending comments? Maybe you have already sent them to Russ and I have just not seen them yet.

Please let me know.

Thank you again to all!

John

John Wolforth, Director  
Planning and Zoning Division  
100 Jefferson County Parkway, Suite 3550  
Golden, Colorado 80419  
303-271-8713 (Office)  
303-271-8744 (Fax)

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**From:** Jon Goldman [<mailto:jongoldman@comcast.net>]  
**Sent:** Monday, February 08, 2016 5:50 PM  
**To:** John Wolforth  
**Cc:** Diane Duffey; [rthorsheim1@comcast.net](mailto:rthorsheim1@comcast.net); 'David Ranker'  
**Subject:** Colorado Statute - 750-foot spacing rule

John,

Thanks again for meeting with us today. It was very helpful.

Attached is the only reference I've been able to find in state statute related to the 750-foot spacing of like-kind group homes under the jurisdiction of counties. (I believe there is a separate CRS reference that has the same language, but applies to cities.) As you'll see, it applies only to group homes for the elderly and those with mental illness. Further, it applies only to those group homes with eight or fewer residents. As I recall, during the debate over the Sevens rezoning the applicant stated that a memory care facility does not fall under the category of a group home for the aged. I don't know if that's true, but that's what I believe he said.

Since the final Sevens' proposal was for five buildings for a total of 60 beds, five buildings with 12 beds each would not be covered by the state statute, even if they were considered group homes for the aged.

The County zoning resolution applies the 750-foot spacing to all kinds and sizes of group homes, including those with more than 8 residents and, specifically, assisted living residences. Therefore, it is important to us that the reference is made to the County zoning resolution. If the county later reduces the 750-foot spacing rule, so be it. We just don't think it is appropriate to provide your office with the power to wave whatever the County spacing rule might be. Frankly, I doubt current or future county commissioners would want to face the pitchforks and torches that such a proposal would elicit.

I believe the other tentative change you made during your 30-minute meeting would prevent an exception to the requirement that an SUP be approved to allow a group home to have more than eight residents. If it doesn't, we believe it's important to include that.

Thanks again.

Jon

**From:** [k larwick](#)  
**To:** [Russell Clark](#)  
**Subject:** Fwd: Outcome  
**Date:** Thursday, March 10, 2016 11:22:29 AM

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Russel Clark

I am forwarding my email to Diane, just because I think everyone did a great job, This includes you and the commission.

Thanks, Keith Larwick

Begin forwarded message:

**From:** k larwick <[klarwick@msn.com](mailto:klarwick@msn.com)>  
**Subject:** Outcome  
**Date:** March 10, 2016 at 10:42:28 AM MST  
**To:** Diane Duffey <[dduffey@msn.com](mailto:dduffey@msn.com)>

Diana,

As always I was very proud of the HOA'S EFFORTS. I thank everyone involved from the bottom of my heart.

The deliberations by the board was very telling and they are impressive with their concerns and responsibilities. They make me feel good about the process and intellect of the people involved. I think the 2 commissioners voting no, show how important and controversial changes can be, this is important.

Our legal arguments were very good, however if I had been on the commission I believe I would have supported the administration route. I believe they did the right thing in approving our changes to their proposal and staying with the administration's granting exceptions.

The point about disabled having to go public at a hearing, rather than private to get exceptions is "important".

The point of staying legal with state law in the community character, again is a necessity.

Cost are more controllable, if the administrator can forgive, as he can currently. \$200 and \$600 is a lot for most people.

It was apparent that many staff are involved before an administration exception can occur, making it not one man approval, and staff reports and files are transparent.

I think the commission reached an admirable compromise.

We got changes and they got simplicity.

Keith

P.S. I think their inviting you in to a pre-meeting, shows how important you are, Great to have you in charge. THANKS

# Jefferson County



## Planning and Zoning Division



**16-100922AM**

**Amendments to Enforcement and Administrative  
Exceptions Regulations  
(Reasonable Accommodations)**

Case Manager: Russell Clark

# Current Conditions

- Administrative Exceptions may be granted for a 25% encroachment into setbacks.
- Board of Adjustment may grant Variances from the strict application of the Zoning Resolution. Variances must be due to an '*extraordinary and exceptional situation or condition of such piece of property*'.
- No procedure exists to allow for exceptions to regulations for 'reasonable accommodations' that are not tied to the property.

# Background

- **BCC Briefing: Jan 5<sup>th</sup>, 2016**
- “The Jefferson County Zoning Resolution does not currently include a procedure to allow for exceptions to regulations that may be necessary in order to accommodate disabled individuals, as required by the Fair Housing Act and Americans with Disabilities Act.”
- Directed Staff to prepare amendments to the ZR granting the Director the authority to grant Administrative Exceptions

# There is more than one way to...

**Board Of Adjustment**

**Administrative**



# There is more than one way to...

- **BOA Process – ‘Special Exception’**
- Public Hearing
  - Stigmatization of disability
- Extra cost
- Appeal is to District Court
- **Administrative Process – ‘Administrative Exception’**
- Administrative
  - Less time sensitive
- Lower cost
- Appeal is to BOA

# Proposed Revisions

- Authorize the Director to permit Administrative Exceptions for reasonable accommodations
- Clarify when a survey is needed
- Establish criteria
- Require notification

# Proposed Revisions - Authorization

- Add provision allowing the Director to permit Administrative Exceptions to any zoning requirement other than separation and occupancy limitations of group homes to provide reasonable accommodations for a disability to afford the resident an equal opportunity to use and enjoy a dwelling.
- The decision will not be made solely based on an evaluation of community character.

# Authorization

- any zoning requirement:
  - Setbacks (ramps), Animals, ADU requirements



# Authorization

- Group homes:
  - Intent is **not** to administratively allow group homes that do not meet zoning requirements
- Dwelling:
  - Not for commercial properties

# Authorization

- Community Character:
  - By law, reasonable accommodations do not need to be compatible with community character.



# Survey Clarification

- Currently, an ILC is required at framing inspection
  - Not all structures seeking reasonable accommodations need framing inspection
- Proposed regulations allow an ILC to be required even if no framing inspection is needed. (temporary carport)

# Criteria

- Proof of disability
- Minimum reasonable to accommodate disability
- No undue financial burden to County
- Not create a fundamental alteration to zoning
- May be temporary (affidavit may be required)

# Criteria

- Minimum reasonable to accommodate disability



NOT the minimum reasonable

# Notification

- Require 'Level 2' public notification for all Administrative Exceptions
  - Level 2 requires:
    - notice be sent to HOA & all adjacent property owners
    - Property to be posted with a sign

# Notification

- E-mail notification to: cities, adjacent counties, registered HOA's, the Regulation Review Group, the Regulation Subscriber Group, internal and external referral agencies.
- Newspaper notification in the Lakewood, Golden/Foothills, Ken Caryl, Arvada/Westminster hubs of the Denver Post
- Web Site

# Citizen Concerns

- Language too broad
- Should be public hearing, not administrative process
- Community Character

# Findings / Recommendation:

Staff recommends that the Planning Commission find that:

1. The amendments to the Zoning Resolution establish clear, concise and comprehensive documents that meet the needs of our community today.
2. The amendments to the Zoning Resolution ensure consistency with current County regulations, State statutes and applicable Federal standards.
3. The amendments are in the best interest of the health, safety, and general welfare of the residents of Jefferson County.

# Findings / Recommendation:

The Planning Commission, on March 9, 2016, recommended APPROVAL (5-2 vote)

Staff & the Planning Commission recommend that the Board of County Commission APPROVE Case No. 16-100922AM subject to following condition:

1. Revision to Section 1 & 3 of the Zoning Resolution in accordance with the red-marked prints dated March 29, 2016.

## MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:** Ellen Wakeman, County Attorney

**RE:** Cable TV License Agreement with Comcast of Colorado IX, LLC, Comcast of Colorado XII, Inc., and Comcast of California/Colorado/Illinois/Indiana/Michigan, LP

**DATE:** March 29, 2016

**Staff Recommendation:** Approve a Cable TV License Agreement ("Agreement") with Comcast of Colorado IX, LLC, Comcast of Colorado XII, Inc., and Comcast of California/Colorado/Illinois/Indiana/Michigan, LP (collectively, "Comcast") with a rate of 2.25% of gross revenues, as defined in the Agreement, upon execution by Comcast and review and approval by the County Attorney's Office; further, in the event an Agreement has not yet been reached, permit Comcast to continue to use County right-of-way pursuant to the expired agreements on a month-to-month basis at a cost of five percent (5%) of Licensee's Gross Revenues (as defined in the draft Agreement dated for reference purposes April 1, 2016), for the previous quarter payable quarterly, commencing with the quarter beginning April 1, 2016, until such time as an Agreement is executed or the Board of County Commissioners determines to terminate or modify this arrangement.

**Resolution No.** **CC16-132**

**Background:** Three licensees had license agreements to use the County right-of-way for cable, and assigned their interests in the license agreements to Comcast. All of the agreements required the licensee to begin negotiations for continuation of the agreements in advance of the expiration of the agreements. By letter dated November 17, 2010, Comcast requested that the license agreements continue on a month-to-month basis after their expiration date of December 31, 2010 while Comcast negotiated the license

agreement. The Board of County Commissioners passed resolutions allowing the license agreements to continue month-to-month.

Since 2013 new agreements have been drafted, but Comcast still has not executed any new agreements, and its rates have not changed.

The County determined to calculate the fees for the license agreements on a gross revenue basis to be consistent with other jurisdictions. Although the County's fees (2.25%) requested in the Agreement remain lower than other jurisdictions (most charge 5% of gross revenues), Comcast has not executed an agreement nor begun to pay the increased fees. Increase of the month-to-month fee is required until the execution of the Agreement.

On March 22, 2016 the Board held a public hearing on this resolution, and continued the resolution for further consideration on March 29, 2016, to allow the parties to finalize the Agreement.

**BCC Briefing Presented on:** March 15, 2016

**Fiscal Impact:** New Comcast agreement at 2.25% generates quarterly fees estimated at \$112,500. Month-to-month fees at 5% of gross revenue charged unless or until an agreement is executed generate quarterly fees estimated at \$250,000.

**Original returned to:** David Wunderlich

**Distribution:** Dixie Shear and Siivi Lutter

# CONTRACT REVIEW ROUTING FORM

Parties to Contract: JEFFERSON COUNTY and COMCAST OF COLORADO  
 Third Party Authorized Rep: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Third Party Tax I.D.: \_\_\_\_\_

Remittance Address: 8000 E. Iliff Avenue, Denver, CO 80231, Attn: Finance Dept

Process Dates: Must be executed by BCC: 3/22/16 Deadline to County Manager: 3/15/16

Contacts: Originating Department/Contact: County Attorney/David Wunderlich Phone ext: 8939

Purchasing Department/Contact: \_\_\_\_\_ Phone ext: \_\_\_\_\_  
 County Attorney/Contact: Ellen G. Wakeman Phone ext: 8965

<b>MANDATORY ACCOUNT INFORMATION</b>		Total Amount:
Account Number:	Project:	Funds Available: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Multi-Year Contract: Yes <input type="checkbox"/> No <input type="checkbox"/>	Amount of Contract Budgeted in Current Year:	

## ROUTING

O R D E R	Department	Authorized Signatures  Name/Initials (*)	Date Forward	Comments
1	Originator (**)	David Wunderlich <i>DW</i>	3/15/16	<i>Contract for information - not for signature</i>
3	Division Director  Purchasing			
4	Department Director	Jeanie Rossillon <i>JR</i>	3/15/16	
2	County Attorney	Ellen G. Wakeman <i>EW</i>	3/15/16	
5	BCC Agenda Coordinator	<i>mes</i>		

## INSTRUCTIONS

- 1 Number the left hand column in the order in which the contract is to be routed. (The above listing represents the typical routing for a construction bid.)
- (\*) Initials of reviewer indicate that the contract is acceptable and ready for BCC action, from reviewer's perspective.
- (\*\*) Signature of authorized department contact for contractual questions.