

Application Review Process
GUIDES

100 Jefferson County Parkway, Suite 3550
Golden, Colorado 80419-3550
Phone (303) 271-8700 • Fax (303) 271-8744
<http://planning.jeffco.us>

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Rural Cluster Process

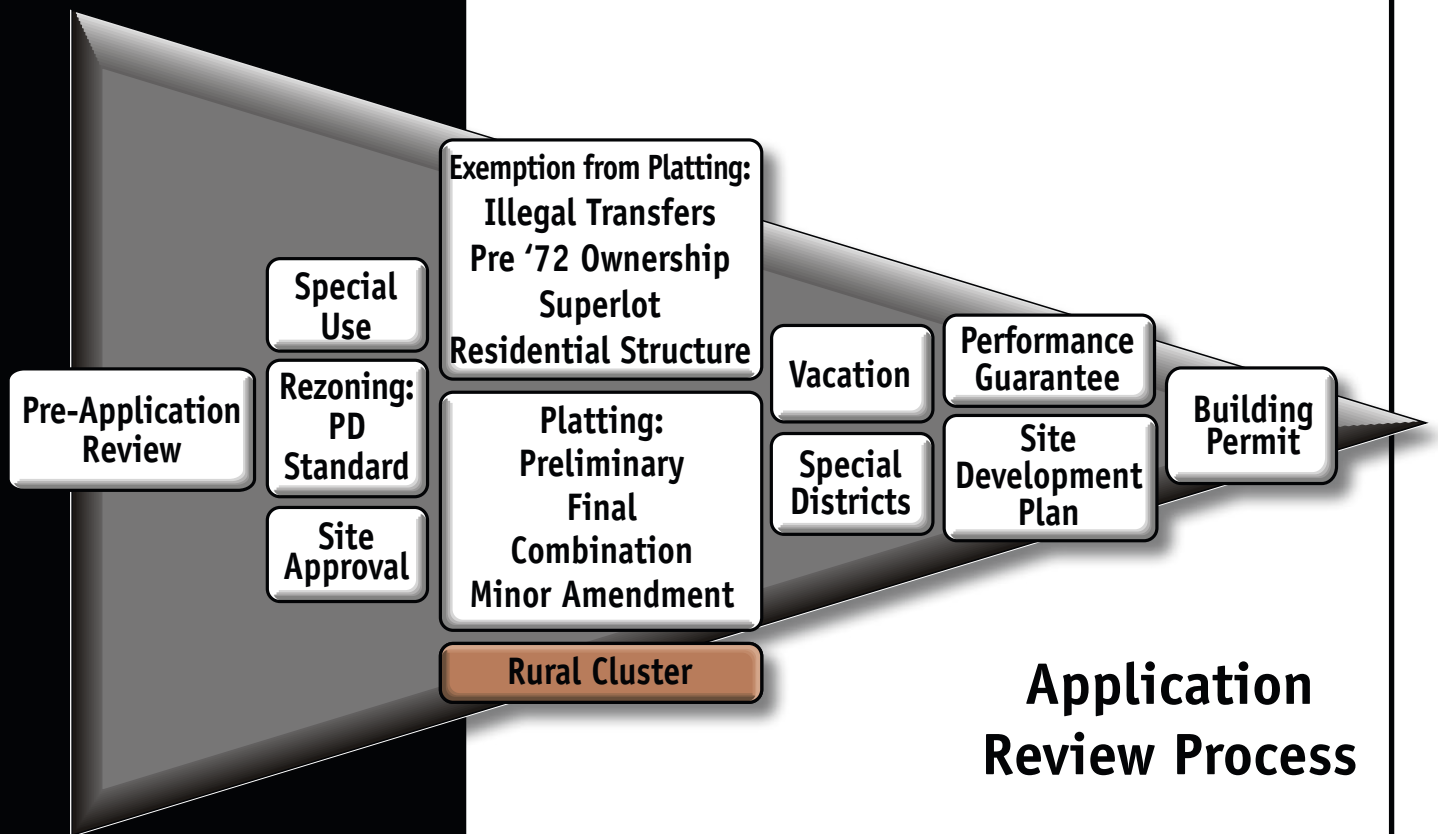
*This guide describes the **Rural Cluster** Process. Users should utilize this guide in conjunction with the Zoning Resolution, Land Development Regulation, and any other regulations that might apply.*

The Rural Cluster Process was created to encourage the clustering of residential dwellings on tracts of land to maintain rural character, preserve common open areas, reduce the extension of roads and utilities, and provide landowners with the opportunity to implement smart growth techniques in the rural areas of the county. This process provides a means of developing rural property while at the same time protecting wildlife habitats, avoiding critical or unique environmental areas and resources, maintaining agricultural lands suitable for farming or ranching operations, and preserving historical or cultural buildings and sites.

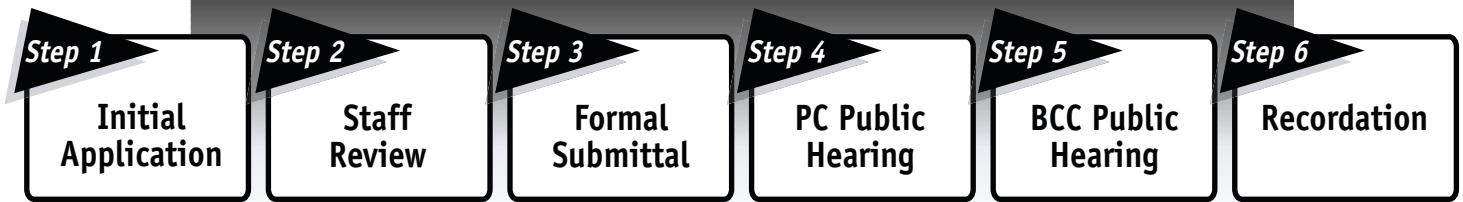
C.R.S. §30-28-401 authorized counties to allow for the division of residential land, into parcels less than 35 acres each as long as at least two-thirds (2/3) of the total area of the tract is reserved as open area.

Qualification Criteria

- a legal parcel(s)
- at least 70 acres in size
- at least two-thirds (2/3) of the site reserved as open area.



Typical Rural Cluster Process



Step 1 Initial Application

Upon satisfaction of the qualification criteria, the applicant submits:

- a letter of intent,
- a USGS topographical map,
- directional map or written directions,
- a vicinity map
- a current copy of the deed(s)

The letter of intent must:

- be signed by the landowner(s) or power of attorney for someone else to proceed on their behalf,
- indicate the proposed uses,
- indicate the total acreage and number of lots for the site.

The topographical map must:

- show the location of the site,
- the surrounding area,
- all topographical features on and adjacent to the site.

Upon receipt of the initial submittal, a case manager will be assigned to coordinate the review of the application. The case manager begins processing the application by referring the applicant's initial submittal to adjacent landowners, registered associations, other Jefferson County Departments/Divisions, and any other government agencies that may have an interest in the application. The purpose of these referrals is to collect information in order to determine the initial issues and concerns related to the development concept. The case manager then arranges a site visit with the landowner and any other interested parties.

While not mandatory, the applicant is encouraged to conduct a community meeting as soon as possible following the initial submittal of the application. The meeting should be conducted in the general vicinity of the site and serves to provide a forum for information exchange between the applicant and of the community. By conducting the community meeting at this stage, it is anticipated that the applicant will be able to address many of the concerns that may arise prior to review by the Planning Commission or the Board of County Commissioners.

Step 2 Staff Review

Staff Consideration and Input

Based on the goals and design principles outlined in Part VI of the Land Development Regulation, and considering information received from the initial application submittal, the initial referral responses and the site visit, a schematic plan is created for the site or revised if one was submitted with the initial application submittal. The new or revised schematic plan is then sent out on a second referral. The purpose of the second referral is to solicit input and ascertain outstanding issues/concerns related to developing the site. The applicant, with the case manager's assistance, will attempt to resolve any issues or concerns prior to consideration of the application by the Planning Commission or the Board of County Commissioners.

Step 3 Formal Submittal

The rough schematic plan, as amended based on comments or suggestions received through the second referral, then becomes the basis for the formal submittal. The formal submittal includes:

- a rural cluster map (certified and sealed by a surveyor),
- a draft open area reservation instrument,
- any other documents deemed necessary to adequately consider the application.

Specific detailed information and documentation are required to be submitted with the formal application as outlined in Part VI of the Land Development Regulation and summarized in the next section of this guide under "Submittal Requirements." Incomplete formal application submittals will not be accepted.

Development of the site must be in compliance with the goals and design principles outlined in the Zoning Resolution, Land Development Regulation, and other county regulations.

Step 4 Planning Commission Hearing

Following a third referral and review period, the case manager will schedule the rural cluster application for a public hearing by the Planning Commission. As part of the public hearing process, the applicant will be required to post notice of the public hearing on the property. The signs for this purpose will be provided by the case manager. The applicant or their authorized representative is required to be present at the Planning Commission public hearing. Based on information provided by the case manager, the applicant and the general public through testimony, the Planning Commission will make a recommendation of approval or denial to the Board of County Commissioners. Should the Planning Commission determine that additional information or documentation is required, the case may be continued for additional hearings. After a recommendation is made by the Planning Commission the application is then forwarded to the Board of County Commissioners for consideration.

For noncontroversial applications (where referrals have indicated no concerns or issues, no concerns have been raised by community members or the general public, no waivers have been requested by the applicant, and the applicant has complied with the goals and design principles of the Rural Cluster Process) the Planning Director may waive Planning Commission review. In this case, the application is forwarded as a consent-agenda item directly to the Board of County Commissioners.

Step 5 Board of County Commissioner's Hearing

Following Planning Commission Decision, the case manager will schedule the rural cluster application for consideration by the Board of County Commissioners. The applicant or their authorized representative is required to be present at the Board of County Commissioner hearing.

The Board of County Commissioners will review all pertinent information regarding the rural cluster application and will solicit testimony from both the applicant and the general public. Upon conclusion of the hearing, the Board may render a written decision either approving or denying the rural cluster application or they may continue the case for further testimony and/or decision.

For noncontroversial applications, where referrals have indicated no concerns or issues, no concerns have been raised by community members or the general public, no waivers have been requested by the applicant, and the applicant has complied with the goals and design principles of the Rural Cluster Process, the Board of County Commissioners may bypass a public hearing and render a written decision without hearing testimony.

Step 6 Recordation

Within ten (10) days of the Board of County Commissioner's approval, staff will notify and forward to the State Engineer the approved rural cluster map and any supporting documents. Within thirty (30) days of the Board of County Commissioner's approval, the applicant must record the approved rural cluster map and any other documents as required by the Board of County Commissioners or the rural cluster map becomes null and void.

Fees

Fees are on-line at our web site
or call 303-271-8700.
Make checks payable to
Jefferson County Treasurer.



Submittal Requirements

The items indicated below must be submitted to the Planning and Zoning Division. Initially, one copy of each document should be submitted for review. At such time as the documents are deemed adequate, additional copies may be requested by the case manager.

- Letter of Intent
- Proof of Ownership
- Maps
- Draft Open Area Reservation Document
- Draft Land Division Improvement Agreement
- Pre-1972 Deed
- Proof of Access

Letter of Intent

A letter, signed by the landowner(s), describing the proposed uses, the proposed number of lots and the total acreage of the site. The letter should include the landowner's contact information and a legal description of the site(s) shown as a lot, block, or tract on a recorded plat, aliquot description, or a metes and bounds description.

Proof of Ownership

A copy of the current recorded warranty deed (available in the Record Room, second floor of the Jefferson County Administration and Courts Building) or title commitment for the property(ies) involved in the request. Deeds of trust are not acceptable.

If the property is unplatted or includes a partial lot, a copy of the recorded warranty deed, recorded prior to May 5, 1972, for the same property is also required.

Maps

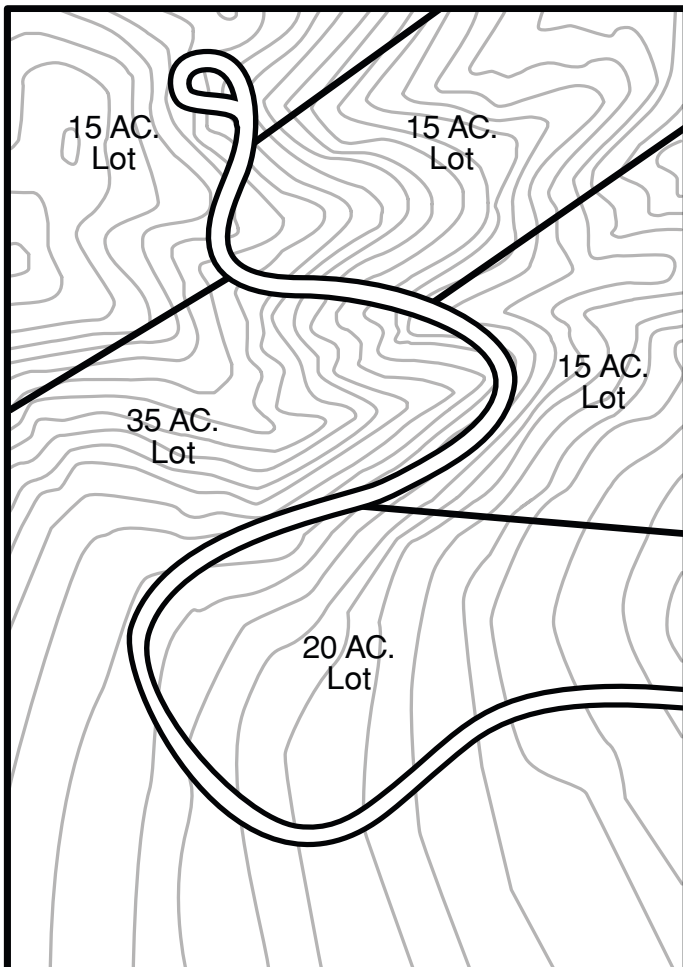
The initial submittal must include a vicinity map indicating the location of the site, the area surrounding the site, and the topographical features of the site, preferably at two (2) foot contour intervals in the plains and five (5) foot contour intervals in the mountains (U.S.G.S topographical map).

The formal submittal must include a rural cluster map that meets all of the statutory requirements of a "Land Survey Plat" and conforms to all of the requirements of the Jefferson County Clerk and Recorder's office, as well as the requirements outlined in the rural cluster process.

Draft Open Area Reservation Document

To be included as part of the formal submittal by the applicant, the draft reservation document addresses the preservation of the open area. The draft document must be approved by the County Attorney's office, Jefferson County Open Space and the case manager.

Subdivision



Rural cluster

