Section 9 - Rural Cluster

(orig. 7-12-05; am. 12-21-10)

A. Intent and Purpose

1. The Rural Cluster process is established to provide an alternate method of land division that encourages the clustering of single family residential dwellings and the preservation of open areas. The process outlines time frames and expectations, providing the applicant with a clear understanding of the steps involved prior to being scheduled for the public hearings. 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. (reloc. 7-12-05; am. 12-21-10)
2. Goals: The goals of the Rural Cluster Process are as follows: (reloc. 7-12-05)
   a. To maintain and enhance rural character by protecting, preserving and conserving existing rural landscapes and viewscapes. (reloc. 7-12-05)
   b. To maintain or create visual amenities by preserving open areas between development, along scenic view corridors, and to and from visual resources. (reloc. 7-12-05)
   c. To protect flora and fauna by preserving and conserving wildlife habitats and environmentally sensitive areas. (reloc. 7-12-05)
   d. To allow for continued or future agricultural or ranching uses by preserving and conserving areas with viable soils and effective land masses. (reloc. 7-12-05)
   e. To reduce infrastructure costs and impacts emanating from traditional large-lot development by providing greater flexibility and efficiency in the siting and design of services and infrastructure. (reloc. 7-12-05)
   f. To improve rural planning practices and designs by encouraging appropriate and site-sensitive rural residential development. (reloc. 7-12-05)
   g. To reduce the risk and threat of danger to life and property by avoiding development in natural hazard areas. (reloc. 7-12-05)
   h. To preserve and conserve water resources and to protect watersheds. (reloc. 7-12-05; am. 12-21-10)
   i. To protect historic and cultural resources by preserving and conserving historical buildings and structures and historical or cultural sites and landscapes. (reloc. 7-12-05)

B. Application

1. The Rural Cluster process may be used for the division of land, provided the following limitations are met. The development limitations described below can only be waived or modified by direct action of the Board of County Commissioners in a public hearing. The waiver authority of Director of Planning and Zoning, described in the Waivers section of this Regulation, shall not extend to the limitations set forth below. (reloc. 7-12-05; am. 12-21-10)
   a. The proposal shall contain a minimum of 70 contiguous acres either in one parcel or in combination with several parcels. For the purposes of the Rural Cluster process, contiguous shall be defined as a common or shared boundary or tract wide enough to provide sufficient access in accordance with the access standards of the General Provisions Section of the Zoning Resolution. Planning and Zoning may permit properties less than 70 acres (but not less than 35 acres) to utilize the Rural Cluster process if the open area that is to be preserved with the Rural Cluster is determined to have value by Open Space, the local park and recreation district, or another state or federal agency. (reloc. 7-12-05; am. 12-21-10)
   b. The zoning of the property must allow for single family residential uses. (orig. 12-21-10)
   c. The maximum permitted residential density for a proposed Rural Cluster land division, except in the A-35 Zone District, shall be not greater than two (2) single-family dwelling units per 35 acres. The property must be in 35 acre increments to receive the full doubling of density. (Example: 75 acres = maximum 4 lots, 90 acres = maximum 4 lots, 105 acres = maximum 6 lots.) The maximum permitted residential density within the A-35 Zone District

shall be not greater than one (1) single-family dwelling unit per 35 acres. (reloc. 7-12-05; am. 12-21-10)

d. At least 2/3rds of the total land area shall be preserved as open area in perpetuity. (reloc. 7-12-05; am. 12-21-10)

e. The residential structures shall be situated into one (1) or more compact residential clusters, and "No-Build" areas should be utilized on the lots if further limits on the locations of the structures are needed to protect resources or enhance clustering. The location and number of clusters should be carefully evaluated with the goal of reducing the overall required infrastructure for the proposed development. In addition, clusters shall be established with consideration of the goals of the Rural Cluster process identified above. (orig. 12-21-10)

f. The minimum size of a proposed residential lot shall be 5 acres where the lot is to be serviced by a well and individual sewage disposal system or a well and sewer system. The minimum size of a proposed residential lot shall beone (1) acre where the lot is to be serviced by a water system and individual sewage disposal system, or a water system and sewer system. (reloc. 7-12-05; am. 12-21-10)

2. A nonrefundable processing fee is required for this process per the Policies and Procedures Manual. (orig. 12-21-10)

3. Notification is required in accordance with the Notification Section. (orig. 12-21-10)

4. This process is ~~not~~ subject to the payment of school fees as identified in the Park and School Requirement Section of this Regulation. (orig. 12-21-10; am. x-xx-xx)

5. The following procedure and requirements shall apply to Rural Cluster applications. (orig. 12-21-10)

C. 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 public hearing phase of the process is 100 calendar days from the date of the 1st Referral. (orig. 12-21-10)

Process Steps	**Processing Time Frames**	
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process	
Steps prior to 1st Referral		
Sufficiency Review	7 calendar days	
Public Meeting	No timeframe	
Formal Application	3 calendar days	
Process from 1st Referral to Public Hearings		
1st Referral	21 calendar days	100 Days to tentatively scheduled hearings if processing time frames are met.
Public Meeting	No timeframe	
Forwarding 1st Referral Comments	5 calendar days	
Response 1st Referral	21 calendar days	
Submittal of Revised Documents	3 calendar days	
2nd Referral	14 calendar days	
Forwarding 2nd Referral Comments	5 calendar days	
Hearing Documents	10 calendar days	
Hearing Preparation	21 calendar days	
Public Hearings and Post Hearing Review		
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 Review Process Section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the development 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. 12-21-10)

In lieu of the standard Pre-Application process, the applicant may request an on-site analysis. This analysis shall consist of a meeting on-site by Staff, the landowner, and other agencies, with the goal of producing a rough design schematic that will form the basis of the Rural Cluster development plan. The on-site analysis meeting should consider all concerns identified in relation to the proposed land uses(s) and the general environment. After the on-site analysis meeting, Staff will prepare a letter to the applicant describing Staff's understanding of the results of the meeting and identifying the specific submittal requirements for the formal application. (orig. 12-21-10)

Community Meeting: The applicant shall hold a Community Meeting, pursuant to the Community Meeting process in the Zoning Resolution. It is at the discretion of the case manager whether this meeting is held prior to formal application or after the 1st Referral has been sent out. However, in all cases, this meeting shall be held prior to the Planning Commission hearing. (reloc. 7-12-05; am. 12-21-10)

Steps Prior to 1st Referral

1. Sufficiency Review: The applicant shall submit all documents as identified in the Submittal Requirements Section of this Regulation for review by Staff. (orig. 12-21-10)

   Staff shall have 7 calendar days to review this submittal.(orig. 12-21-10)

   Staff will review the pre-submittal 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. 12-21-10)

2. Formal Application: The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 12-21-10)

   The Case Manger shall have 3 calendar days to refer the application and referral fees to all property owners and homeowner's associations within the required notification area, 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. 12-21-10)

Process from 1st Referral to Public Hearings

3. 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. 12-21-10)

   Notification is required at the time of the 1st Referral in accordance with the Notification Section. (orig. 12-21-10)

   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. 12-21-10)

4. 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 scheduled for hearing dates earlier than those tentatively scheduled at the time of the 1st Referral. (orig. 12-21-10)

5. Response to 1st Referral Comments: 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 2nd Referral. The applicant will be deemed to have consented to hearing

dates later than the tentatively scheduled hearing dates if the resubmittal is not received within the 21 calendar day period. (orig. 12-21-10)

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. 12-21-10)

6. 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. 12-21-10)

7. 2nd Referral: The referral agencies shall have 14 calendar days to respond in writing to the 2nd Referral. (orig. 12-21-10)

8. Forwarding 2nd 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. 12-21-10)

   If the applicant has not consented to a later hearing date based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled hearing, the applicant shall submit the hearing documents as requested by the Case Manager in accordance with the Hearing Documents phase of the process. (orig. 12-21-10)

9. Response to 2nd 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. 12-21-10)

10. Additional Changes: For the 3rd 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. 12-21-10)

    The referral agencies shall have 7 calendar days to respond in writing to the 3rd Referral, and for any subsequent referrals thereafter. (orig. 12-21-10)

    The Case Manager shall have 5 calendar days after the end of the 3rd Referral, and for any subsequent referrals thereafter, 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. 12-21-10)

    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. 12-21-10)

11. Hearing Documents: The hearing documents shall be comprised of the revised Rural Cluster Development Plan and other final documents as identified by the Case Manager. (orig. 12-21-10)

    If the applicant has not consented to a later hearing 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 hearing documents for the tentatively scheduled hearing. 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. 12-21-10)

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 additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 12-21-10)

12. Hearings Scheduled:

    a. 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. 12-21-10)

    b. 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. 12-21-10)

13. Hearing Preparation:

    a. 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 days prior to any hearing. (orig. 12-21-10)

    b. Notification: Notification of the scheduled hearings is required in accordance with the Notification Section. (orig. 12-21-10)

<u>Public Hearing and Post Hearing Review</u>

14. 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 request for no more than 40 calendar days without the consent of the applicant. The continuance of a request shall be to a date certain. (orig. 12-21-10)

15. Board of County Commissioners Hearing: The Board of County Commissioners shall review the application, the 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 shall be to a date certain. (orig. 12-21-10)

16. Post Hearing: 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 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. 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 Rural Cluster Development Plan mylar and any other 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. 12-21-10)

    At such time as the applicant complies with the approval conditions, submits the executed development plan mylar and other final documents, and pays the recordation fees, Staff will obtain the required County approval signatures on the development plan mylar and final documents, and have the documents recorded, as appropriate. (orig. 12-21-10)

    <u>State Engineer Notification:</u> Planning & Zoning shall notify the State Engineer of the approved

Rural Cluster land division within 10 days of the Board of County Commissioner's approval. If the Rural Cluster is approved subject to conditions, then the date of approval used for this provision shall be the date when all of the approval conditions have been satisfied. (reloc. 7-12-05; am. 12-21-10)

D. Planning Standards

1. Buildings and Structures

   a. The designation of "No-Build" areas shall be utilized within lots in order to avoid encroachment of structures into areas that contain slopes greater than 30%, geologic hazards, unique geologic features, historic and cultural resources, visual resources, significant wildlife habitats, floodplains, wetlands and meadows. (reloc. 7-12-05, am. 12-21-10)

   b. Visibility of the residential cluster shall be minimized by placing clusters in treed areas or in areas screened by existing topography, where possible. (reloc. 7-12-05, am. 12-21-10)

   c. Buildings and structures shall be located to avoid a dominant silhouette on the top of the ridge. The ridge silhouette shall consist of natural land forms or vegetation. (reloc. 7-12-05)

   d. Avoid fences except as needed for wildlife corridors, domestic animal control or livestock containment. When fencing is proposed, it shall be open in design so as not to restrict wildlife movement, and shall be of a color that integrates with the natural surrounding environment. (reloc. 7-12-05, am. 12-21-10)

   e. Reduce the length of driveways by siting buildings and structures near access roads. (reloc. 7-12-05, am. 12-21-10)

   f. Group, mass and design buildings such that some privacy is provided among and between units. (reloc. 7-12-05, am. 12-21-10)

   g. Orient residences for maximum solar exposure with the goal of achieving heat conservation in the winter and maximum shading in the summer. (reloc. 7-12-05, am. 12-21-10)

   h. Minimize disturbances caused by the introduction or construction of buildings and structures by being sensitive to the topography and existing natural environment. (reloc. 7-12-05)

   i. Revegetate or enhance all earth disturbances (building cuts, graded areas) with hardy drought resistant vegetation within one growing season. (reloc. 7-12-05, am. 12-21-10)

   j. Install utilities to minimize visible structures, power poles, overhead power lines, tree removal and other site disturbances. Mitigate disturbances with hardy drought resistant vegetation. Where possible, utilities shall be located underground. (reloc. 7-12-05, am. 12-21-10)

2. Open Area(s):

   a. The open area should be in one large area, or a few smaller areas that are connected by sufficient access. Non-contiguous land may apply towards meeting the open area requirement if the property contains one or more open area values noted in this Regulation and is an integral part of the Rural Cluster development. The open area tract will typically be designated as non-buildable, however, structures may be allowed that support the intended function of the open area. (orig. 12-21-10)

   b. Preservation of the open area shall be through one or some combination of the following. The order listed is the order of preference and the applicant will need to demonstrate that each option is not viable prior to the County accepting the next option. (reloc. 7-12-05, am 12-21-10)

      (1) A fee simple dedication or conservation easement to Open Space, provided the County accepts the dedication. (reloc. 7-12-05, am. 12-21-10)

(2) A fee simple dedication or conservation easement to another governmental entity, or a land trust that is a qualified organization as defined in sub-section 170(h) of the Internal Revenue Code and a charitable organization as required under Section 38-30.5-104(2), Colorado Revised Statutes, provided that entity accepts the grant. (reloc. 7-12-05; am. 12-21-10)

(3) A separate tract owned by a mandatory Homeowners Association (HOA) or equivalent entity for the Rural Cluster. A note shall be added to the Rural Cluster map that prohibits future development or subdivision of the open area and requires that it be preserved as open area. The HOA or equivalent entity shall be responsible for the management of the open area. A management plan must be created and approved for the open area and recorded with the Rural Cluster map. (orig. 12-21-10)

(4) Any other legal instrument approved by the Director of Planning and Zoning. (reloc. 7-12-05, am. 12-21-10)

c. The following uses are permitted in the open area(s) provided all buildings and structures are located outside of any identified “no build” areas. (reloc. 7-12-05; am. 12-21-10)

(1) Passive recreational uses, such as but not limited to hiking, cross country skiing, bicycling, or equestrian trails provided all of the following conditions are met: (reloc. 7-12-05; am. 12-21-10)

(a) The area is primarily left in its undisturbed natural condition. (reloc. 7-12-05)

(b) The use is not for profit. (reloc. 7-12-05)

(c) The use does not involve motorized equipment or guns. (reloc. 7-12-05)

(2) Sanctuary or preserve for wildlife, fishing, forest or natural area. (reloc. 7-12-05)

(3) General farming uses restricted to the growing of grains, fruit, vegetables, grasses, and hay. (reloc. 7-12-05)

(4) General ranching, livestock and animal raising, not including feed lots. (reloc. 7-12-05)

(5) Playgrounds and exercise stations. (orig. 12-21-10)

(6) Motorized equipment may be used for farming, ranching, or management of the open area. (orig. 12-21-10)

(7) Other uses approved in the conservation easement or management plan. (orig. 12-21-10)

d. Infrastructure systems shall not be sited within sensitive or fragile natural areas. (reloc. 7-12-05, am. 12-21-10)

e. The calculation of the open area shall not include already existing public open space that may be located adjacent to the proposed Rural Cluster. (reloc. 7-12-05, 12-21-10)

f. Where the following characteristics exist, they should be located within the open area, unless otherwise protected by a “No-Build” designation: (reloc. 7-12-05; am. 12-21-10)

(1) Significant wildlife habitat or migration routes. (reloc. 7-12-05)

(2) Sensitive, rare, endangered or unusual vegetation or ecosystems. (reloc. 7-12-05)

(3) Significant geologic features such as rock outcrops or formations. (reloc. 7-12-05, am. 12-21-10)

(4) Significant views or view corridors. (reloc. 7-12-05)

(5) Streams, watercourses, wetlands, bodies of water and other riparian habitats. (reloc. 7-12-05, am. 12-21-10)

(6) Trail Corridors, such as existing trails, trail easements, or trail connections shown on an official plan. (reloc. 7-12-05)

(7) Designated historical or archeological features. (reloc. 7-12-05)

(8) Candidate lands identified by the Open Space Master Plan. (reloc. 7-12-05)

(9) Open meadows. (orig. 12-21-10)

(10) Conservation values identified by state and federal laws. (orig. 12-21-10)

g. Landscaping within the open area should be minimized. Any new landscaping should utilize hardy and drought resistant vegetation. (reloc. 7-12-05, am. 12-21-10)

h. Natural features should be maintained in their original condition as much as possible but may be modified to improve their function or overall condition provided a management plan has been approved by Jefferson County. Permitted modifications may include reforestation, woodland management, meadow management, buffer area landscaping, stream bank protection, and wetlands management. (reloc. 7-12-05)

i. Where agricultural or ranching uses are proposed within the open area, the required management plan shall contain information related to the management of such uses. (reloc. 7-12-05, am. 12-21-10)

j. Open area in addition to the 2/3 required should be set aside in case of unforeseen circumstances, such as additional roadway expansion or survey discrepancies. (orig. 12-21-10)

3. Water and Sanitation

a. Water consumption shall be metered and monitored as required by the State Engineer. (reloc. 7-12-05)

b. Sewage disposal facilities that serve more than one home may be located within the open area. (reloc. 7-12-05, am. 12-21-10)

c. Water and sanitation provisions shall meet the Public Health and Colorado Department of Public Health and the Environment requirements in effect at the time of submittal. (orig. 12-21-10)

4. Roads & Driveways

a. Locate, group and design roads and driveways such that privacy is provided among and between residential units. (reloc. 7-12-05)

b. Shared driveways are encouraged as much as possible. (reloc. 7-12-05)

c. Orient roads to provide opportunities to maximize residential solar exposure and heat conservation in the winter and maximize shading in the summer. (reloc. 7-12-05)

d. Minimize disturbances caused by the introduction of roads by siting roads in accordance to the topography and avoiding sensitive natural environments. (reloc. 7-12-05)

5. Drainage

a. Retain natural drainage channels, floodplains, water courses, water bodies, wetlands and depression areas in their natural state in an effort to minimize erosion and preserve ecosystems. (reloc. 7-12-05, am. 12-21-10)

b. Storm water drainage and detention should utilize and be sensitive to natural drainage channels, wetlands and depression areas when possible. (reloc. 7-12-05, am. 12-21-10)

c. Man-made drainage and detention facilities shall be sited, formed and revegetated so that they blend and harmonize with the natural surroundings and complement natural water flows. Excessive grading, clearing and alteration of the site should be avoided and soil erosion should be minimized. (reloc. 7-12-05, am. 12-21-10)

6. Additional Documents

a. Conservation Easement: When the preservation of the open area will be by conservation easement, the easement must specify all development and land division restrictions, the duration of the easement, the maintenance requirements and the permitted uses for the open area. (orig. 12-21-10)

b. Management Plan: When a Management Plan is required, the plan shall be prepared by a trained professional that outlines how the open area preserved through the Rural Cluster process will be managed. This plan may include guidance regarding forest thinning, fuel break creation, pasture management, manure management and other maintenance of the

open area. The plan should specify what to do when an enforcement issue arises. (orig. 12-21-10)

c. Deed Restriction Language: A deed restriction to be placed on deeds at the time of transfer that references the conservation easement and/or management plan and prohibits any future subdivision or land division beyond the permitted density. It shall state: Lot __ shall not be further subdivided in the future in accordance with the Rural Cluster Development Plan recorded at reception no. _____ and/or the Conservation Easement recorded at reception no. _____. (reloc. 7-12-05, am-12-21-10)

E. Format

1. The format of the Rural Cluster Development Plan shall comply with the Final Plat provisions for Format, Survey and Monumentation, and Plat Certificates. (orig. 12-21-10)

2. The Rural Cluster Development Plan shall include the following notes, where applicable, in addition to any applicable notes in the Final Plat provisions. (reloc. 7-12-05, am. 12-21-10)

   a. For all Rural Clusters: (orig. 12-21-10)

   > The availability of water on these lots has not been established and will only occur through obtaining a well permit pursuant to relevant laws and regulations from the Colorado Division of Water Resources prior to construction on any lot.

   b. The following restriction shall be placed on the first sheet of the Rural Cluster Development Plan whenever a Management Plan is approved as part of the plan: (orig. 12-21-10)

   > MANAGEMENT PLAN ENFORCEMENT
   > A Management Plan has been created for the open area required through this process. This Management Plan is recorded at reception no. _____.