

# Appendix E: Douglas/Larimer Counties

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# Subdivision Resolution

## ARTICLE 1 ADMINISTRATIVE PROVISIONS

### 101 Short Title

For the purpose of brevity, the Douglas County Subdivision Resolution shall also be referred to as the "Subdivision Resolution" or "Resolution".

### 102 Purpose

In order to achieve quality development, this Resolution is designed and enacted for the following purposes:

102.01 To promote the general health, safety, and welfare of the present and future inhabitants of Douglas County Land proposed for subdivision shall be such that it can be used safely for the intended purpose without danger to health or peril from fire, flood, geologic hazards, or other natural hazards.

102.02 To guide future growth and development within Douglas County that provides adequate and efficient transportation, water, waste disposal, schools, fire and police protection, recreation and open space opportunities, and other services and facilities. To encourage a diversity of housing types and densities in order to assure adequate housing for all persons.

Subdivision of land is controlled by Douglas County pursuant to Section 30-28-101 et seq. C.R.S. and this Resolution. All subdivision approvals shall be in conformance with the Douglas County Master Plan, Zoning Resolution and approved and recorded Development Guides and Plans where property is zoned Planned Development (PD). When subdivision regulations are included in a PD Development Guide, they shall take precedence.

102.03 To provide for the preservation and conservation of unique or distinctive natural areas, natural landmarks, critical wildlife habitats, wetlands, historic features and archaeologically sensitive sites recognizing the irreplaceable character of such resources and their importance to the quality of life in Douglas County.

Subdivisions shall provide for the preservation and conservation of significant stands of vegetation; unique or distinctive topographic features including buttes and rock outcroppings; drainage, riparian and wetland areas; significant wildlife habitats including breeding grounds, nesting areas, migration routes, and wintering areas; scenic views; identified aquifer recharge areas; and important historical or archaeological sites.

102.04 To protect both urban and nonurban development by minimizing the conflicts between the land uses and structures.

102.05 Subdivisions shall be designed to provide for lots that are of an appropriate size and configuration for the site characteristics and intended uses; connections between neighborhoods, shopping and recreational areas that are safe and convenient; adequate buffering from the adverse impacts of adjoining uses through lot orientation, setbacks, landscaping or other appropriate methods; the conservation of water, land and energy resources; minimization of grading, road cuts and fills; and a road system designed to preserve the integrity and function of the arterial and local roadway network.

102.05 To ensure that the necessary services and facilities are available and have sufficient capacity to serve the proposed subdivision.

Land proposed for subdivision shall not be approved until the necessary provisions have been made for subdivision design, access, parks, trails, recreation and open spaces, schools, drainage, water, wastewater disposal, traffic controls, road improvements, police and fire protection or other reasonably necessary improvements and services. The cost and installation of such improvements, which primarily benefit the land being subdivided, shall be borne by the owners/developers of such land.

102.06 To provide for an adequate and accurate system to record land subdivisions, ensuring proper legal descriptions and survey monumentation, in order to inform the public and especially future residents of the facts about the subdivision thereby safeguarding the interests of the public, the homeowner, the subdivider, and the County.

### 103 Control Over Platting

103.01 The Board shall withhold all public street improvements and public maintenance from all rights-of-way that have not been accepted for maintenance purposes by the Board.

103.02 Prior to the issuance of a building permit or construction of any building or structure within a subdivision, the plat thereof shall be approved by the Board and recorded with the County Clerk and Recorder, and access shall be provided in accordance with the Subdivision Improvements Agreement and the Uniform Fire Code.

103.03 The Board may suspend or withdraw any approval of a plan or plat or may require certain corrective measures be taken following a determination that the information provided by the subdivider upon which such approval was based is substantially false or inaccurate or that new significant information has been brought to their attention. Suspension of approval may occur at any step in the platting process at a public meeting.

103.03.1 A written notice from the Planning Division shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider to appear before the Board no less than 10 days nor more than 30 days after the date of notification.

103.03.2 The Board shall determine at the public meeting the nature and extent of alleged

false or inaccurate information, shall consider any new significant information that has been brought to their attention, and shall have the power, upon good cause being shown, to suspend or withdraw any approval resulting in a voided plat.

- 103.04 No changes, erasures, modification, or revisions shall be made on the final plat after the approval by the Board, except as required by the approval of the Board or upon the approval of the Director.
- 103.05 No plat for subdivided land shall be approved by the Board of County Commissioners unless all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid. [§ 30-28-110(4)(a) C.R.S.]
- 103.06 It is unlawful to file for recording any such plan or plat as identified above in any public office unless it has been reviewed by the Planning Commission and bears, by endorsement or otherwise, the approval of the Board. [§ 30-28-110(3)(a) C.R.S.]

#### 104 Authority

This Resolution is adopted pursuant to Part I of Article 28 of Title 30 County Planning and other applicable sections of the Colorado Revised Statutes and is intended to be in accordance with the provisions of those statutes.

#### 105 Jurisdiction

This Resolution shall apply to the subdivision of land in the unincorporated area of Douglas County, Colorado. [§ 30-28-133 C.R.S.] (Amended 7/23/97)

#### 106 Interpretation

The following shall be used as methods of interpreting this Resolution:

- 106.01 In their interpretation and application, the provisions of these regulations shall be regarded as minimum requirements.
- 106.02 Whenever a provision of this Resolution or any provision in any law, ordinance, resolution, rule, or regulation contain restrictions covering the same subject matter, that which is most restrictive or imposes higher standards, except as may be otherwise provided in an approved Development Guide and Plan, shall govern.
- 106.03 This Resolution is not intended to abrogate any easement or any other private agreement or restriction provided that where the provisions of this Resolution are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement or restriction, the provisions of this Resolution shall govern.

#### 107 Effective Date

This Resolution and any future amendments thereof shall take effect immediately upon adoption by the Board.

#### 108 Repeals

This Resolution shall repeal the Subdivision Resolution of Douglas County, Co, adopted October 6, 1980 and amendments made prior to the effective date of this Resolution. Repeal of the October 6, 1980 Resolution does not reinstate any other Resolution or portion thereof. Such repeal shall not affect or prevent the prosecution or punishment of any person for the violation of any Resolution repealed hereby, for any offense committed prior to the repeal.

#### 109 Severability

The provisions of this Resolution shall be severable in accordance with the following provisions:

- 109.01 If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that specific provision held to be invalid as expressly stated in such judgment. Such decision shall not affect, impair, or nullify this Resolution as a whole or any other part thereof, but the rest of this Resolution shall continue in full force and effect.
- 109.02 If the application of any provision of this Resolution to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that specific tract of land immediately involved in the controversy, action, or proceeding in which judgment or decree of invalidity was rendered. Such decision shall not affect, impair, or nullify this resolution as a whole or the application of any provision thereof, to any other tract of land.

#### 110 Enforcement

This Resolution shall be enforced by the Director of Planning and Community Development (*hereinafter referred to as the "Director"*) or an authorized representative on all matters involving this Resolution.

- 110.01 The Director or an authorized representative is hereby empowered to enter and inspect any building, structure, or tract of land under development in the unincorporated areas of the County.
- 110.02 When the Director has knowledge of any violation hereof, a written notice shall be given to the landowner to correct such violation.
- 110.03 The Director is empowered to request in writing from the landowner the remedy of any condition found to exist therein or thereon which is determined by the Director to be in violation of any provision of this Resolution.
- 110.04 After appropriate notice has been served and if the alleged violation has not been

corrected within thirty days, a copy of the file shall be forwarded to the County Attorney for further legal action. The Director shall be advised of any actions taken.

- 110.05 The Director shall enforce this Resolution by means of withholding building permits pursuant to Section 30-28-110(4)(a) C.R.S.
- 110.06 Any subdivider or agent of a subdivider who transfers legal or equitable title or sells any subdivided parcel before a final plat for such subdivided land has been approved by the Board and recorded or filed in the Office of the County Clerk, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars nor less than five hundred dollars for each parcel of, or interest in subdivided land which is sold. [§ 30-28-110(4)(a) C.R.S.]
- 110.06.1 The description of such lot or parcel by metes and bounds in the transfer document used in the sale or transfer shall not exempt the transactions from such penalties or from the remedies provided in this Resolution.
- 110.06.2 The Board may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction.
- 110.07 Any County official or employee, charged with the enforcement of this Resolution, acting in good faith and without malice on behalf of Douglas County in the discharge of this person's official duties, shall not thereby be rendered personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties.
- 110.08 This Resolution shall not be construed to hold Douglas County in any manner responsible for any injury to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a building permit as herein provided, or resulting from the institution of court action as herein set forth or the forbearance by Douglas County to proceed.

## 111 Amendments

These regulations may be amended in the following manner:

- 111.01 Amendment proposals may be initiated by the Board, the Planning Commission or the Planning Division. Any resident may submit a written request to amend this Resolution.
- 111.02 The Planning Division shall review all amendment proposals, make recommendations and schedule public hearings before the Planning Commission and Board. Public notice is required as follows:
- 111.02.1 PUBLISHED NOTICE *(Amended 03/28/01)*

At least 14 days prior to the public hearing before the Planning Commission and 14 days prior to the

public hearing before the Board, a notice shall be published in at least one publication of a daily; or, ~~at minimum,~~ a weekly legal newspaper of general circulation, printed or published, ~~at least in whole or in part,~~ in Douglas County. Such notice shall read as follows:

**NOTICE OF PUBLIC HEARINGS**

**BEFORE THE PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on ~~(day of week),~~ (date), at (time), and before the Board of County Commissioners on ~~(day of week),~~ (date), at (time) in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for a proposed amendment to the Douglas County Subdivision Resolution. Generally, *(brief description of proposed change(s) to text or maps)*. For more information call ~~the~~ Douglas County Planning ~~Division,~~ 303-660-7460.

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

- 111.03 At a public hearing, the Planning Commission shall consider the proposed amendment and make a recommendation to the Board.
- 111.04 Upon consideration of all written and oral testimony, the Board may revise or alter the proposal before adopting any amendment to this Resolution.
- 111.04.1 A copy of the adopted amendments shall be certified by the Clerk to the Board of County Commissioners and filed for recording with the Office of the Clerk and Recorder.
- 111.04.2 This Resolution and all amendments thereto shall be transmitted to the Colorado Land Use Commission. [§ 30-28-133(1) C.R.S.]
- 111.04.3 Unless stated otherwise in the adopting resolution, amendments shall take effect immediately upon adoption by the Board.

## 112 Review Fees

The Board shall establish and adopt a schedule of fees, by separate resolution, to be paid by all applicants with the exception of Douglas County Departments or agencies to cover anticipated expenses incurred by the County in the review and hearing of the proposed subdivision, amendment, replat, exemption or extension.

- 112.01 All fees are nonrefundable with the exception of those applications that are withdrawn

by the applicant in writing prior to staff mailing copies of the application to referral agencies.

112.02 The Board may consider a waiver of the fees on a case-by-case basis, upon written request of the applicant, submitted to the Planning Division.

### 113 Waivers

The Board, at a public hearing on a specific application, may hear the request for a waiver from the standards and decide to accept or reject the request, or make modifications to the waiver request.

113.01 Such waiver shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

113.01.1 the waiver does not have the effect of nullifying the intent and purpose of this Resolution;

113.01.2 the granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

113.01.3 the conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;

113.01.4 a particular non-economical hardship to the owner would result from a strict application of this Resolution;

113.01.5 the waiver will not in any manner vary the provisions of the Zoning Resolution or County Building Code; and

113.01.6 the proposed development will be in conformance with the Douglas County Master Plan.

113.02 The Board may impose conditions of approval that in their judgment substantially secure the objectives of this Resolution. The conditions shall be stated in the Board minutes with the justification set forth.

113.03 A written waiver request shall be submitted no later than at the time of the preliminary plan application. If the waiver request substantially alters the design, location, anticipated construction, phasing, impacts on adjacent properties or roads, impacts on designated protected areas, or other special circumstances as were reviewed during the sketch plan review, the applicant must submit a revised sketch plan including the waiver. The Planning Commission shall review the revised sketch plan and provide a recommendation to the Board. *(Amended 8/25/99)*

113.04 The written request for a waiver shall state in detail the extent of the waiver, the grounds for the requested waiver and all of the facts relied upon by the applicant.

- 113.05 The Planning Commission, as part of the hearing on a specific application, will hear the request for a waiver from the standards and make recommendations to the Board.

114 Powers of the Planning Commission

The Planning Commission shall have the following powers in addition to other specific or implied powers granted in this Resolution, State law or otherwise granted:

- 114.01 Review applications and proposals for compliance with this Resolution and conformance with the Douglas County Master Plan and make recommendations to the Board.
- 114.02 Review requests for waivers from this Resolution.
- 114.03 Initiate, review, or recommend amendments to this Resolution to the Board.

115 Powers of the Board of County Commissioners

The Board shall have the following powers for the administration of this Resolution in addition to other specific or implied powers granted in this Resolution, State law or otherwise granted:

- 115.01 Review applications and proposals for compliance with this Resolution and conformance with the Douglas County Master Plan and approve, conditionally approve or deny them.
- 115.02 Void plats, subdivision agreements or other official documents or agreements if it is found that there has been a misrepresentation of fact which impacts the design, or legal or physical status of the subdivision.
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\*Cross reference—Buildings and building regulations, ch. 10.

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A. Reviewing projects for compliance with standards is a critical part of the development review process. The planning director may, when necessary, decide that additional expertise is needed to review a project. The planning director's decision can be appealed to the county commissioners. If the planning director, or upon appeal, the county commissioners decide additional expertise is needed, the planning director and the applicant will select a consultant to review the project. If the planning director and the applicant cannot agree on a consultant, the county commissioners will select the consultant. All costs for the consultant will be charged to the applicant. Consultant assistance should only be necessary for very complex projects or when certain aspects of a project are beyond the county staff's expertise.

B. The standards of development for any addition or expansion of a nonconforming building, structure or use as defined in subsection 4.8.9 (extension, expansion or change in character) which exceeds 75 percent of the building, structure or use, as of the effective date of this code, requires the entire site, building, use(s) or structures to comply with the standards of this section. For additions or expansions of a building, structure or use that are 75 percent or less of an increase, as of the effective date of this code, only the addition or expansion is required to meet the standards of this section.

C. Building permits for single-family and duplex dwellings, which are the principal building on a lot or parcel, must comply with sections 8.17 and 8.19. Subsection 8.17.3 may be applied to these permits at the discretion of the planning director. Building permits for accessory dwellings that are part of a farmstead must comply with all applicable standards in section 8, except subsection 8.5, landscaping.

D. The applicant is required to demonstrate compliance with the applicable standards for all development at the planning commission hearing on any preliminary plat or special review, at the board of adjustment hearing on any special exception and at the time of application for site plan review.

## 8.1. ADEQUATE PUBLIC FACILITIES

A. *Purpose.* The purpose of this section is to ensure all development is served by utilities and other facilities needed for a development are in place or will be installed by the applicant before they are needed.

B. *Applicability.* Adequate public facilities requirements apply to all applications for conservation development, planned land division, subdivision, special review, site plan review, special exception and minor land division submitted under this code.

### 8.1.1. Sewage disposal level of service standards.

A. *General.* A public central wastewater system is the preferred method of sewage collection and treatment in all zoning districts with a density greater than one dwelling unit per ten acres. Every reasonable effort must be made to provide this method of service.

B. [*New development criteria.*] New development must comply with one of the following criteria:

1. *Public central wastewater systems.* The development will be served by a sanitation district or municipal sewer system and comply with the following requirements:
  - a. The sewer collection and treatment system is designed to comply with the per capita flow requirements in section 1.3.1.C.4 of the "Design Criteria Considered in the Review of Wastewater Treatment Facilities" of the Colorado Department of Public Health and Environment-Water Quality Control Commission; or more stringent standards as may be required by the district or municipality;
  - b. The sewage treatment works complies with the applicable Colorado wastewater discharge permit system permit;

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- c. Capacity for the collection and treatment works will be available at the time of issuance of a building permit; and
  - d. A report detailing compliance with items a—c is submitted in accordance with subsection 8.1.1.C (submittal requirements).
2. *On-site sewage treatment systems.* The development will be served by on-site sewage treatment systems and complies with all the following requirements:
- a. The development is not located within a GMA district;
  - b. All proposed lots are at least 87,120 square feet (two acres);
  - c. An analysis comparing the feasibility to extend and connect to public central sewer with the feasibility to design and construct on-site alternatives is submitted for development sites within an existing or proposed sewer service area as defined in the North Front Range Water Quality Planning Association's Water Quality Management Plan. New developments may use on-site sewer systems only when it is clearly not feasible to connect to central public sewer;
  - d. An inventory and analysis of site conditions relevant to the use of on-site sewer systems is submitted to support their use. Relevant site conditions include but are not limited to soils; percolation rates; location of bedrock and groundwater; surface water bodies; slopes; rock outcrops; irrigation ditches; and wetlands; and
  - e. Substantial evidence is submitted showing that the design, layout and density of a development proposal incorporates the inventory and analysis of site conditions listed above. Proposals must show that site conditions are compatible with the use of on-site sewer systems and that the location of sewer systems will take advantage of favorable site conditions while avoiding significant constraints. Evidence of compatibility may include natural suitability of soils and other site conditions; development design and density tailored to limits placed by site constraints; and the ability to meet future lot owner expectations for operation and maintenance.
3. *Community sewer systems.* The development will be connected to a community sewer system and complies with all the following requirements:
- a. The development is not located within a GMA district;
  - b. Management arrangements will meet one of the following criteria:
    - (1) The development is located outside an existing or proposed sewer service area as defined in the North Front Range Water Quality Planning Association's Water Quality Management Plan, and the sewer system will be operated by a management entity as specified in subsection f below; or
    - (2) The development is located within an existing or proposed sewer service area, and the sewer system will be operated by the applicable sewer district or municipality under the terms of a state discharge permit issued to the district or municipality; or
    - (3) The development is located within an existing or proposed sewer service area and the applicable sewer district or municipality has informed the county in writing that it does not wish to manage the community sewer system, and the sewer system will be operated by a management entity as specified in subsection f below; or

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- (4) The development will connect to an existing community sewer system with adequate capacity to accommodate the additional flow, and will be operated by the applicable authority under the terms of a state discharge permit issued to the authority.
- c. An analysis comparing the feasibility to extend and connect to public central sewer with the feasibility to design and construct community sewer systems is submitted. New development may use community sewer systems only when it can be shown that it is clearly not feasible to connect to a central public sewer;
- d. If applicable, a site approval is approved by local reviewing agencies and issued by the Colorado Department of Public Health and Environment's Water Quality Control Division;
- e. If a site approval is not applicable, a report addressing site conditions as outlined in subsection 8.1.1.B.2, paragraphs d and e, regarding on-site sewer systems, together with design and location information for the proposed community sewer system(s) is submitted;
- f. A plan for operation and maintenance of the community sewer system is submitted for county approval. The plan must outline the legal, financial and staffing needs to:
  - (1) Provide for an incorporated management entity with power to compel all lot owners to participate;
  - (2) Provide for initial construction and ongoing operation and maintenance;
  - (3) Provide for system monitoring and evaluation;
  - (4) Provide for system repairs and replacement; and
  - (5) Provide for ultimate connection to public sewer where applicable.
- g. Except for systems regulated under county individual sewage disposal system regulations, the sewer collection and treatment system is designed to comply with per capita flow requirements in the "Design Criteria Considered in the Review of Wastewater Treatment Facilities" of the Colorado Department of Public Health and Environment-Water Quality Control Commission; and
- h. Capacity will be available at the time of issuance of a certificate of occupancy.
- 4. On-site sewage treatment systems in the growth management areas. A development in a growth management area that includes a proposal to use on-site sewage treatment systems must submit an appeal as part of their application. The appeal must include the following items:
  - a. A technical/economic analysis demonstrating that public sewer is not feasible;
  - b. A letter from the applicable city utility or sanitation district indicating concurrence that it is not feasible to connect to public sewer;
  - c. A letter from the applicable municipality indicating their concurrence that the development as proposed will achieve the land use pattern envisioned for this part of the growth management area.
  - d. A letter from the applicable municipality that indicates their willingness to annex the property when it becomes eligible for annexation; and
  - e. Information demonstrating that on-site sewage treatment systems can be safely provided as anticipated in subsections 8.1.1.B.2.d and e above.

C. *Submittal requirements.* In addition to the submittal requirements in the technical supplement of this code, applicants must provide the following:

1. A letter of commitment from the appropriate public central sewer provider confirming:
  - a. That the provider can comply with the level of service standards in subsection 8.1.1.B.1 for the proposed development, taking into account committed development; or
  - b. That the provider cannot currently comply with the level of service standards in subsection 8.1.1.B.1 for the proposed development, taking into account committed development, together with a description of the capital improvements and the timing of such improvements necessary to allow the level of service standard to be met; or
  - c. That the site complies with the requirements of subsection 8.1.1.B.2 or 8.1.1.B.3 for on-site sewage treatment systems or community sewer systems based on its location relative to the provider's service area boundaries and existing facilities.
2. When on-site sewage treatment systems or community sewer systems are proposed, the applicant must provide a report showing compliance with the applicable requirements in subsection 8.1.1.B.2 or 8.1.1.B.3.

D. *Definitions.*

*Public central wastewater system.* A publicly owned, centralized sewage collection and treatment system.

*On-site sewage treatment system.* A sewage system installed on a lot or parcel and designed to collect and treat sewage generated from uses on that parcel.

*Community sewer system.* A sewage system that collects sewage from more than one parcel and provides treatment at a centralized location

and is not owned by a sanitation district or municipality. Examples include aerated lagoon systems; manufactured treatment plants; shared or clustered septic tank/soil-absorption systems; and individual absorption systems where all or part of the systems are located on common open space or residual land.

(Res. No. 12092003R001, Exh. A., 11-10-2003; Res. No. 03302004R001, § 2, 3-15-2004)

**8.1.2. Domestic water level of service standards.**

A. [*Criteria.*] New development must comply with one of the following criteria:

1. *Public community water systems.* The development will be connected to a public community water system (including water supply, treatment and distribution facilities) designed to meet the normal and minimum pressure requirements for water mains contained in appendix I, sections 2.1 and 2.1.1 of the "State of Colorado Design Criteria for Potable Water Systems" of the Colorado Department of Health and Environment Water Quality Control Division; or more stringent standards as may be required by the district or municipality and water quality requirements in the Colorado Primary Drinking Water Regulations.
2. *Wells.* The development will be served by individual or shared wells and comply with all the following requirements:
  - a. The development cannot physically be served by a public community water system whose distribution system is within one mile of the development;
  - b. The development is not located within a GMA district;
  - c. The development is outside any existing or planned water district and/or water service area;
  - d. An augmentation plan has been approved and the Colorado Division of Water Resources confirms that well permits will be issued; and

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- e. Evidence is submitted showing adequate water quality and quantity can be made available for the development. Evidence may include test well data, laboratory analyses of water quality, and geologic and hydrologic analysis. Applicants must show that the water source will be safe, adequate and reliable.

B. *Submittal requirements.* In addition to the submittal requirements in the technical supplement of this code, applicants must provide the following:

1. A letter of commitment from the appropriate central water provider confirming:
  - a. That the provider can comply with level of service standards in subsection 8.1.2.A.1 for the proposed development, taking into account committed development; or
  - b. That the provider cannot currently comply with the level of service standards in subsection 8.1.2.A.1 for the proposed development, taking into account committed development together with a description of the capital improvements and the timing of such improvements necessary to allow the level of service standard to be met; or

- c. That the site complies with the requirements of subsection 8.1.2.A.2 for individual or shared water wells based on its location relative to the provider's service area boundaries and existing facilities.
- 2. When individual water wells are proposed, a report showing compliance with the requirements in subsection 8.1.2.A.2.

### 8.1.3. Drainage level of service standards.

A. *General.* Dedicated facilities for stormwater drainage pass-through flows and outfall to an acceptable point of discharge is [are] required for all developments in the county. Adequate facilities may consist of natural drainages or manmade channels. To be adequate, facilities must be legally and physically acceptable (see Larimer County Stormwater Management Manual).

B. [*New development criteria.*] New development must comply with the following criteria:

- 1. *Urban level of service—Surface runoff.* Developments within GMA districts must comply with the following stormwater drainage requirements:
  - a. An approved master plan for basin-wide stormwater facilities must be available. The master plan must be based on up-to-date hydrologic analyses using SWMM computerized analysis or another basin-wide method of analysis acceptable to the county engineer. The master plan must be consistent with any municipal master drainage plan within which the development is proposed to be located; and
  - b. An acceptable legal and physical path-of-flow for runoff through and from the development to an identified outfall facility consistent with the applicable master plan must be available or funded at the time of vesting of development rights.

- 2. *Rural level of service—Surface runoff.* Developments outside of GMA districts must comply with the following stormwater drainage requirements:
  - a. Applicants must provide a generalized hydrologic analysis considering both existing and future developments.
  - b. The analysis must define generalized flow paths based on estimates of peak rates of runoff per unit area;
  - c. Each development must provide adequate conveyance facilities for the estimated peak rate of runoff coming to and passing through the development;
  - d. An acceptable legal and physical path-of-flow for stormwater passing through the development and downstream to an acceptable point of discharge must be identified for each development, consistent with the generalized basin master plan; and
  - e. An adequate legal and physical path-of-flow for runoff through and from the development to an identified outfall facility consistent with the generalized basin master plan must be available or funded at the time of vesting of development rights.
- 3. *Urban level of service—Subsurface drainage.* Urban level-of-service standards for subsurface drainage will apply where there are lot sizes of one acre or less with average lot frontages of 125 feet or less and public sanitary sewer service. Groundwater drainage requirements in urban areas are normally achieved through sub-drain systems installed along with but separate from the sanitary sewer system.
  - a. An acceptable legal and physical point of discharge for gravity flow of groundwater from the development to the discharge point must either be available or funded at the time of vesting of development rights; and

- b. Adequacy of subsurface drainage will be determined by the existence or nonexistence of groundwater drainage to a level related to the lowest floor level of proposed structures.
4. *Rural stormwater facilities—Surface runoff.* Rural stormwater design standards generally apply to developments with lot sizes greater than one acre and lot frontages averaging greater than 125 feet per lot. Stormwater drainage for streets designed to rural standards may be achieved through the use of roadside ditches on both sides or roadside ditches on the cut side with slope away from the road on the fill side.
5. *Urban stormwater facilities—Surface runoff.* Urban stormwater design standards generally apply to developments with lot sizes of one acre or less with average lot frontages of 125 feet or less. Stormwater drainage for these areas is normally achieved through concrete gutter systems leading to established channels throughout the development.

**8.1.4. Fire protection and emergency medical service level of service standards.\***

A. *Proximity to fire station.* New development within growth management areas (GMA districts) and other designated urban areas in the county's master plan must be located within a five-mile travel distance of an existing, manned fire station. The travel distance must be via paved roads. Developments outside GMA districts and other designated urban areas have no requirement for proximity to a fire station.

B. *Water supply.* New development must comply with one of the following criteria for water supply for fire fighting purposes:

1. *Urban water supply and hydrants.* Developments within GMA districts and other designated urban areas in the county's master plan and wherever a public water

supply designed to provide water for fire fighting purposes is available must comply with the following requirements:

- a. The development must be connected to a public water system designed and constructed to supply a minimum fire flow of 1,000 gallons per minute with a minimum pressure of 20 pounds per square inch (psi); and
  - b. The development must provide fire hydrants no more than 1,000 feet from each occupied structure.
2. *Rural water supply.* Developments outside GMA districts and other designated urban areas in the county's master plan will be required to meet the standards adopted by the applicable fire district.

If the applicable fire district fails to state its standard as applicable to the project the applicant must provide a fire protection plan that is approved by the Larimer County Sheriff's Office, emergency services.

If the project is not in a fire district the applicant must provide a fire protection plan that is approved by the Larimer County Sheriff's Office, emergency services.

Components of a fire protection plan include:

- a. Developments will be required to provide community on-site water storage totaling a minimum of 2,000 gallons per residential unit outside wildfire hazard areas and 3,000 gallons per residential unit within wildfire hazard areas. The fire authority responsible for serving the area must review, approve and periodically inspect such on-site storage; and
1. All occupied structures separated by less than 200 feet will include a residential fire sprinkler system using a public water supply, including a program for periodic inspection and maintenance; or

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\***Note**—Development must be located within ten miles of a fire station in rural county areas.

2. All occupied structures separated by less than 200 feet will include a residential fire sprinkler system using individual cisterns as approved by the applicable fire authority serving the area and including a program for periodic inspection and maintenance.
  - b. Other options as may be proposed by the applicant and approved by the applicable fire district or the Larimer County Sheriff's office, emergency services.
  - c. Developments which use on-site water storage or residential fire sprinkler systems will be required to provide a funding mechanism to pay for the periodic inspections and maintenance through the property owners association or equivalent created pursuant to section 12.6.6.

*C. Business, commercial and industrial buildings.* All new business, commercial and industrial buildings in unincorporated Larimer County, where a public water system designed and constructed to supply fire flows of 1,000 gallons per minute at 20 pounds per square inch (psi) minimum pressure within 1,000 feet of said buildings is not available, must include a fire sprinkler system designed and installed according to NFPA requirements.

*D. Residential fire sprinkler systems.* All residential fire sprinkler systems, whether required by the applicable fire district or chosen by the applicant for development as a fire protection plan, must be designed and installed to meet NFPA standards.

*E. Other standards.* Individual fire protection districts may have adopted or use higher standards than those specified in this section. If so, those higher standards will apply.

*F. Application requirements.* In addition to submittal requirements in the technical supplement to this Code, applicants must provide a narrative describing the proposed water supply for fire protection. Where applicable, the narrative must

include a vicinity map showing the location of the fire station and route used for calculating the "proximity-to-fire-station" criteria. (Res. No. 02252003R002, 2-25-2003; Res. No. 12092003R001, Exh. A., 11-10-2003)

#### **8.1.5. Road capacity and level of service standard.**

*A. Purpose.* The purpose of the road capacity and level of service standard is to ensure that all development will have safe and adequate access to public roads and transportation related services and to ensure that development does not create demand for public improvements and services that cannot be met with existing public resources. If safe and adequate access does not exist at the time of development, the development must make the improvements necessary to meet the standard or wait until the needed improvements are constructed by others.

*B. Applicability.* Road capacity and level of service standards apply to all applications for conservation development, planned land division, subdivision, rezoning, special review, site plan review, special exception and minor land division submitted under this code.

*C. Safe and adequate access.* All development must have safe and adequate access on the county roads or state highways within the traffic impact area of the development. Safe and adequate access exists when traffic volumes do not exceed the capacity of the road; when operating conditions on the road and at intersections do not fall below a specified level of service (LOS); and when pavement sections and structures can accommodate projected traffic.

The capacity of an unpaved road is defined as the maximum traffic volume that can be accommodated without creating unsafe operating conditions for vehicles and without negatively impacting air quality by creating excessive amounts of dust. The capacity of a paved road is defined as the maximum traffic volume that can be accommodated at a specified level of service and depends on road characteristics, such as number of lanes, lane widths, intersection geometry and signalization.

The adequacy of pavement sections and structures depends on the physical conditions of the improvements, such as type, depth and condition of pavements and the load-bearing capacity of bridges.

Standards for capacity of a road vary between rural and urban areas of the county. Urban areas consist of GMA districts and other areas designated by the county master plan as urban areas. Rural areas consist of all properties outside these urban areas.

1. *Capacity and level of service for unpaved roads.* To prevent adverse impacts on vehicles and air quality and to allow for effective road maintenance, roads must have an all-weather gravel surface. The county engineer may waive the requirement for gravel and allow a road to be surfaced with native material in limited cases when, in the opinion of the county engineer, traffic volumes, materials and location allow such a surface. However, in no case will a native material surface be allowed when the average daily traffic volume (ADT) exceeds 50 vehicles per day at the time of full build-out of the development.

The capacity of an untreated gravel road is defined as an ADT of 150 vehicles per day in an urban area or an ADT of 200 vehicles per day in a rural area at the time of full build-out of the development. The capacity of a treated gravel road (treated with chemicals to control dust) is defined as an ADT of 300 vehicles per day in urban or mountain areas or an ADT of 400 vehicles per day in rural, non-mountain areas.

Paving is required when cumulative traffic volumes exceed these capacities and must consist of asphaltic concrete or Portland cement concrete, base course material and subbase material (if required) placed on compacted subgrade.

The county engineer may allow installation of a double chip seal as an alternative to paving when, in the opinion of the

county engineer, the projected traffic volumes, road geometry, condition of gravel and drainage conditions allow.

*Note:* The county engineer periodically conducts traffic counts on county roads. This information is available to applicants to assist them in analyzing the capacity of a road.

2. *Capacity and level of service for paved roads.* Level of service (LOS) is a qualitative measurement of operating conditions on a paved road or at an intersection. Levels of service for roadways and intersections are generally determined by analyzing the ratio of traffic volume to capacity of roadways or by analyzing the length of delays experienced at intersections.

Collector and arterial roads and intersections within the traffic impact area must function at LOS "D" in urban areas and LOS "C" in rural areas at the time of full build-out of a proposed development. Local roads and intersections within the traffic impact area must function at LOS "C" in both urban and rural areas at the time of full build-out of a proposed development.

3. *Adequacy of pavement section and structures.* The roads within the traffic impact area of a proposed development must have an adequate pavement section (depth of gravel, depth of base course and type and depth of paving material) to accommodate the projected additional traffic loads from the development without damaging the roadway or accelerating the need for maintenance and must not cross any bridge or structure that has been determined to be structurally deficient or functionally obsolete by the county engineer.

*Note:* The county engineer maintains a list of structurally deficient or functionally obsolete bridges that is available to applicants.

4. *Additional conditions.* The existence of safe and adequate access does not preclude the imposition of additional require-

ments as a condition of development approval when such requirements are deemed necessary to mitigate the impacts of the development on county and state roads and highways.

D. *Traffic impact area.* The limits of the traffic impact area for a proposed development are determined by the county engineer in consultation with the applicant. At a minimum, the limits of the traffic impact area must include:

1. Internal roads;
2. Adjacent roads;
3. Off-site local roads to the nearest county collector or arterial road or state highway;
4. Off-site roads where traffic from the development will account for at least ten percent of the average daily traffic on those roads in urban areas or at least 20 percent of the average daily traffic on those roads in rural areas; and
5. Intersections with planned or existing traffic signals where traffic from the proposed development will account for at least five

percent of the traffic volume on any approach leg of the intersection in an urban area or at least ten percent of the traffic volume on any approach leg of the intersection in a rural area.

**Note**—Roads in new developments must be paved if they exceed specified daily vehicle trip limits.

E. *Documentation outside of a GMA district.*

1. Every development that will create more than two new dwelling units or is expected to generate more than 20 new daily vehicle trips on an unpaved native material or gravel road in the traffic impact area is required to demonstrate compliance with the capacity and level of service requirements in subsection C above.

A "paving threshold study" must be submitted to demonstrate that these capacity and level of service requirements for unpaved or gravel roads are satisfied. The minimum requirements for a paving threshold study are described in Appendix F, "Guidelines for Traffic Impact Studies," of the Technical Supplement to this Code, Larimer County Road Standards.

2. Every development that will create fewer than 20 new dwelling units or is expected to generate fewer than 200 new daily vehicle trips on a paved road in the traffic impact area is required to demonstrate compliance with the capacity and level of service requirements in subsection C above.

A "preliminary traffic impact study" must be submitted to demonstrate that these capacity and level of service requirements for paved roads are satisfied. The minimum requirements for a preliminary traffic impact study are described in Appendix F, "Guidelines for Traffic Impact Studies," of the technical supplement to this code, Larimer County Road Standards.

Upon review of the limited traffic impact study, the county engineer will determine if a "detailed traffic impact study" will be required. Such a determination will be

based on the magnitude of the new traffic generated and the impacts of that new traffic on the transportation system.

The minimum requirements for a detailed traffic impact study are described in Appendix F, "Guidelines for Traffic Impact Studies," of the Technical Supplement to this Code, Larimer County Road Standards.

3. Every development that will create 20 or more new dwelling units or is expected to generate 200 or more new daily vehicle trips or 100 or more new vehicle trips during any peak hour period on a paved road in the traffic impact area is required to demonstrate compliance with the capacity and level of service requirements in subsection C above.

A "detailed traffic impact study" must be submitted to demonstrate that these capacity and level of service requirements are satisfied. The minimum requirements for a detailed traffic impact study are described in Appendix F, "Guidelines for Traffic Impact Studies," of the Technical Supplement to this Code, Larimer County Road Standards.

Upon review of the detailed traffic impact study, the county engineer will determine if any additional traffic analyses will be required. Such a determination will be based on the magnitude of the new traffic generated and the impacts of that new traffic on the transportation system.

4. Any other development will be presumed to have an insignificant impact on the roadway system and will be exempt from the requirements for paving threshold and traffic impact studies. Such development would, however, be subject to county road capital expansion fees.

F. *Documentation within a GMA district.*

1. Every development that will create more than two new dwelling units or is expected to generate more than 20 new daily trips on an unpaved native material or gravel road in the traffic impact area is

required to demonstrate compliance with the capacity and level of service requirements in subsection C above. A paving threshold study must be submitted to demonstrate that these capacity and level of service requirements for unpaved or gravel roads are satisfied. The minimum requirements for a paving threshold study are described in Appendix F, "Guidelines for Traffic Impact Studies," of the technical supplement to this code, Larimer County Road Standards.

2. Developments within the GMA district must submit a traffic impact study as required in Chapter 4 of the Larimer County Urban Area Street Standards, in the technical supplement to this code.

*G. Capital contribution front-ending agreement.* The county may enter into a capital contribution front-ending agreement with any person proposing to construct a road to provide safe and adequate access to a proposed development. Where the road is on the county's major road system (collector and arterial streets established in the county's transportation master plan) and is eligible for capital expansion fee credits, the capital contribution front-ending agreement will provide proportionate and fair share reimbursement to the extent that the cost of the road exceeds the amount of credits for which the road is eligible. Where the road is not eligible for road capital expansion fee credits, the capital contribution front-ending agreement will provide proportionate and fair share reimbursement. Reimbursement must be provided from the new development that, in the future, will use the road for safe and adequate access within the traffic impact area.

## 8.2. WETLAND AREAS

### 8.2.1. Purpose.

The purpose of this section is to protect wetlands, their buffer areas and their water sources from encroachment that would adversely affect the wetlands' ability to maintain water quality, provide wildlife habitat, provide flood protection and maintain other critical environmental functions.

When encroachment cannot be avoided, this section provides for mitigation of the impacts resulting from the encroachment.

### 8.2.2. Applicability.

This section applies to all subdivisions, conservation developments, planned land divisions, rezonings, special reviews, special exceptions and site plan reviews. This section also applies to any minor land division that will result in a new, vacant building site. This section does not apply to:

- A. Agricultural activities, such as soil preparation, irrigation, planting, harvesting, grazing and farm ponds;
- B. Urban and rural drainage systems;
- C. Maintenance and repair of existing public roads, utilities and other public facilities within an existing right-of-way or easement;
- D. Maintenance and repair of flood control structures and activities in response to a bonafide flood emergency;
- E. Wetland and wildlife habitat restoration, creation and/or enhancement that improves the wetland's function if the activity proposed is approved by the appropriate agency, such as the Army Corps of Engineers or Colorado Division of Wildlife; or
- F. Building permit applications for single-family or duplex dwellings on existing legal lots.

### 8.2.3. Other regulations.

When this section imposes a higher or more restrictive standard than that imposed by a federal, state or local law, easement, covenant, deed restriction or other similar document, this section will apply.

### 8.2.4. Wetland mapping.

Wetland mapping is intended for general planning purposes. The following sources of mapping shall be used to indicate the approximate location and/or extent of possible wetland areas. The fol-