

# CHAPTER 5—SUBDIVISION DESIGN, IMPROVEMENTS AND DEDICATION

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**Chapter 5—SUBDIVISION DESIGN, IMPROVEMENTS AND DEDICATION****5-01 GENERAL PROVISIONS****5-01-01 PURPOSE**

It is the purpose of this section to provide uniform and consistent standards, which are to be met in the design and construction of subdivisions in unincorporated Adams County. Also addressed is the proper procedure for entering into subdivision improvements agreements and the securing of collateral to guarantee required public and private improvements.

**5-01-02 APPLICABILITY**

This chapter shall apply to all subdivisions within unincorporated Adams County.

The terms "subdivision" or "subdivided land" shall include any division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. \*Any division of a lot, tract, or parcel of land completed after May 5, 1972 shall be considered illegal.\* The terms "subdivision" or "subdivided land" shall not apply to any division, or any parcel, or interest in land which:

1. Creates cemetery lots;
2. Is created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of these standards and regulations;
3. Is created by a lien, mortgage, deed of trust, or any other security instrument;
4. Is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an individual entity;
5. Creates an interest in oil, gas, coal, gravel, sand, minerals, or water, which is severed from the surface ownership of real property;
6. Creates or conveys only easements and rights-of-way;
7. Is created by the combination of contiguous parcels provided there is only one interest per thirty-five (35) acres in land area;

8. Creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres of land per interest;
9. Is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide the land pursuant to the requirements and provisions of these standards and regulations;
10. Is granted to or from the United States; the State of Colorado, county, municipality, or quasi-municipality;
11. Is created by acquisition of land in name of a husband and wife or other persons in joint tenancy or as tenants in common (Note: These interests shall be deemed one interest); or
12. The Board of County Commissioners, pursuant to rules and regulations or resolution, exempts from the definition of the terms "subdivision" and "subdivided land" in accordance with state law.

*\*NOTE: If division of land occurs through any of the above actions, an Exemption from Subdivision shall be filled with the County as determined by the Director of Community and Economic Development.\**

**\*Adopted by the BOCC on December 13, 2010**

### **5-01-03 GENERAL REQUIREMENTS**

#### **5-01-03-01 BOARD APPROVAL**

No plat of a subdivision shall be approved by the Board of County Commissioners unless it conforms to the provisions of these standards and regulations.

#### **5-01-03-02 BOARD APPROVAL REQUIRED PRIOR TO FILING**

All subdivisions within the County shall be filed and recorded in the Adams County Office of the Clerk and Recorder. Subdivision plats may only be filed after having been approved by the Board of County Commissioners. The Board of County Commissioners approval shall be evidenced by the signature of the Chair of the Board of County Commissioners on the face of the plat. The Chair shall only sign a plat that has: (1) been approved by the Board of County Commissioners pursuant to the procedures established by these standards and regulations, and (2) has met all the conditions for approval.

## **5-02 GENERAL DEVELOPMENT IMPROVEMENTS AND DEDICATIONS REQUIRED FOR PLATTING**

### **5-02-01 PLAT NOTES REQUIRED**

The County will require specific plat notes to be included on the Final Plat document prior to recording, including, but not limited to notes outlined in the appendices.

### **5-02-02 NO IMPROVEMENTS TO SUBDIVISION UNLESS APPROVED**

No improvements shall be made to a subdivision until all required plans, profiles and specifications, including reproducible mylar prints for the improvements, have been submitted to and approved by the Director of Community and Economic Development.

### **5-02-03 CONSTRUCTION PHASING**

No portion or phase of a subdivision will be granted Preliminary Acceptance until all items identified in the Subdivision Improvements Agreement have been completed. Construction phasing will not be permitted for the purposes of partial acceptance. If the subdivider desires to improve smaller portions of the subdivision, they shall be submitted for review and recorded as individual filings.

### **5-02-04 SUBDIVISION IMPROVEMENTS AGREEMENT (SIA)**

At the time the plans, profiles and specifications are approved by the Directors of Transportation and Community and Economic Development, the subdivider shall prepare an agreement providing for the installation of all improvements in the subdivision required by these standards and regulations. The agreement shall address the manner and timing of the completion of all subdivision improvements and the responsibility for payment of the costs of all subdivision improvements. The agreement shall provide for a guarantee by the subdivider of the quality of materials and workmanship of all subdivision improvements for one (1) year after Preliminary Acceptance is granted by the Department of Transportation. As built street construction and drainage plans stamped by a registered Professional Engineer shall be provided to and approved by the Director of Transportation prior to granting Preliminary Acceptance. Subdivision improvements shall include all improvements required by these standards and regulations and all public improvements proposed for installation by the subdivider including, but not limited to, roads, bridges, sidewalks, drainage, water, sewer, utilities, landscaping, buffering, noise mitigation, right-of-way

monumentation and any other required actions or improvements to be installed or completed as part of the subdivision. The agreement shall establish collateral adequate for the County to complete the improvement obligations and shall establish an additional twenty (20) percent to cover administration and five (5) percent per year for the term of the subdivision improvements agreement to cover inflation. Such agreement shall establish and set forth the extent to which the County is to participate in the cost of constructing any public improvements, including, without limitation, collector or arterial roads. The agreement shall further require the subdivider fully account to the County for all costs incurred in the construction of any public improvement in which the County is participating, and the books and records of the subdivider relating to such public improvement shall be open to the County at all reasonable times for the purpose of auditing or verifying such costs.

No final plat shall be approved by the County or recorded until such agreement has been fully executed.

A subdivider is entitled to fair-share reimbursement of the cost of any streets and related facilities, storm drainage facilities, and other improvements the County requires the subdivider to construct adjacent to or outside the subdivision.

The process for reimbursement shall be as follows:

1. The original subdivider shall include reimbursement as a line item on the Subdivision Improvement Agreement at the time of subdivision. Said line item shall include a cost breakdown of the off-site improvements intended for reimbursement, subject to:
  - a. The off-site improvements included in the reimbursement agreement may be granted credits for Regional Traffic Impact Fees, but if a credit is granted, reimbursement shall be limited to the amount of the fee credit.
  - b. All cost estimates shall be provided by the developer and shall be subject to review by the Department of Transportation.
  - c. The reimbursement period shall not exceed fifteen (15) years from the date of completion of an improvement and may be less than fifteen (15) years based on a recommendation from the Department of Transportation.
  - d. No interest shall be paid on the amount to be reimbursed and the cost estimates shall not be adjusted for inflation if the reimbursement occurs in a future year; and
  - e. All reimbursement agreements shall be subject to approval of the Board of County Commissioners.
2. The Subdivision Improvement Agreement shall be a recorded document, and notice shall be provided to those owners of property that are adjacent to or have presumed use of the improvements by the applicant.

3. Any such reimbursable costs shall be paid to the subdivider, by the owner or owners of property that is adjacent to or has presumed use of the improvements when that property is developed, subject to:
  - a. The owner(s) of the property that benefits (beneficiary) from the improvements shall enter into a Subdivision Improvement Agreement with Adams County at the time of a submittal of a development application. The beneficiary (property owner(s)) shall be responsible for reimbursement if the original owner who entered into the agreement sells the affected property. The reimbursement agreement (i.e. Subdivision Improvement Agreement (SIA)) shall be recorded with the Adams County Clerk and Recorder by the applicant and shall encumber all future property owner(s).
  - b. The beneficiary shall have one year to reimburse the subdivider that constructed the improvements after final approval of the development as determined by the County.
  - c. An annual inflation amount not to exceed five (5) percent may be included in the Subdivision Improvement Agreement with the beneficiary;
  - d. Published and/or written notice shall be provided to all beneficiaries of the existence of the reimbursement agreement by the applicant;
  - e. All reimbursement agreements shall be subject to approval of the Board of County Commissioners.

## **5-02-05 PUBLIC IMPROVEMENTS ACCEPTANCE**

### **5-02-05-01 PRELIMINARY ACCEPTANCE**

After all items required by the Subdivision Improvements Agreement have been satisfactorily completed the subdivider may request Preliminary Acceptance be granted by the Department of Transportation. Upon issuance of Preliminary Acceptance, the subdivider shall begin the one (1) year guaranty period. During this period the subdivider shall be responsible for all maintenance and repairs to the public improvements. Failure by the subdivider to maintain and repair the improvements during this period shall be cause for the Department of Transportation to extend the guaranty period until such work is completed.

### **5-02-05-02 FINAL ACCEPTANCE**

All repairs or replacements of failed materials, specifications or workmanship shall be satisfactorily completed before the Department of Transportation recommends final acceptance of the public improvements to the Board of County Commissioners (BOCC). The BOCC shall grant final acceptance of the public improvements and release of all collateral.

**5-02-06 REQUIRED IMPROVEMENTS PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

The following improvements shall be required, completed and have preliminary acceptance granted by the Department of Transportation prior to issuance of a building permit for construction of residential, commercial, or industrial structures:

1. Survey Monuments. The subdivider shall provide the required monumentation installation and records.
2. Sanitary Sewer. The subdivider shall provide adequate lines and stubs to each lot as required by the subdivision approval, if required.
3. Water Mains. The subdivider shall provide adequate mains and stubs to each lot as required by the subdivision approval, if required.
4. Fire Hydrants. The subdivider shall provide sufficient fire hydrants as required by the subdivision approval, if required.
5. Stormwater Drainage. The subdivider shall provide all necessary storm water facilities and appurtenances required by these standards and regulations.
6. Roads. The subdivider shall provide road improvements necessary to serve the lot as identified in the SIA, or lots in accordance with these standards and regulations, if required.
7. Utilities (including communications, electric power, gas, water, sewer). Except as provided, all utility facilities or conduits needed to serve the subdivision shall be installed underground, and, if located in a road right-of-way shall be in place prior to the completion of the road surfacing. To the extent feasible, the underground utilities shall be planned, coordinated and installed in an orderly fashion from deepest to shallowest. Above-ground facilities necessarily appurtenant to underground utilities shall be permitted. New or existing overhead electric transmission lines above forty (40) kilovolts nominal, or is temporary for construction shall be permitted.



## **5-03 SUBDIVISION DESIGN STANDARDS**

### **5-03-01 GENERAL DESIGN STANDARDS**

#### **5-03-01-01 SUBDIVISION TO CONFORM TO DESIGN STANDARDS**

Subdivisions and the associated subdivision plat shall conform to the subdivision design standards contained in this section or referenced by this section, and the Adams County Engineering Design and Construction Standards and Specifications contained in these standards and regulations.

#### **5-03-01-02 OPEN SPACE SUBDIVISIONS PROMOTED**

Subdivisions that cluster developable lots and preserve open space will be promoted. Cluster subdivisions shall meet the design standards contained in this chapter.

### **5-03-02 PLANNING AND DESIGN STANDARDS**

#### **5-03-02-01 DESIGN TO CONSIDER COMPREHENSIVE PLANS, ZONING, AND THE AREA'S CHARACTER**

In designing and planning subdivisions, consideration shall be given to the Adams County Comprehensive Plan, any applicable municipal Comprehensive Plans, the zoning of the property, general character of the area, general requirements of the community and the particular requirements of the neighborhood.

#### **5-03-02-02 DESIGN TO BE COMPATIBLE WITH ADJACENT LAND USES**

The design and development of subdivisions shall be compatible with adjacent land uses. Compatibility is achieved when adjacent land uses differing in function, scale, and/or intensity do not create adverse affects upon one another. In areas where different uses abut, a variety of measures may be employed to ensure compatibility, including the use of adequate setbacks, landscaping, barriers or transitions, and building height considerations.

**5-03-02-01      *MINIMUM SETBACKS/BUFFERS TO ACHIEVE COMPATIBILITY***

At a minimum, residences in new subdivisions shall be setback one-hundred (100) feet from a common property line with a non-residential use, and thirty (30) feet from a common property line with an adjacent residential use. Where the setback required by this section is greater than the setback required by the zone district standard, the setback required by this section shall govern.

In addition, all buffer yards landscaping required by the performance standards contained in these standards and regulations shall be designed and installed prior to issuance of any building permits for residential, commercial, or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required to cover the costs of any required landscape buffers prior to platting.

**5-03-02-03      *DESIGN TO PRESERVE NATURAL AREAS***

The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, trees, wildlife habitat and fisheries. When these natural areas are disturbed by development, mitigation may be required to compensate for these losses.

**5-03-02-04      *HAZARDOUS CONDITIONS TO BE AVOIDED OR ELIMINATED***

Land subject to hazardous conditions such as landslides, mud or debris flows, flooding, subsidence, shallow water tables, geologic hazards, open quarries, floods, and non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision construction plans. In the case of new developments to be located downstream of existing or proposed dams, the plans shall comply with the latest edition of the *Rules and Regulations for Dam Safety and Dam Construction* (Rules) of the Office of the State Engineer. Specifically, no occupied structures shall be placed in the area defined by the Dam Failure Inundation Map prepared in accordance with the Rules.

**5-03-02-05      *DESIGN TO MITIGATE NOISE IMPACTS OF ROADWAYS AND RAILROADS***

Noise abatement barriers for sound attenuation purposes may be required for residential developments adjacent to freeways, highways, tollways, railroads, or other heavily traveled transportation corridors where noise levels exceed 60dBA or are anticipated to exceed 60dBA over the life of the project and shall be required where the development fronts an major arterial road or highways as defined in the Adams County Comprehensive Plan. Generally, noise barriers shall

be constructed according to current Colorado Department of Transportation standards except as specifically modified by the standards below.

**5-03-02-05-01      *NOISE BARRIERS INSTALLED PRIOR TO PLATTING***

Noise barriers shall be installed prior to issuance of any building permits for residential, commercial, or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required to cover the costs of any required noise barriers prior to platting.

**5-03-02-05-02      *BARRIERS REQUIRED IN CERTAIN CIRCUMSTANCES***

Noise barriers shall be required in all cases where the nearest residential lot line within a subdivision is located within one-hundred (100) feet of a highway or major arterial road as defined in the Adams County Comprehensive Plan. A bermed landscape area may be used as an alternative to a barrier where the nearest residential lot line within a subdivision is located no closer than seventy-five (75) feet of a highway or arterial road.

**5-03-02-05-03      *CONSTRUCTION STANDARDS WHEN BERMS USED AS AN ALTERNATIVE TO WALLS***

Berms shall not exceed a 3:1 slope, be constructed to 80% of the height of any required barrier walls, and be placed in a manner consistent with the placement of barrier walls.

**5-03-02-05-04      *BARRIER WALLS AND BERM CONSTRUCTION STANDARDS***

In constructing a barrier wall the following standards shall be applied:

1. Residential Development at the Same Elevation as the Road Surface: The barriers shall be setback a maximum of fifteen (15) feet from the right of way line. The barrier should be designed and constructed to break the line-of-sight from the roadway to all residential lots located within one-hundred-fifty (150) feet of the highway or major arterial. Barrier height shall be established based on this line-of-sight requirement and the setback. Barriers shall generally be constructed to a height of eight (8) feet above the residential lot and roadway elevation. However, in no case shall a barrier exceed twelve (12) feet in height. Where barriers must exceed ten (10) feet to obstruct the view of an existing highway or arterial road, berms and vegetation shall be incorporated into the design to provide additional mitigation and reduce the apparent height of the barrier.
2. Residential Development Below the Road Surface: The barriers shall be setback a maximum of fifteen (15) feet from the right-of-way line.

The barrier should be designed and constructed to break the line-of-sight from the roadway to all residential lots located within one-hundred-fifty (150) feet of the highway or arterial. Barrier height shall be established based on this line-of-sight requirement and the setback. Barriers shall generally be constructed to a height of six (6) feet above the residential lot line. However, in no case shall a barrier exceed twelve (12) feet in height. Where barriers must exceed ten (10) feet to obstruct the view of an existing highway or arterial road, berms and vegetation shall be incorporated into the design to provide additional mitigation and reduce the apparent height of the barrier.

3. Residential Development Above the Road Surface: The barriers shall be setback a maximum of twenty-five (25) feet from the right-of-way line. The barrier should be designed and constructed to break the line-of-sight from the roadway to all residential lots located within one-hundred-fifty (150) feet of the highway or arterial road. Barrier height shall be established based on this line-of-sight requirement and the setback. Barriers shall generally be constructed to a height of eight (8) feet above the road surface. However, in no case shall a barrier exceed twelve (12) feet in height. Where barriers must exceed ten (10) feet to obstruct the view of an existing highway or arterial road, berms and vegetation shall be incorporated into the design to provide additional mitigation and reduce the apparent height of the barrier.

5-03-02-05-05

**BARRIER WALL MATERIALS**

The barrier should be constructed of materials which match the architecture of the buildings associated with the barrier. Brick, stone, or other masonry units should be used for fence columns or walls to add permanence and structure to site development. All barriers should be composed of durable materials and be maintenance free or require minimal maintenance. Wood privacy fences and railroad tie barriers are prohibited. Generally, barriers should be constructed of materials with an A-weighted transmission loss of at least twenty-five (25) dBA. Some materials meeting these specifications include masonry sandstone or concrete-fabricated sandstone (4-6" thick), brick (4-6" thick), concrete with a masonry finish (4-6" thick), stucco on metal lath (1" thick, 4" frame), or solid wood (4" thick).

5-03-02-05-06

**BARRIER WALL OPENINGS**

Openings in the barrier or reduction in the height of the barrier is encouraged as a means of framing and maintaining views of the mountains and residential neighborhood. Barrier openings are also encouraged to facilitate convenient access to transit stops and to provide continuity of bike or pedestrian trails as an alternative means of transportation. However, openings diminish the effectiveness of barriers. Therefore, openings shall be coordinated so as to

occur where the development has incorporated setbacks to residential lot lines greater than one-hundred-fifty (150) feet. No continuous section of a barrier should exceed five-hundred (500) feet in length. Where breaks in barriers are provided for fire or emergency access or pedestrian access, barrier walls should be offset by 2.5 times the width of the opening.

**5-03-02-05-07      *CONSISTENCY OF BARRIER WALL DESIGN***

Barriers shall be constructed of similar designs and materials along each arterial or highway. Once a barrier wall design has been established along an arterial road or highway, said barrier wall design shall be utilized by all subsequent developments along the arterial road or state highway unless an alternative design is approved by the Board of County Commissioners.

**5-03-02-06      *DESIGN TO NOT TO ENCROACH INTO FLOODPLAINS***

No developable lots shall be subject to inundation by a 100-year (1% frequency) flood unless an acceptable plan is submitted to alleviate the flooding condition. Portions of a lot which are inundated by a 100-year (1% frequency) flood may be platted as easements or out lots. All developable lots affected by a 100 year flood shall meet the minimum Zone District requirements. Land subject to flooding or within a designated 100-year floodplain shall be set aside for uses which will not aggravate the danger of flooding, will not be endangered by flooding, and will not endanger the general health, safety or welfare of the community. Drainage easements for streams and building setbacks from centerlines of streams may be established by the Board of County Commissioners where calculation of a 1% frequency flood event is not practical and/or where the historic high water elevations cannot be ascertained. Building setback distances and width of drainage easements may be based upon a recommendation of the Director of Transportation.

Where any portion of a developable lot in a proposed subdivision is located within a Flood Control Overlay District, each lot shall be shown to have adequate land area within it for the type of development allowed by the underlying zone district as constrained by the requirements of the Flood Control Overlay District standards and regulations. In addition, base flood elevation data shall be provided for all subdivision proposals where any portion of the subdivision is located within a Flood Control Overlay District.

**5-03-02-07      *DESIGN TO AVOID HIGH GROUNDWATER***

Any lands subject to high groundwater (meaning groundwater at an elevation such that basement flooding is reasonably anticipated) shall not be platted for buildable lots with basements unless adequate provisions to prevent groundwater from entering basements have been designed. The design must be completed by a

Colorado licensed professional engineer, and included with building permit applications.

**5-03-02-08 DESIGNED TO BE PROTECTED FROM WATER HAZARDS**

If a subdivision includes a water hazard such as an irrigation canal, water body or other water channel, necessary design precautions shall be taken to minimize any hazard to life or property, and additional measures such as fencing, water depth indicators, and erection of warning signs shall be taken, to the extent reasonably feasible. Construction of utility improvements shall not be allowed within a water hazard. All measures shall be approved by the Director of Transportation in consultation with the owner/operator of the water body, if any.

**5-03-03 LOT DESIGN STANDARDS**

**5-03-03-01 LOT CONFIGURATION TO BE APPROPRIATE FOR DEVELOPMENT TYPE**

The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision, for the type of development and use contemplated and for future resubdivision, where appropriate. A lot shall be judged to be configured appropriately if the lot is capable of being used for the intended use in consideration of the zoning and all design and performance criteria established by these standards and regulations.

**5-03-03-02 LOT DIMENSIONS TO CONFORM TO ZONING**

Lot dimensions shall conform to the requirements of the zone district in which the property is located.

**5-03-03-03 LOTS APPROPRIATE FOR DEVELOPMENT**

All lots shall be capable of being lawfully developed in accordance with these standards and regulations except for lots to be maintained as open space or other Adams County approved purposes. No subdivision shall create lots physically unsuitable for improvement due to steepness, size, shape, location of watercourses, problems of sewage disposal, drainage, driveway grades, or other natural physical conditions.

**5-03-03-04 LOTS USING INDIVIDUAL SEWAGE DISPOSAL SYSTEMS**

Where individual sewage disposal systems are being used or proposed, individual lot sizes and shapes must exhibit appropriate dimensions. All lots shall be approved by the Tri-County Health Department for individual sewage disposal systems prior to platting.

**\*Adopted by the BOCC on December 13, 2010**

**5-03-03-05 LOTS TO HAVE SUFFICIENT DEPTH AND WIDTH**

The depth and width of lots shall be adequate to provide for off-road service and parking facilities required by the type of use and development contemplated.

**5-03-03-06 LOT DEPTH TO WIDTH RATIO**

No lot shall have an average depth greater than three times the average width unless the lot width is a minimum of four-hundred-twenty-five (425) feet.

**5-03-03-07 CORNER LOTS TO BE WIDER**

Corner lots intended for residential use shall have extra width to accommodate the required structure setbacks from both roads.

**5-03-03-08 LOT CONFIGURATION**

**5-03-03-08-01 *DOUBLE FRONTING LOTS***

Lots with double frontage shall be avoided. Double frontage lots shall be permitted in rural areas where the lot size is five (5) acres or greater.

Access for double fronting lots shall be taken from interior subdivision roads, not perimeter collectors or arterials.

**5-03-03-08-02 *FLAG LOTS***

Flag lots shall be allowed in all zone districts, but shall only be used where all other subdivision alternatives are impractical. If a reasonable development alternative exists, flag lots shall not be utilized even though their use might allow more lots to be created than other alternatives.

In addition, no flag lot shall be approved where the flag lot is being used as a means of avoiding the construction of public roads, emergency access or the extension of utilities.

The minimum width of the pole of any flag lot shall be thirty (30) feet or be consistent with the minimum width requirements of the particular zone district. The maximum depth of the pole shall be six-hundred (600) feet. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided (See access design standards for specific access control standards).

**5-03-03-08-03      *WEDGE-SHAPED LOTS***

In the case of irregular or wedge-shaped lots, no lot shall be less than thirty (30) feet in width at the front property line or meet the required minimum lot width of the pertinent zone district. In all cases where a wedge-shaped lot fronts a highway, arterial, or collector, only one (1) access shall be approved for every two-hundred (200) feet of road frontage. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided (See access design standards for specific access control standards).

**5-03-03-08-04      *LOTS NOT DIVIDED BY ROADS OR LOTS***

No single lot shall be divided by a road, alley, or other lot.

**5-03-03-08-05      *SIDE LOT LINES***

Side lot lines shall be substantially at right angles or radial to road right of way lines or road centerlines.

**5-03-03-09      *ACCESS TO LOTS BY PUBLIC***

All lots created by a subdivision of land shall front and have access on a dedicated, constructed and maintained public road improved to the specifications required by these standards and regulations (See Chapter 4).

**5-03-03-10      *ACCESS TO LOTS BY PRIVATE ROADS***

If the Board of County Commissioners finds the most logical development of land requires lots be created which front and are accessed by a private road or other means of access, the Board of County Commissioners shall make written findings supporting the use of private roads in the form of a waiver from these standards and regulations. Private roads, if approved, shall be constructed and maintained by the property owners. Provisions shall be made to guarantee the roads are maintained for the life of the development through mechanisms approved by the Board of County Commissioners. A maintenance plan shall be submitted as part of the development process.



The need for private roads will be evaluated on a case-by-case basis by the Director of Community and Economic Development. The Director of Community and Economic Development will make a recommendation on the approval and construction of private roads to the Board of County Commissioners as part of the development process. The use of private roads will not be permitted at intersections with public roads if the geometric design of the private road can create a road safety hazard. In addition, intersections of public and private roads shall conform to the Chapter 8 Access Design and Traffic Requirements.

Private roads shall be designed to allow for access of emergency vehicles. This includes, but is not limited to, geometric design of the road to allow for adequate clearance of emergency vehicles, and the use of road construction materials that are able to support these vehicles. Proposed designs for private roads shall be submitted to the appropriate fire district for approval prior to completion of review by Community and Economic Development Department.

#### **5-03-04 DRAINAGE DESIGN STANDARDS**

##### **5-03-04-01 MAINTAIN NATURAL DRAINAGE CHANNELS**

Existing drainageways and wetlands should be maintained in their natural state. Significant drainageways shall be incorporated in site development as aesthetic amenities, open space/trail corridors, and wildlife areas. In most cases, drainageways should be left in as natural a state as possible without channelization or engineered structures unless required to prevent erosion or because of special circumstances, or as requested by other agencies. The County may require enhancement of these areas if the areas are damaged.

New drainage channels shall be planted with local plant species that are adapted to the localized environment in which they will be used.

##### **5-03-04-02 RECHARGE PREFERRED**

Whenever feasible, drainage systems should be designed and constructed to recharge onsite groundwater by using swales and surface systems, rather than sewers.

##### **5-03-04-03 DRAINAGE TO CONSIDER REGIONAL DRAINAGE NEEDS**

Drainage systems should be approached in a regional context which encourages nonstructural systems, whenever possible. A nonstructural strategy accentuates natural onsite drainage, percolation, open channeling, and groundwater recharge. Natural overland flows, open channels, swales, and large ponds are viewed as important drainage control elements, which may also mitigate pollution, soil

erosion, and provide open space and trails used for recreation. Storm sewers and flood control structures should be used only where the natural drainage system is inadequate to handle urban runoff. Some nonstructural control techniques which should be considered include:

1. Limiting land disturbance and grading;
2. Maintaining vegetated buffers and natural vegetation;
3. Minimizing impervious surfaces;
4. Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined waterways;
5. Use of recharge basins, seepage pits, dry wells, seepage beds, porous pavement or Dutch drains.

**5-03-04-04 DRAINAGE SYSTEM TO PROTECT WATER SUPPLY AND QUALITY**

The drainage system shall prevent property damage from storm-related runoff, while at the same time protecting water supply and quality.

**5-03-04-05 DRAINAGE SYSTEM TO BE MAINTAINED**

All drainage improvements shall be owned and maintained by the owner or an association of owners within the subdivision unless the ownership and maintenance obligation is specifically accepted by a public agency which agrees to maintain the drainage improvements and any buildings, structures or other improvements which have been placed on it.

A drainage facility maintenance plan shall be submitted and approved as part of the subdivision process. The maintenance plan shall meet the Adams County Engineering Design and Construction Standards and Specifications. The maintenance plan shall provide an enforcement mechanism for failure to maintain the drainage system to the standards identified within the maintenance plan. The enforcement mechanism shall include penalties and reimbursement mechanisms to cover the costs of enforcement or maintenance for failure to maintain the system. The enforcement mechanism shall be approved by the County Attorney prior to platting. The maintenance plan shall take the general form outlined in Chapter 4.

**5-03-04-06 DRAINAGE SYSTEM TO BE DESIGNED AND BUILT TO COUNTY STANDARDS**

All storm drainage and erosion control plans shall meet the Adams County Engineering Design and Construction Standards and Specifications. Storm drainage and erosion control systems shall be approved by the Director of

**Transportation** prior to platting. All storm drainage shall conform to adopted basin master plans.

**5-03-04-07 ACCESSIBILITY TO DRAINAGE SYSTEMS**

All drainage systems shall provide for reasonable accessibility to allow for maintenance of drainage facilities. Access shall be approved by the Director of **Transportation** prior to platting.

**5-03-04-08 UTILIZATION OF IRRIGATION DITCHES FOR STORMWATER**

Utilization of irrigation ditches for stormwater discharge is discouraged. Any subdivider who proposes to utilize existing irrigation ditches as a means of collecting and conveying stormwater runoff shall submit a written agreement from the irrigation company to utilize their irrigation ditches as a collection and conveyance system. The agreement shall guarantee a perpetual right to discharge the specified volume to the irrigation company's irrigation water collection and conveyance system.

When developing a drainage plan which utilizes irrigation ditches to collect and convey stormwater, the entire irrigation system shall be analyzed to determine the impacts of the proposed stormwater discharges. No discharge to irrigation ditches shall be permitted to increase the potential flooding to any area downstream of the site.

The drainage agreement shall be approved by the County Attorney prior to platting. The drainage plan shall be approved by the Director of Transportation prior to platting.

**5-03-05 LANDSCAPING STANDARDS**

**5-03-05-01 DESIGN TO PROVIDE TREES AND VEGETATION**

Plantings shall be required for buffering, screening, or soil erosion protection and are subject to approval of the Board of County Commissioners. All landscaping shall at a minimum meet the landscaping and buffering performance standards contained in these standards and regulations.

**5-03-05-02 RIGHT-OF-WAY LANDSCAPING**

Right-of-way landscaping shall be required along all arterial and collector roads within or abutting a subdivision. In addition, landscaping shall be required along local streets. A minimum of one (1) shade tree and two (2) shrubs per one-

thousand (1000) square feet of right-of-way landscape area shall be provided. Automatic sprinklers shall also be provided for landscaped areas within the right-of-way of all new subdivisions.

The right-of-ways landscaping shall also include a minimum of fifty (50) percent living groundcover in accordance with the landscaping standards contained in the performance standards section of these standards and regulations.

**5-03-05-03 DETENTION POND LANDSCAPING**

Any areas within a detention pond above that required to accommodate a 50-year, 2-hour storm shall be landscaped in accordance with the landscaping standards contained in the performance standards section of these standards and regulations.

**5-03-05-04 LANDSCAPING MAINTENANCE**

The property owner's association is responsible for maintenance of the right-of-way landscaping along arterial and collector roads and all detention pond landscaping. The adjacent property owner is generally responsible for maintenance of the right-of-way area adjacent to their property on a local road.

A landscape maintenance plan shall be submitted to and approved by the Director of Community and Economic Development as part of the subdivision process. The maintenance plan shall provide an enforcement mechanism for failure to maintain the landscaping to the standards identified within the maintenance plan. The enforcement mechanism shall include penalties and reimbursement mechanisms to cover the costs of enforcement or maintenance for failure to maintain the right-of-way landscaping. The enforcement mechanism shall be approved by the County Attorney prior to platting. The maintenance plan shall take the general form outlined in Chapter 4.

**5-03-05-05 NOXIOUS WEEDS**

All subdivisions shall have a noxious weed management plan in place for all lots until they are developed. Once lots are developed, private covenants, conditions, and restrictions should be in place to address individual property owner responsibilities to obey local County and State noxious weed laws. The private covenants, conditions, and restrictions may be enforced by the local homeowner's association.

**5-03-06 ROAD DESIGN STANDARDS**

**5-03-06-01 ROAD SYSTEM**

**5-03-06-01-01 CONFORMANCE WITH TRANSPORTATION PLAN**

The arrangement of roads shall conform to the Adams County Transportation Plan.

**5-03-06-01-02 CONFORMANCE WITH ENGINEERING STANDARDS**

Roadway design including geometric design, lane widths, cul-de-sacs and turnarounds, intersections, sidewalks, and driveways must adhere to the standards and specification contained in the Adams County Engineering Design and Construction Standards and Specifications contained in these standards and regulations. All roadway designs shall be approved by the Director of Community and Economic Development prior to platting.

**5-03-06-01-03 ROAD HIERARCHY**

Roads shall be classified in a road hierarchy system with design tailored to function. The road hierarchy system shall be defined by road function and average daily traffic (ADT) defined in the Adams County Engineering Design and Construction Standards and Specifications contained in these standards and regulations.

**5-03-06-01-04 CIRCULATION SYSTEM DESIGN**

The circulation system shall be designed in relation to existing or planned roads to permit safe, efficient, and orderly movement of traffic; to minimize grading requirements; to minimize erosion and provide for efficient and maintainable drainage and utility systems; and to respect the natural features and topography.

In residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage high speeds and through traffic on local residential roads, while still providing for the necessary movement of neighborhood automobiles, ample parking, and access by emergency vehicles. Collector roads shall be designed to afford easy access to arterial and other collector roads.

**5-03-06-01-05 ROAD CONNECTIONS**

Roads shall be designed and right-of-ways shall be platted to permit extension and connection between developments without requiring automobiles, bikes

and pedestrians to use highways or arterials, whenever possible. All necessary right-of-ways shall be provided at the time of platting.

**5-03-06-01-06      *RIGHT-OF-WAY DEDICATIONS***

Right-of-ways are designed to accommodate roads, sidewalks, and bike trails in accordance with the Adams County Engineering Design and Construction Standards and Specifications.

All new roads within a subdivision and new roads along the perimeter of a subdivision shall meet the minimum design standards established by these standards and regulations including the dedication of the appropriate public road right-of-way. All existing public roads within the subdivision and existing public roads adjacent to the perimeter of the subdivision shall be brought into conformance with the minimum design standards established by these standards and regulations including dedication of additional right-of-way. Where additional right-of-way is necessary to bring an existing road into conformance with these standards and regulations, the subdivider shall acquire the necessary right-of-way prior to approval of the subdivision. As an alternative to the acquisition of right-of-way by the subdivider, the subdivider may request the County's participation in the right-of-way acquisition either through the County's purchase or condemnation of the right-of-way. It shall be at the County's discretion to participate in the acquisition or condemnation of right-of-way, including the manner and timing of such acquisition. The developer will be required to reimburse the County for all costs associated with the right-of-way acquisition. Such costs include, but are not limited to, property purchase, project administration, appraisals, consultant fees, and legal expenses.

**5-03-06-01-07      *ALIGNMENT OF ROADS***

To the greatest extent possible, alignments of collectors and local roads in sloping areas shall conform to the natural contours of the land.

**5-03-06-02      *ROAD ACCESS***

**5-03-06-02-01      *SUBDIVISION ABUTTING MAJOR ROADWAY OR RAILROAD RIGHT-OF WAY***

When a subdivision abuts a major roadway or railroad right-of-way, service roads parallel to and on each side of such right-of-way at a distance suitable for an appropriate use of the intervening land shall be provided.

**5-03-06-03 DEAD-ENDS**

**5-03-06-03-01 CUL-DE-SACS**

Roads that dead-end shall terminate in a cul-de-sac or approved turn-around meeting the Adams County Engineering Design and Construction Standards and Specifications.

**5-03-06-03-02 STUB ROADS**

In order to ensure dead-end roads are not created, stub roads may be permitted when construction is phased over time only if the road, in its entirety, has been approved in the preliminary plan (plat). Roads which are planned to continue at some future date shall provide a temporary cul-de-sac or turn-around meeting the Adams County Engineering Design and Construction Standards and Specifications.

**5-03-06-04 INTERSECTIONS**

No more than two (2) roads shall intersect at one point. Intersections of local roads with arterial roads shall only be permitted where no other alternative exists. Offset intersections shall be avoided. All intersection separations shall meet the Adams County Engineering Design and Construction Standards and Specifications.

**5-03-06-05 INTERIM CROSS SECTIONS**

An interim cross section contains a lower level of street improvements compared to the final cross section (also known as ultimate cross section) classified in the Adams County Transportation Plan. The County may permit the construction of interim cross sections on a case-by-case basis.

**5-03-06-06 TRAFFIC CALMING**

New subdivisions may be designed to mitigate potential problems associated with cut-through traffic and speeding through the use of neckdowns, traffic circles, or other “traffic-calming” techniques approved by the Director of Community and Economic Development and the local Fire District.

**5-03-06-07 ALLEYS**

Alleys may be required along the rear of certain lots in order to provide secondary access. Dead-end alleys shall be avoided where possible; but if unavoidable,

dead-end alleys shall be provided with adequate turn-around facilities approved by the Director of Community and Economic Development and the local Fire District. Alleys shall be maintained as determined by Adams County during the development process.

**5-03-07 PEDESTRIAN SYSTEM AND ACCESS DESIGN**

**5-03-06-08 SIDEWALKS AND TRAILS**

Sidewalks and trails shall be designed in relationship to existing or planned sidewalks and trails to permit safe and convenient pedestrian travel throughout the neighborhood and between other neighborhoods, land uses, schools, and parks. Sidewalks shall be placed parallel to the road, with exceptions permitted to preserve natural features; to provide visual interest; to facilitate transit access; and to provide connections to residential units and trails. Pathways and trails should be routed efficiently towards transit facilities.

**5-03-06-09 PEDESTRIAN ACCESS**

The design of the roadway system and pedestrian system shall be integrated, in order to offer pedestrians convenient and safe access to parks, school, open space, shopping areas, and across roadway intersections.

**5-03-06-10 BUS BENCHES**

Bus benches, shelters, and turnouts shall be required for all existing and proposed bus stops adjacent to and within the site boundaries of a subdivision. Bus facilities and turnouts shall meet the requirements of the transit agency providing service and the Adams County Engineering Design and Construction Standards and Specifications. All bus related facilities in new subdivisions shall be approved by the Director of Community and Economic Development. The County may participate in the construction of bus facilities and turnouts at the discretion of the Board of County Commissioners.

**5-03-07 PARKS AND OPEN SPACE**

**5-03-07-01 PUBLIC OPEN SPACE**

Public parkland dedication shall be made in accordance with the parkland dedication standards. Acceptance of lands shall be subject to review and approval by the County or any other agency to which land is to be dedicated. If the County



or other agency determines the land would not serve the public interest, the County shall require a payment in lieu of dedication. The County may not preclude utility construction within open space areas.

**5-03-07-02 PRIVATE OPEN SPACE**

In addition to the minimum public dedication for parks, open space, and recreational facilities, additional private park and open space dedication is encouraged. Private open space shall be formally landscaped unless abutting a natural greenbelt area. Maintenance of private open space area is the responsibility of the property owners or home owners association.

An open space maintenance plan shall be submitted and approved as part of the subdivision process. The maintenance plan shall provide an enforcement mechanism for failure to maintain the open space to the standards identified within the maintenance plan. The enforcement mechanism shall include penalties and reimbursement mechanisms to cover the costs of enforcement or maintenance for failure to maintain the open space. The enforcement mechanism shall be approved by the County Attorney prior to platting. The maintenance plan shall be approved by the Director of Community and Economic Development prior to platting. The County may not preclude utility construction within open space areas.

**5-03-07-03 FENCING**

All lot fencing within a subdivision shall be uniform in design for each type of fencing provided. Landscaping and berms are the preferred method of providing a buffer, but well-designed perimeter fencing may be approved in certain circumstances. Any perimeter fencing shall be approved by the Director of Community and Economic Development.

When used, perimeter fencing shall be constructed to include masonry, painted concrete or stucco columns (2 feet minimum width) spaced a maximum of sixty-five (65) feet apart. In some cases, such as adjacent parks or in special rural circumstances, the fence may be modified to include low profile split rail fencing. All horizontal supporting structures of wood shall be constructed toward the interior of the subdivision to reduce visibility of the support structures from roads and other public areas. Any required fencing shall be included with the subdivision improvements agreement for the subdivision.

## 5-04 **SUBDIVISION IMPROVEMENTS REQUIRED**

The following sections outline the subdivision improvements required for any subdivision approved in the County. The identified improvements shall be guaranteed by a subdivision improvements agreement, and shall be constructed at the expense of the subdivider prior to the issuance of any building permits for residential, commercial or industrial structures unless otherwise provided for in the subdivision improvements agreement.

### 5-04-01 **ROADS, BRIDGES, ALLEYS, AND OTHER PUBLIC IMPROVEMENTS**

#### 5-04-01-01 **ROADS**

All road improvements, such as road pavement, grading, on and off-road parking, shoulders, curbs and curb cuts, turnarounds, and sidewalks, shall be made in conformance with the specifications and standards set forth in the Adams County Engineering Design and Construction Standards and Specifications contained in these standards and regulations, and with other specifications and standards approved by the Board of County Commissioners.

All roads shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all road improvements.

#### 5-04-01-02 **PAVING, CURB & GUTTER, AND SIDEWALK REQUIREMENTS**

##### 5-04-01-02-01 **GENERAL IMPROVEMENTS**

All new developments, including one lot sites on one side of an existing or proposed road, shall improve and construct the perimeter roads to meet current Adams County Engineering Design Standards and Specifications.

All new interior and perimeter roads shall be surfaced with asphalt or concrete. In residential or agricultural zoned subdivisions where average lot sizes are one acre or less, all new interior and perimeter roads shall be surfaced with asphalt or concrete and shall be installed with curb/gutter and sidewalk.

Road intersections classified as collector or higher in urbanized areas shall be surfaced with concrete pavement extending a minimum of 70 feet each direction from the centerline of the intersection. Intersections of local road with roads classified as collector or higher may be paved with hot mix asphalt.

All local residential (excluding rural) and commercial/industrial cul-de-sacs shall be surfaced with asphalt\* or concrete pavement in the bubble area.

**\*Adopted by the BoCC on June 27, 2011.**

**5-04-01-02-02      *COMMERCIAL AND INDUSTRIAL IMPROVEMENTS***

All commercial and industrial zoned lots must have curb/gutter and paving regardless of the size of the lots.

**5-04-01-02-03      *CURB/GUTTER AND SIDEWALKS TO BE INSTALLED***

All curb/gutter and sidewalks shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all curb/gutter and sidewalk improvements.

**5-04-01-02-04      *WAIVER OF RESPONSIBILITY FOR IMPROVEMENTS***

Curb/gutter/sidewalk improvements may be waived by resolution of the Board of County Commissioners.

**5-04-01-03      *BRIDGES***

Where existing bridges on public rights-of-way and adjacent to new developments do not meet the Adams County Engineering Design and Construction Standards and Specifications, the subdivider shall be responsible to widen, lengthen, replace or improve the bridge to meet the Adams County Engineering Design and Construction Standards and Specifications.

Where new structures are required as part of the subdivision public improvements, they shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all bridge improvements.

**5-04-01-04      *ALLEYS***

Alleys shall meet the requirements of the Adams County Engineering Design and Construction Standards and Specifications.

All alleys shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all alley improvements.

5-04-01-05 **TRAFFIC CONTROL DEVICES, LIGHTING, AND SIGNS**

5-04-01-05-01 **STANDARDS**

Traffic control devices, road name signs, traffic signs, lighting, signals, striping, and pedestrian crosswalks are to be provided in conformance with criteria contained in Adams County Engineering Design and Construction Standards and Specifications and approved by the Director of Transportation.

5-04-01-05-02 **TRAFFIC CONTROL DEVICES AND ROAD SIGNS.**

The County shall install all road signs and traffic control devices. The subdivider shall pay all costs associated with the installation of road signs and traffic control devices. All road sign and traffic control device costs shall be paid to the county prior to platting.

5-04-01-05-03 **ROAD LIGHTING**

Road lighting facilities shall be installed in all subdivisions except residential and agricultural subdivisions with average lot sizes greater than one (1) acre. Light for safety shall be provided at intersections, between buildings, and in parking areas. Specific illumination guidelines for roads, parking, and pedestrian areas are set forth in the Adams County Engineering Design and Construction Standards and Specifications.

5-04-01-06 **LANDSCAPING**

5-04-01-06-01 **RIGHT-OF WAY LANDSCAPING**

Right-of-way landscaping shall be installed along all arterial and collector roads within or abutting a subdivision prior to the issuance of a building permit for any residential, commercial or industrial structures. Unless the local road right-of-way landscaping is installed by the subdivider, the adjacent property owner is responsible for installation of the right-of-way area landscaping adjacent to their property along a local road prior to final inspection and occupancy of any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all landscaping improvements to be installed by the subdivider.

5-04-01-06-02 **DETENTION POND LANDSCAPING**

Detention pond landscaping shall be installed prior to the issuance of a building permit for any residential, commercial or industrial structures. A

subdivision improvements agreement and appropriate collateral shall be required for all detention pond landscaping improvements.

**5-04-01-06-03      *OPEN SPACE LANDSCAPING***

Open space landscaping shall be installed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all open space landscaping improvements.

**5-04-01-06-04      *PLANT SIZES***

The minimum sizes required in the right-of-way and detention areas are 2½” caliper deciduous or ornamental trees, 6’ evergreens, and 5-gallon shrubs or better. Twenty (20) percent of the trees shall be 3” caliper deciduous or ornamental trees and 8’ evergreens or better. The caliper of all trees shall be measured at a point one (1) foot above grade level.

**5-04-02      *EASEMENTS***

**5-04-02-01      *EASEMENT LOCATION***

Easements shall be located so as to provide efficient installation and maintenance of utilities, drainage, vehicular and pedestrian access, emergency access, detention/retention facilities, water channels and flow courses, and fire protection purposes. The location of easements and the maintenance responsibility, where applicable, shall be shown on the plat.

Utility easements shall be provided in accordance with the serving entity or applicable authority.

Utility easements shall be identified for electric, natural gas, telephone, cable television, water, sewer, and drainage facilities prior to platting. Additional utility easements may be granted to the utility, public or private, as the development progresses and points of service are defined. Gas easements shall be located on private property immediately adjacent to all platted roadways.

**5-04-02-02      *UTILITY EASEMENT STANDARDS***

Utility easements shall meet the requirements of the Adams County Engineering Design Standards and Specifications.

All easements for the public utility companies for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, and sewer lines, shall include the right to trim

interfering trees and brush and a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines. Utility easements shall not impair the purpose of drainage or access easements.

**5-04-03 FIRE PROTECTION**

Fire protection facilities shall be reviewed and approved by the appropriate Fire Protection District. All required fire improvements shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all fire improvements.

**5-04-04 UTILITIES**

**5-04-04-01 UNDERGROUND INSTALLATION**

All electric and communication utility lines and services, and all road lighting circuits, except as hereinafter provided, shall be installed underground, and road lighting shall be provided by means of the utilities standard ornamental facilities.

**5-04-04-02 EXCEPTIONS FROM UNDERGROUND UTILITY REQUIREMENTS**

Exceptions from underground utility requirements shall be the following:

1. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessary appurtenant to such underground and road lighting facilities may be placed above ground within the utility easement provided therefore, or within the road or other public place after plans for such facilities and location thereof, have been approved by the Director of Community and Economic Development .
2. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.
3. Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new utility facilities used or useful in serving the subdivision.

**5-04-04-03 UTILITIES REQUIRED TO BE INSTALLED**

All utility mains and service laterals shall be installed within the right-of-way prior to completion of the public improvements. Public improvements will not be considered complete unless utility facilities are installed. No building permits for

any residential, commercial, or industrial structures shall be issued until public improvements are considered complete. If the utilities cannot be installed prior to completion of public improvements, they shall be installed in utility easements outside of the right-of-way. The subdivision improvements agreement and appropriate collateral shall include all utility improvements within the right-of-way. Prior to platting and in accordance with C.R.S. Section 30-28-133, a letter of agreement between the subdivider and the utility serving the site shall be submitted to the County for evidence that provisions have been made for facility sites, easements, and rights of access for electrical and natural gas.

#### **5-04-05 WATER SUPPLY SYSTEMS**

##### **5-04-05-01 WATER SUPPLY APPROVAL**

New water supply systems for irrigation, fire protection or other purposes required by the Board of County Commissioners shall be reviewed and approved by the appropriate Fire Protection District, Tri-County Health Department, Colorado Division of Water Resources, and the Colorado Department of Public Health and Environment Water Quality Control Division.

##### **5-04-05-02 GENERAL WATER SUPPLY REQUIREMENTS**

All water supply systems for new subdivisions shall be required to provide sufficient quantities of supplies to meet both projected "interior" (commercial, residential, etc.) and emergency fire fighting demands on a continuous year round basis. In addition, sufficient seasonal supplies to irrigate required external landscaping shall be provided.

##### **5-04-05-03 WATER SUPPLY FACILITIES**

All common water supply sources, storage facilities, and conveyances or delivery systems shall be installed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all water supply improvements.

This applies to open canals in subdivisions, as well as all other facilities.

##### **5-04-05-04 SPECIAL DISTRICT WATER SUPPLY SYSTEMS**

Special districts intended to be created to offer water service to a subdivision shall submit a service plan for the proposed special district in accordance with Appendix E of these standards and regulations and the Special District Act, C.R.S.

32-1-201, et seq. The special district intending to serve a subdivision shall be approved and formed prior to platting.

**5-04-05-05 PUBLIC WATER SUPPLY SYSTEMS**

Where the subdivision is within the service area of a public water supply system, the subdivider must furnish evidence of an adequate water supply and ability to serve the subdivision prior to platting. The subdivider shall install complete water system facilities in accordance with the requirements of the water district or adjacent city involved.

**5-04-05-06 ONSITE WATER SUPPLY REQUIREMENTS**

**5-04-05-06-01 GENERAL REQUIREMENTS**

All new wells drilled into deep, confined underground aquifers shall be required to be drilled to the bases of their target aquifers in order to prolong the well's useful productivity. Appropriate depths shall be indicated either by plat notes for individual wells, or in common water system plans and specifications, as appropriate. No Certificate of Occupancy for any structure shall be issued until a well driller's certification is submitted confirming this requirement has been satisfied.

**5-04-05-06-02 VOLUMETRIC LIMITS FOR INDIVIDUAL WELLS**

The Board of County Commissioners may establish volumetric restrictions on any wells developed to serve a subdivision or individual lot. All wells having volumetric restrictions placed on their use by the County shall be required to be metered. Meters shall be of a County-approved and continuous reading type. Meters shall be installed in a location that provides for ease of accessibility and visibility by the County. No taps or other water outlets between the water source(s) and meter(s) will be allowed.

**5-04-05-06-03 PUBLIC SUPPLY TO BE CONSIDERED**

All subdivisions proposing the use of five (5) or more individual wells shall submit to the County an analysis prepared by a professional qualified to evaluate water delivery systems that compares the efficiency and cost effectiveness of the proposed individual wells and a common or community water delivery system.

**5-04-05-06-04 PROOF OF ADEQUATE SUPPLY**

Prior to platting, the subdivider shall demonstrate that:



1. The water rights associated with the property are sufficient to serve the proposed subdivision based on the following standards:
  - a. 0.3 acre-feet per year per residence;
  - b. 0.05 acre-feet per year per 1,000 square feet of irrigated lawn, garden, or golf course;
  - c. 0.01 acre-feet per year per horse or similar livestock equivalent unit; and
  - d. Sufficient available water to supply the proposed non-residential uses based on the estimate from the subdivider of the proposed usage and analysis by the County.
2. The subject land is served by a groundwater supply which is sufficient based on its priority date within the Colorado System of Water Rights Administration, the required volume can be extracted from this water right, the capacity of the water supply is sufficient to ensure no water supply shortages will occur due to variations in the hydrologic cycle, the delivery of the water supply to the development is adequate, and the water supply is dependable in quantity and quality based on a minimum useful life of three-hundred (300) years. A minimum 300-year useful life means the water supply from both a static and dynamic basis will be viable for a minimum 300-year period. The static analysis shall include evaluation of the volume of water that is appropriable for the proposed subdivision. The dynamic analysis shall evaluate whether the appropriable water supply is sustainable for three-hundred (300) years, giving consideration to the location and extent of the aquifer, as well as impacts caused by both current and future pumping by others from the aquifer. This requirement applies to individual wells and special district service plans.

**5-04-06 INDIVIDUAL WASTEWATER SYSTEMS (INDIVIDUAL SEPTIC SYSTEMS)**

**\*Adopted by the BOCC on December 13, 2010**

**5-04-06-01 INDIVIDUAL WASTEWATER SYSTEM APPROVAL**

New individual wastewater systems for sanitation or other purposes required by the Board of County Commissioners shall be reviewed and approved by the Tri-County Health Department.

**\*Adopted by the BOCC on December 13, 2010**

**5-04-06-02      MANAGEMENT PROGRAM FOR MAJOR SUBDIVISIONS**

The management program for major subdivisions shall include elements that address system maintenance, inspection and pumping, program financing, program enforcement, homeowner education and annual reporting to Tri-County Health Department. Submittal of a system management plan that is acceptable to Tri-County Health Department is required before the Final Plat for the subdivision will be scheduled for public hearing.

For the purposes of this section major subdivisions are classified as those subdivisions containing fifty (50) or more lots in the proposed Preliminary or Final Plat.

The management entity should review and approve plans for additions to homes, changes to landscaping involving filling or cutting of existing grades, new driveways, or any other subsequent improvements that may significantly alter the original drainage and adversely impact the absorption area. Property improvements that may adversely impact drainage and the absorption area should not be allowed. The management entity should make or require a final inspection of these improvements to verify proper drainage.

**5-04-06-03      STANDARDS OF REVIEW FOR CONSTRUCTION**

All construction requirements pertaining to OWS, shall comply with the requirements of Tri-County Health Department Regulation No. I-02, Individual Sewage Disposal Systems. Other design/construction standards such as the Uniform Plumbing Code are not applicable outside the building footprint, relative to OWS.

**5-04-06-03-01      *SIZING OF SYSTEMS BASED ON NUMBER OF BEDROOMS***

Sizing requirements on a per bedroom basis are dependent upon soil conditions and percolation rates. For conventional systems, there are three categories:

1. 325 square feet per bedroom;
2. 450 square feet per bedroom; and
3. 560 square feet per bedroom.

For engineered systems, the per bedroom sizing may range from 800 to 1,600 square feet per bedroom for evapotranspiration systems (ET) and from 1,000 to 2,100 square feet per bedroom for drip irrigation systems.

**5-04-06-03-02      *PROHIBITIONS OVER ON-SITE WASTEWATER SYSTEMS (OWS)***

The following shall not be placed over the OWS (septic tanks, building sewers, and absorption areas):

1. Sidewalks;
2. Driveways;
3. Heavy vehicles or equipment parking;
4. Patios;
5. Decks;
6. Irrigated landscaping;
7. Trees and shrubs;
8. Accessory buildings;
9. Irrigated grass;
10. Playgrounds and other play areas;
11. Sprinkler lines;
12. Water lines; and
13. Other utilities (exclusive of electrical wiring to OWS pumps and other electrical appurtenances)

OWS (tank and absorption areas) shall be marked or delineated in some manner, which may include fencing, or some other type of permanent marker near the four corners of the absorption area and near the septic tank.

5-04-06-03-03

***EXPANSION OF BEDROOMS OR HOME REMODELING***

Prior to issuance of a Building Permit for the construction of additional bedrooms in a home served by OWS, the County shall require approval from Tri-County Health Department. Proof of adequate maintenance, pumping and/or inspection may be required prior to approval from Tri-County Health Department. If the OWS is malfunctioning, a repair permit may also be required.

5-04-06-03-04

***SYSTEM MAINTENANCE, INSPECTION AND PUMPING***

The following section describes in general terms, what needs to occur to ensure proper maintenance, inspection and pumping of OWS. A management entity may adopt an implementation plan, subject to Tri-County Health Department approval.

1. Maintenance shall include protection of the absorption area and inspection of the mechanical components.
2. Inspections and pumping shall include septic tanks and absorption fields (leach fields) and is subject to Tri-County Health Department Regulation No. I-02.

**5-04-06-03-05      *PROGRAM FINANCING***

The designated management entity shall establish a mechanism for financing the OWS management program:

1. Special Districts shall specify the financing mechanism in their service plans.
2. Homeowners Associations shall authorize the OWS management program in the Association’s initial by-laws and specify the financing mechanism in the section of either the by-laws or covenants that discusses fees for services provided by the Association.
3. If a minor subdivision (less than 50 lots for the purposes of this section) does not have a designated Special District or Homeowner Association, the party or parties responsible for managing OWS shall specify an alternative financing mechanism acceptable to the County.

**5-04-06-03-06      *PROGRAM ENFORCEMENT***

The OWS management program shall establish enforcement provisions, to be utilized in the event problems are identified with an OWS and the owner does not take action to correct the problems in a timely manner.

**5-04-06-03-07      *HOMEOWNER EDUCATION***

Each homeowner needs to have basic knowledge about the location, operation, proper use and maintenance of the OWS in order to prevent premature failure of the system. The management entity will maintain copies of the OWS “as built” drawings for each OWS system and will provide each homeowner a copy of his or her “as built” system drawing. The management entity will also provide each homeowner a copy of Tri-County Health Department's document titled "Your Septic System Guidelines and Records". If a property transfer occurs, the management entity will provide these two documents to each successive property owner. The management entity shall coordinate with Tri-County Health Department to obtain copies of “as built” system drawings. The management entity is encouraged to develop an ongoing educational program. Education can be in the form of periodic articles in utility bills or homeowner association (HOA) newsletters, or presentations and/or discussions at HOA meetings or other community gatherings. The managing entity can contact the Tri-County Health Department for assistance in developing and delivering the educational program.

**5-04-06-03-08 ANNUAL REPORTING TO TRI-COUNTY HEALTH DEPARTMENT**

By December 31<sup>st</sup> of each year, designated management entities for subdivisions that are subject to these requirements for management of OWS systems shall submit a report to Tri-County Health Department. (Subdivisions that have not had any certificates of occupancy issued before September 1<sup>st</sup> of the calendar year may defer submitting an annual report until December 31<sup>st</sup> of the following year.) At a minimum, the report shall contain the following information:

1. Addresses of homes in the subdivision that received a certificate of occupancy during the calendar year and the date of issuance of each certificate of occupancy.
2. The current year's inspection report for each OWS.
3. A notation either that no problems were found at the time the system was inspected or pumped, or a description of the problem(s) identified when the system was inspected or pumped, actions taken to correct the problem, and the outcome.
4. The name, address, phone/fax numbers and e-mail address (if applicable) of the managing entity's contact person for the OWS management program.

Electronic annual reports are encouraged. However, Tri-County Health Department will accept either electronic or hard copy reports. In preparing the draft OWS management plan, the management entity is encouraged to contact Tri-County Health Department to establish an acceptable report format and procedure. The annual reporting procedure shall be outlined in the draft OWS management plan that the managing entity or its representative submits to Tri-County Health Department for review and comment.

**5-04-06-03-09 MANAGEMENT PROGRAMS FOR SUBDIVISIONS WITHOUT A MANAGEMENT ENTITY**

Some subdivisions have too few homes to warrant the creation of a Homeowner Association and are not served by a Special District. Therefore, since alternative management options are not yet offered through the private sector, these subdivisions do not have access to a feasible management entity. Until such time as other comprehensive OWS management arrangements become available, a practicable OWS management program for minor subdivisions (less than 50 lots for the purposes of this section) shall consist of the following elements:

1. The developer shall provide each property owner a copy of Tri-County Health Department’s “Septic System Guidelines and Records”. This brochure educates homeowners on how to use and maintain their OWS to prevent failure and prolong the life of systems. Developers are encouraged to work with Tri-County Health Department and homebuilders in the subdivisions to determine the most effective way to distribute the brochures to homeowners.
2. Each property owner shall have their septic tank pumped and inspected by a systems cleaner licensed by Tri-County Health Department at least once every four (4) years. As proof of compliance with this requirement, property owners shall submit a receipt to the Commerce City office of Tri-County Health Department indicating the septic system has been pumped.

**5-04-07 WATER AND SEWER LINES**

**5-04-07-01 GUIDELINES FOR WATER MAINS AND SANITARY SEWERS IN NEW SUBDIVISIONS**

For developments with existing or new road construction, water and sewer lines shall be stubbed into each lot prior to asphalt/concrete construction.

**5-04-07-02 WATER MAINS AND SANITARY SEWER**

Water mains and sewer trunk lines shall be located in accordance with the Adams County Engineering Design and Construction Standards and Specifications and the specifications of the water and sewer district, where applicable. All water and sewer system components shall be installed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all water mains and sanitary sewer improvements when a subdivision will utilize a public or community system.

**5-04-08 MONUMENTS**

All monuments and reference tags shall be indicated as to their location on the plat of record and shall be so located on the ground. Installation and specifications for monuments shall be as follows:

1. “Monument” shall mean a rebar, being a minimum of 5/8” inch in diameter and a minimum of thirty inches in length, with a durable cap bearing the Colorado registration number of the surveyor responsible for the establishment of said marker securely affixed to the top of each rebar.

2. “Reference tag” shall mean any type of permanent tag bearing the Colorado registration number of the surveyor responsible for the establishment of said marker.
3. All subdivision monuments shall be set pursuant to Colorado Revised Statutes pertaining to monumentation and surveys.
4. Centerline control monuments shall be set on all interior and exterior streets at all angle points and street intersections; at the beginning, end and point of change of radius of any circular curve; and at the beginning and end of any spiral curve. All street centerline alignment data shall be shown on the face of the plat.
5. All centerline control monuments shall be identified by a punch mark on the cap of each control point, and shall be tied with a reference tag set in the sidewalk where applicable.
6. If any monument required by this section falls within the traffic area of a graveled street or highway, the top of the monument shall be placed ½ foot below the finished roadway surface. If such road surface is any form of pavement, the monument shall include an adjustable monument box and cap, the top of which shall be set flush with the finished pavement surface. Adjustable monument boxes shall be at the expense of the developer.
7. All lot corners shall be marked with a monument and durable cap.
8. A Benchmark based on the Adams County High Accuracy Reference Network (HARN) shall be established if no existing benchmark based on the HARN is within 1000 feet of the project. The Benchmark shall be described on the face of the plat and also recorded on a Colorado Land Survey Monument Record and filed with the State Board of Registration for Engineers and Land Surveyors.
9. All monuments shall be in place and the Survey Certification completed prior to Preliminary Acceptance of roadway construction by Adams County Construction Management Section. A copy of the Benchmark shall be turned in along with the Survey Certification.

## **5-04-09 NAMING OF ROADS AND SUBDIVISIONS**

### **5-04-09-01 SUBDIVISION NAMES**

All subdivisions shall be named. No subdivision shall receive approval by the Planning Commission or the Board of County Commissioners if the name duplicates or could be confused with the name of a subdivision of record on file in the office of the Adams County Office of the Clerk and Recorder.

**5-04-09-02 ROAD NAMES**

Road names shall not be used that will duplicate or be confused with names of existing roads unless otherwise approved by the Directors of Transportation and Community and Economic Development Department. All road names shall be subject to the approval of the Director of Transportation. In all cases, road names shall conform to the Denver Metropolitan Grid System. Collectors which provide access to residential, commercial or industrial development may be named to accommodate the theme of the development upon approval by the County.

**5-04-09-02-01 EAST-WEST ROADS**

Numbered avenues shall run principally east-west and shall be in numerical sequence. East-west roads located halfway between the numbered avenues should take the name of the proceeding avenue, with the suffix “place.” Roads running east-west connecting with an east-west road should take the name of the connecting avenue with the suffix “drive.” No other street may use the numbered avenue name with a different suffix. In general, the numerical designations shall change every six-hundred-sixty (660) feet from north to south within the designated grid.

**5-04-09-02-02 NORTH-SOUTH ROADS**

Named streets, drives, boulevards and ways shall run principally north-south and in general the alphabetical designation shall change every three-hundred-thirty (330) feet from east to west. Roads running halfway between arterials on the established grid may take the name of the proceeding street with the suffix “Court”. Roads running north-south connecting with a north-south road may take the name of the connecting road with the suffix “Way.” No other street may use the arterial road name with a different suffix.

**5-04-09-02-03 NAME CHANGES ON DEFLECTED ROADS**

Road name designations shall change from a named road to a numbered road when the road is at an angled deflection of sixty (60) degrees or more unless the road is a loop road or a road which meanders through and serves a single development.

**5-04-09-02-04 CURVILINEAR ROADS**

Curvilinear roads which cross and run parallel to other roads and result in either alphabetical or numerical road names becoming out of order shall be prohibited.



**5-04-09-02-05 INTERSECTIONS**

Intersections shall not have the same street names except in the case of a looped street.

**5-04-09-02-06 CUL-DE-SACS**

Cul-de-sacs with six (6) or fewer lots shall be considered part of the street which they abut and shall not be separately named.

**5-04-10 URBAN GROWTH AREAS**

All subdivisions within the urban growth boundary of any municipality with which the County has established an intergovernmental agreement concerning development review shall be required to comply with all municipal standards governing subdivision within that municipality.

**5-04-11 WAIVERS FROM SUBDIVISION DESIGN STANDARDS**

Waivers from the subdivision design and improvement standards shall only be allowed when expressly modified by the Board of County Commissioners based on a specific request. A waiver is strongly encouraged prior to final development plan (plat) submittal and may only be granted when a request is made in writing.

The request shall describe the proposed waiver and the facts concerning the hardship upon which the request is based. In modifying a subdivision design standard or improvement requirement, the Board of County Commissioners shall find that extraordinary hardships or practical difficulties may result from strict compliance with these standards and regulations, and/or the purpose of these standards and regulations may be served to a greater extent by an alternative proposal. A waiver shall not have the effect of nullifying the purpose of these standards and regulations. Any requested waiver shall be reviewed and acted upon by the Board of County Commissioners prior to scheduling a final development plan (plat) for public hearing.

If a waiver is requested concurrently or following the scheduling of a final development plan (plat) for public hearing, the final plat shall be removed from the consent calendar and a public hearing with public testimony may be necessary to act upon the waiver application.

If a waiver is requested subsequent to a final development plan (plat) approval, the original engineering construction plans shall be deemed null and void and all work shall cease and desist pending the outcome of the waiver application.

\*If a waiver is requested without an additional application, the waiver shall be processed before the Board of County Commissioners only. All requirements for

cases going before the Board of County Commissioners shall apply as outlined within Section 2-01.\*\*

\*\*Amended by the BoCC on January 28, 2013

## **5-05 LAND DEDICATION STANDARDS**

### **5-05-01 PURPOSE**

The purpose of this section is to insure adequate land areas and/or funds for the acquisition and development of public sites and open space are made available through the development process to meet the needs of future residents of the County and employees of businesses located in the County. Since the need for public sites is directly proportional to population and employment, and since the County has adopted a policy stating all new development should pay its own way, it is reasonable for those who accommodate population or employment increases through the development of land should provide for the additional need for public sites that the development creates. Public sites and open space needs include parks and recreation facilities, aesthetic natural features, historic sites and structures, school sites and sites for other public buildings, such as fire stations.

### **5-05-02 REQUIREMENTS FOR LAND DEDICATION AND IMPROVEMENTS**

Whenever land is subdivided, the owner of the land shall dedicate land to support new or expanded parks and schools to serve future residents and employees of the proposed subdivision. As an alternative to land dedication, the Board of County Commissioners may require the payment of cash in lieu, or a combination of land and cash in lieu, not to exceed the market value of such land at the time of approval of the subdivision.

All lands dedicated shall be served by the required roads, traffic signalization, utilities, and other public infrastructure necessary to support the use of the dedicated land for parks or schools prior to platting. A subdivision improvements agreement and appropriate collateral shall be required in lieu of providing the required services prior to platting.

### **5-05-03 PERCENTAGE OF LAND DEDICATED**

Requirements for park and school land dedication shall not exceed ten (10) percent of the total gross area of the land within the proposed subdivision except as otherwise provided for by these standards and regulations. If the proposed subdivision is part of a larger subdivision, phased subdivision, or one filing of a series of subdivision filings, the total dedication shall not exceed ten (10) percent of the total subdivision area except as otherwise provided for by these standards and regulations. Land dedication may exceed ten (10) percent for the specific subdivision phase or filing.

## 5-05-04 SCHOOL LAND DEDICATION

### 5-05-04-01 TYPE AND SIZE OF PARCEL TO BE DEDICATED

Land dedication to the County for schools shall be suitable for construction of school facilities. Dedicated sites shall be a single parcel and be a minimum of ten (10) acres in size to accommodate an elementary school, twenty-five (25) acres in size to accommodate a junior high school, and forty (40) acres in size to accommodate a senior high school. Parcels shall be sufficiently compact in form to be useable for the intended purpose. The dedicated school land shall be centrally located and have public access and road frontage. The land shall be free of hazards that would threaten the safety of using the land. The land area shall be approved for dedication as a school site by the appropriate school district.

### 5-05-04-02 CALCULATION OF DEDICATION REQUIREMENT

Land shall be dedicated to support the development of elementary, junior high and senior high schools in the school district within which a subdivision is proposed. Land shall be dedicated at a rate equal to the average number of students per acre. Commercial and industrial subdivision lots shall be exempt from the school land dedication requirement. The Director of Community and Economic Development may update the student population per household, without notice, as demographic changes are identified by subsequent U.S. Census Bureau statistics. The Director of Community and Economic Development shall provide the revised student per dwelling unit multipliers as part of the subdivision application materials package.

The following steps shall be taken in order to determine the public land dedication, or fees in lieu of, for residential development.

1. Multiply the maximum number of dwelling units by the applicable type of household to determine school acreage need.
2. Multiply the maximum number of dwelling units by the applicable type of household to determine the neighborhood park acreage need.
3. Multiply the maximum number of dwelling units by the applicable type of household to determine the regional park acreage need.
4. The total public land dedication equals the sum of subparagraphs 1, 2, and 3, except the total public land dedication for households on land where the average dwelling unit density of a proposed development is less than one (1) dwelling unit per ten (10) acres, the total land dedication fee will be equal to the sum of subparagraphs 1 and 3 only.

**5-05-04-02-01 DETERMINATION OF MARKET VALUE**

The market value of the zoned and platted, but unimproved, land at the time of approval of the plat shall be presumed to be as set forth below:

Zone District Category	Market Value per Acre
A-2	\$3,543.00
A-1, RE	\$13,662.00
R-1-A, R-1-C, R-2, MH	\$36,888.00
R-3, R-4	\$53,840.00
C-0, C-1, C-2, C-3	\$54,147.00
C-4, C-5, I-1	\$58,313.00
I-2, I-3	\$49,715.00

The foregoing table of market values shall be based upon land sales statistics from the immediately previous two (2) year period, and shall be obtained from recognized published sources. The table shall be annually scheduled for review, in December, and revisions adopted by the Planning Commission and Board of County Commissioners pursuant to the process for amending text in these Regulations.

**05-05-04-02-02 BASIS OF DEDICATION FOR RESIDENTIAL DEVELOPMENT**

The following table presents the basis for Land Development. The data is taken from the 1980 U.S. Census of Population and Housing for the West Mountain Region (Public Use Sample). If significant changes occur in demographic trends, the assumptions on average household size and student population per household will be changed accordingly.

1. Average Household Size:

Single Family: (A-1, A-2, A-3, RE, R-1-C, R-2)	3.278	persons per household
Two to Four Family Attached: (R-1-C, R-2)	2.533	persons per household
Townhouse: (R-2, R-3)	2.216	persons per household
Garden Apartment:	2.007	persons per household
Mobile Homes:	2.803	persons per household
High Rise:	1.253	persons per household

2. Student Population Per Household:

Single Family:	.775	students per household
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Two to Four Family Attached:	.364	students per household
Townhouse:	.303	students per household
Garden Apartment:	.195	students per household
Mobile Home:	.512	students per household
High Rise:	.011	students per household

**05-05-04-02-03 URBAN AND RURAL SCHOOL DISTRICT DESIGNATIONS**

Although Average Household Size and Student Population Per Household is generally similar throughout the County, the Regulations should recognize differences between urban and rural School Districts. The following is a breakdown of the Districts within Adams County which are considered urban and rural, respectively:

Urban Districts	Rural Districts
Adams County 14	Bennett 29J
Adams-Arapahoe 28J	Byers 32J
Brighton 27J	Deer Trail 26J
Mapleton 1	Keenesburg RE-3(J)
Northglenn-Thornton 12	Strasburg 31J
Westminster 50	Wiggins RE-50(J)

**05-05-04-02-04 LAND AREA REQUIRED FOR SCHOOLS PER STUDENT**

1. Urban Districts

The land area required is .0260 acres per student. This is based on the total land required for elementary, junior, and senior high schools divided by the total number of students, or 81.25 acres divided by 3,125 students. It was assumed that elementary schools required 11.5 acres for 650 students, junior high schools required 21.75 acres for 675 students, and senior high schools required 48 acres for 1,800 students.

2. Rural Districts

The land area required is .0597 acres per student. This is based on the total land required for elementary, junior, and senior high schools divided by the total number of students, or 60.06 acres divided by 1,006 students. It was assumed that elementary schools required 8.7 acres for 370 students, junior high schools required 17.12 acres for 212 students, and senior high schools required 34.24 acres for 424 students.

**05-05-04-02-05 LAND AREA REQUIRED FOR SCHOOLS PER HOUSEHOLD**

Single Family:	.021	acres per household
Two to Four Family Attached:	.010	acres per household
Townhouse:	.008	acres per household

Garden Apartment:	.005	acres per household
Mobile Home:	.014	acres per household
High Rise:	.0003	acres per household

**5-05-04-03 EXISTING DWELLINGS**

Existing dwellings shall be excluded from the calculation of the school land dedication requirement unless the lot allows for greater density of residential development in which case the dedication requirements shall be calculated based on the maximum potential use of the lot.

**5-05-04-04 ACTION CONCERNING LANDS DEDICATED**

All lands dedicated for schools shall be conveyed to Adams County by warranty deed and clearly identified on the face of the plat document by a legal description. The conveyance of land or payment of cash in lieu shall be required prior to the recording of the first plat document for the subdivision.

**5-05-04-05 CASH-IN-LIEU**

Cash-in-lieu of land dedication shall be required when deemed, by the Board of County Commissioners, to be more appropriate in satisfying the needs of the school district and proposed subdivision. Such cases include small developments not able to meet the minimum school site requirements, developments which are served by adjacent facilities that could be expanded to meet the needs of the proposed subdivision or where due to access and other issues the site is inappropriately located to provide long-term service.

The cash-in-lieu shall be equivalent to the full market value of the acreage required for school land dedication.

**5-05-05 PARKLAND DEDICATION REQUIREMENTS**

**5-05-05-01 NEIGHBORHOOD PARK DEDICATION REQUIREMENTS**

**5-05-05-01-01 CALCULATION OF DEDICATION REQUIREMENT**

Land for neighborhood park sites shall be dedicated at an average rate of six (6) acres per 1,000 residents generated by the proposed subdivision.

Where the average dwelling unit density of a proposed development is less than one (1) dwelling unit per ten (10) acres, the development shall be exempt from the neighborhood park dedication requirement. In addition, commercial

and industrial development shall be exempt from the neighborhood park dedication requirement.

Single Family:	.020 acres per household
Two to Four Family Attached:	.015 acres per household
Townhome:	.013 acres per household
Garden Apartment:	.012 acres per household
Mobile Home:	.017 acres per household
High Rise:	.0075 acres per household

**5-05-05-01-02 PRIVATE PARKS COUNTED AS FULFILLING REQUIREMENT**

Private land dedicated and developed to serve the residents of a subdivision may be credited toward the neighborhood park portion of the land dedication requirement provided provisions are made to maintain and guarantee those amenities are retained for such open space/recreational uses for the life of the subdivision through deed restrictions or other similar mechanisms approved by the Board of County Commissioners.

**5-05-05-01-03 TYPE AND SIZE OF PARCEL TO BE DEDICATED**

Land may be considered for acceptance for neighborhood park dedication requirements if the following criteria are met:

1. The land for a neighborhood park site shall be a minimum of three (3) acres in size and be accessible to residents within a ½ mile radius.
2. The land shall contain sufficient flat surface to provide for development of active recreation areas.
3. The land shall not be accepted if it is in an exclusive utility or other easement, public road right-of-way, pedestrian walkway required under these standards and regulations, or contains topographical or hazardous obstructions which would preclude development as a neighborhood park.
4. The land should be co-located with school property, if possible.
5. The land area is approved by the appropriate park district or the Adams County Department of Parks and Community Resources.

**5-05-05-02 REGIONAL PARK DEDICATION REQUIREMENTS**

**5-05-05-02-01 CALCULATION OF DEDICATION REQUIREMENT**

Land for regional park sites shall be dedicated at an average rate of 4.0 acres per 1,000 residents generated by the proposed subdivision. It is anticipated



that expanding commercial and industrial development also create additional demand for regional parks. Therefore, commercial and industrial subdivisions shall be required to dedicate five (5) percent of their total area to regional parks.

Single Family:	.013	acres per household
Two to Four Family Attached:	.010	acres per household
Townhouse:	.009	acres per household
Garden Apartment:	.008	acres per household
Mobile Home:	.011	acres per household
High Rise:	.0050	acres per household

5-05-05-02-02

***TYPE AND SIZE OF PARCEL TO BE DEDICATED***

Land may be considered for acceptance for regional park dedication requirements if the following criteria are met:

1. The land for a regional park site shall be a minimum of fifty (50) acres in size and be accessible to residents within a 5-mile radius.
2. The land dedicated shall offer natural and scenic quality and shall contain sufficient flat surface to provide for development of active recreation areas, as well as passive recreation areas.
3. The land shall not be accepted if it is in an exclusive utility or other easement, public road right-of-way, pedestrian walkway required under these standards and regulations, or contains topographical or hazardous obstructions which would preclude development as a regional park.
4. The land should be co-located with other regional parkland, if possible.
5. The land area is approved by the appropriate park district or the Adams County Department of Parks and Community Resources.
6. The land dedication shall consider opportunities to expand the site through acquisition of adjacent lands.
7. The land dedication shall support the protection of natural and historical features, scenic vistas, watersheds, timber, and wildlife for parks.
8. The land dedication shall support the continuity of open space links, trails and other major components of the open space system for parks.
9. Lakes, ponds, or reservoirs may be considered provided the area does not exceed fifty (50) percent of the required dedication and the area is contiguous to other acceptable parkland.

**5-05-05-03 ACTION CONCERNING LANDS DEDICATED**

All lands dedicated for parks shall be conveyed to the County by warranty deed and clearly identified on the face of plat by a legal description. Regional park dedications of land or cash in lieu for subdivisions east of Yulle Mile Road shall be disbursed to the local park and recreation district encompassing the subdivision, if such a district exists according to the provisions set forth in Section 5-05-07-03. The conveyance of land or payment of cash in lieu shall be required prior to the recording the of first plat document for the subdivision.

As an alternative to payment of the entire amount of the cash in lieu, the Board of County Commissioners may consider phasing the payment according to the following criteria:

1. If the total payment exceeds \$100,000, the fee may be split into two payments. The first payment is due prior to recording the plat and the second payment is due prior to the issuance of a Building Permit which would constitute greater than fifty (50) percent of the development.
2. If the total payment exceeds \$200,000, the fee may be split into three payments. The first payment is due prior to recording the plat, the second payment is due prior to the issuance of a Building Permit which would constitute greater than thirty-three (33) percent of the development, and the third payment is due prior to the issuance of a Building Permit which would constitute greater than sixty-six (66) percent of the development.
3. If the total payment exceeds \$300,000, the fee may be split into four payments. The first payment is due prior to recording the plat, the second payment is due prior to the issuance of a Building Permit which would constitute greater than twenty-five (25) percent of the development, the third payment is due prior to the issuance of a Building Permit which would constitute greater than fifty (50) percent of the development, and the fourth payment is due prior to the issuance of a Building Permit which would constitute greater than seventy-five (75) percent of the development,

**5-05-05-04 CASH-IN-LIEU**

Cash-in-lieu of land dedication shall be required when deemed, by the Board of County Commissioners, to be more appropriate in satisfying the needs of the present and future residents of the County. No more than two (2) acres of the neighborhood park dedication requirement may be fulfilled by cash-in-lieu of dedication, unless the Board of County Commissioners determines otherwise.

The cash-in-lieu shall be equivalent to the full market value of the acreage required for parkland dedication.

**5-05-06 ADDITIONAL LAND DEDICATIONS**

In the event the Board of County Commissioners determine public sites and open space should be provided in excess of the amount to be dedicated as allowed by this section, the excess dedication shall be reserved on the plat for purchase by the appropriate public authority at the time of platting. The public authority shall purchase the property at the fair market value. Fair market value shall be determined as of the time of filing of final plat based upon the unimproved land value in accordance with the following:

1. The fair market value is determined by the Board of County Commissioners based upon the then assessed value, modified to equal market value in accordance with the current practice of the Adams County Assessor.
2. If the subdivider objects to the determination of the assessor, the subdivider has the option of having the market value determined by an appraisal of the property by an independent appraiser. The independent appraiser shall be selected by mutual agreement of the subdivider and the Adams County Assessor. The independent appraiser's determination of fair market value shall be final and binding on all parties. The appraiser shall be a Colorado registered, licensed, or certified appraiser. The subdivider shall pay the cost of said appraisal.

**5-05-07 USE AND DISTRIBUTION OF LANDS AND CASH-IN-LIEU**

**5-05-07-01 ADMINISTRATION AND LIMITATION ON USE OF LAND AND FEES**

The land and cash-in-lieu received under this section shall be used only for the purpose of providing park and recreational facilities, open space, school sites or other public sites, as appropriate. All cash-in-lieu or proceeds from the sale of dedicated land collected by the County shall be kept in three separate accounts: a schools account, a neighborhood parks account, and a regional parks account. School money shall be categorized by individual school districts. Neighborhood park money shall be categorized by park districts, if they exist. If no park district exists at the time of collection, the park fees shall be categorized according to school district boundaries.

All cash-in-lieu or proceeds from the sale of dedicated land collected by the County shall be used by the County exclusively for the acquisition and development of parks, recreational facilities, schools and other public sites to serve the needs of present and future residents of the County. The eligible uses of cash-in-lieu or proceeds from the sale of dedicated land shall be for site acquisition for new parks or school facilities only.

**5-05-07-02 ELIGIBLE ENTITIES FOR DISTRIBUTION**

The County may distribute lands or fees-in-lieu to the following entities: School Districts; Metropolitan Districts providing park and recreation services, or Park/Recreation Districts; or the Adams County Department of Parks and Community Resources.

**5-05-07-03 DETERMINATION OF NEED AND DISTRIBUTION OF LANDS AND FEES-IN-LIEU**

The County may distribute cash-in-lieu or proceeds from the sale of dedicated land to support the use of the cash or proceeds for eligible projects. The cash and proceeds shall be distributed to an eligible entity based on the following criteria:

1. The project for which funds are requested is authorized by the school or park district through a formally adopted plan or a formal resolution.
2. The project for which funds are requested is specific in terms of size, use, location, timing, and cost. A means of funding the entire project is outlined and is reasonable although not all funding has to be in hand at the time of request.
3. The development is in conformance with the Adams County Comprehensive Plan and the Comprehensive Plan for the municipal growth area within which the project is located.
4. If the project consists of site acquisition for or construction of a new facility and the subdivider agrees to submit a site plan and associated drainage or traffic studies for county review.
5. The project for which funding is requested is needed to support new development as justified through: a) demand projections based on existing school enrollment or park use; b) county population projections for the area; or c) approved zoning within the service area demonstrating densities and uses will create demand for the improvement.
6. The need for planning funds has been demonstrated by submittal of a scope of services request or contract describing a specific, growth-related development study with an estimated cost addressing needs outlined by the local school board.



## 5-06 REGIONAL TRAFFIC IMPACT FEE

### 5-06-01 FINDINGS

1. Study/Transportation Plan: The Board of County Commissioners of Adams County hereby adopt the Adams County Road Impact Fee Study, which is incorporated by reference into the Adams County Transportation Plan.
2. LOS standard: The Board of County Commissioners of Adams County has determined in the Transportation Plan the County's major road system shall operate at Level of Service "D" to ensure safe and efficient traffic circulation throughout the community.
3. Existing LOS: Adams County's major road system is presently operating at LOS 'D' or better.
4. New Growth in County: Adams County's Transportation Plan projects there will be a significant amount of new growth and development in the County in the next twenty years.
5. Growth-related needs: The Transportation Plan shows the rapid rate of future growth and new development in the County will require a substantial expansion in road capital facilities if LOS "D" is to be maintained on the County's major road system.
6. Revenue shortfall: The revenue generated by this new growth and development under the County's existing fiscal structure will not be adequate to fund the needed road capital improvements necessary to accommodate this new growth and development if desired LOS on the County's major road system is to be maintained.
7. Proportionate share policy: The Board of County Commissioners of Adams County has determined that future growth and new development should contribute its proportionate share of the costs of providing such road capital facilities to the County's major road system.
8. Impact fee preferred: The Board of County Commissioners determined the imposition of a road impact fee is one of the preferred methods of regulating new growth and development in the County in order to ensure new growth and development bears a proportionate share of the costs of the road capital facilities necessary to accommodate new development, and provide for the public health, safety, and welfare.

9. Consistent with Transportation Plan: An impact fee would assist in the implementation and be consistent with the Adams County Transportation Plan, Adams County Comprehensive Plan, and the Road Impact Fee Study.

#### **5-06-02 SHORT TITLE AND AUTHORITY**

1. Citation: The Section shall be known and may be cited as the “Adams County Regional Traffic Impact Fee Regulation.”
2. Authority: The Board of Commissioners of Adams County has the authority to adopt this Regulation pursuant to C.R.S. Sections 29-20-101 through 29-20-107, as amended, C.R.S. Sections 29-20-202 through 29-20-204, as amended, C.R.S. Section 30-28-101 et. seq., and all other relevant laws of the State of Colorado.

#### **5-06-03 APPLICABILITY**

This Regulation shall apply to all lands in unincorporated Adams County.

#### **5-06-04 INTENT AND PURPOSE**

1. General: This Regulation is intended to implement and be consistent with the Road Impact Fee Study and the Transportation Plan.
2. Implementation: This objective is accomplished by requiring all new Traffic Generating Development to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts on regional road capital facilities having a rational nexus to the proposed land development and for which the need is reasonably attributable to the proposed development.
3. Fair allocation of costs: This Regulation is intended to be consistent with the principles for allocating a fair share of the costs of new public facilities to new users. It approaches the problem of determining the fair share of regional traffic impact costs in a conservative and reasonable manner. This fee will only partially capture the governmental expenditures associated with improving the County’s major road system.
4. Technical support: This Regulation is based primarily upon the Transportation Plan and other technical data and conclusions contained in the Adams County Road Impact Fee Study, all which are incorporated herein by reference.

**5-06-05 LEVEL OF SERVICE STANDARD**

The Board of County Commissioners have determined the County’s major road system shall operate at LOS “D.”

**5-06-06 IMPOSITION OF FEES**

**5-06-06-01 TIME AND OBLIGATION OF PAYMENT**

1. After the effective date of this Regulation, any person who causes the Commencement of Traffic-Generation Development shall be obligated to pay a road impact fee consistent with the terms of this Regulation. The fee shall be determined and paid to the Impact Fee Administrator at the time of issuance of a building permit for the development. If any credits are due pursuant to Section 5-06-08., Credits, they shall be determined during the approval of the traffic generating development. The fee shall be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire development. If the fee is exacted for Traffic-Generating Development that increases traffic impact because of a change in use, the fee shall be determined by computing the difference in the fee schedule between the new Traffic-Generating Development and the existing Traffic-Generating Development. The obligation to pay the impact fee shall run with the land.
2. Any person who, prior to the effective date of this Regulation, agreed as a condition of development approval to pay a road impact fee shall be responsible for the payment of the fees under the terms of such agreement, and the payment of such fees will be offset against any impact fees otherwise due pursuant to the terms of this Regulation.

**5-06-06-02 EXEMPTIONS**

The following development shall be exempt from the terms of this Regulation. An exemption must be claimed by the fee payer at the time of application for a building permit.

1. Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use.



2. The construction of accessory buildings or structures not producing additional vehicular trips over and above that produced by the principal building or use of the land.
3. The replacement of a destroyed or partially destroyed building or structure of the same size and use, provided no additional trips will be produced over and above that produced by the original land use.

**5-06-06-03 ESTABLISHMENT OF FEE SCHEDULE**

1. Any person who causes the Commencement of Traffic-Generating Development, except those persons exempted or preparing an Independent Fee Calculation Study pursuant to Section 5-06-08, Independent Fee Calculation Study, shall pay a road impact fee in accordance with the following fee schedule:

Table 5.1: Traffic Impact Fee Calculations

<b>Road Net Cost Schedule</b>				
<b>Land Use Types</b>	<b>Development Unit</b>	<b>Service Units/</b>		<b>Net Cost Development Unit</b>
		<b>Development Unit</b>	<b>Net Cost/Service Unit</b>	
Single-Family Detached	Dwelling	1.35	\$1,184	\$1,599.07
Multi-Family	Dwelling	0.83	\$1,184	\$983.13
Mobile Home park	Space	0.75	\$1,184	\$888.37
Hotel/Motel	Room	0.86	\$592	\$509.12
<b>Retail Commercial</b>				
Shop Ctr/Gen Retail, less than 100,000 sf	1000 sq. ft.	4.61	\$592	\$2,729.12
Shop Ctr/Gen Retail, 100,000 - 499,999 sf	1000 sq. ft.	3.60	\$592	\$2,131.20
Shop Ctr/Gen Retail, 500,000 - 1 million sf	1000 sq. ft.	3.08	\$592	\$1,823.36
Shop Ctr/Gen Retail, 1 million sf or more	1000 sq. ft.	2.74	\$592	\$1,622.08
Auto Sales/Repair	1000 sq. ft.	3.36	\$592	\$1,989.12
Bank	1000 sq. ft.	11.06	\$592	\$6,547.52
Bldg Materials/Hardware/Nursery	1000 sq. ft.	4.85	\$592	\$2,871.20
Convenience Store	1000 sq. ft.	6.41	\$592	\$3,794.72
Discount Store	1000 sq. ft.	4.59	\$592	\$2,717.28
Furniture Store	1000 sq. ft.	0.54	\$592	\$319.68
Restaurant, Fast Food	1000 sq. ft.	12.96	\$592	\$7,672.32
Restaurant, Sit-Down	1000 sq. ft.	9.00	\$592	\$5,328
<b>Office Institutional</b>				
Office, General	1000 sq. ft.	1.99	\$592	\$1,178.08
Office, Medical	1000 sq. ft.	4.89	\$592	\$2,894.88
Hospital	1000 sq. ft.	1.23	\$592	\$728.16
Nursing home	1000 sq. ft.	0.48	\$592	\$284.16
Church/Synagogue	1000 sq. ft.	0.88	\$592	\$520.96
Day Care Center	1000 sq. ft.	4.23	\$592	\$2,504.16
Elementary/Secondary School	1000 sq. ft.	0.75	\$592	\$444
<b>Industrial</b>				
General Light Industrial	1000 sq. ft.	1.31	\$592	\$775.52
Warehouse	1000 sq. ft.	0.68	\$592	\$402.56
Mini-Warehouse	1000 sq. ft.	0.35	\$592	\$207.20

2. If a fee is based on 1,000 square feet, the square footage of the structure shall be measured in terms of gross floor area. Gross floor area is defined as the area within the outside dimensions of a building including each floor level, halls, lobbies and stairways. It shall not include floor space within the building reserved for parking or loading vehicles and unimproved basement space or separate space used only for building maintenance and utilities or exterior features for the building, such as stairs, porches, walkways and other similar exterior features.
3. If a fee is to be paid for mixed uses, then the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
4. If the type of Traffic-Generating Development for which a building permit is requested is not specified on the fee schedule, the Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Impact Fee Administrator shall be guided in the selection of a comparable type of land use by using trip generation rates contained in the most current edition of the report titled Trip Generation prepared by the Institute of Transportation Engineers (ITE), articles or reports appearing in the ITE Journal, studies or reports prepared by the U.S. Department of Transportation or the Colorado Department of Transportation, or other similar source.
5. In the event the Impact Fee Administrator determines there is no comparable use in the fee schedule, the fee shall be computed by use of an independent fee calculation study as provided in Section h, Independent Fee Calculation Study.

#### **5-06-06-04 PRELIMINARY IMPACT FEE CALCULATION**

Any person contemplating establishing a Traffic-Generating Development may request a preliminary determination of the impact fees due from such development. A person requesting a pre-development review impact fee calculation shall complete and submit to the Impact Fee Administrator the proper application form and an application fee. Using the information regarding the proposed traffic generating land development activity as submitted on the application, the Impact Fee Administrator will provide, within fifteen (15) days of the date of submittal of the completed application, a preliminary calculation of the Road Impact Fees due for the proposed Traffic-Generating Development.

5-06-07 **INDEPENDENT FEE CALCULATION STUDY**

5-06-07-01 **GENERAL PROVISIONS**

1. The impact fee may be computed by the use of an independent fee calculation study at the election of the fee payer, and for any proposed land development activity for which the Impact Fee Administrator concludes the nature, timing, or location of which is likely to generate impacts costing substantially more to mitigate than the amount of the fee would be generated by the use of the fee schedule.
2. The preparation of the independent fee calculation study shall be the responsibility of the electing party.
3. Any person who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such independent fee calculation study.

5-06-07-02 **FORMULA**

1. The Independent Fee Calculation Study for the road impact fee shall be calculated by the use of the following formula:

$$\text{Impact Fee} = \text{VMT} \times \text{NET COSTNMT}$$

Where:

$$\text{VIVIT} = \text{TRIPS} \times \% \text{ NEW} \times \text{LENGTH} / 2$$

$$\text{NET COSTNMT} = \text{COSTNIVIT} \times \text{STATE} - \text{CREDITNMT}$$

Where:

VIVIT                      Vehicle-miles of travel placed by the development on the County arterial system during the PM peak hour

TRIPS                      Peak hour trip ends during PM peak of adjacent street traffic

% NEW                      Percent of primary trips, as opposed to passby or diverted-link trips

LENGTH                      Average length of a trip on County arterial system

- ÷2. Avoids double-counting trips for origin and destination
- COSTNMT Average cost to create a new vehicle-mile of capacity (VMC) based on planned arterial improvements in Transportation Plan
- STATE Reduction factor to account for VMT on non-freeway state arterials as percent of total VMT on non-freeway arterials in County
- CREDITNMT Revenue credit per VMT, based on net present value over 20 years of historical average annual capacity-expanding road expenditures per total existing County arterial VMT.
2. The fee calculations shall be based on data, information or assumptions contained in this Regulation or independent sources, provided:
- a. The independent source is an accepted standard source of transportation engineering or planning data or information; or the independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering; and
  - b. The percent new trips factor and average trip length used in the independent fee calculation study, if different from those contained in the Road Impact Fee Study for the same land use type, shall be based on actual surveys conducted in Adams County.

#### 5-06-07-03 PROCEDURE

1. An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation study. A potential feepayer may submit such an application. The County shall submit such an application for any proposed Traffic-Generating Development interpreted as one that is not comparable to any land use on the fee schedule, and for any proposed Traffic-Generating Development for which it concludes the nature, timing, or location of the proposed development make it likely to generate impacts costing substantially more to mitigate than the amount of the fee which would be generated by the use of the fee schedule.

2. Within fifteen (15) days of receipt of an application for independent fee calculation study, the Impact Fee Administrator shall determine if the application is complete. If the Impact Fee Administrator determines the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The Impact Fee Administrator shall take no further action on the application until it is deemed complete.
3. When the Impact Fee Administrator determines the application is complete, the application shall be reviewed and the Impact Fee Administrator shall render a written decision in twenty (20) days on whether the fee should be modified, and if so, what the amount should be, based on the standards in Section 5-06-08.

#### **5-06-07-04 STANDARDS**

If on the basis of generally recognized principles of impact analysis it is determined the data, information and assumptions used by the applicant to calculate the independent fee calculation study satisfies the requirements of this Section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed Traffic-Generating Development. The adjustment shall be set forth in a Fee Agreement. If the independent fee calculation study fails to satisfy the requirements of this Section, the fee applied shall be the fee established for the Traffic-Generating Development in Section 5-06-06.

#### **5-06-07-05 APPEAL**

1. A fee payer affected by the administrative decision of the Impact Fee Administrator on an application for independent fee calculation study, or on an application for independent fee calculation study initiated by the County staff on the proposed Traffic-Generating Development, may appeal such decision by filing a petition with the Board of County Commissioners. In reviewing the Impact Fee Administrator's decision, the Board of County Commissioners shall make written findings of fact and conclusions of law.
2. This appeal process will not be honored by the Board of County Commissioners without a substantial effort upon the applicant to rectify any fee discrepancies with the Impact Fee Administrator and additional Adams County staff if necessary.

**5-06-08 CREDITS****5-06-08-01 GENERAL STANDARDS**

1. Any person initiating Traffic-Generating Development may apply for a credit against road impact fee otherwise due, up to but not exceeding the full obligation for impact fees proposed to be paid pursuant to the provisions of this Regulation, for any contribution, payment, construction, or dedication of land accepted and received by Adams County for any Road Capital Improvements on the County's Major Road System identified in the Road Impact Fee Study, which are not contiguous to the Traffic-Generating Development. No credits shall be provided for site-related, contiguous improvements or for improvements to the Major Road System not specifically identified in the Adams County 2020 Roadway Network Map.
2. Credits for contributions, payments, construction or dedication of land for non-contiguous road improvements on the County's major road system in the Road Impact Fee Study shall be transferable in the same development but shall not be transferable for credit against impact fees required to be paid for other public facilities. The credit shall not exceed the amount of the impact fees due and payable for the proposed Traffic Generating Development.
3. The County may enter into a Capital Contribution Front-Ending Agreement with any person initiating Traffic Generating Development who proposes to construct Non-Site Related Road Capital Improvements on the Major Road System and identified on the Adams County 2020 Roadway Network Map. To the extent the fair market value of the construction of these Road Capital Improvements exceed the obligation to pay impact fees for which a credit is provided pursuant to this Section, the Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the Road Capital Improvement constructed.
4. The Department of Community and Economic Development and the Department of Transportation shall endeavor to agree to a condition with a proponent of a Traffic-Generating Development and any potential credits against non-contiguous improvements prior to the public hearing on the Preliminary Plat or Preliminary Development Plan (if applicable). The following example shall be used as a framework for decision-making:

Developer A proposes a 100-lot subdivision;  
Subject site is one mile away from the nearest paved road and has a gravel road adjacent to the site;

County regulations require paving of all perimeter roads and internal streets;

Total estimated regional traffic impact fee is \$159,907.07 (100 times \$1,599.07);

Traffic generated from the new development creates a larger demand on the non-contiguous road; and

The total cost to connect the subject site to the nearest paved road is \$359,907

Staff may consider the following alternatives in proposing a condition on a Traffic-Generating Development:

- a. Developer A submits the required regional traffic impact fee at the time of each individual building permit
- b. Developer A submits the required regional traffic impact fee at the time of Final Plat and receives a ten (10) percent discount off the total fee amount.
- c. Developer A constructs the non-contiguous improvements at a total cost not to exceed -\$359,907 (total improvement amount) and is given a credit against the regional traffic impact fee. If additional off-site improvements are required, but not paid for with the total improvement amount, the County may either budget for the balance of the improvements or other developers may construct them in the future. This option is generally discouraged and will only be considered when all other options have been proven to be insufficient.
- d. Developer A constructs the non-contiguous improvements at the total cost of \$359,907 and is given a credit against the regional traffic impact fee. Developer A is reimbursed by other developers (B, C, or D) at the time of their development and in a proportionate share of their improvements.
- e. Developer A provides the County an amount of funds in a manner as determined appropriate by the County in lieu of constructing the required contiguous road improvement, when the contiguous road improvement is part of a larger future County road project indicated on the 5-year plan (unless otherwise determined by the County). No credit for this payment shall be given against the regional traffic impact fee, but at the developer's option, the regional traffic impact fee may be paid in accordance with either alternatives a or b above.

In the event the staff and the proponent cannot reach an agreement regarding the condition, the matter may be forwarded to the Planning Commission for a recommendation and a subsequent final decision by the Board of County Commissioners.



**5-06-08-02 CREDIT AGAINST FEES**

Credit shall be in an amount equal to fair market value of the land dedicated for right-of-way at the time of dedication, the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made to Adams County.

**5-06-08-03 PROCEDURE FOR CREDIT REVIEW**

1. The determination of any credit shall be undertaken through the submission of an Application for Credit Agreement, which shall be submitted to the Impact Fee Administrator.
2. The Application for Credit Agreement shall include the following information:
  - a. If the proposed Application for Credit Agreement involves a credit for any contribution, the following documentation must be provided:
    - i. A certified copy of the development approval in which the contribution was agreed;
    - ii. If payment has been made, proof of payment; or
    - iii. If payment has not been made, the proposed method of payment.
  - b. If the proposed Application for Credit Agreement involves credit for the dedication of land, the following documentation must be provided:
    - i. A drawing and legal description of the land;
    - ii. The appraised fair market value of the land at the date a building permit is proposed to be issued for the Traffic-Generating Development, prepared by a professional Real Estate Appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA), and if applicable, a certified copy of the development permit in which the land was agreed to be dedicated.
  - c. If the proposed Application for Credit Agreement involves construction, the following documentation must be provided:

- i. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Colorado engineer or contractor;
- ii. The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one (1) year after completion of construction, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services, and all other expenses necessary or incidental to determining the feasibility or practicability of such construction or reconstruction.
- iii. Within Fifteen (15) days of receipt of the proposed Application for Credit Agreement, the Impact Fee Administrator shall determine if the application is complete. If it is determined the proposed Agreement is not complete, the Impact Fee Administrator shall send a written statement to the applicant outlining the deficiencies. The Impact Fee Administrator shall take no further action on the proposed Application for Credit Agreement until all deficiencies have been corrected or otherwise settled.
- iv. Once the Impact Fee Administrator determines the proposed Application for Credit Agreement is complete, it shall be reviewed within twenty (20) days. The Application for Credit Agreement shall be approved if it complies with these standards and regulations.
- v. If the Application for Credit Agreement is approved by the Impact Fee Administrator, a Credit Agreement shall be prepared and signed by the applicant and the County. It shall specifically outline the contribution, payment, construction or land dedication, the time by which it shall be completed, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment or construction.

**5-06-08-04 APPEAL OF CREDIT DECISION**

A fee payer affected by the decision of the Impact Fee Administrator regarding credits may appeal such decision by filing a petition with the Board of County Commissioners within thirty (30) days of a decision. In reviewing the Impact Fee Administrator's decision, the Board of County Commissioners shall use the standards established in these standards and regulations.

This appeal process will not be honored by the Board of County Commissioners without a substantial effort upon the applicant to rectify any credit discrepancies with the Impact Fee Administrator and additional Adams County staff if necessary.

**5-06-09 EARMARKING OF FUNDS**

**5-06-09-01 BENEFIT DISTRICT**

For the purpose of ensuring fee payers receive sufficient benefit for fees paid, one Road Benefit District is established. The Road Benefit Districts are designated on the Benefit District Map within unincorporated Adams County. Impact fee funds shall be spent within the Benefit District from which the Traffic-Generating Development paying the fee is located.

**5-06-09-02 TRUST FUND**

There is hereby established the Adams County Regional Traffic Impact Fee Trust Fund for the purpose of ensuring the fees collected pursuant to this Regulation are designated for the accommodation of impacts reasonably attributable to the proposed Traffic-Generating Development.

1. Proceeds collected for the road impact fee shall be placed in the Regional Traffic Impact Fee Trust Fund. Proceeds collected and all interest accrued on such funds shall be used solely for road improvements specifically identified in the Road Impact Fee Study and on the County's Major Road System within the Road Benefit District from which the fees have been collected.
2. Any proceeds in the Road Impact Fee Trust Fund not immediately necessary for expenditure, shall be invested in interest bearing assets. All income derived from these investments shall be retained in the trust fund.
3. Each year, at the time the annual budget is reviewed, the Impact Fee Administrator shall propose appropriations to be spent from the Road Impact Fee Trust Fund to the Board of County Commissioners. After review of the Impact Fee Administrator's recommendation, the Board of

County Commissioners shall either approve or modify the recommended expenditures of the trust fund monies. Any amounts not appropriated from the trust fund together with any interest earnings shall be carried over in the specific trust account to the following fiscal period.

**5-06-10 REFUNDS**

**5-06-10-01 GENERAL**

Any fees collected shall be returned to the fee payer or the successor to the fee payer with interest if the fees have not been spent within seven (7) years from the date the building permit for the development was issued, along with interest of six (6%) percent per year (the prevailing interest rate/prime rate). However, the Board of County Commissioners may by resolution extend for up to three (3) years the date at which fees must be refunded. Such an extension shall be made upon a finding within such three (3) year period, that specific road capital improvements on the County's major road system are planned and evidenced by the adoption and incorporation into the Road Impact Fee Study. These road capital improvements shall be constructed within the next three (3) years, and shall be reasonably attributable to the Traffic-Generating Development of the fee payer. The first fee collected shall be the first fee spent.

**5-06-10-02 REFUND PROCEDURE**

The refund of fees shall be undertaken through the following process:

1. A Refund Application shall be submitted within one (1) year following the end of the seventh (7th) year from the date on which the building permit was issued on the proposed development. If the time of refund has been extended pursuant to Section k.1, the Refund Application shall be submitted within one (1) year following the end of this extension. The Refund Application shall include the following information:
  - a. A copy of the dated receipt issued for payment of the fee;
  - b. A copy of the building permit; and
  - c. Evidence the applicant is the successor in interest to the fee payer.
2. Within ten (10) days of receipt of the Refund Application, the Impact Fee Administrator shall determine if it is complete. If the Impact Fee Administrator determines the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected,

the Impact Fee Administrator shall take no further action on the Refund Application.

3. When the Impact Fee Administrator determines the Refund Application is complete, it shall be reviewed within twenty (20) days, and shall be approved if it is determined the fee payer or a successor in interest has paid a fee which the County has not spent within the period of time required under this Section. The refund shall include the fee paid plus interest of six (6%) percent a year.

**5-06-10-03 APPEAL**

Any fee payer or a successor in interest may appeal the decision of a Refund Application by filing a petition with the Board of County Commissioners within thirty (30) days of the decision. In reviewing the Impact Fee Administrator's decision, the Board of County Commissioners shall use the standards established in Section 5-06-11.

**5-06-11 REVIEW EVERY THREE (3) YEARS**

Road Impact Fee Study and this Regulation shall be reviewed and evaluated by the Impact Fee Administrator at least once every three (3) years, to determine if modifications need to be made to the Road Impact Fee Study and this Regulation.