



**DOUGLAS COUNTY COMMISSIONERS
WORK SESSION
Tuesday, July 8, 2025**

A G E N D A

2:30 p.m.

**Douglas County Zoning Resolution Planned
Development Amendment Process**

**Proposed Developer Agreement with Sterling
Ranch**

Agenda Item

Date: July 8, 2025

To: Douglas County Board of County Commissioners

Through: Douglas J. DeBord, County Manager

From: Terence T. Quinn, AICP, Director of Community Development *TQ*

CC: Matt Jakubowski, AICP, Chief Planner
Curt Weitkunat, AICP, Long Range Planning Manager
Steven E. Koster, AICP, Assistant Director of Planning Services

Subject: **Douglas County Zoning Resolution Planned Development Amendment Process**

SUMMARY

Staff was directed by the Board to identify opportunities to remove unnecessary red tape in the Planned Development (PD) amendment sections of the Douglas County Zoning Resolution (DCZR). Staff compared the statutory requirements for PDs in Colorado Revised Statutes (C.R.S.) Section 24-67-106 against how PD Amendment applications are processed by County staff pursuant to the DCZR. Staff considered time savings, cost savings, and removal of “pain points” from the process when identifying opportunities.

OPPORTUNITIES FOR ADJUSTING THE PROCESS

The opportunities for improvement to the PD amendment process are identified in a redline of DCZR Sections 1512 through 1523 and in the attached PD Amendment Comparison Tables.

1. Require a presubmittal meeting.
2. Revise all PD amendment approval criteria to align with C.R.S. Section 24-67-106.
3. Optional staff “Initial Review” to allow direct entry to the referral review period.
4. Referrals sent to “Regulatory” agencies and HOAs within 1,000 feet of a subject property.
5. Eliminate mailing of a Courtesy Notice for all PD Amendments.
6. Eliminate mailed and published public notice in Administrative PD Review.
7. Assign a public hearing date for Major PD Amendments at the closure of the referral period.
8. Eliminate the Planning Commission hearing for Major PD Amendments.
9. Eliminate required posted hearing notice for Major PD Amendments.

NEXT STEPS

Staff is prepared, if directed by the Board, to initiate the Zoning Resolution amendment process to revise the Administrative and Major Amendment sections in DCZR Section 15.

ATTACHMENTS

Colorado Revised Statutes Section 24-67-106
Redline of DCZR Sections 1512 through 1523
PD Amendment Comparison Tables

C.R.S. 24-67-106(3)(b)

Enforcement and modification of provisions of the plan

(3) All those provisions of the plan authorized to be enforced by the county or municipality may be modified, removed, or released by the county or municipality, subject to the following:

(b) Except as otherwise provided in paragraph (b.5) of this subsection (3), no substantial modification, removal, or release of the provisions of the plan by the county or municipality shall be permitted except upon a finding by the county or municipality, following a public hearing called and held in accordance with the provisions of section 24-67-104 (1)(e) that the modification, removal, or release is consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

SECTION 15 PD - PLANNED DEVELOPMENT DISTRICT

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1501 Intent

To encourage innovative and creative design and to facilitate a mix of use in the development of a balanced community including residential, business, commercial, recreational, open space, and other selected secondary uses, in accordance with Section 24-67-101, et. seq., C.R.S. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district should be designed to:

- ensure that provision is made for ample open space;
- ensure that environmentally and visually sensitive areas are preserved;
- promote layout, design and construction of residential development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area;
- provide or be located in proximity to employment and activity centers such as shopping, recreational, and community centers, health care facilities, and public transit;
- ensure the adequacy of public facilities to accommodate population growth;
- promote balanced developments of mixed housing types;
- encourage the provision of dwellings with a range of affordability; and
- otherwise implement the stated purpose and intent of this Resolution and the Douglas County Comprehensive Master Plan.

Development in this district is permitted only in accordance with a Development Plan prepared and approved in accordance with the provisions herein.

The PD zone district is characterized by neighborhoods balanced in terms of scale and identity and as a complete community with adequate schools, parks, employment opportunities, convenience retail, health services, and public transit. Pedestrian, bicycle, and automobile circulation should include connections between neighborhoods, community facilities, employment centers, and shopping centers.

1502 General Requirements *(Amended 9/27/22)*

Planned Developments may be controlled by one or more owners and shall be developed under unified control or by a unified plan. The owners, successors, heirs, or assigns shall be bound by the approved Development Plan, including any amendments thereto approved by the Planning Director or Board of County Commissioners.

1502.01 In order to provide uniform administrative procedures and quality development standards, Planned Developments shall conform to the following sections of this Resolution, as amended:

Sections: 1 – Administrative Provisions and Procedures
2 – General Requirements and Exceptions

- 15 – PD – Planned Development District
- 18 – Floodplain Overlay District
- 18A – Water Supply Overlay District
- 19 – Centennial Airport Review Area – Overlay District
- 20 – Nonconforming Uses and Buildings
- 21 – Use by Special Review
- 22 – Temporary Structures
- 23 – Home Occupations
- 24 – Animals
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- 26 – Variance Standards and Procedures
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- 27A – Cell Site Design Standards
- 28 – Parking Standards
- 29 – Sign Standards
- 30 – Lighting
- 31 – Clearing, Grading, and Land Disturbance
- 32 – Location and Extent
- 36 – Definitions

Development Plans may include more restrictive regulations than that which is included in the above listed sections, but standards shall not be established that fall below these minimum standards.

Additionally, Development Plans may include regulations for signs, parking and definitions which are not addressed by this Resolution.

- 1502.02 Mineral extraction operations processed as Planned Developments shall meet all requirements and criteria listed in the Uses Permitted by Special Review Section of this Resolution.
- 1502.03 A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.
- 1502.04 All public utility distribution lines shall be placed underground.
- 1502.05 All uses proposed in the Planned Development shall be served by a central water and sanitation facility, unless this Zoning Resolution permits the proposed uses to be served by an individual well and an individual septic system.

1503 Approval Criteria for Planned Development Rezoning *(Amended 11/18/14)*

The following criteria shall be considered by the Planning Commission and Board in the review of planned development rezoning applications:

- 1503.01 whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan;
- 1503.02 whether the application is in compliance with all applicable statutory provisions;
- 1503.03 whether there has been a substantial change in the character of the neighborhood, since the land was last zoned;
- 1503.04 whether the application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development;
- 1503.05 whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development;
- 1503.06 whether the proposed rezoning is compatible with the surrounding land uses;
- 1503.07 whether the subject land is suitable for the intended use and is compatible with the natural environment;
- 1503.08 whether the proposed Development Plan complies with the general requirements in 1502 herein;
- 1503.09 whether the planned development provides for unified development control under a unified plan; and
- 1503.10 whether the application is in conformance with Section 18A, Water Supply Overlay District, herein. *(Amended 5/26/2015)*

1504 Prerequisite *(Amended 8/11/04)*

Prior to submittal of a planned development rezoning application, the applicant shall meet with staff to review the proposal and discuss the procedures and submittal requirements.

- 1504.01 The applicant shall contact the Planning Services Division and schedule a presubmittal meeting which may include the Engineering staff and other referral agencies, as deemed necessary. The applicant shall provide the following:

- 1504.01.1 a schematic plan illustrating the location and relationship of proposed uses by planning area, including access, street network, trails, parks, open space, connections to neighborhoods;
 - 1504.01.2 preliminary evidence of the availability of services, including schools, fire and sheriff protection, parks, utilities such as water, sanitary sewer, electricity, and gas; and
 - 1504.01.3 a description of the site regarding natural and man-made hazards, soils, vegetation, water features, drainages, and wildlife movement areas.
- 1504.02 The staff shall comment on the proposed planned development design; compliance with the intent of the planned development provisions, and the Comprehensive Master Plan, and explain the rezoning process. Additional review may be required at the discretion of the Director due to the size and/or complexity of the proposal.
- 1504.03 A staff comment summary shall be provided to the applicant, and to the Planning Technician for inclusion in the project file.

1505 Rezoning Submittal Process *(Amended 8/11/09)*

The rezoning application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. The submittal is processed as follows:

- 1505.01 The applicant shall submit the required submittal information to the Planning Services Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 calendar days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed. *(Amended 9/27/22)*
- 1505.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are a regulatory referral agency and which referral agencies are an advisory referral agency. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies. *(Amended 9/27/22)*

- 1505.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*
- 1505.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. *(Amended 11/12/13)*
- All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies received within the 21-calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of any and/or all advisory referral agencies. *(Amended 9/27/22)*
- The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies. *(Amended 9/27/22)*
- 1505.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 1511 herein.
- 1505.06 The Planning Commission shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the rezoning request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 1505.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing

of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 1511 herein.

1505.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the rezoning by the Board.

1505.09 The Board shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the rezoning request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

1505.10 Upon approval, the Development Plan shall be recorded in accordance with Section 1510 herein.

1505.11 If denied by the Board, a resubmittal of a rezoning request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed rezoning. *(Amended 4/10/12)*

1506 General Submittal Requirements *(Amended 11/18/14)*

1506.01 A completed application form *(available from the Planning Office)*

1506.02 Application Fee *(fee schedule available from the Planning Office)*

1506.03 Proof of ownership, which may be updated or current title insurance policy or title commitment no more than thirty days old from the date of application.

1506.04 A notarized letter of authorization from the landowner permitting a representative to process the application, as necessary.

1506.05 Project Summary *(per 1507 herein)*

- 1506.06 Plan Exhibit (*per 1508 herein*)
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 1506.07 Development Plan (*per 1509 herein*)
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 1506.08 A copy of the staff comments from the presubmittal review and any additional information, as requested by staff.
- 1506.09 Water supply documentation in accordance with Section 18A, Water Supply Overlay District, herein. (*Amended 5/26/2015*)
- 1506.10 Documentation of the physical and legal capability to provide sanitation.
- 1506.11 An analysis of the capacity of public facilities and services within the impact area.
- 1506.11.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 1506.11.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.
- 1506.11.3 Documentation of capacity from the school district in accordance with the school district capacity policy.

1507 Project Summary (*Amended 11/18/14*)

The following information shall be submitted in written narrative form, unless waived by the Director:

- 1507.01 The name and address of:
- landowner/applicant
 - representative, if applicable
 - mineral rights owner
 - water rights owner
- 1507.02 General project concept
- 1507.03 Proposed development staging and time frame.
- 1507.04 Relationship to the existing and adjacent land uses.

- 1507.05 Changes in the character of the neighborhood, since the land was last zoned, to substantiate a rezoning.
- 1507.06 A description of the availability and adequacy of public services and facilities.
- 1507.07 An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards.
- 1507.08 Impacts on existing flora and fauna.
- 1507.09 Compliance with the: *(Amended 5/26/2015)*
- Douglas County Comprehensive Master Plan
 - 1041 Regulations regarding New Communities
- 1507.10 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.
- 1507.11 Any other required information as applicable when other applications are processed in conjunction with the land-use application.
- 1507.12 Comparison Analysis
- Provide a chart on 8 1/2" X 11" paper comparing the proposed Development Plan to the zone district requirements of the Zoning Resolution.

e.g.: MULTIFAMILY	Proposed	County
Maximum Height	35'	50'
Front Setback	15'	25'
e.g.: COMMERCIAL – Uses by Right	Proposed	County
Retail Commercial	Yes	Yes
Car Sales/Service	Yes	Yes
Bungee Jumping	Yes	No

1508 Plan Exhibit

- 1508.01 The plan shall be submitted on 24" X 36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director. A margin, at least 1" on all sides, shall be provided on each sheet and left entirely blank.
- 1508.02 The name of the proposed planned development shall be placed at the top of each sheet along the long dimension of the sheet. Names shall not duplicate existing planned developments or subdivisions. A general legal description stating the aliquot portion of the section, section, township,

range, 6th P.M., and Douglas County shall be included under the name followed by the total acreage, number of residential units, or square footage of business, commercial, or industrial. For example:

MEADOWBROOK PLANNED DEVELOPMENT

A part of the S/2 of Section 9, Township 6 South, Range 67 West
of the 6th P.M., Douglas County, CO
475 acres – 230 dwellings – ZR__-_____

- 1508.03 A written metes and bounds legal description of the land.
- 1508.04 Two vicinity maps that depict the area to be rezoned and the area which surrounds this site within a 2 mile radius. One vicinity map shall be superimposed on the Douglas County Zoning Map, and the other vicinity map shall be superimposed on the Douglas County Subdivision map, maintaining the same scale.
- 1508.05 A block in the lower right-hand corner, or along the right-hand margin, which includes the following:
- the preparation date
 - a north arrow designated as true north
 - a written and graphic scale
 - the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit
 - the number of the sheet and the total number of sheets
- 1508.06 Indicate existing zoning of the land on the plan exhibit and the existing zoning and land uses of the adjacent land.
- 1508.07 Delineate, to scale, the existing easements or rights-of-way on the site, their use and titleholder or right holder.
- 1508.08 Show all existing structures on the site, their uses and whether they are to remain on the site.
- 1508.09 Show public access to the site and internal circulation, not limited to vehicular.
- 1508.10 Delineate right-of-way dimensions, name and surface materials for all points of access on or adjacent to the site.
- 1508.11 Show topography at 10' contour intervals including high and low spot elevations; shadow areas of 20% or greater slope, - the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.

- 1508.12 Graphically define all natural and man-made watercourses, retention areas, streams and lakes, and any known 100-year floodplains affecting the site.
- 1508.13 Show all adjacent land owned by the applicant, the current or intended use of such land; land not part of the rezoning request shall be noted as such.
- 1508.14 Note any unique features on the site, historical landforms, views, etc.

1509 Development Plan (Amended 8/22/07)

The Development Plan shall be prepared on 24" X 36" sheets. A margin, at least 1" on all sides, shall be provided on each sheet, and left entirely blank. The name of the planned development shall be centered on the upper portion of each sheet and the sheet number in the lower right hand corner of each sheet. Textual information shall be placed in columns 5-8 inches in width. Type style shall be sans serif (*without a fine line finishing off the main strokes of a letter*) at a minimum size of 12 pt. For processing purposes, the textual information may be prepared on 8 1/2" X 11" paper.

1509.01 Sheet 1

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet.

1509.01.1 The following wording shall be placed verbatim in columns, 5-8 inches in width, beginning in the upper left-hand column:

GENERAL PROVISIONS

Authority

This Development Plan is authorized by Section 15 – Planned Development District of the Douglas County Zoning Resolution adopted pursuant to the Colorado Planned Unit Development Act of 1972, as amended.

Applicability

The provisions of this Development Plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this Development Plan, as amended and approved by the Community Development Director or Board of County Commissioners.

Adoption

The adoption of this Development Plan shall evidence the findings and decision of the Douglas County Board of Commissioners that this Development Plan for (*name of development*) is in general conformity with the Douglas County Comprehensive Master Plan; is authorized by the provision of Section 15 of the Douglas County Zoning Resolution; and that such Section 15 and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.

Relationship to County Regulations

The provisions of this Development Plan shall prevail and govern the development of (*name of development*), provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of the Douglas County Zoning Resolution, as amended, or any other applicable resolutions or regulations of Douglas County, shall be applicable.

Enforcement

To further the mutual interest of the residents, occupants, and owners of the Planned Development and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land and the location of common open space shall run in favor of Douglas County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.

Conflict

Where there is more than one provision within the Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Director of Community Development.

Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction (plus approved density transfers, if any). The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements, land carrying capacity, or other requirements of the Board of County Commissioners.

Project Tracking

At the time of subdivision final plat, the applicant shall provide a summary of the development, to date, along with the final plat submittal to the Planning Services Division, in order to assure maximum development limits are not exceeded.

- 1509.01.2 The statement of commitments shall follow the above in the identical format, with the following heading:

“STATEMENT OF COMMITMENTS”

The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:

- (1) Dedication: Public dedication for parks, schools, libraries, roads, drainage, etc., either in specific acreage dedication (referenced by symbol) or specific cash-in-lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. A provision for on-demand dedication for regional parks and trails and school sites should be stated. The applicant shall provide title insurance for County-dedicated land. In all cases, dedicated land shall be conveyed to Douglas County and the County may further convey the land to the appropriate agency.
- (2) On- or off-site improvements: Provision shall be made for the construction of, or payment of fees for, county or off-site improvements through bonding or the imposition of pro rata fees.
- (3) Wildlife preservation plan
- (4) Wetlands/riparian preservation plan
- (5) Project phasing restrictions
- (6) Fire protection
- (7) Payment of taxes on land to be dedicated for public use
- (8) Other commitments imposed by the Board

Parks/Trails/Open Space Commitments Matrix

Area	Plan Preparation and Approval	Construction Timing	Construction Responsibility	Maintenance Responsibility	Ownership
Park A					
Park B					
Trail					

(Amended 3/28/01)

- 1509.01.3 For applications where the applicant proposes creation of a New Special District to provide water service as described in Section 18A, Water Supply Overlay District, of this Resolution, the statement of commitments shall include a commitment to submit evidence of the creation of the New Special District and of execution of all intergovernmental agreements necessary for water service, prior to submittal of the first preliminary plan, minor development final plat, or site improvement plan. *(Amended 9/27/22)*

1509.01.4 OWNERSHIP CERTIFICATION

Name of Landowner _____

(Landowner's Signature – notarized)

I/we _____, (one of the following: qualified title insurance company, title company, title attorney, or attorney at law), duly qualified, insured or licensed by the State of Colorado, do hereby certify that I/we have examined the title of all lands depicted and described hereon and that title to such land is owned in fee simple by _____ at the time of this application.

(Notarized Signature)

Name of Authorized Official _____

(date) _____

Name of Company: _____

OR

(Signature) (Registration No.)

Name of Attorney _____

(date) _____

1509.01.5 COUNTY CERTIFICATION

This rezoning request to Planned Development has been reviewed and found to be complete and in accordance with the (Board Resolution or Motion Number and Date) approving the Planned Development and all applicable Douglas County Regulations.

(Signature) _____

Chairman, Board of County Commissioners (date) _____

(Signature) _____

Director, Community Development _____

(date) _____

1509.01.6 CLERK AND RECORDER CERTIFICATION

I hereby certify that this Plan was filed in my office on this (day) of (month), 20____, A.D. at ____ o'clock a.m./p.m., and was recorded per Reception No. _____.

Douglas County Clerk and Recorder

1509.01.7 INDEX

i.e.: *Sheet 1 General Provisions/Requirements*
Sheet 2 Development Standards
Sheet 3 Development Plan

1509.02 Sheet 2

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet. Beginning in the upper left-hand column of the sheet, state the following for each planning area category, e.g., single family:

1509.02.1 Principal Uses

1509.02.2 Uses Permitted by Special Review

1509.02.3 Accessory Uses/Structures

1509.02.4 Standards for Principal and Accessory Uses:

- (1) minimum lot area
- (2) minimum front, side and rear setbacks. Include a graphic representation or footprint of all typical residential structures other than single family detached, i.e., zero lot line, patio, etc. In order to provide for sufficient parking in all residential development where the garage door directly faces and is accessed by a public street, a minimum setback of 20 feet shall be required from the garage to the edge of the sidewalk nearest the garage, or, where sidewalks are not required, from the garage to the edge of the pavement
- (3) maximum building heights

1509.02.5 Other standards or requirements provided in 1502.01 herein

1509.02.6 Complete legal description - the staff planner may allow this to be provided on a separate sheet, if lengthy

1509.03 Sheet 3

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:

1509.03.1 A block in the lower right-hand corner, or along the right-hand margin, which includes the following:

- North Arrow
- Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Director or staff planner
- Date of Preparation

- 1509.03.2 Two vicinity maps that depict the relationship to the surrounding area within a 2-mile radius.
- One vicinity map shall be superimposed on a current Douglas County Subdivision Map,
 - The other shall be superimposed on a current Douglas County Zoning Map, maintaining the same scale.
- 1509.03.3 Dimensions, bearings, and control points along all exterior property lines
- 1509.03.4 Topography at 10' contour intervals, including high and low spot elevations; shadow areas of 20% or greater slope - the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 1509.03.5 Access
- (1) Arterials and collectors - In all cases, access shall be depicted to all planning areas, include right-of-way dimensions and surface width. *(Refer to the Douglas County Roadway Design and Construction Standards, the Douglas County Storm Drainage Design and Technical Criteria manual, and the Subdivision Resolution Design Guidelines).*
 - (2) Trails
 - (3) Existing Easements - The staff planner may allow them to be provided on a separate plan
- 1509.03.6 100-year floodplains - Depending upon the extent of floodplain area, the Director may permit this information to be provided on a separate sheet.
- 1509.03.7 Land Dedication
- Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park dedication shall be determined at the time of platting.
 - All other land dedication including school, library, fire station, or sheriff substations as needed or required.
- 1509.03.8 Planning Areas
- All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.

- For each planning area shown on the Development Plan or within a separate table, indicate the following:
 - acreage
 - number of dwelling units
 - land use designation
 - residential density
 - nonresidential square footage

NOTE: *The number of dwellings indicated in the planning areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PD. The density range for each planning area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PD. The actual number of dwellings approved by the Board may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Board.*

1509.03.9 Land Use Table

A separate land-use table, which indicates the total land use for the planned development, shall be prepared as follows:

PARTIAL EXAMPLE					
SYMBOL	LAND USE	GROSS DENSITY	UNITS	ACRES	%
SF	Single Family	3	120	40.0	26%
MF	Multi Family	9	765	35.0	23%
DP	Dedicated Parks	-	-	42.5	28%
SUBTOTAL		8.38	985	117.5	77%
C	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
SUBTOTAL		784,080 sq. ft.		34.0	23%

1510 Recordation of Development Plan

- 1510.01 Upon approval by the Board, the applicant shall have six (6) months to submit 2 sets of the approved amended Development Plan on 24" X 36" tapeless, spliceless and creaseless original film mylar, 3 millimeters thick, using only permanent black ink that will adhere to drafting films (*no ball point, transfer type or stickybacks*); or an acceptable "fix-line" photographic reproduction or computer generated reproduction (*emulsion up*) of the original drawings, ready for recordation, including the recordation fees, to the staff planner. In addition, the applicant shall submit one 11" X 17" mylar reduction (*as specified above*) of the Development Plan to the Planning Services Division.

If the documents are not submitted within said time period, the PD zoning and Development Plan will be void and of no force or effect.

- 1510.02 Within 30 days of receipt of the Development Plan, the staff planner shall review the documents for compliance with the Board approval, obtain the County Official's signatures and submit to the Clerk and Recorder's Office for recordation.
- 1510.03 The Director may grant no more than one extension of time, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the six (6)-month period. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, listing any changes in the character of the neighborhood, any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the plan. Additional review of the plan may occur resulting in additional conditions, as applicable. Further extensions may be granted by the Board at a public meeting, upon written request by the applicant or staff. *(Amended 4/10/12)*
- 1510.04 If the request for an extension of time for recordation of the plan is denied by the Director, the applicant may appeal the denial in writing to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

1511 Notice Requirements – Rezoning

The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission and the Board of County Commissioners for their respective public hearings. *(Amended 3/28/01)*

1511.01 WRITTEN NOTICE *(Amended 11/18/14)*

At least 15 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least seven (7) days prior to the public hearing, the applicant shall submit the following to Douglas County Planning Services:

- alphabetical list of the abutting landowners;
- map showing the site and the location of the abutting landowners;
- copy of the notice sent to the landowners; and
- certificate of mailing

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows:

(list of addresses)

(signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

1511.02 POSTED NOTICE *(Amended 5/13/14)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least four feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3' x 4'. Letter size shall be a minimum of three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303.660.7460." *(Amended 11/6/2018)*. Such notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)

This land shall be considered for a change in zoning from (zone district) to PD – Planned Development. The public hearing is (date), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO at (time). For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

- 1511.02.1 An affidavit of sign posting shall be submitted for the file to Douglas County Planning at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
(Sign lettering must be legible in photo)

I, (print name of applicant/representative/person posting sign), attest that the above sign was posted on (date) abutting (name of street).

(signature) File No./Name _____

STATE OF COLORADO)
) ss.

COUNTY OF _____)

Acknowledged before me this ____ day of _____, 20__ by _____ as _____.

My commission expires: _____

Witness my hand and official seal _____
Notary Public

- 1511.02.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

1511.03 PUBLISHED NOTICE *(Amended 5/13/14)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to Douglas County Planning at least 7 days prior to the public hearing

The Board may direct that the notice be published in one or more additional newspapers of general circulation in Douglas County. Such notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for a change in zoning from (zone district) to PD – Planned Development. The subject property is located approximately (distance and direction from nearest major intersection). For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

1512 Amendments to the Development Plan

The Director shall determine whether an amendment request shall be considered an administrative amendment or a major amendment based on the criteria established herein.

Requests for a decrease of the setback, minimum lot size, or increase of the maximum building height for individual lots within the Planned Development shall be processed as a variance in accordance with Section 26 of this Resolution.

1513 Administrative Amendment - Process Eligibility Criteria (Amended 5/13/14)

The applicant shall attend a presubmittal meeting with the Planning Services Division to discuss the procedures and submittal requirements for an administrative amendment to an approved planned development. An amendment request may be considered administrative if it meets the following criteria, as determined by the Director:

- 1513.01 Setbacks - A decrease of the required setback when such decrease is no more than a 20% change to the originally approved setback. (Amended 9/27/22)
- 1513.02 Minimum Lot Size - A decrease of the minimum lot size when such decrease is no more than a 20% change to the originally approved minimum lot size. (Amended 9/27/22)
- 1513.03 Maximum Building Height - An increase of the maximum building height when such increase is no more than a 20% change to the originally approved maximum building height. (Amended 9/27/22)
- 1513.04 Increased Number of Dwelling Units - An increase of the number of dwelling units in a planning area of 20% or less provided:
 - the change is compatible with the density range of the affected planning area of the Development Plan,

- the service providers are able to serve the additional units, and
- the proposed increase meets the overall intent of the Development Plan.

1513.05 Text Changes - Changes to the text when such changes do not alter the intent of the planned development or the commitments.

1513.06 Street Alignment - The Director, upon consultation with the County Engineer, shall determine whether a minor shift in the alignment of an arterial or collector road impacts abutting planning areas or traffic patterns such that an administrative amendment is required.

1513.07 Planning Area Boundary - Whenever a planning area boundary abuts an arterial or collector as shown on the Development Plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning area boundary is as shown on the Development Plan. A planning area boundary may be changed as noted below:

1513.07.1 the total acreage of the planning area(s) is increased by no more than 20%

1513.07.2 such change does not alter the intent of the planned development

1513.07.3 the total acreage of affected open space area(s) is not decreased; open space area(s) proposed to be reconfigured is of equal or higher value. Such factors as location, accessibility, slope and views shall be considered

1513.07.4 the proposed change to the planning area boundary does not include an inclusion or exclusion of land to the planned development

1514 Administrative Amendment - Approval Criteria (Amended 5/13/14)

The following criteria shall be considered by the Director for approval of an administrative amendment:

~~1514.01 whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development;~~

1514.0201 ~~whether~~ Whether the amendment is consistent with the efficient development and preservation of the entire planned development.;

1514.0302 ~~whether~~ Whether the amendment will ~~adversely~~ affect the enjoyment of ~~the adjacent land~~ abutting upon or across a street from the planned development in a substantially adverse manner or the public interest.;

1514.0303 Whether the amendment will affect the public interest in a substantially adverse manner.;~~and~~

1514.~~0404~~ ~~whether~~ Whether the ~~amendment's~~ sole purpose of the amendment is to confer a special benefit upon an individual.

1515 Administrative Amendment - Submittal Process (Amended 5/13/14)

1515.01 The applicant shall submit the required submittal information to Planning Services. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 calendar days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.

1515.02 Once the submittal is determined complete, the applicant shall have the option of an initial staff review of the application, or direct entry into the referral period. Prior to the referral period, staff will notify the applicant of the regulatory referral agencies and homeowners associations within 1,000 feet of the subject property to receive referral packets. number of copies of the amendment required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.

~~1515.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. (Amended 4/13/2021)~~

1515.~~0403~~ ~~If the referral~~ Referral agencies ~~elect to comment, they~~ shall comment within 21 calendar days of the date the referral packets were ~~mailed or electronically~~ distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies received within the 21-calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. ~~The applicant~~

~~is strongly encouraged to provide staff a written response to timely comments of any and/or all advisory referral agencies. (Amended 9/27/22)~~

~~The applicant is encouraged to meet with the referral agencies and staff to address any concerns.~~

1515.0504 Within thirty 30 calendar days of the close of the referral period, the Director shall approve, or deny the request.

1515.0605 An appeal of the Director's decision regarding an administrative amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.

~~1516 — Administrative Amendment — Public Notice Requirements (Amended 5/13/14)~~

~~1516.01 — The Director shall determine whether the applicant must provide public notice. When public notice is required, the applicant shall provide notice as set forth in this section. The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Director.~~

~~1516.02 — At least 15 calendar days prior to the Director's decision, the applicant shall mail, by first class, a written notice of the proposed amendment to each homeowners' association within and abutting the planned development, and shall submit a certificate of mailing to Douglas County Planning Services seven (7) days prior to the date of the Director's decision. The notice shall read substantially the same as the published notice also required by this section. The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:~~

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first class, postage prepaid this ____ day of _____, 20____, and addressed as follows:

(list of addresses)

(signature of person completing the mailing)

~~In the event the applicant fails to mail a notice to a homeowners' association or otherwise fails to comply with the written notice required in this section, the homeowners' association that did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning Services prior to the Director's decision.~~

|

~~1516.03~~ At least 15 calendar days prior to the Director's decision, the applicant shall:

- ~~• publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and~~
- ~~• provide a publisher's affidavit of said published notice seven (7) days prior to the Director's decision, to Planning Services. The notice shall read:~~

NOTICE OF PROPOSED ADMINISTRATIVE AMENDMENT TO
(Name of Development Plan)

On (date) action will be taken on an administrative amendment to (name specific element and general location proposed for amendment, e.g., increase building heights by 10% in planning area C-2 located at the northeast corner of ...). Address all comments to Douglas County Planning Services, 100 Third Street, Castle Rock, CO 80104.

~~1517~~1516 Administrative Amendment – Post Approval Procedures *(Amended 5/13/14)*

~~1517~~1516.01 Within 60 calendar days of receiving approval, the applicant shall submit the amended Development Plan to Planning Services for recordation.

~~1517~~1516.01.1 ~~Two~~One (21) ~~copies~~copy of the approved amended Development Plan shall be submitted on a 24" inches by X 36" inches ~~tapeless, spliceless and creaseless original~~ mylar using only permanent black ink.

~~1517~~1516.01.2 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

~~1517~~1516.02 Within 30 calendar days of submittal of the amended Development Plan to Planning Services, the staff planner shall review the documents for compliance with the Director's approval, obtain county officials' signatures, as necessary, and submit the document to the Clerk and Recorder's Office for recordation.

~~1517~~1516.03 The Director may grant no more than one (1) extension of time, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the 30-day period. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.

~~1517~~1516.04 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, and any

changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the amendment. Additional review of the plan may occur resulting in additional conditions, as applicable.

~~4517~~1516.05 If the request for an extension of time for recordation of the amended plan is denied by the Director, the applicant may appeal the denial, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution.

~~4518~~1517 Administrative Amendment - Submittal Requirements (Amended 5/13/14)

~~4518~~1517.01 Completed land use application

~~4518~~1517.02 Application fee

~~4518~~1517.03 Proof of ownership which includes an updated or current title insurance policy or title commitment no more than 30 days old.

~~4518~~1517.04 A notarized letter of authorization from the landowner permitting a representative to process the application.

~~4518~~1517.05 A written narrative describing the request

~~4518~~1517.06 A written explanation of the eligibility of the request for processing as an administrative amendment in accordance with Section 1513.

~~4518~~1517.07 Three (3) copies of the appropriate portions of the Development Plan retitled with all amendments, including major amendments, numbered consecutively, and containing the required certificates. For example:

MEADOWBROOK PLANNED DEVELOPMENT, 1ST AMENDMENT

An administrative amendment to (specific element or planning area)

~~4518~~1517.07.1 County Certification

An administrative amendment is signed by the Director. The signature block shall read:

ADMINISTRATIVE AMENDMENT OF THE (name of PD) DEVELOPMENT PLAN AMENDING (specify element i.e., boundary of Planning Area 43) AS DEPICTED HEREON PURSUANT TO SECTION (specific section of the Development Plan).

APPROVED THIS ____ DAY OF _____, 20____, BY THE DIRECTOR OF COMMUNITY DEVELOPMENT. THIS AMENDMENT NO. ____ AFFECTS ONLY (i.e., Planning Area 43) AS DESCRIBED IN FILE NO. _____.

Director of Community Development

~~1518.07.2~~ Clerk and Recorder Certification

State of Colorado _____)
_____) ss.
County of Douglas _____)

I hereby certify that this Plan was filed in my office on this (day) of (month), 20____, A.D. at _____
o'clock a.m./p.m., and was recorded per Reception No. _____

Douglas County Clerk and Recorder

~~1518~~1517.08 The applicant may be required to submit a subdivision application in accordance with the Douglas County Subdivision Resolution concurrent with the administrative amendment application if the proposed change impacts platted land.

~~1519~~1518 Major Amendment - Process Eligibility Criteria *(Amended 5/13/14)*

The applicant shall attend a presubmittal meeting with the Planning Services Division to discuss the procedures and submittal requirements for a major amendment to an approved planned development. An amendment request shall be considered a major amendment if it meets one or more of the following criteria:

~~1519~~1518.01 Setbacks - A decrease of the required setback when such decrease is greater than a 20% change to the originally approved setback. *(Amended 9/27/22)*

~~1519~~1518.02 Minimum Lot Size - A decrease of the minimum lot size which is greater than 20% of the minimum lot size originally approved. *(Amended 9/27/22)*

~~1519~~1518.03 Maximum Building Height - An increase of the maximum building height when such increase is greater than a 20% change to the originally approved maximum building height. *(Amended 9/27/22)*

~~1519~~1518.04 Increased Number of Dwelling Units - An increase of the number of dwelling units in a planning area greater than 20%.

~~1519~~1518.05 Text Changes - Substantial changes to the development standards or commitments.

~~1519~~1518.06 Street Alignment - A significant shift in the alignment of an arterial or collector, as determined by the Director.

~~1519~~1518.07 Planning Area Boundary - Whenever a planning area boundary abuts an arterial or collector as shown on the Development Plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning area boundary is as shown on the Development Plan. This planning area boundary may be changed when:

~~1519~~1518.07.1 The total acreage of the planning area is increased by more than 20%.

~~1519~~1518.07.2 The open space area is proposed to be decreased. Such factors as location, accessibility, slope and views shall be considered.

~~1519~~1518.07.3 The park and school land dedication have been approved by the County Parks, Trails and Building Grounds and the School District. *(Amended 5/26/15)*

~~1519~~1518.08 Planned Development Boundary - Any proposed increase or decrease to the perimeter boundaries that results in a change in the overall size or acreage of the Planned Development shall be subject to the rezoning process unless the land to be added is already zoned planned development.

~~1519~~1518.09 Land Use - Any change in the allowed land-use categories, including changes in densities, such as from single-family to multi-family residential.

~~1520~~1519 Major Amendment - Approval Criteria *(Amended 5/26/15)*

The following criteria shall be considered by the Board for approval of the major amendment:

~~1520.01~~ ~~Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.~~

~~1520~~1519.0201 Whether the amendment is consistent with the ~~intent~~, efficient development and preservation of the entire planned development. ~~1519~~

~~1520~~1519.0302 Whether the amendment will ~~adversely~~ affect the ~~public interest or~~ enjoyment of ~~the adjacent land~~ abutting upon or across a street from the planned development in a substantially adverse manner. ~~1519~~

1519.03 Whether the amendment will affect the public interest in a substantially adverse manner. ~~and~~

~~1520~~1519.04 Whether the sole purpose of the amendment is to confer a special benefit upon an individual.

~~1520.05~~ For applications proposing an increase in the intensity of allowed land uses, including changes in densities, whether the amendment is consistent with the water supply standards in Section 18A, Water Supply Overlay District, of this Resolution.

~~1520.06~~ Whether the public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.

~~1520.07~~ Whether the roadway capacity necessary to maintain the adopted roadway level of service for the proposed development will be available concurrently with the impacts of such development.

~~1521~~1520 Major Amendment - Submittal Requirements (Amended 5/26/15)

~~1521~~1520.01 Completed land use application (available from Planning Services)

~~1521~~1520.02 Application fee (fee schedule available from Planning Services)

~~1521~~1520.03 Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than 30 days old.

~~1521~~1520.04 A notarized letter or authorization from the landowner permitting a representative to process the application.

~~1521~~1520.05 A written explanation of the request.

~~1521~~1520.06 Three (3) copies of the appropriate portions of the Development Plan retitled with all amendments including administrative amendments, numbered consecutively. For example:

MEADOWBROOK PLANNED DEVELOPMENT, (i.e., 1st) AMENDMENT
A major amendment to (specific element and/or planning area)

~~1521~~1520.07 The applicant may be required to submit a subdivision application in accordance with the Douglas County Subdivision Resolution concurrent with the major amendment application showing the acreage affected and compliance with the provisions herein.

15204.08 For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, an analysis documentation of the capacity of public facilities and services within the impact area to accommodate the demands generated by the increased intensity of allowed land uses proposed.

~~45211520~~.08.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.

~~45211520~~.08.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.

~~45211520~~.08.3 Documentation of capacity from the school district in accordance with the school district capacity policy. *(Amended 11/18/14)*

~~15221521~~ Major Amendment - Submittal Process *(Amended 5/26/15)*

~~45221521~~.01 The submittal shall be reviewed for completeness and the applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.

~~45221521~~.02 Once the submittal is determined complete, the applicant shall have the option of an initial staff review of the application, or direct entry into the referral period. Prior to the referral period, staff will notify the applicant of the regulatory referral agencies and homeowners associations within 1,000 feet of the subject property to receive referral packets. number of copies of the amendment required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.

~~1522.03~~ ~~Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*~~

~~15221521~~.0403 The referral-Referral agencies shall comment within 21 calendar days of the date referral packets were ~~mailed or electronically~~ distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational

purposes only and provided to the applicant, ~~Planning Commission~~, and the Board of County Commissioners.

~~15221521.0504~~ The staff planner will review the referral comments, discuss the concerns with the applicant, schedule a public hearing before the ~~Planning Commission, Board of County Commissioners at the conclusion of the referral period~~, notify the applicant of the hearing date and time, and prepare a staff report. The applicant shall be responsible for public notice, in accordance with Section 1523, herein.

~~1522.06~~ ~~The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with conditions, table for further study, or deny the amendment request. The Planning Commission's comments shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.~~

~~1522.07~~ ~~Following the recommendation by the Planning Commission, the staff planner will schedule a public hearing with the Board, and notify the applicant of the hearing date and time. The applicant shall be responsible for public notice, in accordance with Section 1523, herein.~~

~~15221521.0805~~ The Board shall evaluate the major amendment, referral agency comments, staff report, ~~the Planning Commission recommendation~~ and public testimony, and shall approve, conditionally approve, table for further study, ~~remand to the Planning Commission~~ or deny the amendment. The Board's comments shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.

~~15221521.0906~~ Within 30 days of receiving approval, the applicant shall submit the amended Development Plan to Planning Services for recordation as follows:

~~15221521.0906.1~~ ~~Two~~ One (1) copies ~~copy~~ of the approved amended Development Plan shall be submitted on a 24" X 36" tapeless, spliceless and creaseless original paper mylar using only permanent black ink.

~~15221521.0906.2~~ County Certification

THIS MAJOR AMENDMENT OF THE (name of PD) DEVELOPMENT PLAN AMENDING THE (specific element, e.g., the setbacks for Planning Area 62) AS DEPICTED HEREON PURSUANT TO (specific section of Development Plan) HAS BEEN APPROVED BY BOARD RESOLUTION NO. _____ ON (month/day/year).

THIS AMENDMENT NO. _____ AFFECTS ONLY (e.g., Planning Area 62) AS DESCRIBED IN
FILE NO. _____

(Signature) _____
Chair, Board of Douglas County Commissioners (Date) _____

(Signature) _____
Director of Community Development (Date) _____

~~1522.09.3 Clerk and Recorder Certification~~

~~I hereby certify that this Plan was filed in my office on this (day) of (month), 20____, A.D. at
____ o'clock a.m./p.m., and was recorded per Reception No. _____.~~

~~_____
Douglas County Clerk and Recorder~~

~~1522.1521.0906.43~~ If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

~~1522.1521.14007~~ Within 30 days the staff planner shall review the documents for compliance with the Board's approval, obtain County Officials' signatures, as necessary, and submit the document to the Clerk and Recorder for recordation.

~~1522.1521.14008~~ The Director may grant no more than one extension of time, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the 30-day period. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, and any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the amendment. Additional review of the plan may occur resulting in additional conditions, as applicable. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff. *(Amended 4/10/12)*

~~1522.1521.14209~~ If the request for an extension of time for recordation of the amended plan is denied by the Director, the applicant may appeal the denial, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

~~1523.1522~~ Major Amendment – Public Notice Requirements *(Amended 5/26/15)*

The applicant is responsible for public notification. In calculating the time period for public notification, the day of publishing, ~~posting, or and~~ mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

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

~~1523~~1522.01 Written Notice

At least 15 days prior to the ~~Planning Commission hearing and the~~ Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least seven (7) days prior to the public hearing, the applicant shall submit the following to Planning Services:

- alphabetical list of the abutting landowners;
- map showing the site and the location of the abutting landowners;
- copy of the notice sent to the landowners; and
- certificate of mailing

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows:

(list of addresses)

(signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning Services prior to the hearing.

~~1523.02~~ — Posted Notice

~~At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one (1) sign facing~~

~~each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3' X 4'. Letter size shall be a minimum of three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." (Amended 11/6/2018). Said notice shall read:~~

~~NOTICE OF PUBLIC HEARING BEFORE THE~~
~~(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)~~

~~This land shall be considered for a major amendment to the (name) Development Plan. The public hearing is (date) in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO at (time). For more information call Douglas County Planning Services at 303-660-7460.
 File No./Name: _____~~

~~1523.02.1 — An affidavit of sign posting shall be submitted for the file in Planning Services at least seven (7) days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:~~

~~(attach photo here)~~
~~(sign lettering must be legible in photo)~~

~~I, (print name of applicant/representative/person posting sign), attest that the above sign was posted on (date), abutting (name of street).~~

~~_____(signature)_____ File No./Name _____~~

~~STATE OF COLORADO _____)~~

~~_____) ss.~~

~~COUNTY OF _____)~~

~~_____ Acknowledged before me _____ day of _____, 20____ by _____ as _____.~~

~~My commission expires: _____~~

~~Witness my hand and official seal~~

~~_____

 _____ Notary Public~~

~~1523.02.2 — The sign shall be removed by the applicant within two (2) weeks following the final decision by the Board~~

~~1523~~1522.0302 Published Notice

At least ~~14 days prior to the Planning Commission and~~ 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published at least in part in Douglas County; and
- provide a publisher's affidavit of said published notice seven (7) days prior to the public hearing, to Planning Services. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE
(~~PLANNING COMMISSION OR~~ BOARD OF COUNTY COMMISSIONERS)

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider a major amendment to the (name) Development Plan. The proposed amendment is to (name specific element and general location proposed for amendment, e.g., increase building heights by 10% in planning area C-2 located at the northeast corner of...). For more information call Douglas County Planning Services at 303-660-7460.

File No./Name: _____

~~1524~~1523 Withdrawal of an Application

The applicant may withdraw an application at any time during the process upon submittal of a written request to Planning Services.

~~1525~~1524 Inactive Files

Files that become inactive, whereby the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than six (6) months, shall become void and the resubmittal of a new application and fees shall be required to pursue the request. The Director may grant no more than two (2) extensions of time, of no more than six (6) months each, upon a written request by the applicant. After five (5) months, the staff planner shall notify the applicant, in writing, that the application will become void within 30 days. After 30 days, provided that the applicant has not submitted the required additional information or requested a hearing date, the staff planner shall notify the applicant, in writing, that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. (*Amended 4/10/12*)

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Proposed Planned Development Amendment Changes

DCZR Sections 1512 through 1523 - Administrative and Major PD amendments

Proposed Changes Table

Proposed change	Current regulation	Notes	Statute reference
Require a presubmittal meeting before amendment.	Presubmittal is not required.	Best practice. A presubmittal provides procedural guidance to applicants.	Not in statute.
Include an optional “Initial Review” by staff and directly to referral.	15-day initial review is required before referral. (DCZR 1515.01 and 1522.01)	<ul style="list-style-type: none"> • Potentially saves two weeks and consultant costs at the front end. • Without initial review there could be more comments to address after referral. 	Not in statute.
Revise PD amendment approval criteria to align with statute.	<ul style="list-style-type: none"> • Four approval criteria for administrative amendments (DCZR 1514) • Seven approval criteria for major amendments (DCZR 1520) 	<ul style="list-style-type: none"> • Aligned with statutory approval criteria. • Statute is silent on additional approval criteria used to consider PD amendments. • See approval criteria comparison below. 	24-67-106(3)(b)
Referrals sent to “Regulatory” agencies and to HOAs within 1,000 feet of a subject property.	Referral agencies are not limited to regulatory. HOAs referred within 2 miles. (DCZR 1515.02)	<ul style="list-style-type: none"> • Potential time savings due to a more focused referral list. • 1,000 feet focuses referral on neighboring HOAs. 	Not in statute.
Eliminate mailing of a Courtesy Notice for all PD Amendments.	Courtesy notice sent to all abutting landowners. (DCZR 1515.03 and 1522.03)	<ul style="list-style-type: none"> • Cost savings for applicants as they would not have to reimburse the County for materials cost. • Courtesy notice provides abutting landowners notice of a land use request in process. 	Not in statute.
Eliminate mailed and published public notice in Administrative PD Review.	Director determines public noticing requirements for administrative amendments. (DCZR 1516.01)	<ul style="list-style-type: none"> • Allowed, but not required by statute. • Cost savings for applicants as no fees for materials, mailing, and published notice required. • Neighbors would not receive notice of an upcoming administrative decision. 	Not in statute.
Assign a public hearing date for Major PD Amendments at the closure of the referral period.	Planning Commission and Board hearings assigned separately. (DCZR 1522.05)	Time savings and reduction of an applicant pain point by assigning a hearing date to achieve. Applicant may propose different dates depending on project timeline.	Not in statute.

Proposed Planned Development Amendment Changes

DCZR Sections 1512 through 1523 - Administrative and Major PD amendments

Proposed change	Current regulation	Notes	Statute reference
Eliminate the Planning Commission hearing for Major PD Amendments.	Planning Commission hearing required for recommendation to BCC. (DCZR 1522.06)	<ul style="list-style-type: none">• Statute requires only one body to consider PD amendments.• Time savings of two to four weeks.• Cost savings - elimination of consultant fees for preparation and attendance at two hearings.• Eliminates Planning Commission review, public comment, and recommendation for consideration by Board.	24-67-104(1)(e)
Eliminate required posted hearing notice signs for Major PD Amendments.	Posted notice signs required. (DCZR 1523.02)	<ul style="list-style-type: none">• Allowed, but not required by statute.• No time savings. Significant cost savings as signs may cost several hundred dollars apiece to produce. Some PD amendments have required as many as 10 or more signs.• Posted notice signs are another method for notifying the public of a pending land use decision.	24-67-104(1)(e)

Proposed Planned Development Amendment Changes

DCZR Sections 1512 through 1523 - Administrative and Major PD amendments

Approval Criteria Comparison

	Current Approval Criteria	Proposed Approval Criteria
PD Administrative Amendment DCZR 1515	<p>1514.01 whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development;</p> <p>1514.02 whether the amendment is consistent with the efficient development and preservation of the entire planned development;</p> <p>1514.03 whether the amendment will adversely affect the enjoyment of the adjacent land or the public interest; and</p> <p>1514.04 whether the amendment's sole purpose is to confer a special benefit upon an individual.</p>	<p>1514.01 Whether the amendment is consistent with the efficient development and preservation of the entire planned development.</p> <p>1514.02 Whether the amendment will affect the enjoyment of land abutting upon or across a street from the planned development in a substantially adverse manner.</p> <p>1514.03 Whether the amendment will affect the public interest in a substantially adverse manner.</p> <p>1514.04 Whether the sole purpose of the amendment is to confer a special benefit upon an individual.</p>
PD Major Amendment DCZR 1520	<p>1520.01 Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.</p> <p>1520.02 Whether the amendment is consistent with the intent, efficient development and preservation of the entire planned development.</p> <p>1520.03 Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land.</p> <p>1520.04 Whether the sole purpose of the amendment is to confer a special benefit upon an individual.</p> <p>1520.05 For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, whether the amendment is consistent with the water supply standards in Section 18A, Water Supply Overlay District, of this Resolution.</p> <p>1520.06 Whether the public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.</p> <p>1520.07 Whether the roadway capacity necessary to maintain the adopted roadway level of service for the proposed development will be available concurrently with the impacts of such development.</p>	<p>1519.01 Whether the amendment is consistent with the efficient development and preservation of the entire planned development.</p> <p>1519.02 Whether the amendment will affect the enjoyment of land abutting upon or across a street from the planned development in a substantially adverse manner.</p> <p>1519.03 Whether the amendment will affect the public interest in a substantially adverse manner.</p> <p>1519.04 Whether the sole purpose of the amendment is to confer a special benefit upon an individual.</p>

AGENDA ITEM

Date: July 8, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Janet Herman, P.E., Director of Public Works
CC: Zeke Lynch, P.E., Assistant Director of Public Works, Engineering
Brad Jackson P.E., Development Review Supervisor
Subject: **Proposed Developer Agreement with Sterling Ranch**

Summary

The Sterling Ranch Community Authority Board (CAB) and Sterling Ranch, LLC propose a Developer Agreement with Douglas County to clarify certain roadway commitments as described in the Sterling Ranch Planned Development (PD).

Background

The Sterling Ranch PD was approved in 2013. At that time, the County Zoning Resolution required new zoning applications follow Concurrency Management criteria, which required a developer to meet certain criteria for transportation, including the construction of off-site road improvements. Per the PD, the County has the discretion to require certain off-site road improvements necessary to bring the Titan Road Concurrency and Waterton Road Concurrency segments (Off-site Improvements) into compliance with the County's Road Standards.

As part of the PD approval, Sterling Ranch also agreed to voluntarily pay a Highway Improvement Fee ("Hwy Fee") for US85 Improvements. The Hwy Fee was calculated on a pro-rata share (based on traffic generation). The Hwy Fee is currently \$3,942 per residential unit with a yearly Consumer Price Index (CPI) adjustment factor to account for inflation.

The County replaced the Concurrency Management criteria in 2014. In place of Concurrency Management criteria, the County uses a pro-rata share analysis of traffic generation to determine the developer's fair share for off-site road improvements.

The Developer Agreement proposes the Sterling Ranch Development continue to pay the Hwy Fee to the County for all residential units in the PD, which is expected to pay for their pro-rata share of the US 85 Improvements as well as their pro-rata share of the Off-site Improvements. The County will then be responsible to construct the Off-site Improvements with the reimbursement coming from the Hwy Fee.

Engineering staff has analyzed the 1) cost estimates for the US85 Improvements and the Off-site Improvements, 2) Sterling's pro-rata share for the Off-site Improvements based on traffic generation, and 3) how much would be collected from the Hwy Fee through the buildout of Sterling Ranch (15-20 years). Based on the analysis it appears that the Hwy Fee, which will need to be collected for all the residential units approved in the PD, will cover Sterling Ranch's pro-rata share for both the US85 Improvements and the Off-site Improvements.

Attachment

Draft - Developer Agreement

Sterling Ranch Douglas County Developer Agreement

For reference, parties are STERLING RANCH COMMUNITY AUTHORITY BOARD, a political subdivision and public corporation of the State of Colorado formed pursuant to C.R.S. Section 29-1-203.5 ("CAB"); Sterling Ranch, LLC ("Owner"); and the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO ("County"). The CAB, Owner and County are collectively referred to in the Agreement as the "Parties."

RECITALS

A. The Owner is engaged in the development of a master-planned, mixed-use community commonly known as Sterling Ranch, as more particularly described in the Sterling Ranch Planned Development recorded December 10, 2013, with the Douglas County Clerk and Recorder at Reception No. 2013095325 (the "PD"), as the same has been amended from time to time and as the same may be further amended from time to time. Capitalized terms that are not defined have the same meaning as defined in the PD.

B. Owner owns most of the undeveloped land within the PD, whether directly or through its subsidiaries.

C. CAB exists to provide for the design, installation, financing, operations, repair, replacement, and maintenance of public improvements to serve the PD on behalf of Sterling Ranch Colorado Metropolitan District Nos. 1-7.

D. Owner and CAB are parties to certain funding agreements to finance the operation and capital shortfalls of the CAB.

E. The CAB has developed and is currently developing infrastructure that will serve the PD, including road improvements, and any Off-Site Improvements required by Douglas County to be constructed by Owner under the PD, if any, would have been constructed by CAB on behalf of Owner pursuant to and as required under certain agreements between Owner and CAB.

F. The Parties are committed to the planned and orderly growth and development within the PD, to the expansion of public infrastructure to serve that growth and development when needed, and to the allocation to the proponents of the PD of their fair share of the costs of that infrastructure.

G. Under Section G-12. Interpretation. *When used in this Development Plan. The term "shall" indicate a mandatory provision and each of the terms "should" and "may" indicates a permissive provision that is not mandatory.* The PD is clear Section S-2.5(C)(i)(ii) that for Outside the Property but within the Concurrency Area the County "may" require the owner to provide transportation improvements.

H. Under Section S-2.5(C) of the PD, the County was granted the discretion to condition the approval of Traffic-generating Applications within the PD on the provision of certain off-site improvements that are necessary to bring the Titan Road Concurrency segment and

Waterton Road Concurrency segment into compliance with the County's Road Concurrency Standard (the "**Off-site Improvements**").

I. After the approval of the PD, the County repealed the County's Road Concurrency Standard, and it is no longer part of the County's Zoning Resolution. The Definitions section of the PD defines the Zoning Resolution that applies to the PD as the then-current Zoning Resolution as it may be amended, which would include the repeal of the County's Road Concurrency Standard. This creates confusion as to the appropriate trigger for the Off-Site Improvements under the PD, particularly in light of the fact that no other development project in Douglas County has been or is subject to the County's Road Concurrency Standard since its repeal.

J. Under Section S-2.5(C)(iv) of the PD, the Off-Site Improvements are deemed provided if: (i) the Off-Site Improvements are guaranteed by an enforceable agreement that ensures that such Off-Site Improvements will be available at the time the impacts from the development proposed by the Traffic-generating Application occurs; or (ii) such other provision as may be acceptable to the County is made for ensuring such Off-Site Improvements will be available at the time the impacts from such residential development occurs.

K. Currently some of the Off-Site Improvements are listed in the Douglas County Five Year Budget Priorities for 2025 thru 2029, see attached Exhibit B, but no funding has been appropriated to begin work on them.

L. Under Section S-2.5(D) of the PD, Sterling Ranch, LLC, as Lead Owner, is required to pay the County its pro rata share of the costs to construct (the "**Highway Improvement Fee**") certain improvements to a certain segment of U.S. Highway 85 from State Highway C-470 to State Highway 67, including interchanges thereof (the "**85 Segment**"), and a certain segment of State Highway 121 from State Highway C-470 to Douglas County/Jefferson County boundary, including interchanges thereof (the "**121 Segment**," together collectively with the 85 Segment, the "**Highway Improvements**"), as more particularly described in and subject to the PD.

M. The Highway Improvement Fee continues to be paid in accordance with Section S-2.5(D)(ii) to the County for all residential units at time of final plat recordation within the PD. Currently the Highway Improvement Fee is \$3942 and is adjusted annually. To date, Owner has remitted to the County approximately \$12,939,750 as the Highway Improvement Fee for the approximately 3966 residential units that have been recorded within the PD.

N. All Highway Improvements currently contemplated as of the Effective Date have not been required to support the limited development within the PD. Nonetheless, as of the Effective Date of this Agreement, a majority of the Highway Improvements associated with the 85 Segment have been constructed, completed, and fully funded and paid for by the County. Section S-2.5(D)(ii)(a) provides, however, that all funds paid for the Highway Improvement Fee shall be maintained in segregated accounts for the 85 Segment and 121 Segment and "may be used only for the Highway Improvements. Nevertheless, certain of the Off-Site Improvements including, without limitation, the Off-Site Improvements set forth and described in the PD include or may include improvements to interchanges that are part of the US85 highway system, particularly the Titan Road Interchange.

O. The Parties are entering into this Agreement to clarify and confirm Owner's and the County's continuing obligations for and with respect to the Off-Site Improvements and Highway Improvement Fee and to implement the provisions of Section S-2.5(C)(iv) of the PD described above and, specifically to clarify that the County may use all Highway Improvement Fee funds held by and/or paid to the County for purposes of funding and paying for the County's construction of any Highway Improvements or Off-Site Improvements including, without limitation, any listed improvements identified in the PD Section S-2.5 (C) Outside the Property but within the Concurrency Areas: (i) Titan Road Concurrency and (ii) Waterton Road Concurrency.

Pursuant to Colorado Constitution Article XIV, Section 18(2)(a) and C.R.S 29-1- 203, the CAB and the County may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each.

The Parties have determined it to be in their own best interests and that of their taxpayers and service users to enter into this Agreement.

AGREEMENT TERMS PER DEFINED TERMS ABOVE:

1. The County agrees to construct, at its sole cost and expense using any funds available to the County including the Highway Improvement Fee, the Off-Site Improvements that the County deems necessary or required to offset any impacts of development within the PD and/or to comply with any former County concurrency requirements related to traffic and transportation infrastructure including, without limitation, the County's Road Concurrency Standard that had been repealed and is no longer is part of the County's Zoning Resolution
2. The County can use any Highway Improvement Fee funds to pay costs for the County's design, construction and/or installation of any Off-Site Improvements.
3. Future modifications to the PD, to include increased density, may require additional offsite improvements. Future ~~modification of the PD to include~~ non-density related modification of the PD amendments will not trigger any offsite requirements if it involves no traffic related impacts. This agreement does not preclude a future request for such density related PD modification nor a ~~County~~ requirement for an pro rata share increased additional pro rata share financial participation-contribution in constructing any necessary offsite improvements to accommodate the change.