

ARTICLE 6 MINOR DEVELOPMENT FINAL PLAT – Single-Family Residential

601 Intent

The intent of the minor development is to provide a streamlined review process for the creation of ten or fewer single-family residential lots. Adjoining minor development final plats shall not be allowed if the purpose is to circumvent the preliminary plan and final plat processes required for larger subdivisions.

602 Prerequisite

Prior to submittal of a minor development final plat application, the applicant shall contact the Planning Office and schedule a presubmittal meeting to include staff from various County departments and, as deemed necessary, other referral agency representatives to discuss the proposal and provide information on the submittal process. The applicant shall provide basic information on the proposed subdivision in advance of the meeting. Staff shall prepare and distribute the written meeting summary to the applicant to include initial comments on the application and other relevant information, and place a copy in the project file.

A minor development final plat shall not be permitted if the subdivision creates a nonconforming lot, or in the case of an existing nonconforming lot or parcel, a minor development final plat shall not increase the nonconformity.

603 Approval Standards

A minor development final plat may be approved upon the finding by the Board that the minor development final plat:

- 603.01 Conforms with the goals, objectives, and policies of the Master Plan.
- 603.02 Addresses the design elements established in Section 404 – Preliminary Plan, herein.
- 603.03 Conforms with Section 18A, Water Supply - Overlay District, of the Zoning Resolution.
- 603.04 Provides for a public wastewater collection and treatment system, and, if other methods of wastewater collection and treatment are proposed, such systems shall comply with State and local laws and regulations.
- 603.05 Identifies all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions and that the proposed uses of these areas are compatible with such conditions.
- 603.06 Provides adequate drainage improvements.

- 603.07 Provides adequate transportation improvements.
- 603.08 Protects significant cultural, archaeological, natural, and historical resources, and unique landforms.
- 603.09 Demonstrates the extraction of any known commercial mining deposit shall not be impeded.
- 603.10 Has available all necessary services, including fire and police protection, recreation facilities, utility service facilities, streets, and open space to serve the proposed subdivision.

604 Submittal Process

The minor development final plat application shall be submitted only after the presubmittal meeting has been completed. The submittal is processed as follows:

- 604.01 The applicant shall submit the required submittal information to the Planning Office. An incomplete submittal will not be processed. Staff shall review the submittal information within 15 working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review.
- 604.02 As part of its initial review, staff will identify the number of copies of the submittal information required for distribution to referral agencies and indicate which referral agencies are regulatory and which are advisory. 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 with the mailed paper referral packets and distribute the electronic referral packets. For any subsequent referral reviews, the applicant shall provide revised plans and other materials for distribution to the applicable referral agencies as requested by staff.
- 604.03 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)*
- 604.04 If the referral agencies elect to comment, they shall comment within 28 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 28 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.

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 28 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 advisory referral agencies and those received as a result of the courtesy notice. 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.

Following receipt of the applicant's written response to comments, including the submittal of any revised exhibits and plans, the Planning and Engineering staff will provide additional comments to the applicant as necessary.

- 604.05 Staff will schedule a public hearing before the Planning Commission and notify the applicant in writing of the hearing date and time. The applicant is responsible for public notice of the hearing in accordance with Section 608 herein. Concurrent notice for the Planning Commission and Board public hearings may be provided if requested by the applicant.
- 604.06 The Planning Commission shall evaluate the minor development final plat, 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 minor development request. The Planning Commission's decision shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.
- 604.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board and notify the applicant in writing of the hearing date and time, unless previously provided with a request for concurrent hearing notice. The applicant is responsible for public notice of the hearing in accordance with Section 608 herein. The subdivision improvements agreement shall be reviewed by staff and approved by the County Manager or Board prior to the Board hearing on the minor development final plat.

- 604.08 Staff will prepare a staff report for the Board. The Board shall evaluate the minor development final plat, 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 minor development final plat. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.
- 604.09 If denied by the Board, a resubmittal of a minor development final plat for the same or substantially same application, 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 within 10 days from the date of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed minor development final plat.

605 Submittal Requirements

The following information shall be submitted to the Planning Office, unless waived by the Director:

- 605.01 Completed land use application (*available from the Planning Office*)
- 605.02 A written narrative that, at a minimum, provides the following information:
- 605.02.1 The total land area to be subdivided.
 - 605.02.2 The total number of lots and proposed use.
 - 605.02.3 The residential density.
 - 605.02.4 The total land area to be preserved as open space.
 - 605.02.5 Roads, tracts, and easements, including ownership and maintenance responsibility.
 - 605.02.6 Land dedications for parks and schools.
 - 605.02.7 Provision of water, sewer, and other utilities.
- 605.03 Application fee (*available from Planning Office*)
- 605.04 Proof of ownership which includes an updated or current title information binder or insurance policy issued no more than thirty days old prior to the date of application, to be updated prior plat recordation.

- 605.05 A notarized letter of authorization from the landowner permitting a designated representative to process the application.
- 605.06 Minor Development Final Plat Exhibit in accordance with Section 606, herein.

Additional copies of plan exhibits may be required for public hearing packets for the Planning Commission and Board.
- 605.07 All required water supply documentation in accordance with Section 18A – Water Supply Overlay District of the Zoning Resolution.
- 605.08 Development Reports, in accordance with Section 607, herein.

Engineering plans and review fees shall be submitted to the Engineering Division.
- 605.09 Any additional information, as requested by staff, to adequately review the application.

606 Minor Development Final Plat Exhibit

The minor development final plat shall:

- 606.01 Be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording in the Office of the County Clerk and Recorder.
- 606.02 Be an acceptable fix-line photographic or computer-generated copy of the original drawing. Inaccurate, incomplete or poorly drawn plans shall be rejected.
- 606.03 Include sheet size of 24-inch by 36-inch with the long dimension horizontal. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet.
- 606.04 Be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than 1%. Acceptable scales are 1"=50' or 1"=100' and for subdivisions exceeding 100 acres, 1"=200'. In special instances, another scale may be approved by staff. If a plat requires multiple sheets, a composite, on 24-inch by 36-inch paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by staff.

- 606.05 Include the title placed at the top of the sheet along the long dimension of each sheet and include the name of the proposed subdivision or planned development, filing number (*when applicable*), and Planning Office file number. If part of a planned development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, CO, shall be included under the name and planning area. On the title sheet (*sheet #1*), under the general legal description, include the total acreage and the total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. The minor development final plat name may not duplicate existing subdivision names.

Example:

WITT'S END		
A part of the W/2 of Sec. 9, T6S, R67W, 6th P.M., Douglas County, CO		
40 Acres	4 Residential lots	SB__-

- 606.06 Include a block in the lower right-hand corner with 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; and the number of the sheet and the total number of sheets.
- 606.07 Include a vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a minimum 1-mile radius.
- 606.08 Include a vicinity map when the land is zoned planned development that depicts the area to be subdivided superimposed on the planned development, at the same scale as the planned development that shows the limits of the proposed plan superimposed on the planning areas.
- 606.09 Include a written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes clearly and prominently. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof shall be labeled "Not a Part of This Subdivision".
- 606.10 Display ties to aliquot section corners and to the State grid (*if available*) which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar

data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the County Engineer. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (*second order*) minimum for linear and angular (*bearing*) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.

- 606.11 Locate, identify, and label all lots, tracts and, when requested by staff, building envelopes with the appropriate dimension with sufficient linear, bearing, and curve data. No ditto marks shall be used for dimensions. All lots shall be shown in their entirety on one sheet. Lots shall be numbered consecutively; tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot to the nearest 0.01 of an acre. In residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.
- 606.12 Indicate all road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.
- 606.13 Describe the purpose, widths and location (*with fine dashed lines*) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient date to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.
- 606.14 Locate 100-year floodplains, all existing/proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected land.

- 606.15 Include the following certifications on the title sheet in accordance with Article 8 of this Resolution: Surveyor, Dedication Statement, Clerk and Recorder, Board of County Commissioners, Title Verification, Planning Commission, and Acceptance Certificate, as needed.
- 606.16 Include the following statement for all minor development final plats within the Centennial Airport Review Area, as identified by the Zoning Resolution:

Owner waives, remises, and releases any right or cause of action it may now have or which it may have in the future against the County of Douglas, its officers, employees, and agents related to, or resulting from, the passage of aircraft in the airspace above the property that is the subject of this minor development final plat.

- 606.17 Include notes that adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation easements, maintenance responsibility for private roads, easements and tracts. The applicant shall provide for the construction, at no cost to the County, of traffic signalization, all utilities, and other public infrastructure as required by the Board and provide bonding or other security needed to ensure such improvements, as required by the Board.

607 Development Reports

The applicant shall submit the supporting materials necessary for the review of the minor development final plat which address the items listed below.

- 607.01 A Phase III Drainage report and drainage construction drawings prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 607.02 Final roadway and stormwater construction plans, when applicable, prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 607.03 An overall utility plan for the subdivision, when applicable.
- 607.04 Water and sanitary sewer plans, when applicable. These plans may be included in the roadway and stormwater construction plans.
- 607.05 A Grading, Erosion, and Sediment Control Report and Plan for the subdivision in accordance with the Grading, Erosion and Sediment Control Manual.

- 607.06 A printed copy of the closure calculations on the boundary lines of the minor development final plat. Any mathematical closure errors in excess of 1:50,000 (*second order*) must be corrected by the applicant's surveyor prior to plat approval by the Board.
- 607.07 A traffic impact analysis prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards and the Transportation Plan of the Master Plan.
- 607.08 A sound study, when located abutting a state, federal, or major regional arterial highway, identifying the current noise levels and projected noise levels based on projected highway expansion.
- 607.09 Evidence of the physical and legal capability to provide sanitation as follows:
- 607.09.1 For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.
- 607.09.2 For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation district or owner to serve the demands of the proposed subdivision.
- 607.09.3 For a subdivision of land where individual wastewater collection and treatment systems are proposed, percolation test data must be provided to prove general suitability of soils for such systems.
- 607.10 Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for the proposed subdivision. Verification of service commitment may also be obtained during the referral agency comment period.
- 607.11 A report on the geological characteristics of the site, by a qualified professional, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, a determination of what effect such factors would have and proposed corrective or protective measures. The report shall also include an evaluation of potential radiation hazard to the proposed land use.
- 607.12 A report which discusses existing or potential cultural, archaeological and historical resources of significance on site and plans for the protection of such resources.

- 607.13 Wildfire Mitigation Plan, Weed Management Plan, and other land management reports and studies as required by County regulation or warranted based on site characteristics and proposed land uses.
- 607.14 Provide the following supplemental information on a 24-inch by 36-inch sheet of paper, drawn at the same scale of the minor development final plat exhibit, or other acceptable scale, as may be requested by staff to analyze the minor development final plat:
- 607.14.1 100-year floodplains, existing and proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected property.
- 607.14.2 Potential geologic hazard areas including: areas of rockfall hazard, debris flow, steeply dipping bedrock, and expansive soils.
- 607.14.3 Existing topography at 10' intervals, or as otherwise requested by staff. Identify areas of 15-20% slope in one shading pattern and areas greater than 20% in another shading pattern. Include a narrative that describes the mitigation methods used to address existing slope conditions.

608 Public Notice Requirements

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

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 for their respective public hearings.

608.01 PUBLISHED NOTICE

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 the Planning Office at least 7 days prior to the hearing. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSIONOR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a minor development final plat located in *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a minor development final plat located in *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

608.02 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 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' 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 feet by 4 feet. 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 approval of a minor development final plat on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS

This land shall be considered for approval of a minor development final plat before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

608.02.1 Posting Affidavit

An affidavit of sign posting shall be submitted for the file in the Planning Office 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 #/Name:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 200__ by
_____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

608.02.2 The sign shall be removed by the applicant within two weeks following the final decision by the Board.

609 Vested Property Rights

The final plat is designated as the Site Specific Development Plan for the purpose of vesting property rights for single-family residential land. A landowner seeking vested property rights for single-family residential land must obtain approval of a Site Specific Development Plan pursuant to the provisions of Article 12 of this Resolution.

610 Recordation Procedure

The recordation of the approved final plat and associated documentation shall occur within 90 days of approval by the Board, unless otherwise extended by the Board at the time of final plat approval. The final plat shall be submitted for recordation as follows:

- 610.01 The applicant shall amend the minor development final plat in accordance with the Board approval, as necessary. The applicant shall demonstrate compliance with all applicable Board conditions of approval prior to plat recordation.
- 610.02 Within 60 days of approval of the final plat, unless stated otherwise in such approval, the applicant shall submit 1 mylar (3 mil weight, emulsion up, rolled) original of the approved final plat exhibit ready for recordation (*except for the signatures of the Board Chair, Director and other County Departments*); all required documentation; and all mapping and recordation fees to the Planning Office.
- 610.03 When applicable, the applicant shall provide proof that security has been provided to cover the subdivision improvement costs in accordance with the terms of the approved subdivision improvements agreement.
- 610.04 The applicant shall provide updated title information, no more than 2 weeks old. If there is a difference in ownership between this title policy and the title policy submitted with the minor development final plat application, recordation shall not be allowed until the newly identified owners have executed the plat and any other agreements, easements, or deeds which require owner signatures.
- 610.05 The applicant shall provide cash-in-lieu for County land dedication for parks or schools in accordance with the Board's conditions of approval. The applicant shall provide a special warranty deed for any required County rights-of-way or other land dedications located outside the subdivision boundary, in accordance with Board conditions of approval and the approved subdivision improvements agreement.
- 610.06 A signed warranty deed shall be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.

- 610.07 For applications that propose a water supply from an Existing District or from a New Special District that has entered into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, of the Zoning Resolution, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing, Extraterritorial, or New Special District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District.
- 610.08 The applicant shall provide a certificate of taxes paid for the land area of the final plat that indicates taxes through and including the prior year have been paid.
- 610.09 Within 30 days of receipt of the minor development final plat, and supporting documentation, the staff planner shall obtain the signatures of the Board, Director, and other County departments, as required; and upon execution and acceptance by the County of all warranty deeds, the final plat shall be recorded.

611 Expiration of Approval

- 611.01 Failure by the applicant to submit all required documentation within 60 days shall render approval of the minor development final plat null and void, unless extended by the Director or Board as provided herein.
- 611.02 The Director may grant a time extension for plat recordation of up to 1 year from the date of Board approval, upon a written request by the applicant or staff for good cause being shown. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.
- 611.03 A plat recordation extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plat as these changes affect the plat, along with the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office.
- 611.04 The denial of a plat recordation extension by the Director may be appealed to the Board in writing within ten days of the decision by the Director.