

SECTION 3A RURAL SITE PLAN

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301A Intent

To provide an alternative to 35-acre residential development in the A-1 zone district through an administrative site plan process that offers a parcel bonus in exchange for the preservation of open space. As described in the Douglas County Comprehensive Master Plan, the Rural Site Plan design process is also intended to preserve key attributes of a particular site and its surroundings by providing for residential development outside of areas determined to have environmental, geological, historical, and/or visual value. The parcel bonus may only be obtained when the proposed plan, at a minimum, achieves the following through the sensitive design and location of residential development areas, including building envelopes, roads, driveways and similar improvements:

- implements the Douglas County Comprehensive Master Plan;
- preserves open space;
- preserves wildlife habitat and movement corridors;
- preserves scenic rural landscapes through sensitive design of roads, structures, and fences;
- preserves key environmental resources and site attributes;
- reduces environmental impacts by minimizing tree, vegetation, and soil disturbance;
- preserves significant natural, historical, or archaeological features; and
- offers amenities that enhance the proposed development and benefit the residents of Douglas County as a whole.

302A Rural Site Plan - Applicability *(Amended 12/7/05)*

A Rural Site Plan (RSP) is an optional alternative to standard 35-acre development, where 35-acre tracts have not yet been created, or where existing 35-acre tracts are proposed to be vacated and reconfigured. A minimum and contiguous land area of 70 acres is required to seek a RSP. Parcels of less than 70 acres are limited to one building site. When the development of a RSP is not feasible, a clustered 35-acre development is highly encouraged. In conjunction with, and separate from, the approval of a RSP, the applicant shall be required to process an exemption application in accordance with Article 9 - Exemption, of the Douglas County Subdivision Resolution. Implementation of the approved RSP shall only be allowed in accordance with an approved exemption.

303A Rural Site Plan - Parcel Bonus *(Amended 12/7/05)*

Parcel bonuses may be obtained as follows, provided the proposed development meets the approval standards contained in Section 304A and site design criteria contained in Section 305A, and complies with the criteria listed in this subsection. Parcel bonuses may be rounded up to the nearest whole number when the fraction is .5 or greater.

- 303A.01 A 40% parcel bonus (1 unit/25 acres) may be obtained when 50% open space is preserved in a conservation easement or similar document, and roads are paved. The open space may overlay the residential parcels.

303A.02 A 100% parcel bonus (1 unit/17.5 acres) may be obtained when 67% open space is preserved in a conservation easement or similar document, and roads are paved. The open space shall be exclusive of the residential parcels.

304A Rural Site Plan - Approval Standards *(Amended 12/7/05)*

The Rural Site Plan Review Board shall be composed of the Site Development Manager, Planning Division, and the Development Review Manager, Engineering Division. The Site Development Manager, Planning Division, shall serve as the Rural Site Plan Review Board Manager. The proposal shall be reviewed by the Rural Site Plan Review Board for conformance with the following approval standards:

- 304A.01 The RSP shall comply with the Douglas County Comprehensive Master Plan.
- 304A.02 The RSP design shall conform to the resource conservation exhibit described in Section 306A in order to preserve environmental, geological, historical and visual resources and features. The exhibit shall serve as the basis for identifying residential development areas.
- 304A.03 The RSP shall be designed in accordance with the site design criteria contained in Section 305A, and shall meet the Intent as described in Section 301A.
- 304A.04 A mandatory homeowner's association or other entity shall be established that provides the responsibility, authority, and financial capability to manage and maintain in perpetuity, the private roads, storm drainage facilities, and any other amenities designated.
- 304A.05 Covenants, controls and restrictions shall be adopted that, at a minimum, address the applicable design elements contained in Section 305A and include provisions requiring the maintenance of defensible space when residential parcels are located in a wildfire hazard area.
- 304A.06 The RSP shall comply with the provisions of Section 299 of the National Fire Protection Association (NFPA) regulations, as amended and adopted by Douglas County, and the provisions of Section 17 - Wildfire Hazard-Overlay District contained in this Resolution.
- 304A.07 Water shall be provided by private, individual wells or by a special district, developed in compliance with the Special District Act, Title 32 of the Colorado Revised Statutes, and Douglas County Resolution #R-000-089, Special District Service Plan Review Procedures.

The State Engineer's Office is allowed to approve limited use well permits pursuant to Section 37-92-602(3)(b)(II)(A), C.R.S. when two thirds of the total area of the rural site plan has been reserved for the preservation of

contiguous, commonly held, open space pursuant to Section 30-28-403, C.R.S..

- 304A.08 All roads shall be designed, constructed and paved in accordance with the Douglas County Roadway Design and Construction Standards.
- 304A.09 A Rural Site Plan Improvements Agreement (RSPIA) shall be required for all improvements. Road, drainage, grading, and erosion control plans shall be approved by the County Engineering Division. The RSPIA may be approved after Board exemption approval, but shall be approved prior to recordation of the RSP (a sample format is available from the Engineering Division).
- 304A.10 Approval of an exemption, in accordance with Article 9 of the Douglas County Subdivision Resolution, shall be required in order to implement an approved RSP. Failure to obtain and record such exemption approval within 180 days of the RSP approval shall void the RSP approval.

305A Rural Site Plan - Site Design Criteria

The following site design criteria shall apply to all proposed RSPs and shall be documented as notes on the final RSP.

305A.01 Open Space

Open space shall be specified in accordance with the parcel bonus provisions contained in Section 303A. Where feasible, required open space shall be located contiguous to other on- or off-site open space areas and shall be protected by conservation easements pursuant to Sections 38-30.5-101 through 110, C.R.S., or similar document. Uses and structures, including but not limited to recreation facilities – private, gazebos, sheds, stables, barns, corrals, arenas, pools, trailers, equipment or garages, shall not be permitted in the open space unless specifically detailed in the conservation easement or similar document and supported by the covenants, controls, and restrictions. Fencing associated with a use specifically permitted in the conservation easement or similar document, may be approved by the Rural Site Plan Review Board. *(Amended 12/7/05 & 9/9/08)*

305A.02 Parcel Size, Location and Configuration

Residential parcel size, location, and configuration shall be determined through an analysis of the resource conservation exhibit, compatibility with adjacent land uses, compliance with Tri-County Health Department and other applicable regulations and conformance to the Douglas County Comprehensive Master Plan policies. A two-acre minimum parcel size is required to support individual wells and septic systems.

305A.03 Building Envelopes

Building envelopes shall be required when the applicant seeks a 40% parcel bonus, and may be required when the applicant seeks a 100% parcel bonus. The purpose of the building envelope is to conserve key site attributes identified on the resource conservation exhibit. Building envelopes shall be shown on the RSP in accordance with the design and site layout requirements described herein. All buildings, structures, and uses including ponds, sheds, and corrals, as well as any form of land disturbance not specifically referenced, with the exception of land disturbance necessary for the installation of an individual sewage disposal system, shall be confined to the building envelope. Building envelope adjustments are highly discouraged and may only be granted by amending the RSP. *(Amended 12/7/05)*

305A.04 Fencing

When an applicant seeks a 40% parcel bonus, fencing shall be permitted within building envelopes only, except as may be provided for per Section 305A.01.

When an applicant seeks a 100% parcel bonus, fencing shall be permitted on the perimeter boundary of the residential parcel unless building envelopes are required. If required, then fencing is permitted within the building envelope only.

Fencing standards addressing height, style, or materials shall be developed in order to ensure that fencing is compatible with the surrounding environment. Such standards shall, at a minimum, consist of an open design of a color and material that blends with the environment. All fencing shall be sensitive to wildlife as determined by staff except fencing required for swimming pools. Pools and pool deck area shall be enclosed by a fence or wall a minimum of five feet in height, measured from the ground level outside the fence, constructed so as not to allow a 6 inch sphere to pass through.

305A.05 Building Design

Buildings and other structures shall be designed to blend with the natural environment. Structures shall conform to the design guidelines contained in the Douglas County Comprehensive Master Plan that address architectural style, building mass, height, foundation design (i.e., stepping on slopes), color, and retaining walls. Building design restrictions shall be noted on the RSP and included in the covenants, controls and restrictions (CC&Rs). Fire resistant construction is highly encouraged when residential parcels are located in a wildfire hazard area.

305A.06 Number of Units

One principal residential unit shall be permitted on each parcel. Guesthouses are not allowed on residential parcels when the site development exceeds the 40% bonus standards. Additionally, guesthouses may only be permitted when the project is located in the Central Basin or the Margin B-Water Supply Zone. No caretaker units shall be permitted in any RSP.

No guesthouses or caretaker units are permitted when the applicant seeks the 100% parcel bonus.

305A.07 Landscaping

Landscaping may be required in order to buffer the development from adjacent land uses or to protect the viewsheds as identified in the resource conservation exhibit. Planting of native species may be requested to mitigate impact to wildlife; the use of fire resistant vegetation is highly encouraged. When required, a landscape plan shall comply with the applicable provisions of Sections 2711, 2712, 2714, and 2715 of this Resolution.

305A.08 Vegetation

Areas of vegetation proposed to be protected, planted, removed, or modified shall be so designated on the RSP. Vegetation required to be removed due to pine beetle, dwarf mistletoe, or similar infestation shall be noted separately. Limited areas intended for lawns and gardens for residential parcels shall be noted and described in the CC&Rs. Only native vegetation shall be permitted outside of building envelopes.

305A.09 Wildlife Habitat

Important wildlife habitat and movement corridors identified on the resource conservation exhibit shall be preserved. Connectivity must be considered in determining the location and configuration of required open space.

305A.10 Summary of Design Requirements by Parcel Bonus

| Feature | 40% Bonus (1 DU/25 acres) | 100% Bonus (1 DU/17.5 acres) |
|--------------------------------|--|---|
| Open Space | 50% open space preserved in a conservation easement or similar document; may be part of residential parcels | 67% open space preserved in a conservation easement or similar document; must be exclusive of residential parcels |
| Parcel Size (*See Note) | Open space may overlay residential parcels; entire site may be parceled | Open space must be exclusive of residential parcels |
| Building Envelopes | Shall be required to achieve open space goals | May be required depending on site design to achieve open space goals |
| Fencing | Fencing permitted within building envelope only | Fencing permitted around parcel perimeter; unless parcels include a building envelope, then within the building envelope only |
| Vegetation | Non-native vegetation not permitted in designated open space | Non-native vegetation must be confined to the building envelope or parcel |
| Number of Units | One principal residential unit; a guest house may be permitted when parcel is located in the Central Basin or Margin B water Supply Zone (no caretaker unit permitted) | One principal residential unit; no guest house or caretaker unit permitted |
| Building Design | Required to blend with natural environment | |
| Landscaping | Additional landscaping may be required depending on design | |
| Wildlife Habitat and Corridors | Important habitat and movement corridors shall be protected; connectivity of corridors must be considered when designating open space | |

* A two-acre minimum lot size is required to support individual wells and septic systems, a 2.3 minimum lot size is required to support animals per Section 24 of this Resolution.

306A Rural Site Plan - Presubmittal Requirements

The applicant shall meet with staff to review site characteristics and desired density, and to discuss development of a resource conservation exhibit. The applicant shall provide a map of the site delineating boundaries, adjacent land uses, and existing improvements at the initial meeting.

Staff, in coordination with the applicant, will develop a resource conservation exhibit that at a minimum, identifies and prioritizes key site attributes. A site visit may be necessary. County maps and resources will be used to develop the resource conservation exhibit. Staff may solicit input from other entities regarding conservation and prioritization of site characteristics. Site attributes may include, but are not limited to, the following:

- Floodplain, wetlands and seasonal watercourses;
- Slopes greater than 20%;
- Geologic features and rock outcroppings;
- Vegetation cover;
- Critical wildlife habitat and movement corridors;
- Historic and cultural features; and
- Important views.

Once the key site attributes have been identified and prioritized, residential development areas will be designated. The design process may commence upon identification of residential development areas. All residential parcels, to the extent feasible, shall be located within areas designated as "residential development" areas on the resource conservation exhibit.

307A Rural Site Plan - Submittal Requirements

307A.01 A completed Land Use Application

307A.02 An approved resource conservation exhibit

307A.03 2 copies of the RSP (per 310A, herein)

307A.04 Proof of Ownership - This shall include an updated or current title insurance policy or title commitment no more than thirty days prior to the date of application

307A.05 Notification that all tax payments are current

307A.06 A notarized letter of authorization from the landowner permitting a representative to process the application, if applicable

307A.07 A detailed floodplain study will be required if one has not been compiled for the area

307A.08 A narrative describing how the proposed RSP meets the design criteria set forth in Section 306A.

308A Rural Site Plan - Review Process (Amended 12/7/05)

308A.01 The submittal to the Planning Division shall be reviewed for completeness. The applicant shall be notified of any inadequacies. An incomplete submittal, as determined by the Rural Site Plan Review Board Manager or designee, shall not be accepted and/or processed.

308A.02 Once the submittal has been determined to be complete and in conformance with the resource conservation exhibit, the staff planner will request referral packets.

- 308A.03 The applicant shall provide referral packets for the Building, Engineering, Open Space and Natural Resources Divisions, applicable fire district, the Division of Wildlife, and other agencies identified by staff whose comments would be relevant to the proposed RSP. The referral agencies shall comment within 21 days of receiving a complete submittal.
- 308A.04 The applicant shall provide stamped envelopes addressed to the abutting landowners and other landowners, as required by staff, for courtesy notification of the proposed RSP application.
- 308A.05 Upon receipt of referral comments, staff shall forward referral responses to the applicant. The applicant shall revise the RSP based on the referral responses. When a RSP, satisfactory to staff, is developed or the applicant requests a meeting, the RSP shall be presented to the Rural Site Plan Review Board for approval.
- 308A.06 The RSP shall be approved, approved with conditions, or denied. A decision from the Rural Site Plan Review Board shall be provided to the applicant within 10 working days of the meeting.
- 308A.07 A denial of a proposed RSP may be appealed to the Board of Adjustment in writing, within 30 days of the denial. Upon failure to file an appeal, the denial becomes final. A resubmittal of the same, or substantially same request, as determined by the Director, shall not be accepted within 1 year of such denial.
- 308A.08 The applicant shall seek an exemption approval in accordance with Article 9 of the Douglas County Subdivision Resolution. The exemption application may be processed concurrently with the RSP application. The exemption will include a condition of approval that the exemption is for the exclusive purpose of implementing the RSP.
- 308A.09 Following approval of the exemption, the approved RSP shall be recorded in the Clerk and Recorder's Office in accordance with Section 312A herein.
- 308A.10 A copy of the approved RSP shall be sent to the State Engineer, by the staff planner, within 10 days of approval. [Section 30-28-404, C.R.S.]
- 308A.11 Files that become inactive whereby the applicant has failed to submit requested information for a period of 6 months, shall become void. Failure by the applicant to keep the file active will result in the staff planner sending written notice that the file has been closed and is void.
- 308A.11.1 Once the file is void, any further process will require resubmittal of a new application and fees.

- 308A.11.2 The Director may grant one time extension, not to exceed 6 months, upon written request from the applicant, within 14 days of the date closure notice is sent.

309A Rural Site Plan - Plan Exhibit

The RSP shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado as follows:

- 309A.01 Sheet size shall be 24" X 36" with the long dimension horizontal. All plans shall be a tape less, splice less and creaseless original film Mylar drawing using only permanent black ink that will adhere to drafting films (no ball point, transfer type or sticky backs) or an acceptable "fix-line" photographic reproduction or computer generated reproduction (emulsion down) of the original drawing. Inaccurate, incomplete or poorly drawn plans, as well as, Diazo (sepia) or electrostatic generated (Xerox) plans shall be rejected.
- 309A.02 The plan shall be drafted at a scale that best conveys the detailed survey, engineering and design and confines the drafting error to less than 1%. An acceptable scale is 1"=200'. When a proposal requires multiple sheets, a composite, on 24" X 36" 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 the staff planner.
- 309A.03 The name of the RSP, which shall not duplicate any subdivision or planned development, shall be placed at the top of the sheet along the long dimension of the sheet, followed by a legal description, stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, and the total acreage and number of residential parcels proposed.

JOHNSON'S RURAL SITE PLAN

A part of the SW/4 of Sec. 9, Township 6 South,
Range 67 West of the 6 P.M., Douglas County CO
640 Acres – 25 residential parcels
Project #

- 309A.04 A block in the lower right-hand corner shall include 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.
- 309A.05 A vicinity map that depicts the area to be developed and the area which surrounds the proposed development, within a 1 mile radius, superimposed on a current Douglas County Zoning Map, maintaining the same scale.

309A.06 Depict all easements including: existing and proposed, public and private on and adjacent to the proposed development, their use, principal dimensions, and the owners of the easement along with the recorded book and page number, and the name of the entity responsible for construction or maintenance.

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 plan. Distances and bearings on the side lines of parcels which are cut by an easement must be shown with an arrow or so shown to clearly indicate the actual length of the parcel lines. The widths of all easements and sufficient data to definitely locate the same with respect to each parcel must be shown. All easements must be clearly labeled and identified. If an easement shown on the plan is already of record, its recorded reference must be given.

309A.07 Delineate all 100-year floodplains, all existing and proposed watercourses, retention and detention areas.

309A.08 Display ties to aliquot section corners and to the County GPS, if available, which shows 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 parcels shall have a closure accuracy of 0.01'.

309A.09 All parcels and building envelopes shall be located, identified, and labeled with the appropriate dimension with sufficient linear, bearing, and curve data. No ditto marks shall be used for dimensions. All parcels shall be shown in their entirety on one sheet. Parcels shall be consecutively numbered. Include the acreage within each parcel to the nearest 0.01 of an acre. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be residential building sites.

309A.10 Depict all lands to be dedicated or reserved in deeds or easements (where appropriate) for the use of landowners, residents, or the general public. Include notes to indicate the disposition and maintenance responsibility for all such parcels.

309A.11 Locate and provide the name and principal dimension of all roads. Indicate the maintenance responsibility, road grades, centerline radii and

other pertinent roadway information such as distance between intersections.

309A.12 Depict legal and physical public access to the proposed development even if not part of the development.

309A.13 Identify historical/archaeological sites and special provisions made for such, where appropriate.

309A.14 Depict all potential hazard areas including, but not limited to, geologic hazard areas and areas of 20% or greater slope.

309A.15 Include plan notes pertinent to the development standards describing:

- the site attributes to be conserved as designated on the resource conservation exhibit;
- the RSP improvement agreement;
- conservation easement or similar document;
- parcel size and building envelopes;
- maintenance responsibility for private roads/easements and drainage;
- fencing and building design standards;
- landscaping and vegetation requirements; and
- limitations on wells or septic systems.

309A.16 Density Statement

| |
|--|
| The density of _____ units has been allocated to _____ lots. Further subdivision is not permitted by zoning. |
|--|

309A.17 Ownership Block

The undersigned, being all the owners of the land described herein, and the beneficiaries of any deeds of trust encumbering that land, hereby consent to this Rural Site Plan.

OWNER(S)

_____ (signature) _____ If
 corporation: _____ (Name) _____
 (print landowner's name) By: _____

Title: _____
 _____ (signature) _____ ATTEST:
 (print landowner's name)

Acknowledged before me this ____ day of _____, 20__, by _____*(print name)_____.

WITNESS my hand and official seal.

Notary Public
 My commission expires: _____

*Signatures of officers signing for a corporation shall be acknowledged as follows:
 _____(Name) as _____(Title) of _____(Corp.) _____, a _____(State) _____
 Corporation.

BENEFICIARY OF DEED OF TRUST

BY: _____(Name of company) _____
 (Print name) _____ (Signature) _____

TITLE: _____

ATTEST: _____

Acknowledged before me this ____ day of _____, 20__, by
 _____(Name) as _____(Title) of _____(Beneficiary) _____, a
 _____(State) _____(Entity)_____.

WITNESS my hand and official seal.

 Notary Public
 My commission expires: _____

309A.18 Title Verification

Ownership Certification

I/we ____, a (1 of the following: qualified title insurance company, 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)

 (Signature) (Registration No.)
 Name of Attorney (date)

309A.19 Surveyors Certificate

I, (Surveyor's Name), a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plan truly and correctly represents the results of a survey made on (date of survey), by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:50,000 (second order); and that said survey has been prepared in full compliance with all applicable laws of the state of Colorado dealing with monuments or surveying of land.

I attest the above on this ___ day of _____, 20 ____.

 (signature)
 (Surveyor's Name)

Colorado registered Professional Land Surveyor #

Surveyor's seal shall appear with this certificate.

309A.20 Approval Certificate

| | |
|--|-------|
| APPROVAL CERTIFICATE | |
| THIS RURAL SITE PLAN IS COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS. | |
| _____ | _____ |
| Engineering Division | Date |
| _____ | _____ |
| Planning Division | Date |
| Building permits may be issued pursuant to this plan, as noted hereon, and subsequent exemption. A grading permit is required prior to road/driveway construction. | |

309A.21 Note the following on the plan regarding the private internal roads:

| |
|--|
| All internal roads are private. Maintenance is the responsibility of _____ (name) _____. The County will not plow snow from, or repair the surface of such roads. The School District may not provide bus service. |
|--|

310A Rural Site Plan - Amendments (Amended 12/7/05)

The applicant shall submit an amended RSP in accordance with 305A Site Design Criteria and 309 Rural Site Plan - Plan Exhibit. The application will be processed in accordance with 308A Rural Site Plan - Review Process.

310A.01 The Rural Site Plan Review Board may approve an amendment request in accordance with the approval standards in Section 304A, herein.

310A.02 An amendment request that includes additional parcels shall be in accordance with Section 303A Parcel Bonus, herein.

310A.03 A denial of the RSP amendment may be appealed to the Board of Adjustment, in writing, within 30 days of the denial. Upon failure to file an appeal, the denial becomes final. A resubmittal of the same, or substantially same request, as determined by the Director, shall not be accepted within 1 year of such denial.

311A Post Approval Responsibility

The applicant shall prepare final road, grading, and drainage plans in conformance with the approved RSP to be submitted to the County Engineering Division. Building permits will be issued only upon the fulfillment of the conditions of approval and compliance with the approved RSP, RSPIA, and exemption.

312A Rural Site Plan - Recordation (12/7/05)

- 312A.01 Upon approval of the RSP by the Rural Site Plan Review Board, the applicant shall have 180 days to submit the approved RSP, along with any required supporting documents, including but not limited to, the approved exemption, the CCRs, the conservation easement or similar document, for recordation.
- 312A.02 Within 30 days of receipt of the RSP, the staff planner shall review the documents for compliance with the Rural Site Plan Review Board's approval, obtain the County Officials' signatures and submit to the Clerk and Recorder's Office for recordation.
- 312A.03 The Director may grant one extension of time, of not more than 1 year, upon a written request by the applicant prior to the expiration of the 180-day period. An extension request shall include an extension 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 Douglas County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the RSP.
- 312A.04 If the request for an extension of time for recordation of the RSP is denied by the Director, the applicant may appeal the denial in writing to the Board of Adjustment within 10 days from the date of the denial by the Director. Denial of the extension shall void the RSP.