

## Section 11 – Minor Adjustment

(orig. 4-20-10)

### A. Intent and Purpose

This process was created to allow administrative approval of development proposals that have minimal impacts to the health, safety and welfare of the citizens of Jefferson County. The process was developed based on the statutory allowance for the Board of County Commissioners to exempt certain development activities from the terms "subdivision" or "subdivided land" as set forth in Section 30-28-101, C.R.S., as amended. The process outlines time frames and expectations that should provide the applicant with a clear understanding of the steps involved prior to final determination by the Director of Planning and Zoning. The Director of Planning and Zoning may waive the time frames included in this process depending on Planning and Zoning staffing levels and the complexity of the proposal. (orig. 4-20-10; am. 12-21-10)

### B. Application

1. The Minor Adjustment Process may be used for the following types of development activities, provided the limitations set forth are met. The development activities and limitations described below can only be waived or modified by direct action of the Board of County Commissioners in a public hearing. The authority of Director of Planning and Zoning, described in the Alternative Standards/Requirements section of this Regulation, shall not extend to the development activities and limitations set forth below. (orig. 4-20-10; am. 12-21-10; am. 12-09-14)
  - a. Superlots: The creation of additional non-residential lots within a superlot as described in the Lot and Tract Standards Section of this Regulation, where the applicant can demonstrate compliance with the following limitations: (orig. 4-20-10)
    - (1) The superlot was previously platted in accordance with the Jefferson County Land Development Regulation. (orig. 4-20-10)
    - (2) The impervious area and Gross Leasable Area (GLA) proposed in the Minor Adjustment plus any impervious area and GLA approved in any prior developments within the same superlot does not exceed the maximums for the superlot as set forth on the Plat. (orig. 4-20-10)
    - (3) Public water and sewer service is available. (orig. 4-20-10)
  - b. Adjustments to property lines and the elimination of interior property lines involving any combination of lots, parcels or tracts, which does not increase the number of existing legal building sites and does not increase the number of lots, parcels or tracts, except as allowed within this section. (orig. 4-20-10)
  - c. Adjustments to Plats, Exemptions, Minor Amendments, Minor Adjustments and Rural Clusters to correct errors. (orig. 4-20-10)
  - d. Adjustments or eliminations of previously established building envelopes regarding location and configuration. (orig. 4-20-10; am. 7-17-18)
  - e. Adjustments to previously established non-buildable areas and non-disturbance areas regarding size, location and configuration. (orig. 4-20-10)
  - f. Adjustments to development agreements to change the name of the subdivider or owner and to correct errors. (orig. 4-20-10)
  - g. Adjustments to the previously approved development agreements to revise standards that are deemed overly restrictive due to subsequent regulation revisions, to correct errors in the quantity/cost estimates and to modify the quantity/cost estimates because of the approval of revised plans for the development. (orig. 4-20-10)
  - h. The creation of lot lines to convert a duplex or multi-family building into single-family attached dwelling units, where a duplex or multi-family building has been constructed (or building permit issued), subject to compliance with applicable building codes. (orig. 4-20-10; am. 7-17-18)
  - i. Creation of non-buildable tracts. (orig. 4-20-10)
  - j. Changes to or elimination of notes, restrictions and certificates which do not adversely affect traffic safety, visual impact, wildlife, drainage, soil erosion, wildfire hazard, noise, or the provision of open space, unless it can be shown that the effect can be adequately mitigated. (orig. 4-20-10)
  - k. All Minor Adjustments must be in compliance with the following Limitations: (orig. 4-20-10)

- (1) The request must not conflict with any County regulations (meaning that the applicant will meet only those regulation requirements that are directly affected as a result of the adjustment) unless relief is granted through an adopted County process. (orig. 4-20-10; am. 7-17-18)
  - (2) The request does not create any additional lots, unless specifically authorized within this Section. (orig. 4-20-10)
  - (3) The exterior boundary must be comprised of property lines that have been properly subdivided. (orig. 4-20-10)
  - (4) The resulting property boundaries or building sites must meet all State Engineer requirements for issuance of a well permit and Public Health requirements for approval of an onsite wastewater treatment system. (orig. 4-20-10; am. 7-17-18)
  - (5) The adjustment shall not create a larger lot, parcel or tract that could be further subdivided outside of a County subdivision process. (orig. 4-20-10)
  - (6) A reconfiguration of lot lines in residential developments may only include minor alterations to the existing streets or roads designated on the Plat. A replat for a residential subdivision is required if the platted streets or roads will not be utilized, if the alignment will be substantially altered, or if the Plat does not have an access system. (orig. 4-20-10)
  - (7) A reconfiguration of a non-residential development or development with non-residential uses may include alterations to the existing streets or roads system. (orig. 4-20-10)
  - (8) Lots or parcels with nonconforming lot size (not meeting the minimum lot size requirements of the underlying zone district) may be altered only if the non-conforming lots or parcels are either eliminated or the lot or parcel area is increased so that it becomes conforming, or a minor variation or variance has been granted. (orig. 4-20-10)
2. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 4-20-10)
  3. Notification is required in accordance with the Notification Section. (orig. 4-20-10)
  4. The following procedure and requirements shall apply to Minor Adjustment applications. (orig. 4-20-10)

**C. Procedure**

The following is an example of the typical processing steps and timeframes for the development application. If the applicant complies with all given time frames, submits a complete application and complies with all requirements of this Regulation, the estimated time to reach the determination phase of the process is 62 or 76 calendar days from the date of the 1<sup>st</sup> referral. (orig. 4-20-10; am. 12-21-10; am. 7-17-18)

Process Steps		Processing Time Frames
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process	
<b>Steps prior to 1<sup>st</sup> Referral</b>		
Formal Application/Sufficiency Review and Referral Distribution or Deficiency Response	7 calendar days	
<b>Process from 1<sup>st</sup> Referral to Determination</b>		
1 <sup>st</sup> Referral and Staff Response	14 or 21 calendar days (7 or 14 days for referral, 7 days for Staff response)	64 or 78 Days to tentatively scheduled determination if processing time frames are met.
Applicant's Response to 1 <sup>st</sup> Referral	Varies, 14 calendar days used for example timeframe	
Sufficiency Review and Referral Distribution	7 calendar days	
2 <sup>nd</sup> Referral and Staff Response	14 or 21 calendar days (7 or 14 days for referral, 7 days for Staff response)	
Final Documents	10 calendar days	
Determination Preparation	5 calendar days	

<b>Determination</b>	
Determination	Time varies based on Director of Planning and Zoning action and the applicant meeting approval conditions

\* See 1<sup>st</sup> Referral step below for a description of the required length of the 1st Referral

Prior to submitting a development application, the applicant may choose to go through the Pre-Application Review Process, as identified in the Pre-Application Review Process Section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the process and will help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the development proposal. (orig. 4-20-10; am. 7-17-18)

If an applicant is going to request relief from a standard, to avoid processing delays, it is recommended that the request for relief be submitted early in the development process. Requests for relief of a standard are subject to different specific processing timeframes, which may add to the length to the processing of the development application. (orig. 7-17-18)

Notification is required at the time of the 1<sup>st</sup> Referral in accordance with the notification provisions of this Regulation. (orig. 7-17-18)

**Steps Prior to 1<sup>st</sup> Referral**

1. Sufficiency Review and Referral Distribution (1<sup>st</sup> Referral):

The applicant shall electronically submit all documents as identified in the Submittal Requirements Section of this Regulation for review by Staff. (orig. 4-20-10; am. 7-17-18)

The Case Manager shall have 7 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

**Process from 1<sup>st</sup> Referral to Determination**

2. 1<sup>st</sup> Referral and Staff Response:

The referral agencies shall have 14 calendar days to respond in writing to the application. An extension of no more than 30 days may be agreed to by the applicant. The referral will be reduced to 7 calendar days if the application will not require a full Minor Adjustment survey. (orig. 4-20-10; am. 7-17-18)

The Case Manager shall have 7 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 7-17-18)

If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Final Documents phase of the process. Under this circumstance, the application will be able to reach the Determination phase of the process earlier than the date tentatively scheduled at the time of the 1<sup>st</sup> Referral. (orig. 4-20-10; am. 7-17-18)

3. Applicant's Response to 1<sup>st</sup> Referral:

For the application to be processed in accordance with the example timeframe in the table above, the applicant shall have 14 calendar days to address in writing any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2<sup>nd</sup> Referral. The applicant will be deemed to have consented a later determination date, than that tentatively scheduled, if the resubmittal is not received within the 14-calendar day period. (orig. 4-20-10; am. 7-17-18)

Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments and resubmit, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for additional 180

calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 4-20-10; am. 12-21-10; am. 7-17-18)

4. Sufficiency Review and Referral Distribution (2<sup>nd</sup> Referral):

The Case Manager shall have 5 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. All resubmittal documents shall be submitted as a complete package and not sent in a fragmentary manner. (orig. 4-20-10; am. 7-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

5. 2<sup>nd</sup> Referral and Staff Response:

The referral agencies shall have 7 or 14 calendar days to respond in writing to the 2<sup>nd</sup> Referral. An extension of no more than 30 calendar days may be agreed to by the applicant. The referral will be reduced to 7 calendar days if the application will not require a full Minor Adjustment survey. (orig. 4-20-10; am. 7-17-18)

The Case Manager shall have 7 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 7-17-18)

If the applicant has not consented to a later determination date based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled determination, the applicant shall submit the Final Documents as requested by the Case Manager in accordance with the Final Documents phase of the process. (orig. 4-20-10)

6. Applicant's Response to 2<sup>nd</sup> Referral Comments:

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 4-20-10; am. 12-21-10; am. 7-17-18)

7. Additional Referrals and Responses:

For the 3<sup>rd</sup> Referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2<sup>nd</sup> Referral) process, the 2<sup>nd</sup> Referral and Staff Response process and the Applicant's Response to 2<sup>nd</sup> Referral process. The only exception shall be that for the 3<sup>rd</sup> Referral, and for any subsequent referrals thereafter, the referral agencies shall have 7 or 14 calendar days to respond in writing to the referral. The referral will be reduced to 7 calendar days if the application will not require a full Minor Adjustment survey. (orig. 4-20-10; am. 7-17-18)

The response from the Case Manager will include an opinion as to whether or not the case should proceed forward for Determination or if revised documents should be submitted for a subsequent referral process. (orig. 4-20-10; am. 7-17-18)

8. Final Documents:

The Final Documents shall be comprised of the executed Minor Adjustment document (on mylar if applicable), the executed improvement agreement (if applicable) and other Final Documents as identified by the Case Manager. (orig. 4-20-10)

If the applicant has not consented to a later determination date based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the Final Documents for the tentatively scheduled determination. The applicant will be deemed to have consented to a later determination date if the resubmittal is not received within the 10-calendar day period. (orig. 4-20-10; am. 7-17-18)

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day

maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 4-20-10; am. 12-21-10; am. 7-17-18)

9. Determination Preparation:

The Case Manager shall have 5 calendar days to review the Final Documents and prepare the Staff recommendation. (orig. 4-20-10)

If the additional revisions are required to comply with County standards, the Case Manager will return a letter to the applicant identifying the revisions that must be made in order to gain Staff support for the proposal. (orig. 4-20-10)

**Determination and Post Determination**

10. Determination:

The Director of Planning and Zoning shall have 5 calendar days to review the request and Staff recommendation and approve, approve with conditions, or deny the application. The Director of Planning and Zoning may ask for additional documents before making a determination. Upon approval by the Director of Planning and Zoning, Staff shall file the approved Minor Adjustment document. (orig. 4-20-10; am. 12-21-10)

If the Minor Adjustment includes a creation or an amendment of a development agreement, upon approval by the Director of Planning and Zoning, the Chairman of the Board of County Commissioners shall be authorized to sign the amended agreement and place the agreement of record. (orig. 4-20-10; am. 12-21-10; am. 7-17-18)

11. Appeal:

If the Director of Planning and Zoning denies the Minor Adjustment, the applicant will have 30 calendar days to appeal the denial to the Board of County Commissioners. (orig. 4-20-10; am. 12-21-10)

The appeal shall be in writing and shall state the specific items being appealed and provide reasons and evidence why the decision by the Director of Planning and Zoning regarding the Minor Adjustment should be overturned. The appeal shall be submitted to the Planning and Zoning case manager. (orig. 4-20-10; am. 12-21-10)

Upon receipt of an appeal by the applicant, the Board of County Commissioners shall consider the Minor Adjustment application. A hearing for said consideration will be scheduled to occur at the first available Board of County Commissioners' hearing date following 21 calendar days from submittal of the request for appeal. At the hearing, the Board of County Commissioners shall affirm, reverse, or modify the decision by the Director of Planning and Zoning, or continue the appeal for such additional hearings as may be necessary to receive additional information, complete testimony, obtain Staff response or render a decision. Upon approval of an appeal by the Board of County Commissioners, the Minor Adjustment shall be presented to the Director of Planning and Zoning, who shall be authorized to sign the document and to place it of record. (orig. 4-20-10; am. 12-21-10)

Notification of the Board of County Commissioners' hearing is required in accordance with the Notification Section. (orig. 4-20-10)

**D. Special Circumstances**

At the discretion of Planning and Zoning, an 8 ½" by 11" paper Minor Adjustment document will be allowed in place of the survey 24" x 36" survey. The 8 ½" by 11" paper Minor Adjustment document may be used to correct errors and/or make technical modification to a previously recorded Plats, Exemptions, Minor Amendments, Minor Adjustments and Rural Clusters. This allowance will only occur when the proposed Minor Adjustment does not affect the graphic portion of the original document and it is determined by Planning and Zoning that the graphic depiction would not aid in the general interpretation of the Minor Adjustment. (orig. 4-20-10)

**E. Format**

The format of the Minor Adjustment shall comply with the Final Plat provisions for format, survey, certificates and notes as set forth in this Regulation and in accordance with County procedures. (orig. 4-20-10)