

Section 34 - Vested Real Property Rights

(orig. 7-12-05)

A. Vested Real Property Rights

1. Purpose: The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended, and to effectuate local control over creation of Vested Real Property Rights to the fullest extent permitted under applicable law. (reloc. 7-12-05)
2. Definitions
 - a. "Vested Real Property Right" means the right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan that has been approved by the Board of County Commissioners, subject to the provisions of this Section. (reloc. 7-12-05)
 - b. "Application" means substantially complete forms and documents required by Planning and Zoning for approval of a Site Specific Development Plan, as submitted to Planning and Zoning in compliance with all applicable requirements. (am. 7-12-05)
 - c. "Site Specific Development Plan" means only the final subdivision plat, the Exemption from Platting, the development agreement, or the rural cluster map. Site Specific Development Plan does not include final architectural plans or final construction drawings, documents identifying public improvements to be constructed, or documents specifying materials and methods for construction of public or private improvements. (reloc. 7-12-05)
3. Notice and Hearing: No action shall be taken on a Site Specific Development Plan by the Planning Commission or the Board of County Commissioners until after a public hearing, preceded by written notice. The notice may, at the County's option, be combined with any other public notice. At the hearing, interested persons shall have an opportunity to be heard. (reloc. 7-12-05)
4. Approval – Effective Date – Law Applied
 - a. A Site Specific Development Plan shall be deemed approved, and a real property right vested, upon the effective date of the final Board of County Commissioners' action approving or conditionally approving the plan. (reloc. 7-12-05)
 - b. An Application for approval of a Site Specific Development Plan as well as the approval, conditional approval, or denial of the plan shall be governed by the laws and regulations in effect at the time the Application was submitted to Planning and Zoning; however, the County may adopt any new or amended regulation or act when necessary for the immediate preservation of public health and safety and may apply such regulation. (am. 7-12-05)
5. Duration of Vested Real Property Right – Extension – Amendments
 - a. A Vested Real Property Right shall have an original term of 3 years from the effective date of approval, or conditional approval, of a Site Specific Development Plan. However, if the Site Specific Development Plan provides for a longer period for completion of development, the Board of County Commissioners, in its discretion, may provide that the Vested Real Property Right has an original term of up to 10 years. During the original term of the Vested Real Property Right, together with any extension period(s) granted, the landowner must complete the approved site specific development. For purposes of this Section, a landowner has not "completed" the development until all engineering improvements, including, without limitation, water, sewer, streets, curbs, gutter, street lights, fire hydrants and storm drainage, are installed and completed in accordance with

- County regulations. Failure to complete the development within the original term of the Vested Real Property Right, together with any extension period(s) granted, shall cause forfeiture of the Vested Real Property Right as provided in Article 68 of Title 24, C.R.S. Forfeiture of a Vested Real Property Right shall not invalidate the Site Specific Development Plan; however, the Site Specific Development Plan shall be subject to, and may require revision to comply with, all current laws and regulations. All dedications as contained in the Site Specific Development Plan shall remain valid unless vacated in accordance with law. (reloc. 7-12-05)
- b. A Vested Real Property Right may be extended by the Board of County Commissioners, in its discretion, for up to 3 successive periods of up to 3 years each. In determining whether to grant an extension, the Board of County Commissioners may consider, among other relevant factors, whether the landowner has undertaken the development during the original term together with any previous extension period(s), and the likelihood that the landowner will complete the development during the requested extension period. Any request for an extension shall be submitted by the landowner to the Board of County Commissioners in writing at least 60 days prior to the date of expiration of the Vested Real Property Right. Failure to submit a written request within the specified time period shall cause forfeiture of any right to request extension of the Vested Real Property Right. Upon receipt of a request for extension, the Board of County Commissioners shall hold a public hearing for the purpose of approving, conditionally approving, or denying the requested extension. (reloc. 7-12-05)
 - c. For purposes of duration of a Vested Real Property Right, any amendments to a Site Specific Development Plan shall relate back to the date of approval of the Site Specific Development Plan, unless the Board of County Commissioners specifically finds to the contrary and incorporates such findings in its approval of the amendment. (reloc. 7-12-05)
6. Notice of Approval: Each document constituting part of the Site Specific Development Plan shall contain the following language: "Approval of this plan may create a Vested Real Property Right pursuant to Article 68 of title 24 C.R.S., as amended, subject to the limitations of the Jefferson County Zoning Resolution, the Jefferson County Land Development Regulation, and the Jefferson County Policies and Procedures Manual." In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a Vested Real Property Right has been created, shall be published once by the County, not more than 14 days after approval of the Site Specific Development Plan, in a newspaper of general circulation within Jefferson County. (reloc. 7-12-05)
 7. Payment of Costs: In addition to any and all other fees and charges imposed by the Jefferson County Zoning Resolution, the Jefferson County Land Development Regulation, or the Jefferson County Policies and Procedures Manual, the applicant for approval of a Site Specific Development Plan shall pay all costs incurred by the County as a result of the Site Specific Development Plan review, including publication of notice, public hearing and review costs, as established by the Board of County Commissioners. (am. 7-12-05)
 8. Other Provisions Unaffected: Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of the Jefferson County Zoning Resolution, the Jefferson County Land Development Regulation, or the Jefferson County Policies and Procedures Manual pertaining to the development and use of property. (reloc. 7-12-05)
 9. Limitations: This Section is only intended to implement the provisions of Article 68 of Title 24, C.R.S., as amended. If that article is repealed or is judicially determined to be invalid or unconstitutional, this Section shall be deemed to be immediately and automatically repealed, and the provisions hereof no longer effective. Nothing herein shall be construed to prohibit the waiver of a Vested Real Property Right pursuant to mutual agreement between the County and the affected landowner. (reloc. 7-12-05)

10. Prior Approvals: This regulation applies only to Site Specific Development Plans approved on or after January 1, 2000. For Site Specific Development Plans approved between January 1, 1988 and January 1, 2000, the landowner must affirmatively apply for a Vested Real Property Right. The Board of County Commissioners has discretion to grant such a right after notice and hearing in accordance with A.5.a of this Section and to grant up to 3 extensions in accordance with A.5.b of this Section. Site Specific Development Plans approved before January 1, 1988 are not eligible for vesting under this regulation. (am. 7-12-05)