

Jefferson County
Planning & Zoning



Application Process
GUIDES

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This guide describes the highlighted process in the graphic below. Additional process guides are available for the other application types listed.

Vacation Process

This guide describes the Vacation Process. Users should utilize this guide in conjunction with the Land Development Regulation.

Adopted in accordance with State Statutes, the Vacation process, in the Land Development Regulation, is the most common method utilized when vacating County right-of-way. Right-of-way may also be vacated as a part of other land development processes; however, the general procedures of the Vacation process must be satisfied as a part of that development process. A vacation is typically sought by an adjoining property owner who seeks to obtain ownership of the property for various reasons. The table below identifies when the County vacation process may be used and when a civil action may be required in order to obtain property ownership.

Dedication Language on Recorded Document	Eligible for Vacation?	Requires Civil Action?
Dedicated to Jefferson County and accepted by the BCC.	Yes	No
Dedicated to the Public and accepted by the BCC.	Yes	No
Dedicated to the County or Public, but not accepted by the BCC. Maintained by the County.	Yes	No
Dedicated to the County or Public, but not accepted by the BCC. Not maintained by the County.	No	Yes
No dedication or dedicated to private property owners. Maintained by the County.	Yes – For that portion of the road that has achieved prescriptive ownership due to maintenance activities.*	Yes - For that portion of the road that has not achieved prescriptive ownership due to maintenance activities.*
No dedication or dedicated to private property owner(s). Not maintained by the County.	No	Yes

** Prescriptive ownership includes the road surface and shoulders, along with areas used for drainage, routine maintenance, and the safe operation of the road.*

Vacation applications are presented to both the Planning Commission and the Board of County Commissioners in public hearings.

Exemption from Subdivision
Residential Structure Exclusion
Exemption
Minor Adjustment
Multi-Family (see SDP)

Entitlement
Rezoning
Site Approvals
Special Use
Telecommunication Special Use
Certificate of Designation

Miscellaneous
Vacation
Special District Service Plan
Deeds

A Vacation is a process that may be used by an applicant to vacate County right-of-way.

Subdivision
Preliminary and Final Plat
Preliminary Plat
Final Plat
Rural Cluster

Development
Site Development Plan (SDP)
Land Disturbance
Floodplain
Telecommunications Permit
Building Permit

Optional Pre-Application

The Pre-Application process was created to provide applicants with a quick review of development proposals based on limited information. The review is intended to provide information about the regulations and process that will assist an applicant in making key decisions about the development proposal prior to making a formal application. Refer to the Land Development Regulation and the Pre-Application Guide for additional details.

Submittal Requirements

The submittal documents required for an application will vary based on the specifics of each unique application. Prior to the Formal Application, the case manager will provide the applicant with information identifying the type and number of required documents for the application. A complete explanation of the submittal requirements can be found in the Submittal Requirement Section of the Land Development Regulation.

Vacation Process

The information provided below is intended to be a brief overview of the Vacation process. For a complete explanation of the Vacation requirements, please refer to the Land Development Regulation.

Step 1

Sufficiency Review

The applicant will submit one copy of each document required for the formal application. The assigned Case Manager will review the documents to determine if they are complete. The Case manager will then prepare a letter explaining any deficiencies in the submittal documents. The letter will include a referral matrix that identifies County divisions and other agencies that will receive submittal documents. The applicant shall revise the submittal information as may be required to comply with County standards.

Step 2

Formal Application Submittal

The applicant shall submit all documents identified in the Case Manager's response to the Sufficiency Review.

Step 3

Referral Process

The Land Development Regulation anticipates that an application will be sent out on two referrals before it is ready for the hearing process; however, at any time after the 1st Referral the Case Manager may decide that the application is in substantial conformance with all applicable regulations and is ready for hearing. Additional fees will be incurred for a third referral and any subsequent referral thereafter. The general referral steps are as follows:

- 1. The Case Manager will refer the application and supporting documents to County divisions and other agencies.*
- 2. After the referral, the Case Manager will provide the applicant with a Staff response inclusive of referral agency responses, and will include a referral matrix for the next referral if applicable.*
- 3. The applicant will address, in writing, any issues identified by the Case Manager or any referral agency and resubmit revised documents for the next referral.*

Step 4

Hearing Documents

The hearing documents shall be identified by the Case Manager.

Step 5

Planning Commission

The application will be presented to the Planning Commission in a public hearing. The Planning Commission will make a recommendation on the application to the Board of County Commissioners.

Step 6

Board of County Commissioners Hearing

The application will be presented to the Board of County Commissioners in a public hearing. The Board of County Commissioners will make the final decision on the application.

Step 7

Post Hearing Review

When the applicant complies with any approval conditions, and submits the final documents, Staff will obtain the required County approval signatures as required and have the documents recorded.

Evaluation/Decision

The evaluation of the Vacation is predicated on compliance with the following criteria:

1. A vacation may not eliminate the only physical or legal access for any property.
2. A vacation may not eliminate the only physical or legal rights to utilities for any property.
3. The County may assign the vacated property to a private maintenance association.
4. Mergers may be required to combine parcels affected by the vacation.
5. Vacation requests shall not negatively impact the existing or planned street\road system.
6. Construction plans will be required for improvements required to maintain acceptable service, or to mitigate negative impacts.
7. A vacation cannot create a circulation system that is non-compliant with regulations.
8. Reimbursement costs will be required if the right-of-way was purchased by the County.
9. A vacation cannot create isolated right-of-way.
10. The “piecemeal” vacation of right-of-way is discouraged.

A Vacation application is presented to both Planning Commission and the Board of County Commissioners at public hearings. The Planning Commission will review the request and Staff recommendation, receive testimony and evidence on the application, and will recommend approval, conditional approval, or denial of the request to the Board of County Commissioners. The Board of County Commissioners shall review the request, Staff recommendation and Planning Commission recommendation, receive testimony and evidence on the application, and will approve, conditionally approve, or deny the application.

Note: During the hearing process, the Planning Commission or the Board of County Commissioners may vote to continue the application to a subsequent public hearing. The most common reasons for a continuance are: 1) To provide for additional public testimony, 2) To allow for the applicant or Staff to address concerns related to an application, 3) at the request of the applicant

Community Involvement

Keeping the public informed of development applications is a high priority in Jefferson County. Notification requirements for a Vacation application include community mailing and sign posting. The following summarizes the notification required at different stages of the application and the method by which the public may provide input:

Formal Application – The notification at the time of Formal Application is by community mailing. This mailing notifies the public that an application has been submitted and that documents related to the application are available for review. Any comments submitted by the public will be provided to the applicant and will also be included as a part of the staff report prepared for the public hearing. The applicant may choose to amend the application request based on the comments received.

Public Hearing(s) – Notification for Public Hearing(s) will be through community mailing and sign posting. Any member of the public may testify on an application in a Public Hearing. The public may also send in letters or comments to the case manager. All comments received throughout the application process will be included as a part of the staff report prepared for the Public Hearing(s).

The notification requirements are explained in detail in the Land Development Regulation and the Notification Guide.

What role do public comments play in the process?

Applicant: The applicant may choose to amend the application request based on the comments received by the public.

Staff: Staff will review the comments and may provide suggestions to the applicant in order to address the public comments; however, the basis for a recommendation by Staff on the application is limited to the criteria identified above in the Evaluation/Decision section.

Planning Commission: The Planning Commission and the Board of County Commissioners will consider public comments, and may use those comments as a factor in their decision on an application; however, the basis for a decision by the Planning Commission and the Board of County Commissioners on the application is limited to the criteria identified above in the Evaluation/Decision section.

