

[TABLE OF CONTENTS](#)[ARTICLE I General Provisions](#)[ARTICLE II Minor and Major Subdivision Process](#)[ARTICLE III Minor Subdivisions](#)[ARTICLE IV Major Subdivisions](#)[ARTICLE V Resubdivision](#)[ARTICLE VI Conformance Requirements](#)[ARTICLE VII Subdivision Design Standards](#)[ARTICLE VIII Exemptions](#)[ARTICLE IX Improvements and Variances](#)[ARTICLE X Fees, Violations and Penalties](#)[APPENDIX](#)**ARTICLE IX****Improvements and Variances****Sec. 24-9-10. Utilities and improvements.**

The following improvements shall be constructed at the expense of the subdivider as stipulated in the subdivision improvements agreement by the Board:

- A. Road grading and surfacing.
- B. Curbs, if required.
- C. Sidewalks, if required.
- D. Sanitary sewer laterals, where required.
- E. Storm sewers or storm drainage systems, as required.
- F. Water distribution systems, where applicable.
- G. Street signs at all street intersections.
- H. Permanent reference monuments and monument boxes.
- I. Street lighting, if required.
- J. Landscaping, where required.
- K. Underground electric and communication utility lines and services, and all street lighting circuits, as required.
- L. Other facilities and requirements as may be specified in this Chapter by the Board.

Sec. 24-9-20. Improvements agreement.

A. Contract. No final plat shall be approved by the Board until the subdivider has submitted a subdivision improvements agreement or a contract approved by the Board agreeing to construct the required improvements as shown in plans, plats and supporting documents. Any such agreement or contract shall be made in conformance with the County policy on collateral for improvements in Section 2-3-30 of this Code.

B. Off-Site Improvements. The subdivider, applicant or owner shall install off-site road improvements as provided in this Section when it has been determined by the Board that the road facilities providing access to the subdivision are not adequate in structural capacity, width or functional classification to support the traffic requirements of the uses of the subdivision.

1. The subdivider, applicant or owner shall enter into an off-site improvements agreement prior to recording the final plat when the subdivider, applicant or owner expects to receive reimbursement for part of the cost of the off-site improvements.

2. The off-site improvements agreement shall contain the following:

a. The legal description of the property to be served.

b. The name of the owner of the property to be served.

c. A description of the off-site improvements to be completed by the subdivider, applicant or owner.

d. The total cost of the off-site improvements.

e. The total vehicular trips to be generated at build-out by the subdivision or resubdivision, as specified by the "ITE Trip Generation Manual," or by special study approved by the Board.

f. A time period for completion of the off-site improvements.

g. The terms of reimbursement.

h. The current address of the person to be reimbursed during the term of the agreement.

3. Any off-site improvements agreement shall be made in conformance with the County policy on collateral for improvements.

4. If the subdivider, applicant or owner fails to comply with the improvements agreement, he or she forfeits the opportunity to obtain reimbursement under this Section.

5. When it is determined by the Board that vehicular traffic from a subdivision or resubdivision will use a road improvement constructed under an existing improvements agreement, the subsequent subdivider, applicant or owner shall reimburse the original subdivider, applicant or owner for a portion of the original construction cost. In no event shall the original subdivider, applicant or owner collect an amount which exceeds the total cost of improvements less the pro rata share of the total trip impacts generated by the original development. Evidence that the original subdivider, applicant or owner has been reimbursed by the subsequent subdivider, applicant or owner shall be submitted to the Planner prior to recording the final subdivision or resubdivision plat.

6. The amount of road improvement cost to be paid by the subsequent subdivider, applicant or owner of a subdivision or resubdivision using the road improvements constructed under a prior improvements agreement will be based upon a pro rata share of the total trip impacts associated with the number and type of dwelling units and square footage and type of nonresidential developments intended to use the road improvement. The amount of road improvement cost shall also consider inflation as measured by the changes in the Colorado Construction Cost Index used by the Colorado Department of Transportation. The cost of road improvements may be paid by cash contribution to

the prior subdivider, applicant or owner or by further road improvements which benefit the prior subdivider, applicant or owner's property. This decision shall be at the sole discretion of the Board based upon the need for further off-site road improvements.

7. The trip generation rate manual published by the Institute of Transportation Engineers (ITE) shall normally be used for calculating a reasonable pro rata share of the road improvement construction costs for all subdivisions or resubdivisions. A special transportation study shall be used for land uses not listed in the ITE Trip Generation Manual. Any question about the number of trips a subdivision or resubdivision will generate shall be decided by the Director of Public Works.

8. The term for which the subdivider, applicant or owner is entitled to reimbursement under the off-site improvements agreement, entered into between the subdivider and the County, is ten (10) years from the date of execution of a contract for road improvements.

9. This provision is not intended to create any cause of action against the County or its officers or employees by any subdivider, applicant or owner for reimbursement, and in no way is the County to be considered a guarantor of the monies to be reimbursed by the subsequent subdividers, applicants or owners.

Sec. 24-9-30. Variance for hardship.

The Board may permit a variance as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this Chapter. The subdivider should clearly demonstrate that physical conditions pertaining to the parcel make literal enforcement of one (1) or more of the provisions of this Chapter impracticable or will exact undue hardship.