



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Agenda

City Council

Tuesday, March 7, 2017

7:00 PM

Community Room

Study Session (follows Regular Meeting)

1. Study Session (after regular meeting)

- a) [ID# 17-56](#) City Attorney Process
- b) [ID# 17-48](#) Anton Collins Mitchell LLP Audit Planning Communication

Attachments: [Audit Planning Communications](#)
[2016 Engagement Letter](#)
- c) [ID# 17-55](#) Littleton Fire Rescue Dispatch Services discussion
- d) [ID# 17-53](#) Proposal and process to amend the City Code, specifically related to Subdivision Exemption (Title 11, Chapter 9)

Attachments: [Title 11 - Chapter 9](#)
[Title 11](#)

The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Staff Communication

1(a)

File #: ID# 17-56, **Version:** 1

Agenda Date: 03/07/2017

Subject:
City Attorney Process

Presented By: Erich Won Savage, HR Director

Director Won Savage will have discussion with council at the meeting.



Staff Communication

1(b)

File #: ID# 17-48, **Version:** 1

Agenda Date: 03/07/2017

Subject:
Anton Collins Mitchell LLP Audit Planning Communication

Presented By: Tiffany Hooten, Finance Director
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BACKGROUND:

In accordance with state law and the Littleton City Charter, Sec. 33, the city is required to have an annual independent audit. The city currently contracts with Anton Collins Mitchell LLP (ACM).

ACM has provided the audit planning communication which includes a summary of our overall objectives, nature, scope, and timing for the year ending December 31, 2016.

This is being provided as an informational item for council to better understand the audit process. Staff and a representative of ACM will provide a brief overview of the process and will be available for questions.

City of Littleton, Colorado

Audit Planning
December 31, 2016



This presentation was prepared as part of our audit, has consequential limitations, is restricted to those charged with governance and, if appropriate, management, and is not intended and should not be used by anyone other than those specified parties.



March 7, 2017

Honorable Mayor and Members of City Council
City of Littleton, Colorado
2255 West Berry Avenue
Littleton, Colorado 80120

Professional standards require us to communicate with you regarding matters related to the financial statement audit that are, in our professional judgment, significant and relevant to your responsibilities in overseeing the financial reporting process. This report provides an overview of our plan for the audit of the financial statements of the City of Littleton, Colorado (the "City") as of and for the year ended December 31, 2016, including a summary of our overall objectives for the audit, and the nature, scope, and timing of the planned audit work and any other permitted services requested by the City, as pre-approved by those charged with governance.

We are pleased to be of service to the City. Should you desire future information regarding these matters, we will be happy to meet with you at your convenience.

Respectfully,

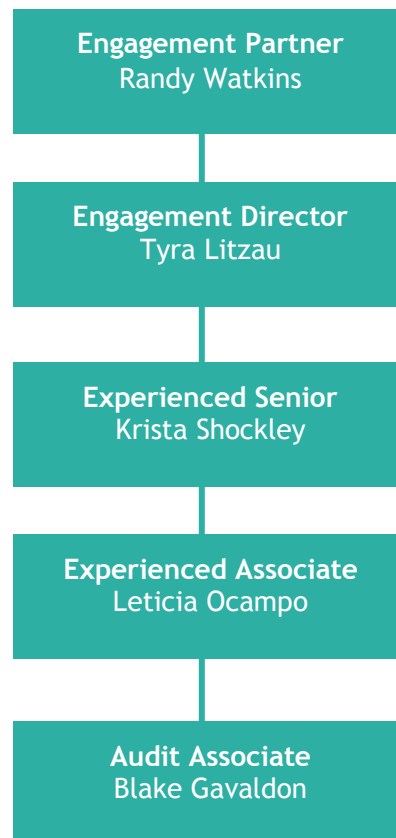
Anton Collins Mitchell LLP

Discussion Outline

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Client Service Team

Our client service team members for this year's audit are listed in the organizational chart below. As a matter of policy, we attempt to provide continuity of service to our clients to the greatest extent possible in accordance with mandated partner rotation rules and other circumstances that may impact continuity. Where engagement team rotation is necessary, we will discuss this matter with those charged with governance and determine the appropriate new individual[s] to be assigned to the engagement based on particular experience, expertise, and engagement needs.



Management's Responsibilities

Management is responsible for preparing, with the oversight of those charged with governance, the consolidated financial statements and disclosures in conformity with accounting principles generally accepted in the United States of America ("GAAP") as of December 31, 2016. Management's responsibilities also include the following:

- Establish and maintain effective internal control over financial reporting and proper accounting records.
- Identify and ensure compliance with relevant laws and regulations.
- Safeguard the City's assets.
- Select appropriate accounting principles.
- Use reasonable judgments and accounting estimates.
- Make all financial records and related information available to Anton Collins Mitchell LLP ("ACM").
- Record material audit adjustments and affirm to ACM that the impact of uncorrected misstatements, if any, is immaterial to the financial statements taken as a whole.
- Provide ACM with a letter confirming representations made during the audit.

Engagement Objectives

Our objectives with respect to the audit of the City's annual financial statements are summarized below:

- Plan and perform an audit to obtain reasonable assurance about whether the financial statements are free of material misstatements, whether caused by error or fraud. An audit in accordance with auditing standards generally accepted in the United States of America does not provide absolute assurance relative to or any guarantee of the accuracy of the financial statements and is subject to the inherent risk that errors or fraud, if they exist, may not be detected.
- Obtain a sufficient understanding of the City's internal control to plan the audit of the financial statements. However, such understanding is required for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.
- Communicate our responsibilities in relation to the audit and establish an understanding of the terms of the engagement, including our engagement letter to you.
- Provide an overview of the overall audit strategy and planned scope and timing of the audit.
- Inquire of those charged with governance about risks of material misstatement, including fraud risks, and whether those charged with governance are aware of other matters that may be relevant to the audit such as, but not limited to, violations or possible violations of laws or regulations and complaints or concerns raised regarding accounting or auditing matters.
- Communicate with management and those charged with governance regarding significant deficiencies and material weaknesses identified during our audit and other timely observations that are significant and relevant to the financial reporting process.
- Read information in other documents containing the City's audited financial statements. As we will perform only limited procedures on this information, we cannot and do not offer an opinion or any other form of assurance on such information. However, in accordance with professional standards, we will read the information included by the City and consider whether such information, or the manner of its presentation, is materially consistent with its presentation in the financial statements. Our responsibility also includes calling to management's attention any information that we believe is a material misstatement of fact.
- Work with management toward timely issuance of financial statements.
- Maintain our independence with respect to the City.
- Ensure that those charged with governance are kept appropriately informed in a timely manner of the City's financial reporting matters; comply with professional standards as to communications with those charged with governance.

Overall Audit Strategy - Planned Scope

Overall, our audit strategy is to focus on higher risk areas of material misstatement (whether due to error or fraud) and other areas of concern for management and those charged with governance.

Our audit strategy includes consideration of:

- Prior year audit results together with the results of any review procedures on the City's interim financial information, including discussions with management and those charged with governance regarding the Company's operations, business activities, and risks.
- Inherent risk within the City (i.e., the susceptibility of the financial statements to material error or fraud) before recognizing the effectiveness of the control systems.
- A continual assessment of materiality thresholds based upon qualitative and quantitative factors affecting the City.
- Recent developments within the industry, regulatory environment, and general economic conditions.
- Recently issued and effective accounting and financial reporting guidance.
- The City's significant accounting policies and procedures, including those requiring significant management judgments and estimates and those related to significant unusual transactions.
- The control environment, risk management and monitoring processes, and the possibility that the control systems and procedures may fail to prevent or detect a material error or fraud.
- Information about systems and the computer environment in which financial records and related systems operate.

Overall Audit Strategy - Planned Scope

Based upon our initial assessment, our audit will require a primarily substantive approach, as this approach will likely be the most efficient. The primary areas of focus in our overall audit effort will include:

- Fraud Risk
- Internal Control Over Financial Reporting
- Revenue Recognition - Revenues recognized from property taxes, sales and use taxes, intergovernmental grants/contributions and charges for services
- Accounts Receivable and Allowances
- Capital assets
- Long-term liabilities
- Compliance with applicable state and local regulations and requirements
- Second Year Implementation of GASB Statement No. 68, *Accounting and Financial Reporting for Pensions - An Amendment of GASB Statement No. 27*
- Evaluate existing tax incentives for potential disclosure requirement under GASB Statement No. 77, *Tax Abatement Disclosures*
- Evaluation of Going Concern

Overall Audit Timeline

The following represents our anticipated schedule with regard to our audit of the annual financial statements of the City:

	Dec	Mar	Apr	May
Periodic Meetings and Discussions With Management	✓	✓	✓	✓
Develop Audit Strategy, and Determine Nature and Scope of Testing	✓			
Substantive Testing (Confirmation procedures, etc.) Interim and Final Phases	✓	✓		
Review Draft Financial Statements			✓	✓
Final Communications With Those Charged With Governance				✓
Release Opinions on Financial Statements				✓

Independence Communication

Our engagement letter to you dated December 7, 2016 describes our responsibilities in accordance with professional standards and certain regulatory authorities with regard to independence and the performance of our services. This letter also stipulates the responsibilities of the City with respect to independence as agreed to by the City. Please refer to that letter for further information.

Significant Accounting and Reporting Matters

The following are the most significant standards that have been released by the Governmental Accounting Standards Board (“GASB”) that will impact the City in the current and upcoming years:

Statement No. 72

Fair Value Measurement and Application

Effective Date: The requirements of this Statement are effective for financial statements for reporting periods beginning after June 15, 2015. Earlier application is encouraged.

This Statement addresses accounting and financial reporting issues related to fair value measurements. The definition of *fair value* is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. This Statement provides guidance for determining a fair value measurement for financial reporting purposes. This Statement also provides guidance for applying fair value to certain investments and disclosures related to all fair value measurements.

Statement No. 75

Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions

Effective Date: The provisions in Statement 75 are effective for fiscal years beginning after June 15, 2017. Earlier application is encouraged.

The primary objective of this Statement is to improve accounting and financial reporting by state and local governments for postemployment benefits other than pensions (other postemployment benefits or OPEB). It also improves information provided by state and local governmental employers about financial support for OPEB that is provided by other entities. This Statement results from a comprehensive review of the effectiveness of existing standards of accounting and financial reporting for all postemployment benefits (pensions and OPEB) with regard to providing decision-useful information, supporting assessments of accountability and interperiod equity, and creating additional transparency.

GASB Statement No. 77

Tax Abatement Disclosures

Effective Date: The requirements of this Statement are effective for reporting periods beginning after December 15, 2015. Earlier application is encouraged.

Financial statements prepared by state and local governments in conformity with generally accepted accounting principles provide citizens and taxpayers, legislative and oversight bodies, municipal bond analysts, and others with information they need to evaluate the financial health of governments, make decisions, and assess accountability. This information is intended, among other things, to assist these users of financial statements in assessing (1) whether a government’s current-year revenues were sufficient to pay for current-year services (known as interperiod equity), (2) whether a government complied with finance-related legal and contractual obligations, (3) where a government’s financial resources come from and how it uses them, and (4) a government’s financial position and economic condition and how they have changed over time.



December 7, 2016

Mr. Doug Farmen, Finance Director
City of Littleton, Colorado
2255 West Berry Avenue
Littleton, CO 80120

dfarmen@littletongov.org

Dear Mr. Farmen:

We are pleased to continue as your independent auditors and business advisors for City of Littleton, Colorado. We look forward to continuing to provide you with the high quality services you expect from your professional service providers.

Our commitment to delivering superior service means that we strive to demonstrate initiative, anticipate problems, propose solutions, and communicate effectively with you and other members of management throughout the year. In addition, during our audit we will be alert for opportunities to bring insightful and constructive suggestions for improving management information, operating and accounting procedures, and controls. As your business advisors, we will also look for opportunities to reduce your costs and improve asset management.

Attached to this letter is an agreement describing our services. If you have questions about any of the matters discussed in that agreement, please give us a call. If you find the arrangements acceptable, please acknowledge your agreement to the understanding by signing and returning to us one of the two enclosed copies. The other copy is for your files.

Again, it is a pleasure for us to continue to serve you. We look forward to many more years of pleasant association with you and City of Littleton, Colorado.

Very truly yours,

Electronically Signed 2016-12-07 21:15:49 UTC - 216.241.184.20

Tyra Litzau
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Tyra Litzau
Audit Director

Enclosure



December 7, 2016

Mr. Doug Farmen, Finance Director
City of Littleton, Colorado
2255 West Berry Avenue
Littleton, CO 80120

dfarmen@littletongov.org

Dear Mr. Farmen:

This agreement to provide services (the “Agreement”) is intended to describe the nature and scope of our services.

Objective and Scope of the Audit

Anton Collins Mitchell LLP (“ACM” or “we”) are pleased to confirm our understanding of the services we are to provide City of Littleton, Colorado (the “City” or “you”) for the year ended December 31, 2016. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the City as of and for the year ended December 31, 2016. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (“RSI”), such as management’s discussion and analysis (“MD&A”), to supplement the City’s basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City’s RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management’s Discussion and Analysis.
- 2) Budgetary comparison schedule for the General Fund and any major special revenue funds
- 3) Schedule of City’s Proportionate Share of the Net Pension Liability (Asset)
- 4) Schedule of City’s Contributions

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City of Littleton, Colorado
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We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining and individual non-major fund financial statements
- 2) Budgetary comparison schedules for other funds
- 3) Local Highway Finance Report

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will not provide an opinion or any assurance.

- 1) Introductory section
- 2) Statistical section

Responsibilities of ACM

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America ("GAAS"). Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement, whether caused by error or fraud. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the basic financial statements, assessing the accounting principles used and significant estimates made by management, and evaluating the overall basic financial statement presentation. The procedures selected depend on our judgment, including the assessment of the risks of material misstatement of the basic financial statements, whether due to error or fraud. Our work will be based primarily upon selected tests of evidence supporting the amounts and disclosures in the basic financial statements and, therefore, will not include a detailed check of all of your City's transactions for the period. Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS.

Also, an audit is not designed to detect errors or fraud or violations of laws or governmental regulations that are immaterial to the basic financial statements or to major programs. However, we will inform you of any material errors or fraud that come to our attention. We will also inform you of possible illegal acts that come to our attention unless they are clearly inconsequential. In addition, during the course of our audit, basic financial statement

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City of Littleton, Colorado
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misstatements relating to accounts or disclosures may be identified, either through our audit procedures or through communication by your employees to us, and we will bring these misstatements to your attention as proposed adjustments. At the conclusion of our engagement we will communicate to those charged with governance (as defined below) all uncorrected misstatements.

The term “those charged with governance” is defined as the person(s) with responsibility for overseeing the strategic direction of the City and obligations related to the accountability of the City, including overseeing the financial reporting process. For your City, we agree that the City Council meets that definition.

In making our risk assessments, we consider internal control relevant to the City’s preparation and fair presentation of the basic financial statements in order to design audit procedures that are appropriate in the circumstances and to evaluate compliance with requirements applicable to major programs, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses in internal control.

However, we will communicate to you, those charged with governance, in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements we identify during our audit.

We are also responsible for communicating with those charged with governance what our responsibilities are under GAAS, an overview of the planned scope and timing of the audit, and significant findings from the audit.

Responsibilities of Management and Identification of the Applicable Financial Reporting Framework

Our audit will be conducted on the basis that you acknowledge and understand that you have responsibility (1) for the preparation and fair presentation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America; (2) for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error or fraud; (3) for identifying and ensuring that the City complies with the laws and regulations applicable to its activities; and (4) to provide us with access to all information of which you are aware that is relevant to the preparation and fair presentation of the basic financial statements, such as records, documentation and other matters.

You acknowledge and understand your responsibility for the preparation of all supplementary information in accordance with the applicable criteria. You also agree to include our report on the supplementary information in any document that contains the supplementary information and

Mr. Doug Farmen, Finance Director
City of Littleton, Colorado
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that indicates that we have reported on such supplementary information. You also agree to present the supplementary information with the audited basic financial statements, or, if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance of the supplementary information and our report thereon.

Management is responsible for adjusting the basic financial statements to correct material misstatements relating to accounts or disclosures, after evaluating their propriety based on a review of both the applicable authoritative literature and the underlying supporting evidence from the City's files; or otherwise concluding and confirming in a representation letter (as further described below) provided to us at the conclusion of our audit that the effects of any uncorrected misstatements are, both individually and in the aggregate, immaterial to the basic financial statements taken as a whole.

As required by GAAS, we will request certain written representations from management at the close of our audit to confirm oral representations given to us and to indicate and document the continuing appropriateness of such representations and reduce the possibility of misunderstanding concerning matters that are the subject of the representations. Because of the importance of management's representations to an effective audit, the City agrees, subject to prevailing laws and regulations, to release and indemnify ACM, its Permitted Assignees (as defined herein under "Assignment"), and each of their respective employees from any liability and costs relating to our services rendered under this Agreement attributable to any knowing misrepresentations by management.

Expected Form and Content of the Auditor's Report

At the conclusion of our audit, we will submit to you a report containing our opinion as to whether the basic financial statements, taken as a whole, are fairly presented based on accounting principles generally accepted in the United States of America. If, during the course of our work, it appears for any reason that we will not be in a position to render an unmodified opinion on the basic financial statements, we will discuss this with you. It is possible, that because of unexpected circumstances, we may determine that we cannot render a report or otherwise complete the engagement. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or decline to issue a report as a result of the engagement. If, in our professional judgment, the circumstances require, we may resign from the engagement prior to completion.

Mr. Doug Farnen, Finance Director
City of Littleton, Colorado
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Client Reacceptance Matters

ACM is retaining the City as a client in reliance on information obtained during the course of our continuing client reacceptance procedures. Randy Watkins has been assigned the role of engagement partner and is responsible for directing the engagement and issuing the appropriate report on the City's basic financial statements.

E-mail Communication

In connection with this engagement, we may communicate with you or others via e-mail. As e-mails can be intercepted, disclosed, used, and/or otherwise communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed, we cannot ensure that e-mails from us will be properly delivered and read only by the addressee. Therefore, we disclaim and waive any liability for interception or unintentional disclosure of e-mail transmissions, or for the unauthorized use or failed delivery of e-mails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage arising from the use of e-mail, including any punitive, consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure of confidential information.

Ownership of Working Papers

The working papers prepared in conjunction with our audit are the property of ACM, constitute confidential information, and will be retained by us in accordance with ACM's policies and procedures.

Reproduction of Audit Report

If the City plans any reproduction or publication of our report, or any portion of it, a copy of the entire document in its final form, should be submitted to us in sufficient time for our review and written approval before printing. You also agree to provide us with a copy of the final reproduced material for our written approval before it is distributed. If, in our professional judgment, the circumstances require, we may withhold our written approval.

Posting of Audit Report and Financial Statements on Your Web Site

You agree that, if you plan to post an electronic version of the financial statements and audit report on your Web site, you will ensure that there are no differences in content between the electronic version of the financial statements and audit report on your Web site and the signed version of the financial statements and audit report provided to management by ACM. You also agree to indemnify ACM from any and all claims that may arise from any differences between the electronic and signed versions.

Mr. Doug Farmen, Finance Director
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Availability of Records and Personnel

You agree that all records, documentation, and information we request in connection with our audit will be made available to us (including those pertaining to related parties), that all material information will be disclosed to us, and that we will have full cooperation of, and unrestricted access to, your personnel during the course of the engagement.

You also agree to ensure that any third party valuation reports that you provide to us to support amounts or disclosures in the financial statements a) indicate the purpose for which they were intended, which is consistent with your actual use of such reports; and b) do not contain any restrictive language that would preclude us from using such reports as audit evidence.

Assistance by Your Personnel and Internet Access

We also ask that your personnel prepare various schedules and analyses for our staff. However, except as otherwise noted by us, no personal information other than names related to City employees and/or customers should be provided to us. In addition, we ask that you provide high-speed Internet access to our engagement team, if practicable, while working on the City's premises. This assistance will serve to facilitate the progress of our work and minimize costs to you.

Other Services

We are always available to meet with you and/or other executives at various times throughout the year to discuss current business, operational, accounting, and auditing matters affecting your City. Whenever you feel such meetings are desirable, please let us know. We are also prepared to provide services to assist you in any of these areas.

Independence

Professional and certain regulatory standards require us to be independent, in both fact and appearance, with respect to your City in the performance of our services. Any discussions that you have with personnel of ACM regarding employment could pose a threat to our independence. Therefore, we request that you inform us prior to any such discussions so that we can implement appropriate safeguards to maintain our independence. In addition, if you hire one of our personnel, you agree to pay us a fee of 20% of that individual's base compensation at your City 90 days from the first day of employment.

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Dispute Resolution Procedure

If any dispute, controversy, or claim arises out of, relates to, or results from the performance or breach of this Agreement, excluding claims for non-monetary or equitable relief (collectively, the “Dispute”), either party may, upon written notice to the other party, request non-binding mediation. A recipient party of such notice may waive its option to resolve such Dispute by non-binding mediation by providing written notice to the party requesting mediation and then such parties hereto shall resolve such Dispute by binding arbitration as described below. Such mediation shall be assisted by a neutral mediator acceptable to both parties and shall require the commercially reasonable efforts of the parties to discuss with each other in good faith their respective positions and different interests to finally resolve such Dispute. If the parties are unable to agree on a mediator within twenty (20) days from delivery of the written notice, either party may invoke the mediation service of the American Arbitration Association (the “AAA”).

Each party may disclose any facts to the other party or to the mediator that it, in good faith, considers reasonably necessary to resolve the Dispute. However, all such disclosures shall be deemed in furtherance of settlement efforts and shall not be admissible in any subsequent proceeding against the disclosing party. Except as agreed to in writing by both parties, the mediator shall keep confidential all information disclosed during mediation. The mediator shall not act as a witness for either party in any subsequent proceeding between the parties.

Unless waived, such mediation shall conclude after the parties have engaged in good faith settlement negotiations, but nonetheless are unable to resolve the Dispute through the mediation process. The attorneys’ fees and costs incurred by each party in such mediation shall be borne solely by such party, except that the fees and expenses of the mediator, if any, shall be borne equally by the parties.

Any Dispute not resolved first by mediation between the parties (or if the mediation process is waived as provided herein) shall be decided by binding arbitration. The arbitration proceeding shall take place in Denver, Colorado. The arbitration shall be governed by the provisions of the laws of the State of Colorado shall be applied without reference to conflicts of law rules. In any arbitration instituted hereunder, the proceedings shall proceed in accordance with the then current Arbitration Rules for Professional Accounting and Related Disputes of the AAA, except that the Arbitration Panel (as defined below) shall permit discovery that is consistent with the scope of discovery typically permitted by the Federal Rules of Civil Procedure and/or is otherwise customary in light of the complexity of the Dispute and the amount in controversy. Any Dispute regarding discovery, or the relevance or scope thereof, shall be determined by the Arbitration Panel (as defined below).

The arbitration shall be conducted before a panel of three (3) persons, one selected by each party, and the third selected by the two party-selected arbitrators (the “Arbitration Panel”). The party-selected arbitrators shall be treated as neutrals. The Arbitration Panel shall have no authority to

Mr. Doug Farnen, Finance Director
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award non-monetary or equitable relief, but nothing herein shall be construed as a prohibition against a party from pursuing non-monetary or equitable relief in a state or federal court. The parties also waive the right to punitive damages and the arbitrators shall have no authority to award such damages or any other damages that are not strictly compensatory in nature. In rendering their award, the Arbitration Panel shall issue in writing findings of fact and conclusions of law. The Arbitration Panel shall not have authority to grant an award that is not supported by substantial evidence or that is based on an error of law, and such absence of substantial evidence or such error of law may be reviewed on appeal to vacate an award based on the standard of review otherwise applicable in the Federal Appellate Court responsible for the State of Colorado, and without regard to any heightened standard of review otherwise applicable to an arbitration decision rendered by the AAA. The confidentiality provisions applicable to mediation shall also apply to arbitration. The award issued by the Arbitration Panel may be confirmed in a judgment by any federal or state court of competent jurisdiction. No payment of any award or posting of any bond of any kind whatsoever is required to be made or posted until such Dispute is finally determined.

In no event shall a demand for arbitration be made after the date on which the initiation of the legal or equitable proceeding on the same Dispute would be barred by the applicable statute of limitations or repose. For the purposes of applying the statute of limitations or repose, receipt of a written demand for arbitration by the AAA shall be deemed the initiation of the legal or equitable proceeding based on such Dispute.

Fees

Our charges to the City for the services described above for the year ending December 31, 2016, are estimated to be \$49,150 plus out-of-pocket expenses, billable periodically and payable upon receipt of an invoice.

This fee is based on the estimated amount of time required to perform the audit and a budget utilizing the following assumptions: your personnel will prepare certain schedules and analyses for us and make available to us documents for our examination as and when requested; there will be no significant undisclosed changes in the internal controls, accounting systems, key personnel, or structure of the organization; there will be no significant acquisitions or disposals of businesses; and there will not be any unanticipated increases in current operations requiring significant additional audit time. Should we encounter any unforeseen problems that will warrant additional time or expense, we will utilize our best efforts to notify you of the situation when encountered and, if possible, the added cost.

Such fee estimate is based upon information you provide us and assumes we will be supplied with complete and accurate data from the City and its service providers on a timely basis. Our fee estimate does not include any time to correct errors in information provided by the City or other service providers nor does it include assistance with correction of any errors or completing

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schedules requested. Consequently, our fees can vary and may exceed the above fee depending upon the quality and timeliness of the information and assistance we receive. Should we encounter any of the conditions described above, or any other unforeseen difficulties requiring the occurrence of additional time or expense on our part, we will attempt to provide you with notification of the situation and, if possible, an estimate of the associated cost. However, our failure to provide prompt notification and/or an estimate of the associated cost shall not relieve you of your obligation to pay us for time and expenses incurred.

We have reserved the weeks of April 17, 2017 and April 24, 2017 for our team to complete your engagement. If we are not supplied with complete and accurate data on a timely basis we reserve the right to reschedule our services based upon our availability. The rescheduling of services will result in inefficiencies, budget overruns and additional costs to you.

The following is an agreed-upon schedule of payments for the above fee estimate (expenses and additional fees will be billed separately):

Upon the execution of the engagement letter	December 2016	\$13,000
At the start of final fieldwork	April 2017	\$23,150
Prior to the issuance of our report	May 2017	\$13,000

This engagement includes only those services specifically described in this Agreement; any additional services not specified herein will be agreed to in a separate letter. In the event you request us to respond to, or we receive and respond to, a validly issued subpoena, court order, government regulatory inquiry, or other similar request or legal process against the City or its management for the production of documents and/or testimony relative to information we obtained and/or prepared during the course of this or any prior engagements, you agree to compensate us for all time we expend in connection with such response, at our regular rates, and to reimburse us for all related out-of-pocket costs (including outside lawyer fees) that we incur.

Payment Responsibilities

Bills generally are rendered monthly. If we do not receive any notice of dispute within ten (10) days of your receipt of the invoice, we will conclude that you have seen the invoice and find it acceptable. Invoices that are unpaid thirty (30) days past the invoice date are deemed delinquent and we reserve the right to charge interest on the past due amount at the lesser of a) one percent (1%) per month or b) the maximum amount permissible by applicable law. Interest shall accrue from the date the invoice is delinquent. We reserve the right to suspend our services, withhold delivery of any deliverables, or withdraw from this engagement entirely if any of our invoices are delinquent. In the event that any collection action is required to collect unpaid balances due to us, you agree to reimburse us for all our costs of collection, including without limitation, attorneys' fees.

Mr. Doug Farnen, Finance Director
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If we elect to terminate our services for nonpayment, or for any other reason provided for in this Agreement, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all of our time expended, and to reimburse us for all of our out-of-pocket expenses and internal charges incurred, through the date of termination. If you wish to ask about our billing or about the services billed, please call our office.

Assignment

ACM shall have the right to assign its rights to perform a portion of the services described above to any of its independent Alliance members, affiliates (including, where applicable, member firms of the international BDO network), agents, or contractors (a "Permitted Assignee") without the City's prior consent. If such assignment is made, the City agrees that, unless it enters into an engagement letter directly with the Permitted Assignee, all of the applicable terms and conditions of this agreement shall apply to the Permitted Assignee. We agree that we shall not permit the Permitted Assignee to perform any work until it agrees to be bound by the applicable terms and conditions of this agreement. We further agree that we will remain primarily responsible for the services described above, unless we and the City agree otherwise, and we will properly supervise the work of the Permitted Assignee to ensure that all such services are performed in accordance with applicable professional standards. From time to time, and depending on the circumstances, Permitted Assignees located in other countries may participate in the services we provide to the City. In some cases, we may transfer information to or from the United States or another country. Although applicable privacy laws may vary depending on the jurisdiction, and may provide less or different protection than those of the City's home country, we require that all Permitted Assignees enter into contractual agreements to maintain the confidentiality of the City's confidential information and observe our policies concerning any confidential client information that we provide to them.

Miscellaneous

This Agreement is only intended to cover the services specified herein, although we look forward to many more years of pleasant association with the City. This engagement is a separate and discrete event and any future services will be covered by a separate agreement to provide services.

Many banks have engaged a third party to electronically process cash or debt audit confirmation requests, and a few of those banks have mandated the use of this service. To the extent applicable, the City hereby authorizes ACM to participate in this electronic confirmation process through the third party's Web site (e.g., by entering the City's bank account information to initiate the process and then accessing the bank's confirmation response) and agrees that ACM shall have no liability in connection therewith.

Mr. Doug Farnen, Finance Director
City of Littleton, Colorado
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Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable laws, regulations, or published interpretations, but if any provision of this Agreement shall be deemed prohibited, invalid, or otherwise unenforceable for any reason under such applicable laws, regulations, or published interpretations, such provisions shall be ineffective only to the extent of such prohibition, invalidity, or unenforceability and such revised provision shall be made a part of this Agreement as if it was specifically set forth herein. Furthermore, the provisions of the foregoing sentence shall not invalidate the remainder of such provision or the other provisions of this Agreement.

This Agreement may be transmitted in electronic format and shall not be denied legal effect solely because it was formed or transmitted, in whole or in part, by electronic record; however, this Agreement must then remain capable of being retained and accurately reproduced, from time to time, by electronic record by the parties to this Agreement and all other persons or entities required by law. An electronically transmitted signature to this Agreement will be deemed an acceptable original for purposes of consummating this Agreement and binding the party providing such electronic signature.

Written Advice

While we are, of course, available to provide you with (accounting, tax and business planning) services, it is our policy to put all advice upon which a client might rely into a written memorandum prior to you relying on such advice. We believe this is necessary to avoid confusion and to make clear the specific nature of our advice. You should not rely on any advice that has not been put into writing for you.

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Mr. Doug Farmen, Finance Director
City of Littleton, Colorado
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We appreciate the opportunity to be of service to City of Littleton, Colorado and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Anton Collins Mitchell LLP

Electronically Signed 2016-12-07 22:13:03 UTC - 216.241.164.20

By: Randy Watkins
AssureSign® 9fe5d06e-ad57-4236-ad5e-ad55015cc4f7
Randy Watkins, Audit Partner

Acknowledged:

Electronically Signed 2016-12-07 22:30:37 UTC - 205.169.89.50

By: Doug Farmen
AssureSign® 82f136e8-65ca-4992-ad71-ad55015cc6c8
Doug Farmen, Finance Director



Staff Communication

1(c)

File #: ID# 17-55, **Version:** 1

Agenda Date: 03/07/2017

Subject:
Littleton Fire Rescue Dispatch Services discussion

Presented By: Chris Armstrong, Fire Chief

POLICY QUESTION:

Does city council support conducting an evaluation of contracting dispatch services to South Metro Fire-Rescue?

BACKGROUND:

The Littleton Fire-Rescue Department has experienced a high turnover with emergency dispatchers and has experienced challenges recruiting and retaining qualified dispatchers. The emergency communications center has been understaffed for at least the past three years and has recently reached a critical stage.

The center is budgeted for 12.5 FTE's, but currently only employs ten (10) FTE's. Two of these ten FTE's are administrative positions who are not expected to dispatch regularly, leaving the remaining eight FTE's as certified emergency dispatchers. This leaves our dispatch center nearly 25% understaffed.

In 2016, our dispatch staff members worked nearly 2,500 hours of overtime to cover vacant positions and vacation leave. This situation raises concerns of health and wellness of staff, as well as safety concerns.

Emergency response starts with our dispatch center. This requires us to be proactive, not reactive, in recognizing these issues early and making adjustments to prevent further deterioration in services before they affect our ability to respond to emergencies in a timely manner.

Staff will provide a presentation and additional information regarding this issue at the study session.

STAFF REQUEST:

Staff requests council support to conduct an evaluation of contracting dispatch services to South Metro Fire-Rescue. If council supports the request, staff will prepare a proposal for council consideration and action if the evaluation proves a shift to South Metro will provide equal or better service at equal or less cost.



Staff Communication

1(d)

File #: ID# 17-53, **Version:** 1

Agenda Date: 03/07/2017

Subject:

Proposal and process to amend the City Code, specifically related to Subdivision Exemption (Title 11, Chapter 9)

Presented By: Jocelyn Mills, Community Development Director

The study session will outline a proposal to update the current subdivision exemption regulations (Title 11, Chapter 9 of the City Code).

BACKGROUND:

Generally in land use, zoning codes establish uses and performance standards for each zone district. Subdivision codes provide the process for creating the records of legal land title for establishing lots, via recorded plats. Title 11 is Littleton's Subdivision code.

A priority has been identified that Chapter 9 of the Subdivision Code, Subdivision Exemption, needs to be updated to best practices used in current day situations. Generally, the last whole code update to the city's subdivision regulations was during the 1970's. The Subdivision Exemption Chapter was added into the code in 1979. Attached for reference are Chapter 9, Subdivision Exemption, and also Title 11 in its entirety.

Previous legal advice has allowed the subdivision exemption chapter to be used for subdivision items such as: dividing one lot into two; for lot line adjustments between two lots; and, for reassembling multiple lots into one lot. As such, over the years subdivision exemption has been used for all these scenarios.

The proposal is update Chapter 9 to create a clear, transparent and robust code relative to the platting and replatting of one or two lots.

PROPOSED UPDATE:

The proposal for updating Chapter 9 is to clarify specific options for the establishment of one or two lots. Three or more lots would be required to be processed as either a minor or major subdivision based on the city's subdivision code (as is currently required).

The proposal for updating Chapter 9 includes:

- Amending the title to "Administrative Plat or Replat for Two or Less Lots"
- Specifying with clear verbiage and language that this chapter of the code can be used to:
 - Divide one lot into two
 - Amend or move a lot line between two lots
 - Reassemble multiple lots into one or two lots
- Create a plat correction section to correct misspellings and other minor corrections on recorded plats.

NEXT STEPS:

With Council's direction, a draft of the proposed updates to the Subdivision Exemption chapter will be taken forward for community review. Staff is ready to post information on the draft code update to Littleton Plans and as well as other media outreach methods. A draft code update with redlines will be prepared and presented to Planning Commission for their formal recommendation to Council at their March 13, 2017 meeting. From there, an ordinance will be presented to Council for consideration of first and second readings during April.

Chapter 9

SUBDIVISION EXEMPTION

11-9-1: PURPOSE OF CHAPTER:

It is the purpose and intent of this chapter to allow the owner or purchaser of land, or agent thereof, to divide such land into not more than two (2) parcels, which meet the requirements of the governing zone district classification, without requiring submission of a subdivision plat. Approval of a subdivision exemption shall not exempt the applicant from securing and/or providing the necessary improvements including, but not limited to, sidewalks, curbs, gutters, street paving, storm drainage and utilities. Such land, or parcel which results from the approval of a subdivision exemption as hereinafter provided, shall not be eligible for any subsequent division under the provisions of this chapter. (Ord. 36, Series of 1979)

11-9-2: ELIGIBILITY FOR SUBDIVISION EXEMPTIONS:

The following procedures shall apply to all applications for subdivision exemptions: (Ord. 36, Series of 1979)

(A) Eligibility For Subdivision Exemptions: The owner, purchaser, or agent thereof, must verify all of the following requirements prior to the submittal of a subdivision exemption application to the department of community development:

1. A division of land must not exceed two (2) lots;
2. Such division will not violate the minimum requirements of the governing zone district classifications, the subdivision regulations and other applicable city ordinances and resolutions;
3. All lots must abut a dedicated and accepted city street;
4. The applicant must show evidence that adequate sanitary sewer facilities exist to serve the subject lots;
5. The applicant must show evidence that adequate water facilities exist to serve the subject lots. (Ord. 20, Series of 2012)

(B) Compliance: Any proposed subdivision exemption which does not comply with all of the requirements as defined hereinabove shall be considered as a minor or major subdivision as applicable. (Ord. 36, Series of 1979)

11-9-3: PROCEDURES:

- (A) Preparation: The subdivider shall cause the preparation of a subdivision exemption map by a registered land surveyor. The map shall comply with the provisions of these regulations, and other ordinances of the city and state law.
- (B) Submission: The applicant shall submit the application and the subdivision exemption map pursuant to the requirements and process described in section [11-2-2](#) of this title. The application deadlines, required number of copies and map details shall be in accordance with the operating standards as established by the department of community development.
- (C) Administrative Action: City staff shall review the proposed subdivision exemption map for compliance with the provisions of this title, other applicable regulations, the comprehensive plan, existing and proposed development, and comments from affected agencies. City staff may approve the application, approve the application subject to modifications, or recommend the application be processed under the major or minor subdivision procedure. (Ord. 20, Series of 2012)

Title 11

SUBDIVISION REGULATIONS

Chapter 1

GENERAL PROVISIONS

11-1-1: TITLE:

This chapter shall be known and shall be cited as the *SUBDIVISION REGULATIONS OF THE CITY OF LITTLETON, COLORADO*. (1971 Code § 22.1)

11-1-2: PURPOSE OF CHAPTER:

It is the purpose and intent of this chapter:

- (A) To promote the health, safety, convenience and general welfare of the citizens of the city.
- (B) To establish standards of subdivision design which will encourage the development of sound, economical and stable neighborhoods, to ensure a healthy living environment, and to protect the natural environment.
- (C) To provide for lots of adequate size, configuration, and appropriate design for the intended uses.
- (D) To encourage subdivision design flexibility and imagination.
- (E) To provide for streets and walkways of appropriate capacity and construction with adequate measures to ensure safe movement of pedestrian and vehicular traffic.
- (F) To ensure the provision of efficient, adequate and economical utilities, services and improvements.
- (G) To provide for the coordination of subdivision development with requirements of schools, parks, recreation areas and other community facilities, and to ensure the provision of such facilities.
- (H) To ensure the desirable development of the community through the adherence to accepted principles of land use, intensity of development, distribution of growth, preservation of natural amenities and other elements of the city's development plans. (1971 Code § 22.2)

11-1-3: TERRITORIAL LIMITS; EXISTING PLATS APPROVED:

- (A) The territorial jurisdiction under the provisions of these regulations shall include all land located within the corporate limits of the city.
- (B) All plats of property which upon the effective date of these regulations have been previously submitted to and approved by the council or the board of commissioners of a county having jurisdiction are considered to be approved subdivisions as such requirements for approval exist in these regulations. (Ord. 26, Series of 1975)

11-1-4: VIOLATIONS, PROHIBITIONS AND PENALTIES:

- (A) No owner or agent of the owner of any land shall transfer, sell, agree to sell or offer to sell any land by reference to or by use of a plan or plat of a subdivision before such plan or plat has been approved in accordance with the provisions of this title and recorded with the county clerk and recorder.
- (B) No building permits shall be issued for the construction or alteration of any structure on any property unless a plat of such property has been prepared, approved and recorded in accordance with the requirements of this title, except as exempted in section [4-1-9](#) of this code.
- (C) Any person who is found guilty, pleads guilty or no contest to a violation of any section of this chapter shall be punished as provided for in section [1-4-1](#) of this code. Specifically, it shall be unlawful for any owner, or agent of an owner of land located within a subdivision to transfer, sell, contract to sell, or offer to sell any land by reference to or use of a plan or plat of a subdivision before the same has been recorded in the office of the county clerk. Each transaction involving any single lot, or interest therein, shall be deemed a separate violation of the terms of this provision. Nothing herein contained shall prevent the city from seeking other relief, such as injunctive relief, against violation or proposed violation of this chapter. (Ord. 8, Series of 1992)

11-1-5: SEVERABILITY:

- (A) If for any reason any one or more sections, headings, clauses or parts of this title are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this title but shall be confined in its operation to the specific sections, headings, clauses or parts of this title held invalid, and the invalidity of any section, heading, clause or part of this title in any one or more instances shall not affect or prejudice in any way the validity of this title in any other instance.
- (B) If the application of any provision of these regulations to any tract of land shall be adjudged invalid, the same shall not affect, impair or invalidate these regulations or the application of any provision thereof, to any other tract of land. (Ord. 36, Series of 1979)

11-1-6: DEFINITIONS:

For the purpose of this title, the following words and phrases shall have meanings respectively ascribed to them in this section:

ALLEY: A strip of land dedicated to public use, located at the side or rear of lots and providing a secondary means of vehicular access to the property.

BICYCLEWAY: A public pathway or lane designed to be used exclusively by bicycle traffic and clearly separated from roadways and pedestrianways.

BLOCK: A parcel of land within a subdivision, generally bounded by public or private rights of way (other than alleys) or the exterior boundary or boundaries of a subdivision.

COMMISSION: The Littleton city planning commission.

COUNCIL: The Littleton city council.

CUL-DE-SAC: A short street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

DEAD END STREET: A street having only one outlet for vehicular traffic which does not meet the standards or definition of cul-de-sac.

EASEMENT: A right in the public of any person, firm or corporation to use the land of another for a special purpose not inconsistent with the general property rights retained by the owner.

FLOODPLAIN¹: The relatively flat or lowland area adjoining a river, stream, watercourse, lake or other body of surface water which has been or may be covered temporarily by floodwater. For administrative purposes, the floodplain may be defined as the area that would be inundated by the base flood as delineated by the federal insurance and hazard mitigation agency, or other recognized source.

IMPROVEMENTS: Street grading, paving and curbing; fire hydrants; public and private utilities; storm sewers and drains; pedestrian and bicycle ways; crosswalks; street shade trees; if applicable, common open space; and such other improvements as may be designated by the city.

LOT: The basic land development unit, which has fixed boundaries, is not divided by any public street or alley, and, except as may be otherwise provided in the zoning title², is used or intended to be used by one principal permitted use.

LOT OF RECORD: A lot which is part of a recorded subdivision, which has been filed with the appropriate county clerk and recorder's office. For purposes of this title, the term "legally described lot" shall be deemed synonymous with the term "lot of record".

MAJOR SUBDIVISION: All those subdivisions which do not meet the requirements of a "minor subdivision" as herein defined.

MINOR SUBDIVISION: The subdivision of land into ten (10) or fewer lots, all of which abut an existing dedicated and accepted city street; and where no variance from the requirements of these regulations, the zoning title or other applicable city ordinances and resolutions is requested by the applicant.

PEDESTRIANWAY: All public or private pathway or sidewalk designed to be used exclusively by pedestrian traffic.

PLAT: A document showing the surveyed dimensions and legal description of a parcel of land; the reassemblage of parcels; or the subdivision or resubdivision of land into lots, blocks, tracts, easements and rights of way.

(A) **Final Plat:** A map and supporting materials prepared in accordance with these regulations as an instrument for recording real estate interests with the county clerk and recorder.

(B) **Preliminary Plat:** The map(s) and specified supporting materials of a proposed subdivision prepared in accordance with these regulations to permit evaluation of the proposal prior to the detailed engineering, design and preparation of the final plat.

PUBLIC HEARING: A meeting of the city council, or other duly constituted board or commission, for the purpose of hearing comments, testimony, recommendations and other responses from the applicant, city staff, and other interested parties and the general public regarding the applicant's appeal and after the public hearing, of taking action on the appeal. Notice of the time and place of such hearing shall be published at least six (6) days prior to the hearing.

PUBLIC MEETING: A regularly scheduled meeting or duly advertised special meeting of the city council, or other duly constituted board or commission, held for the purpose of conducting business.

PUBLIC WORKS: The department of public services, formerly known as the department of public works.

RESUBDIVISION: Any division of land previously subdivided or platted.

ROADWAY: That portion of a street designated for vehicular traffic; the portion between curbs or edges of pavement.

STREET: A dedicated public right of way which provides vehicular and pedestrian access to adjacent properties. This definition shall include the terms road, lane, place, avenue, drive and other similar designations.

(A) **Local (Single-Family Residential Areas):** A street which provides direct access to adjacent property, designed in a manner to prevent through traffic movements, and does not intersect major arterial streets.

(B) **Local (Multi-Family Residential, Business And Industrial Areas):** A street which provides direct access to adjacent property, designed in a manner to discourage through traffic movements, and should not intersect major arterial streets.

(C) **Collector (2 Moving Lanes):** A street which collects and distributes traffic between local streets and major arterial streets.

(D) **Arterial (4 Or 6 Moving Lanes):** A street which permits rapid and relatively unimpeded movements, connecting communities, as well as major land use elements, with one another.

(E) **Limited Access Facility:** A highway which provides rapid and unimpeded traffic movement between urban centers. Access is partially or completely controlled with primary grade separated interchanges connecting only to major arterial streets permitted.

SUBDIVIDER: Any person, group, corporation or other entity who, as owner or purchaser, or agent of such owner or purchaser, divides or proposes to divide land into lots or other tracts for the purposes of resale or development. For purposes of this title, the term "applicant" shall be deemed synonymous with the term "subdivider".

SUBDIVISION: Except as may be permitted under the subdivision exemption procedure provided in this title, the division of a parcel of land into two (2) or more lots and other tracts for the purpose of resale and/or development. This term includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or to the land being subdivided. (1971 Code § 22.8; amd. Ord. 36, Series of 1979; Ord. 11, Series of 2007; Ord. 19, Series of 2012; Ord. 20, Series of 2012; Ord. 15, Series of 2016)

Chapter 2

GENERAL APPLICATION PROCEDURES

11-2-1: APPLICATION FOR SUBDIVISIONS:

For purposes of this title, an applicant filing an official subdivision application form shall be the owner(s) of the subject parcel; a purchaser of said parcel under written contract, duly executed; or by an authorized agent of the owner(s) or purchaser(s).

(A) Without limiting an applicant's right to file additional materials, the applicant shall submit an official subdivision application form provided by the planning division. An application shall not be considered officially filed until the official application form is complete, the appropriate application fee is paid and record of such payment is affixed to the application form. (Ord. 36, Series of 1979)

(B) It is the applicant's sole responsibility to provide all required information, forms, statements and fees at the time an application is filed. Incomplete application materials may cause delays in the review process. (Ord. 20, Series of 2012)

11-2-2: PROCEDURES:

Except as hereinafter provided, the following procedures shall apply to all applications filed under the provisions of this title:

- (A) Preapplication Conference: In order to properly evaluate an area proposed for subdividing, the applicant or his agent shall meet with the department of community development at a preapplication conference. Such conference shall be held for the purpose of discussing concepts, feasibility, regulations and procedures regarding the proposed subdivision. Potential applicants who desire to proceed with the filing of an official application form, shall have said form explained at the preapplication conference. (Ord. 36, Series of 1979)
- (B) Official Application Form: The official application form shall be provided by the planning division and shall contain the requirements specified in the operating standards established by the department of community development. General requirements shall include the following documents in addition to the requirements in the operating standards:
1. Name, address and telephone number of the applicant, legal property owner, engineer and/or land surveyor. Any application which is not filed by the owner or owners of the subject property shall contain a written statement that the owner or owners have no objection to the proposed subdivision. Such statement shall include the verified signature(s) of said owner or owners.
 2. A current title commitment.
 3. Name, address and telephone number of mortgages, if any, including the signature of a corporate officer and the corporation seal.
 4. Names and address of all mineral owners and lessees of mineral owners.
 5. A subdivision plat which shall include details specified in the operating standards. (Ord. 20, Series of 2012)
- (C) Application Fee: The city council shall, by resolution, establish the required application fee schedule. (Ord. 36, Series of 1979)
- (D) Referral Procedure:
1. Submission Requirements: The applicant shall submit a preliminary application to the planning division, including the preliminary plat or map, an official application form, and other materials determined by the planning division to be necessary to complete the referral review. The actual number of copies of the application materials will be determined during the preapplication conference and shall be based, in part, on the number of referral agencies which are required to review the application. One reproducible copy of the preliminary map shall also be submitted.
 2. Distribution: The preliminary application material will be distributed by the planning division to all applicable reviewing agencies in accordance with the operating standards.
 3. Responses And Revisions: The applicant shall be provided with copies of reviewing agency comments. The applicant may revise the application, as necessary, to address the reviewing agency comments prior to filing the final application. All referral agency comments and applicant responses shall be included in the final application.
- (E) Recording: All final major subdivision plats, minor subdivision plats, subdivision exemption maps, or other plat documents approved under the procedures set forth in this title, shall be recorded in the clerk and recorder's office of the appropriate county (Arapahoe, Douglas or Jefferson), at the applicant's expense. Recording shall be made by the city, if within one year following final approval by the city council, the city receives from the applicant two (2) complete reproducible mylar copies of the plat documents, including all required signatures and the applicable recording fee. Failure of the applicant to timely meet this submittal requirement shall cause the plat to become null and void and may be restored only by formal action of the applicable reviewing body unless a time extension is granted pursuant to subsection (F) of this section.
- (F) Time Extension: An extension of approval for no more than one year may be granted by the director of community development, provided a written request for extension is filed with the planning division prior to the date of expiration. (Ord. 20, Series of 2012)

Chapter 3

PROCEDURES; MAJOR SUBDIVISIONS

11-3-1: PRELIMINARY PLATTING PROCEDURES:

- (A) Preparation: The subdivider shall cause the preparation of a preliminary plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations or of the ordinances of the city and state law. (1971 Code § 22.10)
- (B) Submission: The applicant shall submit the preliminary plat application pursuant to the requirements and process described in section [11-2-2](#) of this title. The application deadlines and required number of copies shall be in accordance with the operating standards as established by the department

of community development.

(C) Action On Preliminary Plat:

1. City Staff Review And Recommendation: City staff shall review the proposed preliminary plat for compliance with the provisions of this title, other applicable regulations, the comprehensive plan, existing and proposed development, and comments from affected agencies and shall frame the city staff's formal recommendation on the proposed plat. (Ord. 20, Series of 2012)
2. City Planning Commission Action: The commission shall review the preliminary plat and the city staff's report and recommendations at a regularly scheduled public meeting. The commission shall approve said plat, or approve said plat with modifications. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
3. Appeal Of Commission's Action: If the commission approves the plat with modifications, the applicant may appeal the commission's action to the city council. Such appeal must be made in writing to the department of community development within ten (10) calendar days of the commission's action. The council shall receive the appeal request and shall schedule a public hearing to review the decision of the commission, approve the plat as submitted, or concur with the decision of the planning commission. (Ord. 36, Series of 1979; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

The department of community development shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled. (Ord. 36, Series of 1979)

4. Effective Time Period For Approved Preliminary Plat:

- (a) Effective Time Period: The applicant shall submit for administrative approval a final plat on all or a portion of the approved preliminary plat within twelve (12) months from the date of the planning commission's approval of said preliminary plat. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
- (b) Extension Of Effective Time Period: Upon written request from the applicant, the director of community development shall grant an extension to the effective time period of an approved preliminary plat, said extension shall not exceed twelve (12) months, provided the character of the area has not changed and said plat is still in conformance with the city's comprehensive plan.
- (c) Failure To Request Extension: Failure of the applicant to submit a written request for an extension of an approved preliminary plat prior to the end of the twelve (12) month time limit shall cause said plat to become null and void. (Ord. 20, Series of 2012)
- (d) Timely Submission Of Remaining Portions Of Plat: The applicant shall submit a final plat on the remaining portions of the approved preliminary plat every twelve (12) consecutive months from the date of the last approved final plat until the entire area included in the approved preliminary plat has been completed and recorded. Failure of the applicant to submit a final plat on the remaining portion(s) of the approved preliminary plat within the twelve (12) month time limit shall cause the remaining portion(s) of the approved preliminary plat to be reviewed by the planning division for conformance with the city's comprehensive plan, changing conditions within the neighborhood and/or amendments to the provisions of this title. If amendments to the preliminary plat are deemed necessary and such amendments cannot be approved by the director of community development under the provisions of subsection [11-3-2\(C\)1](#) of this chapter, said preliminary plat shall be subject to the same review procedures as required for original approval. (Ord. 36, Series of 1979)

11-3-2: FINAL PLATTING PROCEDURES:

- (A) Preparation: The subdivider shall cause the preparation of a final plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations or of the ordinances of the city and state law. (1971 Code § 22.11)
- (B) Submission: The applicant shall submit the final plat application pursuant to the requirements and process described in section [11-2-2](#) of this title. The application deadlines and required number of copies shall be in accordance with the operating standards as established by the department of community development. (Ord. 20, Series of 2012)

(C) Action On Final Plat:

1. Director Of Community Development's Action: The director of community development shall check the final plat for conformance with the approved preliminary plat and, if any, special provisions. He may approve minor modifications to the approved preliminary plat when all of the following conditions exist:

Any rearrangement of lot lines does not substantially alter the general lot and street layout of the approved preliminary plat, and remains compatible with surrounding development;

The requested modification is in compliance with the zoning and subdivision regulations of this code, and other applicable city ordinances;

The requested modification does not conflict with established policies of the department of public works or other city agency, public and private utilities, school district or recreation and park district.

- (a) Certification (Approval): If the director of community development finds that the final plat conforms with the approved preliminary plat and, if any, special provisions, and the subdivider has fulfilled all requirements of these regulations or of the ordinances of the city, then the director of community development shall certify said plat. (1971 Code § 22.11)

- (b) Modification Or Appeal: If the director of community development determines that the final plat is not in compliance with the approved preliminary plat and any provisions and/or these regulations, then the director of community development shall give written notification of this determination to the applicant, who may make all necessary changes, additions or corrections. If the applicant does not desire to make the necessary changes, the applicant may appeal the decision as provided in subsection (C)4 of this section. (Ord. 36, Series of 1979)
2. Director Of Public Works' Action: The director of public works shall check the final plat to ensure compliance with these regulations, established policies of the department of public works and other applicable city ordinances.
- (a) Certification (Approval): If the director of public works finds the final plat and required accompanying material is in compliance with accepted engineering principles, these regulations and other applicable city ordinances, then the director of public works shall certify said plat. (1971 Code § 22.11)
- (b) Modification Or Appeal: If the director of public works determines that the affidavits, offers of dedication, survey data or other requirements necessary to ensure compliance with these regulations and accepted engineering principles are inadequate, then the director of public works shall give written notification of this determination to the applicant, who may make all necessary changes, additions or corrections. If the applicant does not desire to make the necessary changes, the applicant may appeal this decision as provided in subsection (C)4 of this section.
3. Approval Of Final Plats: If the director of community development and the director of public works certify that a final plat is in compliance with the approved preliminary plat, accepted engineering principles, and the ordinances of the city, and the plat is approved as to form by the city attorney, said plat shall be submitted to the city council for final approval.
4. Appeal Of Administrative Action: The applicant may appeal to the council the action of the director of community development or the director of public works on the final plat. Such appeal must be made in writing, specifying the grounds on which the appeal is being made, to the director of community development within ten (10) days of the administrative action. The council shall receive the appeal request and schedule a public hearing to review the decision of the administration. The council may approve the plat as submitted, or may affirm the decision of the director of community development or the director of public works, or make such changes as are in conformance with this code. The department of community development shall notify the applicant of the time and place of the hearing within two (2) calendar days after the hearing is scheduled. (Ord. 20, Series of 2012)

Chapter 4

PROCEDURES; MINOR SUBDIVISIONS

11-4-1: MINOR SUBDIVISIONS:

- (A) Any subdivision of land which complies with all of the following requirements as herein defined shall be processed within the provisions of this chapter.
1. The proposed plat shall contain ten (10) or fewer lots;
 2. All lots must abut a dedicated and accepted city street;
 3. The proposed plat shall meet the minimum requirements of the subdivision regulations and zoning regulations. (Ord. 20, Series of 2012)
- (B) Any proposed subdivision which does not comply with all of the requirements as defined hereinabove, shall be considered a major subdivision and must be processed in compliance with [chapter 3](#) of this title. (Ord. 36, Series of 1979)

11-4-2: PRELIMINARY AND FINAL PLATTING PROCEDURES:

- (A) Preparation: The subdivider shall cause the preparation of a preliminary and final plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations, and other ordinances of the city and state law.
- (B) Submission: The applicant shall submit the preliminary plat application pursuant to the requirements and process described in section [11-2-2](#) of this title. The application deadlines and required number of copies shall be in accordance with the operating standards as established by the department of community development.
- (C) Action On The Preliminary And Final Plats:
1. City Staff Review And Recommendation: City staff shall review the proposed preliminary plat and final plat for compliance with the provisions of this title, other applicable regulations, the comprehensive plan, existing and proposed development, and comments from affected agencies and shall frame the city staff's formal recommendation on the proposed final plat.
 2. Appeal Of Staff's Recommendation: If the staff approves the plat with modifications, the applicant may appeal to the city council the staff's decision. Such appeal must be made in writing to the department of community development within ten (10) calendar days of the staff's decision. The council shall receive the appeal request and shall schedule a public hearing to review the decision, approve the plat as submitted, or concur

with the decision of city staff. The department of community development shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled. (Ord. 20, Series of 2012)

3. City Council Action: If the director of community development and the director of public works certify that the final plat is in compliance with the accepted engineering principles, and the ordinances of the city, and the plat is approved as to form by the city attorney, said plat shall be submitted to city council for final approval. The Littleton city planning commission shall receive a report on all final plats approved by the Littleton city council. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)

Chapter 5 PLAT DETAILS

11-5-1: SUBDIVISION PLATS:

- (A) Plat Preparation: The applicant shall cause the preparation of a subdivision plat on the subject property by a registered land surveyor. The subdivision plat shall comply with the detailed application form, the regulations as set forth herein or of the ordinances of the City and State law.
- (B) Plat Requirements: Without limiting an applicant's right to file additional materials, the following subdivision plat details shall apply to all applications for subdivisions:
1. Name of proposed subdivision.
 2. Name, address and telephone number of the applicant, legal property owner(s) and the designer, surveyor and/or engineer; the name and address of the owner(s) of subsurface mineral estates, including mineral lessees, if any.
 3. Metes and bounds legal description including monumentation certified by a registered land surveyor, and the total number of acres to be subdivided shall be shown.
 4. North point with written and graphic indication of the scale.
 5. Location map showing the subject site, streets, street names, schools, parks, railroads, public transit facilities, other identifying features of the area and any other public facilities within one-half ($\frac{1}{2}$) mile from the proposed subdivision.
 6. Existing and proposed contours, width and direction of flow of all watercourses and any area inundated by the 100-year frequency flood.
 7. The plat shall show all adjacent and included right-of-way locations, dimensions of proposed streets, with delineation of proposed right-of-way dedication, names of existing and proposed streets; the proposed lot layouts, lot dimensions, lot areas and lot and block numbers; adjacent and included pedestrianways; and all approximate locations of all building setback lines within and immediately adjacent to the subdivision.
 8. The names, locations and property lines of adjacent subdivisions and the owners' names, locations and property lines of abutting unplatted tracts and public lands.
 9. The existing uses on the property proposed for subdividing and all abutting property; and the building outline of all permanent structures located on the subject property which are to be retained.
 10. The location, size, type, and where applicable, grades of all adjacent and included existing utilities and easements, and all new utilities and easements proposed for subject property, including fire hydrant locations and postal facilities.
 11. Designation of existing zoning on the subject property and abutting properties.
 12. The location of bridges, culverts, catch basins and all other provisions for collecting and discharging surface and subsurface drainage.
 13. The location, area and dimensions of all parcels to be reserved for the common use of all property owners in the proposed subdivision and/or land to be dedicated for public parks, open space, schools or other public uses.
- (C) Materials Required To Accompany Subdivision Plat: A minimum of three (3) copies of the following materials shall accompany the submittal of the subdivision plat:
1. In the event a preliminary plat covers only a portion of the applicant's entire holding, a sketch of the prospective street system for the entire tract shall accompany said plat. Filing fees will not be paid on the additional area until such time that a subdivision plat is submitted for such area.
 2. If any drainageway exists within the proposed subdivision, or adjacent to said subdivision that would be affected by any additional runoff caused by the development of the proposed subdivision, the applicant shall provide a drainage plan. Such plan shall incorporate existing and future upstream development and drainageway modifications, the impact of the proposed subdivision with respect to increased runoff contribution and drainageway modification, means to minimize the additional runoff and increased flow rates, and consider immediate and future downstream implications. Such plan shall show the existing topography by dashed lines, and the approximate proposed grading shall be indicated by solid lines within the proposed subdivision.
- Should it be determined that a preliminary drainage plan is not required, the applicant shall provide a grading plan of the proposed subdivision which shall show the existing topography by dashed lines, and the approximate proposed grading shall be indicated by solid lines.

(D) Material Required To Accompany Final Plats:

1. Three (3) copies of an improvements plan which shall include, as applicable, profiles, grades, specifications, estimated construction costs, time schedule and other necessary information for the construction and installation of all improvements.
2. If there is evidence of unsuitable surface and/or subsurface soils conditions, the applicant shall provide a report, prepared by a licensed engineering geologist, which examines slope, stability and erosion characteristics, water table elevations, swelling pressure potential, bedrock depth, or other geological characteristics necessary to ensure all hazards and special precautions have been identified.
3. If the proposed subdivision is five (5) acres or larger, and there is evidence of sand, gravel, quarry aggregate or other mineral deposits underlying the subject property, the applicant shall provide a report, prepared by a licensed engineering geologist, which shall show the thickness and quality of such deposits, map the limits of the deposits, and other required information to determine the commercial value of such deposit, in accordance with State law. Note: Six (6) copies of this report shall be required.
4. One copy of the computed closure sheets for the entire subdivision.
5. Collateral, in the form of an irrevocable letter of credit and/or cash or performance bond in a form acceptable to and approved by the City Attorney, to secure to the City the actual construction and installation of all required improvements, shall be transmitted upon approval of the final plat and prior to signing said plat for recording. Such collateral shall be in the amount of one hundred twenty five percent (125%) of the estimated engineering, materials and construction costs at the projected time of installation. If the required improvements are not complete by the projected time of installation, the Director of Public Services shall review the amount of collateral and may require that the amount of collateral be revised in accordance with the then current costs of engineering, materials and construction.
6. A subdivision improvements agreement by which the applicant agrees to construct any required improvements shown on the final plat, or other agreements or contracts setting forth the plan, methods and parties responsible for the construction of said improvements. As improvements are completed, the applicant may apply for release of part or all of the deposited collateral. If the Director of Public Services determines that any such improvements are not constructed in compliance with specifications, the applicant shall be furnished with a list of specific deficiencies and the City shall withhold sufficient collateral to ensure such compliance. If the deficiencies are not brought into compliance, the City may withdraw funds from the deposit of collateral to bring the improvements into compliance.
7. Development Assurance; Common Open Space:
 - (a) Adequate assurance may be required to ensure that any common open space and/or facilities will be provided as shown on the approved subdivision plat. Such assurance may be in the form of a bond, corporate surety or other financial guarantee approved as to form by the City Attorney. The financial assurance, if required, shall be in the amount of one hundred twenty five percent (125%) of the estimated engineering, materials and construction costs at the projected time of installation. If the required improvements are not complete by the projected time of completion, the Director of Community Development shall review the amount of the financial assurance covering the incomplete improvements and may require that the amount of the assurance be revised in accordance with the then current costs of engineering, materials and construction.
 - (b) If development is proposed to occur in phases, assurances that common open spaces and/or facilities will be provided as shown on the approved subdivision plat shall stipulate that such open space and/or facilities will be completed in the same proportion as that particular phase is of the entire development.
 - (c) The requirements of this subsection are deemed separate, distinct from and are not met by the requirements for collateral to secure construction of public improvements as provided hereinabove.
8. Plat Size: The size of all final plats shall be twenty four inches by thirty six inches (24" x 36").

(E) Certificates And Statements: All subdivision plats shall have the following certificates and statements unless otherwise noted:

I, , owner, or designated agent thereto, do hereby agree to develop the above described property in accordance with the use, restrictions, and conditions contained herein, and current Ordinances, resolutions, and standards of the City of Littleton, Colorado.

Signature of Owner and/or Agent

Address

Subscribed and sworn to before me this day of , 19_.

My Commission expires , 19_.

Notary Public

Note: In circumstances where a corporation, financial institution or other business entity is initiating or has a financial interest in the proposed subdivision, an officer of the lending institution and the secretary's signatures, with the corporation seal, shall be shown on the plat.

Note: If there is to be a dedication of land for public rights of way, easements, parks, open space, schools or other public use, then the following notary's certificate and attorney's certificate shall be placed on the plat.

STATE OF COLORADO)

)

COUNTY OF ARAPAHOE)

The foregoing dedication was acknowledged before me this day of , 19_ by for .

Witness my hand and Official Seal

*Notary Public
My Commission expires .*

(Ord. 36, Series of 1979)

ATTORNEY'S CERTIFICATE

I, , an attorney at law duly licensed to practice before Courts of Record of the State of Colorado do hereby certify that I have examined the title of all lands herein dedicated and shown upon the within plat as public ways, easements and/or Public Land dedication to fulfill the provisions of [Chapter 8](#) of the Littleton City Subdivision Regulations, and the title of such lands being dedicated is free and clear of all liens and encumbrances.

Dated this day of , 19_.

Attorney at Law Registration No.

I, , a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented herein was made under my supervision and the monuments shown thereon actually exist, and the plat accurately represents said survey.

Name, address, L.S. No.

APPROVED AS TO FORM:

Littleton City Attorney

Approved this day of , 19_ by the Littleton City Planning Commission.

*Chairman
ATTEST:*

Commission Secretary

Approved this day of , 19_ by the Director of Community Development.

Director of Community Development

Approved this day of , 19_ by the Director of Public Services.

Director of Public Services

Approved this day of , 19_ by the Littleton City Council.

/s/ Sally Parsons
Council President

Attest:

City Clerk

(Ord. 36, Series of 1979; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

CLERK AND RECORDER'S CERTIFICATE

This document was filed for records in the office of the County Clerk and Recorder of County at m. on the day of A.D., 19_ in Book , Page , Map , Reception No. .

County Clerk and Recorder

by:

Deputy

(Ord. 36, Series of 1979)

Chapter 6

DESIGN STANDARDS

11-6-1: GENERAL REQUIREMENTS:

Planning, layout and design of a subdivision are of the utmost concern. The residents must have available to them within the area safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours and protect the view, afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned for as an integral part of the area.

(A) Names Of Subdivisions: The name of a subdivision shall not duplicate or closely duplicate that of any existing subdivision within the Arapahoe County area.

(B) Uninhabitable Land: Land which is deemed to be uninhabitable because of the flooding, inadequate drainage, or excessive grades shall not be subdivided for any use which may increase danger to health, life or property or aggravate flood or other hazards. Such lands within a subdivision may be set aside for approved uses which will remedy the condition or conditions.

(C) Regulatory Considerations: When designing a subdivision, full compliance with the zoning regulations¹ of the City shall be required with particular attention given to the zone district in which the proposed subdivision is located. (1971 Code, sec. 22.17)

11-6-2: GRAPHIC PRESENTATION:

(A) Blocks:

1. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (b) Zoning requirements as to lot sizes and dimensions;
 - (c) Needs for convenient and emergency access, circulation and traffic safety; and
 - (d) Limitations and opportunities of topography.
2. Pedestrian access shall be required to provide links to neighborhood schools, playgrounds, shopping centers, and other community facilities where such facilities exist within reasonable walking distance of the subdivision.

(B) Lots:

1. The lot size, width, depth, shape and orientation shall be appropriate for the type of development and use contemplated.
2. Residential lot dimensions shall conform to at least the minimum requirements of the zoning regulations of this Code.
3. Depth and width of properties shall be adequate to provide for the necessary private service and parking facilities required by the type of use and development contemplated. (1971 Code, sec. 22.18)
4. (Rep. by Ord. 21, Series of 1996)
5. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads. (1971 Code, sec. 22.18)
6. (Rep. by Ord. 21, Series of 1996)
7. Each lot shall be provided with a minimum frontage on an approved public or private street as specified in the zoning regulations. The feasibility of a suitable driveway from the adjacent street to a usable building area on each site must be demonstrated for each lot.
8. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterials and limited access facilities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet (10') in width and across which there shall be no vehicular right of access may be required along the rear property line of lots abutting such traffic artery or other disadvantageous use. (1971 Code, sec. 22.18)

11-6-3: STREET STANDARDS:

- (A) **Street Systems:** Street systems are to be laid out, designed and constructed in accordance with standards specified by the Director of Public Works. The following standards are only minimums and are designed to provide general guidelines to the subdivider.
- (B) **Street Names:** Streets that are extensions of, or obviously in alignment with, existing named streets shall bear the names of the existing streets. Street names shall be subject to the approval of the Department of Community Development.
- (C) **Street Layout:**
1. Layout shall be considered in relation to existing and planned future streets, topographical conditions, soil conditions, particularly considering drainage and erosion factors, to public convenience and safety, to aesthetics and in their appropriate relation to the proposed use of the land to be served.
 2. When any part of a collector, arterial or limited access facility, indicated as such on the transportation plan of the City, passes through a proposed subdivision, such part shall be dedicated in the location and at the width indicated on the plan.
 3. The dedication of a half street shall not be accepted unless:
 - (a) The subdivider obtains for the City a dedication from the abutting landowner of the other one-half ($\frac{1}{2}$) of the street; and
 - (b) The subdivider obtains from the said abutting landowner an agreement in a form satisfactory to the City Attorney which guarantees the cost of the improvements and construction of the same on the half street within a time suitable to the Director of Public Works; and
 - (c) The subdivider guarantees the construction of the improvements on the half street which he is dedicating; or
 - (d) Any other similar arrangement recommended by the Director of Public Works and approved by the City Council.
 4. Right angle intersections shall be used whenever practicable.
 5. Intersecting collector and local streets shall not empty into the same side of an arterial street at intervals of less than eight hundred feet (800').
 6. Local and collector streets shall be laid out so that their use by major through traffic will be discouraged.
 7. When a subdivision abuts and controls access to public lands or existing streets, access shall be provided in the form required by the public agency involved. When a subdivision abuts private lands, the City may require the developer to provide access thereto.
 8. Reserve strips controlling access to public streets shall be prohibited except where their ownership is given to the public agency having jurisdiction and where agreed to by that public agency. In general, reserve strips in the form of one-foot outlets are required to control access on perimeter and stub streets.
 9. Alleys open at both ends may be required in commercial and industrial districts.
 10. Where railroad crossings are proposed or are affected, provisions for grade separations, buffer strips and safety protection devices shall be provided by the applicant as required. Obtaining approval from the affected railroad company and the Colorado Public Utilities Commission where applicable shall be the applicant's responsibility.
 11. Streets which are stub streets designated to provide future connection with adjacent unplatted land shall be provided with a temporary turnaround at the stub end. (1971 Code, sec. 22.19)
 12. Cul-de-sac streets are intended to serve only those dwelling units to which direct access is provided and shall have a turnaround with a minimum radius of fifty feet (50') at the closed end. The length of a cul-de-sac street shall be based on the maximum permissible traffic volume (as determined by the City's Traffic Engineer); and on emergency vehicle access (as determined by the City's Fire and Police Departments). Cul-de-sac streets may be permitted due to limitations caused by topography, drainageways or other physical site conditions, and where an alternative means of connection with adjacent neighborhoods is provided, such as pedestrian paths. In the event the cul-de-sac drains into the closed end, storm sewers or other drainage structures shall be required to dispose of storm water satisfactorily. (Ord. 21, Series of 1996)
 13. Street curb intersections shall be rounded by a tangential arc with a minimum radius of twenty feet (20') for single-family local residential streets and cul-de-sacs, and thirty feet (30') for intersections including multi-family residential, business, industrial, collector and arterial streets. Corresponding radii for property lines shall be rounded by a tangential arc having the same center as the arc of the curb intersections. (1971 Code, sec. 22.19)
 14. All changes in street bearings shall be connected with curves tangent to the bearing at both ends. (Ord. 21, Series of 1996)
 15. When a subdivision abuts or contains an existing or proposed freeway or major arterial, restriction of access may require the platting of a frontage road and/or a visual screen planting easement.
 16. Where vertical curbs with separated sidewalks are required, the planting area or that unpaved portion of the right of way between the curb and the sidewalk shall be landscaped and maintained by the abutting property owners. Landscaping shall normally be limited to sodding or seeding, except that trees, shrubs or other plant materials may be used subject to City approval of the location and species of planting materials to be installed.
- (D) **Private Streets:** The use of private streets will be limited and is permitted only upon approval of the plan by the City Council. Private streets shall be confined to closed loops and dead-end streets not to be used for the convenience or safety of the general public.

(E) Design Criteria:

1. Street design shall be in conformance with the following drawings and table of street design criteria and according to the proposed vehicular demands imposed by the development.
2. The use of a particular street classification shall be considered sufficient only when such choice is certified by the Director of Public Works.
3. In no case shall street grades exceed four percent (4%) within one hundred feet (100') from an intersection.

STANDARDS FOR LOCAL STREETS
(Single-Family Residential Areas)

FUNCTION

- (A) Local streets provide direct access to adjacent property.
 (B) All traffic carried by local streets should have an origin or a designation within the neighborhood.

RIGHT-OF-WAY WIDTH

50 feet.

NUMBER OF MOVING LANES

Two.

ACCESS CONDITIONS

Intersections are at grade with direct access to abutting property.

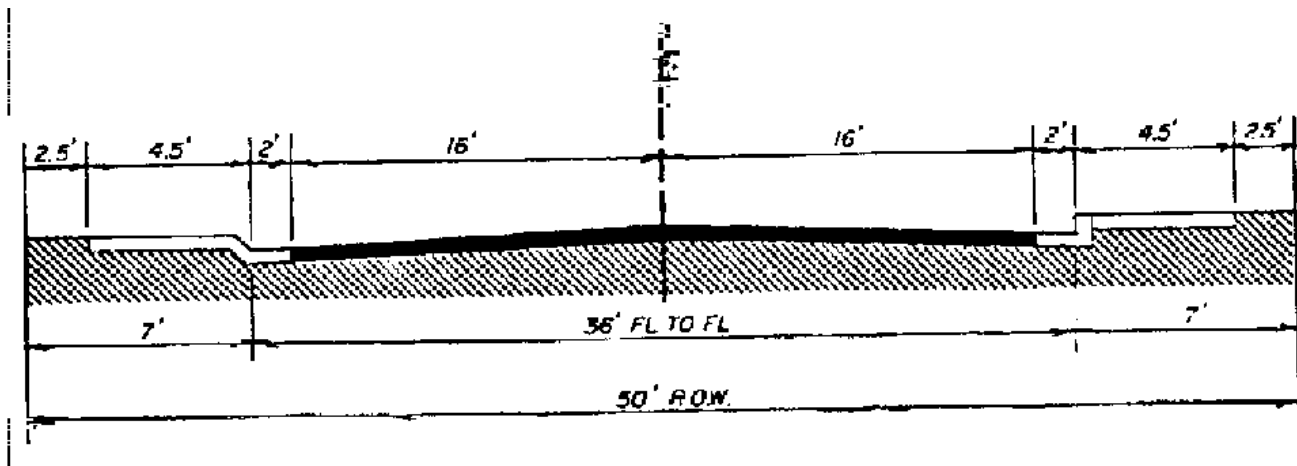
TRAFFIC CHARACTERISTICS

- (A) Direct access to residential properties is by way of curb cuts or drive-over curbs.
 (B) Parking is normally allowed on both sides of the street.

PLANNING CHARACTERISTICS

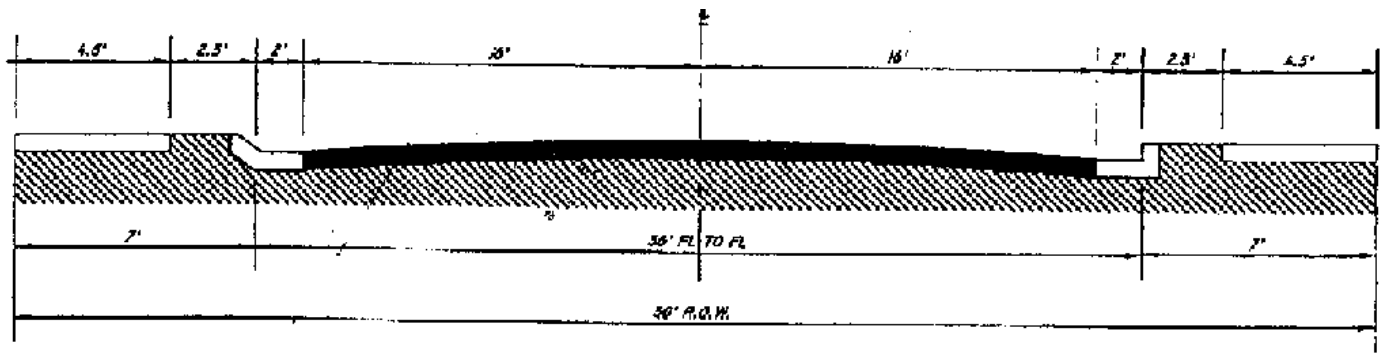
- (A) Local streets should be designed to prevent through traffic from moving through the neighborhood.
 (B) Local streets should not intersect arterial streets.
 (C) Designated bikeways are not required. (1971 Code, sec. 22.19)
 (D) Attached or detached sidewalks are permitted in conformance with the following drawings: (Ord. 26, Series of 2000)

LOCAL STREETS
SINGLE FAMILY RESIDENTIAL AREAS



(1971 Code, sec. 22.19)

LOCAL STREETS
SINGLE FAMILY RESIDENTIAL AREAS



(Ord. 26, Series of 2000)

STANDARDS FOR LOCAL STREETS (Cul-De-Sacs)

FUNCTION

- (A) Cul-de-sacs provide direct access to adjacent property.
- (B) All traffic carried by cul-de-sacs shall have an origin or a destination within the neighborhood.

RIGHT-OF-WAY WIDTH

50 feet.

NUMBER OF MOVING LANES

Two.

ACCESS CONDITIONS

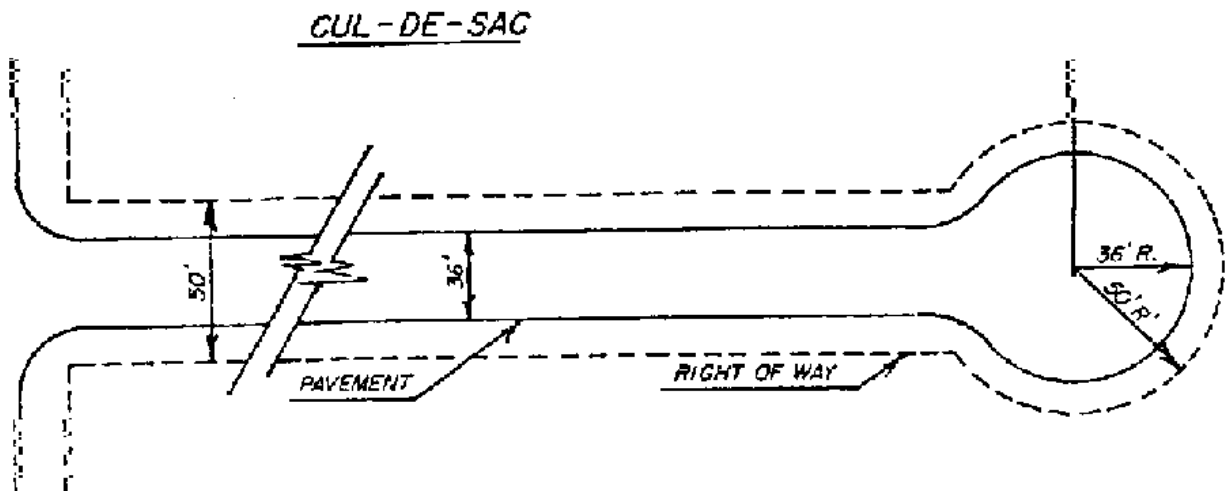
Intersections are at grade with direct access to abutting property.

TRAFFIC CHARACTERISTICS

- (A) Direct access to residential properties is by way of curb cuts or drive-over curbs.
- (B) Parking is normally allowed on both sides of the street, although may be prohibited within the circular portion if minimum.

PLANNED CHARACTERISTICS

- (A) Cul-de-sacs shall not intersect arterial streets.
- (B) Designated bikeways are not required. (1971 Code, sec. 22.19)



(1971 Code, sec. 22.19; amd. Ord. 21, Series of 1996)

STANDARDS FOR LOCAL STREETS (Multiple-Family Residential, Business And Industrial Areas)

FUNCTION

- (A) Local streets provide direct access to adjacent property.
 (B) All traffic carried by local streets should have an origin or a destination within the immediate area.

RIGHT-OF-WAY WIDTH

60 feet.

NUMBER OF MOVING LANES

Two.

ACCESS CONDITIONS

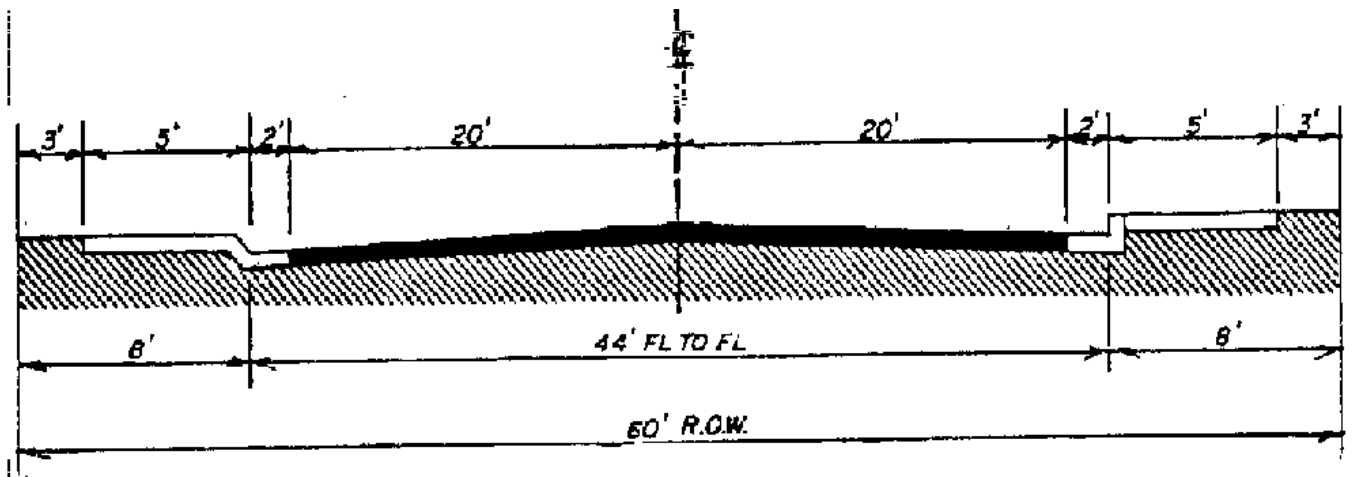
Intersections are at grade with direct access to abutting property permitted.

TRAFFIC CHARACTERISTICS

- (A) Traffic and access requirements in these areas may require special design considerations for wider sidewalks and special curb cut designs, etc.
 (B) Parking is normally allowed on both sides of streets.

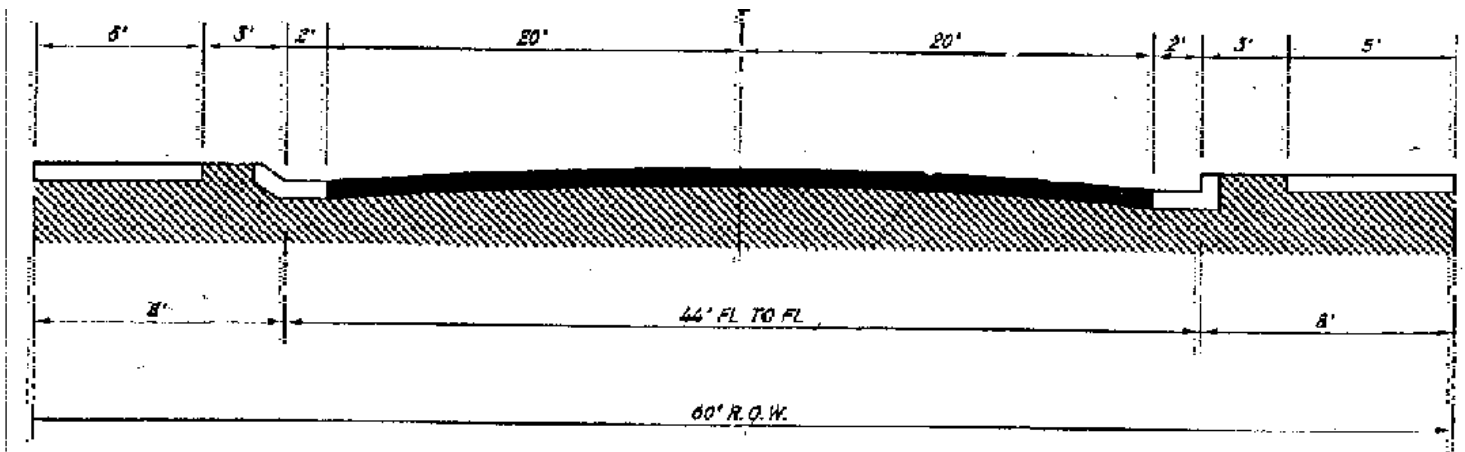
PLANNING CHARACTERISTICS

- (A) Local streets should be designed to discourage through traffic from moving through these areas.
 (B) Local streets should not intersect arterial streets.
 (C) Designated bikeways are not required. (1971 Code, sec. 22.19)
 (D) Attached or detached sidewalks are permitted in conformance with the following drawings: (Ord. 26, Series of 2000)

LOCAL STREETSMULTIPLE FAMILY RESIDENTIAL, BUSINESS, AND INDUSTRIAL AREAS

(1971 Code, sec. 22.19)

LOCAL STREETSMULTIPLE FAMILY RESIDENTIAL, BUSINESS, AND INDUSTRIAL AREAS



(Ord. 26, Series of 2000)

STANDARDS FOR COLLECTOR STREETS

FUNCTION

- (A) Collector streets collect and distribute traffic between major arterial and local streets.
- (B) Collector streets serve as main connectors within communities, linking one neighborhood with another or one industrial district with another.

- (C) All traffic carried by collector streets should have an origin or a destination within the community.

RIGHT-OF-WAY WIDTH

70 feet

NUMBER OF MOVING LANES

Two

ACCESS CONDITIONS

Intersections are at grade with direct access to abutting property permitted.

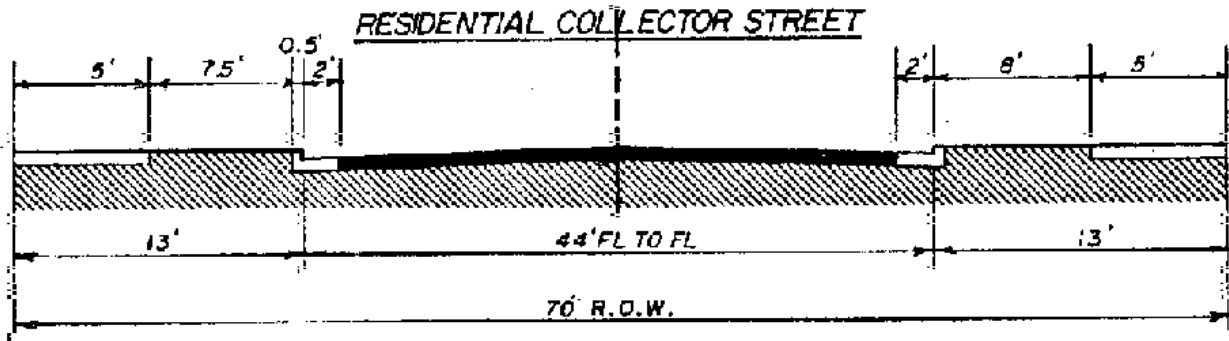
TRAFFIC CHARACTERISTICS

Regulation of traffic between collector streets and other types of streets is accomplished by traffic control devices.

PLANNING CHARACTERISTICS

- (A) Collector streets should have continuity throughout a neighborhood or industrial district but need not extend beyond the neighborhood or industrial district. Maximum length should not exceed three (3) miles.
- (B) Intersections with arterial streets should be at least one-quarter ($\frac{1}{4}$) mile apart.
- (C) Sidewalks should be set back from the street.

- (D) Designated bikeways may be required in lieu of parking on one side.



STANDARDS FOR ARTERIAL STREETS

FUNCTION

Arterial streets permit rapid and relatively unimpeded traffic movement throughout the City, connecting major land use elements as well as communities with one another.

RIGHT-OF-WAY WIDTH

(A) Secondary Arterials -- 100 feet

(B) Primary Arterials -- 120 feet

NUMBER OF MOVING LANES

(A) Secondary Arterials -- Four

(B) Primary Arterials -- Six

ACCESS CONDITIONS

(A) Intersections will generally be at grade.

(B) Intersections will normally not be permitted at intervals less than one-quarter ($\frac{1}{4}$) mile.

(C) Normally, abutting properties and local streets will not be allowed indiscriminate direct access to the street.

TRAFFIC CHARACTERISTICS

(A) Regulation of traffic shall be accomplished by traffic control devices and channelization.

(B) Parking shall be prohibited.

(C) Roadways shall have a median strip between them.

PLANNING CHARACTERISTICS

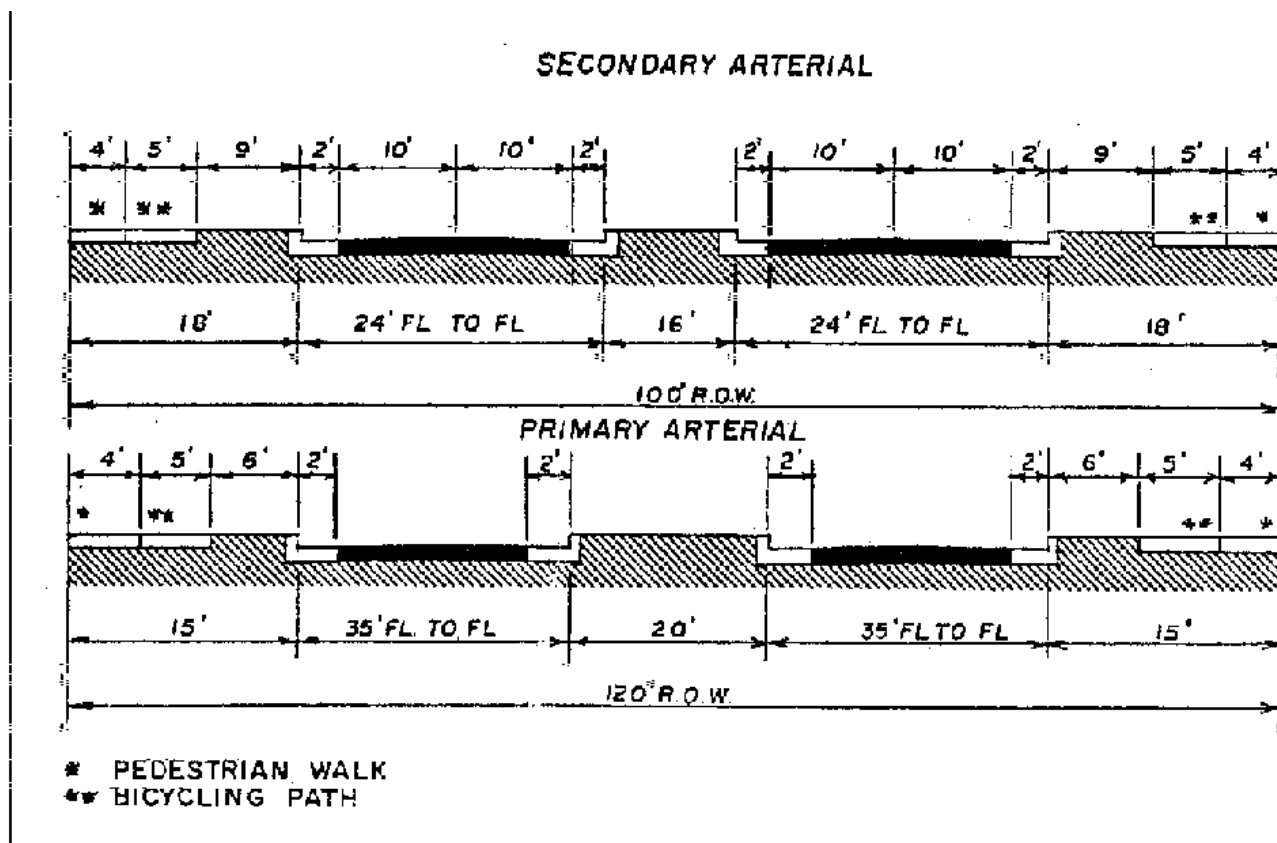
(A) Secondary arterial streets should traverse the entire City while primary arterials should, additionally, have continuity through the County and metropolitan area.

(B) Arterial streets should not bisect neighborhoods but should act as boundaries between them.

(C) Sidewalks should be set back from the street.

(D) Abutting properties should not face on the roadway unless separated from it by a frontage road.

(E) Bikeways, adjacent to sidewalks and set back from the street, may be required on both sides of arterial streets.



STANDARDS FOR LIMITED ACCESS FACILITIES

FUNCTION

Limited access facilities permit rapid and unimpeded movement of traffic through and around the City.

RIGHT-OF-WAY WIDTH

150-400 feet

NUMBER OF MOVING LANES

Four to eight

ACCESS CONDITIONS

(A) Expressways:

1. Access partially or fully controlled.
2. Grade separations at major intersections.

(B) Freeway:

1. Access shall be completely controlled.
2. Interchanges shall be made with arterial street and limited access facilities only.
3. No intersections at grade shall be permitted.

TRAFFIC CHARACTERISTICS

(A) No traffic signals except for at-grade expressway intersections.

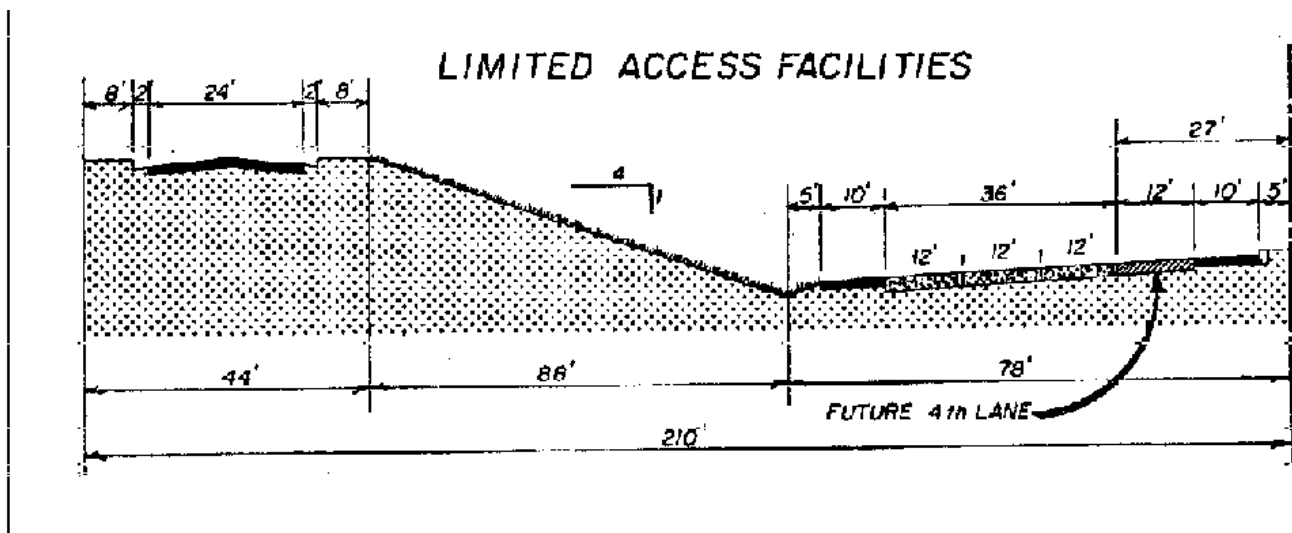
(B) Parking prohibited.

(C) Two (2) separate one-way roadways with a dividing median strip.

PLANNING CHARACTERISTICS

- (A) Limited access facilities should connect with main highways approaching and leaving the City from all directions.
- (B) Limited access facilities should be so aligned as to serve the major traffic generators within the City such as the C.B.D., major industrial areas, regional shopping centers, etc.
- (C) Limited access facilities should not bisect neighborhoods or communities but should act as boundaries between them.
- (D) Added right of way is provided for landscaping, grass planting, added safety and the more generous designs of evolving national policy.

(E) Where desirable, consideration in design should be given to combined use by public transportation vehicles.



(F) Street improvements:

1. Paving in accordance with current department of public works standards is required for all public or private streets.
2. Roadways, curb and gutter, and sidewalks are required as specified in current department of public works standards.
3. All proposed intersections with state highways will require approval of the Colorado state highway department.
4. Roadway drainage structures such as bridges, culverts, cross pans, inlets, curbs and gutters are to be provided as required and in conformance with current department of public works standards.

(G) Business and industrial subdivisions:

1. Service access and parking for the uses proposed as required in the zoning regulations shall be provided.
2. Access openings to major public roads shall be kept to an absolute minimum to avoid impeding the roadway traffic and safety.

(H) Curbs, gutters and sidewalks: Sidewalks and curbs and gutters shall be constructed in accordance with department of public works specifications.

- (I) Pedestrian and bikeway facilities: Trail or walkway systems or links are to be provided, where feasible, to schools, shopping areas, parks, greenbelts and other facilities as necessary. Trail systems and walkways through open space areas are encouraged as an alternate to pedestrian sidewalk requirements and may be used upon approval by the city providing the following criteria are met:
1. The system provides at least the same level of service as would the applicable sidewalk requirement.
 2. Easements or open ways are platted and dedicated for the system.
 3. Trails and walkways are either paved, treated or constructed from selected material to provide a suitable all weather surface that is easily maintained. The type of construction shall be compatible with the anticipated use.
 4. A perpetual association or corporation or other suitable means is established for maintenance.
 5. Unsafe road crossing locations shall be avoided. Special structures and/or traffic control devices may be required at road crossings for safety.
 6. Facilities closely paralleling major roadways shall be avoided.
- (J) Fire lanes: Fire lanes shall be required where necessary to protect the area during the period of development and when developed, an easement therefor shall be dedicated, be twenty feet (20') in width and remain free of obstructions, be of adequate load construction and provide access at all times. (1971 Code, sec. 22.19)

11-6-4: STORM DRAINAGE; EROSION AND SEDIMENT CONTROL:

- (A) Storm Drainage: Facilities for storm water detention or retention shall be constructed by the owner and at the owner's sole expense as required by [title 7, chapter 7](#) of this code. (Ord. 5, Series of 1985)
- (B) Erosion And Sediment Control: In addition to permanent measures which shall be required for erosion and sediment control, temporary erosion and sediment control measures shall also be required and provided by the owner during any grading or construction operations. The owner shall at all times and during all phases of work, be responsible for the protection and maintenance of all existing drainage facilities, including streets, and for the protection of upslope, downslope, and adjacent properties. Construction of the required permanent sediment and erosion control structures or measures shall be completed as soon as possible after the beginning of the construction process. Inlets for drainage structures are to be protected from sediment deposition. Guidelines and regulations shall be adopted or prepared by the director of public services or his designee for purposes of providing for procedures for review of plans and to provide for design criteria for erosion and sediment control facilities or measures. Such criteria shall be made a part of the city's storm drainage design and technical criteria as such is authorized in [title 7, chapter 7](#) of this code and shall be drafted so as to provide the public with reasonable protection from erosion and sediment deposition. The performance guarantee, in addition to guaranteeing other required on or off site improvements, shall include specific provisions for guaranteeing both permanent and temporary erosion and sediment control facilities or measures. (Ord. 64, Series of 1986)
1. Temporary and permanent erosion and sediment control facilities or measures and the regulations for such authorized herein shall not only apply to subdivisions, but shall also apply to all subdivision exemptions, planned development districts, planned development overlays and site plans, or manmade construction or demolition activities that result in land disturbance of equal to or greater than one acre, or less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre, except agricultural activities. (Ord. 30, Series of 2005)

11-6-5: UTILITIES:

(A) General Criteria:

1. Existing and proposed telephone, cable television, electric, gas and other similar utility lines and services shall be placed underground in locations approved by the director of public services except where this requirement is in conflict with the requirements of public and private utility companies or other regulatory agencies. Transformers, switching boxes, terminal boxes, metering, roadway lighting, traffic signal devices, gas regulators, compressor stations or other similar facilities necessarily appurtenant to underground facilities may be placed aboveground in locations approved by the director of public services. Utility lines, as approved by the director of public services, may be placed either within public road rights of way within the subdivision in accordance with adopted encroachment requirements or within easements or rights of way provided for the particular facilities in accordance with the approved improvements plan. (Ord. 52, Series of 1985)
2. The subdivider shall be responsible for all construction or installation charges including those required by the agency serving utilities except those installed at the expense of the utility company involved. Utilities are subject to all other applicable city, state and federal regulations. (1971 Code § 22.21)
3. All utilities' systems and facilities, such as sewer, water, gas and electrical systems, installed in any area of special flood hazard shall be designed, located and/or constructed to eliminate damage from floodwaters. (Ord. 33, Series of 1978)
4. The director of public works may temporarily waive the underground placement requirements of this section when the owner of the proposed subdivision, on behalf of himself, his heirs, successors, and assigns, agrees by written contract or otherwise, in a form acceptable to the city attorney, to underground all required utilities in the future. The city council shall determine when the underground placement of utilities shall be required in its sole discretion. By means of example and not by means of limitation, council may consider, in establishing the future time for the underground placement of utilities, such matters as: the formation of a special improvement district to underground; and whether or not adjacent

property owners are placing utilities underground so as to achieve more cost savings as to the entire project. In those instances where the underground placement requirements of this section are temporarily waived by means of a written contract, said contract shall be recorded in the records of the county clerk and recorder and shall be deemed to be an obligation running with land. (Ord. 20, Series of 2012)

(B) Easements: New easements shall be planned so as to be free from conflicting legal encumbrances, to avoid unnecessary removal of trees or excessive excavations, and to be free from obstructions. Easements which coincide with common rear lot lines shall be at least sixteen feet (16') wide, eight feet (8') of which shall be on each side of the common rear lot lines. Where an easement abuts a rear lot line which is not the rear lot line of another lot, or which is on the perimeter of the subdivision, the easement width shall be ten feet (10') or more. Side lot easements, where necessary, shall be at least ten feet (10') in width, five feet (5') of which shall be on each side of the common side lot line. Where easements are combined with a watercourse, drainageway, channel or stream, a usable utility easement of at least ten feet (10') in width outside that required for water shall be provided if the use would be in conflict with drainage requirements. Multiple use of a given easement is encouraged. The developer is encouraged, in lieu of mechanically providing easements on each and every lot line, to propose a layout based upon a plan for providing the necessary utilities in order to reduce the number and complexity of easements. Such a proposal is subject to approval by the utility agencies involved and by the city. Easements are to be retained or, if nonexistent, provided for all existing utilities that are to remain.

(C) Availability Of Service: The subdivider must present assurances from authorized representatives of all major suppliers of utilities to the proposed subdivision that said utilities are available and will be supplied to the project.

If such services are not presently available, the subdivider shall provide a written statement from the utility company(s) involved commenting on the anticipated date service will be available. Such utilities include, but may not be limited to, water, sanitary sewer, natural gas, electricity and telephone service.

(D) Water And Sewer Mains:

1. In order to provide for the orderly construction of public improvements as areas are built and developed to avoid intermittent sections so improved or unimproved, and to promote the public health, safety and welfare, all water and sewer mains shall be installed and improved in accordance with the specifications of the city and appropriate water or sewer district.
2. All water and sewer mains shall be laid to the grades shown on the water and sewer profile and cross section plans submitted and approved and shall be inspected and checked for accuracy by the department of public works.

(E) Survey Monuments: Permanent plat boundary monuments shall be set at locations approved by the department of public works. Generally, such monuments shall be set at the surface of the ground not more than one thousand four hundred feet (1,400') apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curved boundary, and at public land corners. In addition, road centerlines shall be monumented at all intersections and dead ends with suitable markers set in concrete and encased in a lidded metal box at least 0.3 feet below the finished road surface. Road monuments are subject to approval by the department of public works.

(F) Fire Protection: Fire hydrants are to be provided in all developments served by central system and are to be separated by no more than five hundred feet (500'). (1971 Code § 22.21)

11-6-6: WAIVERS AND MODIFICATIONS:

(A) Upon written request to the department of community development by a subdivider, the city council may waive or modify the requirements of these regulations upon a finding that the requested waiver or modification meets the following criteria:

1. The granting of the waiver or change will not be detrimental to the health, safety, convenience and general welfare of the citizens of the city; and
2. The waiver or change shall not, in any manner, vary the provisions of the zoning ordinance; and
3. The waiver or change will be consistent with the goals and policies of the applicable neighborhood policy plan and the comprehensive plan of the city; and
4. The waiver or change shall not be injurious to the permitted usage of adjacent property; and
5. The waiver or change will allow conformance with existing improvements; or
6. The waiver or change will improve the design, character and quality of the new development by facilitating more efficient and economic provision of streets and utilities; and by preserving natural and scenic features of the particular site.

(B) Waivers or modifications authorized hereunder shall bind the development of the specific property regardless of any change in ownership of the property.

(C) Waivers or modifications authorized hereunder shall be indicated in written or graphic form on the final plat prior to recording the approved final plat in the office of the county clerk and recorder.

(D) No waiver or modification may be considered or granted for minor subdivisions. (Ord. 19, Series of 1978)

Chapter 7 CAPITAL FACILITY IMPACT FEE

11-7-1: PURPOSE AND LEGISLATIVE INTENT:

- (A) Purpose: The purpose of this chapter is to charge a capital facility impact fee to applicants for nonresidential and residential development in the city to fund capital improvements needed to address demand attributable to new development for fire, museum, police, facilities, library and transportation.
- (B) Legislative Intent: The city council recites the following legislative findings and statements of intent that were taken into consideration in the adoption of this chapter:
1. The capital facility impact fees collected pursuant to this chapter are not intended to fund operation, maintenance or replacement costs or otherwise fund the general costs of government.
 2. The capital facility impact fee applies regardless of the value of the property developed. The capital facility impact fee shall be imposed in addition to other fees, taxes or charges of the city. (Ord. 14, Series of 2013)
 3. The capital facility impact fee established in this chapter is based in part on the methodology in the "Impact Fee Study" prepared by BBC Research & Consulting, Inc., dated July 30, 2013, as updated by a supplemental memorandum dated June 5, 2014. (Ord. 17, Series of 2014)
 4. The city council finds that the impact fee study and this chapter establish capital facility impact fees that are generally applicable to broad classes of property; quantifies the reasonable impacts of proposed development on capital facilities; and establishes charges at a level no greater than necessary to defray such impacts directly related to proposed development.
 5. The city council intends that the capital facility impact fees collected pursuant to this chapter are to be used to fund expenditures for capital facilities attributable to new development. (Ord. 14, Series of 2013)

11-7-2: DEFINITIONS:

For purposes of this chapter the following words have the following meanings, unless the context clearly indicates otherwise:

ACCESSORY USE: Shall have the same meaning as in section [10-1-2](#) of this code.

CAPITAL FACILITY CLASSIFICATION: Each separate municipal capital facility area for which the capital facility impact fee is charged, including library, museum, facilities, police, fire and transportation.

CAPITAL FACILITY IMPACT FEE: The fee charged in accordance with this chapter.

DEVELOPMENT AND DEVELOPED PROPERTY: The construction, existence or the intensification of any structure attached to real property.

DWELLING UNIT: Shall have the same meaning as in section [10-1-2](#) of this code.

FLOOR AREA: Shall have the same meaning as in section [10-1-2](#) of this code.

MIXED USE DEVELOPMENT: Development that combines residential development and nonresidential development on the same real property.

MULTI-FAMILY RESIDENTIAL DEVELOPMENT: The principal use of developed property as a multiple-family dwelling, as that term is defined in section [10-1-2](#) of this code.

NONRESIDENTIAL DEVELOPMENT: The principal use of developed property as other than single-family residential or multi-family residential development and includes, without limitation, motels, hotels, resorts, nursing homes and bed and breakfasts.

RESIDENTIAL DEVELOPMENT: Multi-family residential development or single-family residential development.

SINGLE-FAMILY RESIDENTIAL DEVELOPMENT: The principal use of developed property as a single-family dwelling, as that term is defined in section [10-1-2](#) of this code.

UNINHABITABLE AREA: A room that has a six foot (6') or less floor to ceiling height, or a room housing mechanical or electrical equipment that serves the building, with less than three feet (3') of clearance in any dimension between the equipment (except supply and return air ducts and wiring) and the adjacent wall. (Ord. 14, Series of 2013)

11-7-3: GENERAL REGULATORY REQUIREMENTS:

(A) Capital Facility Impact Fee Payment: Any person engaged in nonresidential or residential development in the city shall pay the capital facility impact fee described in subsection (B) of this section. (Ord. 14, Series of 2013)

(B) Impact Fee Rate: Capital facility impact fees shall be assessed and collected according to the standards of this chapter and the following rates:

Use	Capital Facility Impact Fee Rate						Total
	Fire	Museum	Library	Police	Facilities	Transportation	
Residential (per dwelling unit)	\$453.00	\$515.00	\$542.00	\$319.00	\$1,550.00	\$317.00	\$3,696.00
Nonresidential (per sq. ft.)	\$0.227	\$0.00	\$0.00	\$0.160	\$0.775	\$0.784	\$1.946

(Ord. 17, Series of 2014)

(C) Capital Facility Impact Fee Timing: The capital facility impact fee prescribed by this chapter is in addition to any other fee, tax or charge required by this code or any other ordinance of the city. The capital facility impact fee shall be paid at the time of the issuance of a building permit.

(D) Capital Facility Impact Fee On Development: The capital facility impact fee shall be charged on the following types of development:

1. Nonresidential Development:

- (a) New Nonresidential Development: Any person who proposes to construct a structure in a nonresidential development shall pay the capital facility impact fee in subsection (B) of this section.
- (b) Replacing An Existing Nonresidential Structure: Any person who proposes to replace a structure in a nonresidential development shall pay the capital facility impact fee in subsection (B) of this section for the net increase in floor area.
 - (1) In calculating the capital facility impact fee, the city manager, or his designee, shall credit the nonresidential development with an amount equal to the fee that would have been charged to the existing use at the time of redevelopment.
 - A. If the credit is less than the amount of the capital facility impact fee for each capital facility classification, the applicant shall pay the difference.
 - B. If the credit is greater than the amount of the capital facility impact fee for each capital facility classification, the applicant will not be required to pay for each such capital facility classification.
 - (2) The credit prescribed by this subsection applies only to the property served and only to the capital facility impact fees owed to the city and not to other fees, taxes or charges.
 - (3) No refund for any credit prescribed by this subsection shall be paid to any person.
- (c) Additional Floor Area: Any person who proposes to add floor area to any nonresidential development shall pay the capital facility impact fee in subsection (B) of this section for the net increase in floor area for nonresidential development.
- (d) Decreased Floor Area: Any person who proposes to decrease the floor area of any nonresidential development shall be exempt from paying the capital facility impact fee in subsection (B) of this section and shall not receive any refund or credit for the decrease in floor area for nonresidential development.

2. Residential Development:

- (a) New Residential Development: Any person who proposes to construct a dwelling unit in a residential development shall pay the capital facility impact fee in subsection (B) of this section.
- (b) Increased Number Of Dwelling Units: Any person who proposes to increase the number of dwelling units of any residential development shall pay the capital facility impact fee in subsection (B) of this section for the net increase in dwelling units for residential development.
- (c) Decreased Number Of Dwelling Units: Any person who proposes to decrease the number of dwelling units of any residential development shall be exempt from paying the capital facility impact fee in subsection (B) of this section and shall not receive any refund or credit for the decrease in dwelling units for residential development.
- (d) Additions To Structures In Residential Development: An accessory building of a residential use or an addition to an existing dwelling unit, provided no additional dwelling units are created, shall be exempt from paying a capital facility impact fee.

3. Change In Use: For existing residential or nonresidential development, whenever there is a change of use classification the applicant shall pay the capital facility impact fee for the new use as described below:

- (a) Determination Of Capital Facility Impact Fee Rate For A Change Of Use: For conversions of existing floor area to different uses, the capital facility impact fee will be the difference in rate between each of the capital facility classifications for the existing use and for the proposed use as

follows:

(1) In calculating the capital facility impact fee, the city manager, or his designee, shall credit each developed property with an amount equal to the fee that would have been charged to the existing use at the time of the change in use.

A. If the credit is less than the amount of the capital facility impact fee for each capital facility classification, the applicant shall pay the difference.

B. If the credit is greater than the amount of the capital facility impact fee for each capital facility classification, the applicant shall not pay for each such capital facility classification.

(2) The credit prescribed by this subsection applies only to the property served and only to the capital facility impact fees owed to the city and not to other fees, taxes or charges.

(3) No refund for any credit prescribed by this subsection shall be paid to any person.

4. Mixed Use Development: For mixed use development, the applicant shall pay the residential rate of the capital facility impact fee for the residential development portion of the project and shall pay the nonresidential rate of the capital facility impact fee for the nonresidential development portion of the project. The provisions of this chapter applicable to residential development shall be applicable to the residential development portion of the mixed use development as if such portion of the mixed use development were solely residential development, and the provisions of this chapter applicable to nonresidential development shall be applicable to the nonresidential development portion of the mixed use development as if such portion of the mixed use development were solely nonresidential development. (Ord. 14, Series of 2013)

(E) Interpretation Of Use Classifications: The city manager, or his designee, may decide questions of interpretation of the use classification in subsection (B) of this section. This decision shall be based on precedents, similar situations, relative impacts, trip generation rates, employees per demand unit or the methodology used to create such classifications in the "Impact Fee Study" prepared by BBC Research & Consulting, Inc., dated July 30, 2013, as updated by a supplemental memorandum dated June 5, 2014. (Ord. 17, Series of 2014)

(F) Appeal: Any fee payer aggrieved by a decision of the city manager, or his designee, under this chapter may request a hearing under the procedures prescribed by [title 10, chapter 11](#), "Board Of Adjustment", of this code.

(G) Measurement Of Floor Area: No person applying for a building permit shall fail to provide the city with a floor area measurement for nonresidential development. The floor area measurement shall be signed by a professional engineer or architect licensed by the state of Colorado, or in another form acceptable to the city manager, or his designee, at the time of such application. The fee imposed by this chapter shall be apportioned according to such measurement. The rate of fee for each accessory use shall be the same as that for the principal use to which the accessory use is related.

(H) Rate At Time Of Application: The fee shall be calculated and charged at the rates in effect at the time of acceptance of a complete application for a building permit and shall be payable upon building permit issuance. (Ord. 14, Series of 2013)

11-7-4: CAPITAL FACILITY IMPACT FEE CREDIT:

(A) The city manager, or his designee, may recommend to council a capital facility impact fee credit on any of the fees imposed by this chapter if secured by a development agreement, subdivision improvement agreement or other legally binding instrument in which the owner and/or developer has agreed to make and dedicate to the city any capital improvements beyond those required by any provision of this code that would benefit the public at large to the same degree as collection of the capital facility impact fee, and that granting the credit will not result in a substantial increase in the city's costs of providing capital improvements in the future.

The amount of the credit shall be equal to the cost of such improvements to the person, as determined by the city manager, or his designee, and in no event shall the credit be greater than the amount of capital facility impact fee for each category that would be due on the property. No certificate of occupancy, temporary or otherwise, shall be issued for the property until such improvements have been completed to the satisfaction of the city manager, or his designee, and dedicated to the city, or a financial guarantee in a form allowed under subsections [11-5-1\(D\)5](#) and [\(D\)7](#) of this title or as provided in any development agreement, subdivision improvement agreement or other legally binding instrument and in an amount sufficient to secure the full costs, as determined by the city manager, or his designee, of constructing or installing the improvements, has been provided by the owner and/or developer. (Ord. 17, Series of 2014)

(B) Upon written request of the owner and/or developer, the city manager, or his designee, may grant a credit to such owner and/or developer who have paid the previous public facility fee or parks/open space fee but have not applied for a building permit. The amount of credit shall be equal to the amount expended for those fees and in no event shall the credit be greater than the amount of those fees paid previously for the property. (Ord. 14, Series of 2013)

11-7-5: CAPITAL FACILITY IMPACT FEES TO BE EARMARKED:

The city shall establish and maintain a capital facility impact fee account for each category of capital facility for which a capital facility impact fee is

imposed. Each such account must be clearly identified as to the category of capital facility for which the capital facility impact fee has been imposed.

The city shall reflect the historical allocation of the capital facility impact fee in each annual budget. The funds collected will be allocated according to the following capital facility categories: fire, museum, library, police, facilities, and transportation and shall be used exclusively for the purpose of capital improvements related to each particular category. (Ord. 14, Series of 2013)

11-7-6: CITY MANAGER RULES:

The city manager, or his designee, is authorized to adopt rules and regulations necessary in order to interpret, further define or implement the provisions of this chapter. (Ord. 14, Series of 2013)

Chapter 8 LAND RESERVATION

11-8-1: PURPOSE:

Because of unique requirements for sites for community facilities, the City retains the right to reserve lands for new public facilities and streets at sites designated for such purposes on the City's Comprehensive Plan. Such reservation may be for future public buildings, school sites, open space, parks or streets above the classification of collector. These lands will be reserved for eventual purchase by the appropriate public body in the event that the projected need for public facilities on these sites becomes a reality. (1971 Code, sec. 22.28)

11-8-2: TIME LIMITATIONS:

Lands may be reserved under the provisions of this Chapter for a period of no longer than three (3) years after the approval of a final plat which includes the affected property. Within this three (3) year period, the public body for whom the land is reserved must make a commitment for purchase or all rights to the reserved properties shall revert to the landowner. (1971 Code, sec. 22.29)

11-8-3: COMPENSATION:

All acquisition of reserved land shall be based upon the fair market value as determined by not less than two (2) independent appraisals at the time of acceptance of the final plat by the City. Taxes on reserved lands during the period of reservation shall be paid by the agency for whom the land is reserved; if such taxes are not paid by the appropriate agency, the reservation shall cease. (1971 Code, sec. 22.30)

11-8-4: USE OF LAND:

During the period of reservation, lands may be used by the landowner for any purpose not incompatible with the proposed public use and the existing zoning on the property. (1971 Code, sec. 22.31)

11-8-5: DENIAL OF PLAT:

The subdivider shall be required to designate reserved lands on all plats as land reserved for public purchase. Failure to so designate such lands shall be a basis for denial of the final plat. (1971 Code, sec. 22.32)

Chapter 9 SUBDIVISION EXEMPTION

11-9-1: PURPOSE OF CHAPTER:

It is the purpose and intent of this chapter to allow the owner or purchaser of land, or agent thereof, to divide such land into not more than two (2) parcels, which meet the requirements of the governing zone district classification, without requiring submission of a subdivision plat. Approval of a subdivision exemption shall not exempt the applicant from securing and/or providing the necessary improvements including, but not limited to,

sidewalks, curbs, gutters, street paving, storm drainage and utilities. Such land, or parcel which results from the approval of a subdivision exemption as hereinafter provided, shall not be eligible for any subsequent division under the provisions of this chapter. (Ord. 36, Series of 1979)

11-9-2: ELIGIBILITY FOR SUBDIVISION EXEMPTIONS:

The following procedures shall apply to all applications for subdivision exemptions: (Ord. 36, Series of 1979)

(A) Eligibility For Subdivision Exemptions: The owner, purchaser, or agent thereof, must verify all of the following requirements prior to the submittal of a subdivision exemption application to the department of community development:

1. A division of land must not exceed two (2) lots;
2. Such division will not violate the minimum requirements of the governing zone district classifications, the subdivision regulations and other applicable city ordinances and resolutions;
3. All lots must abut a dedicated and accepted city street;
4. The applicant must show evidence that adequate sanitary sewer facilities exist to serve the subject lots;
5. The applicant must show evidence that adequate water facilities exist to serve the subject lots. (Ord. 20, Series of 2012)

(B) Compliance: Any proposed subdivision exemption which does not comply with all of the requirements as defined hereinabove shall be considered as a minor or major subdivision as applicable. (Ord. 36, Series of 1979)

11-9-3: PROCEDURES:

(A) Preparation: The subdivider shall cause the preparation of a subdivision exemption map by a registered land surveyor. The map shall comply with the provisions of these regulations, and other ordinances of the city and state law.

(B) Submission: The applicant shall submit the application and the subdivision exemption map pursuant to the requirements and process described in section [11-2-2](#) of this title. The application deadlines, required number of copies and map details shall be in accordance with the operating standards as established by the department of community development.

(C) Administrative Action: City staff shall review the proposed subdivision exemption map for compliance with the provisions of this title, other applicable regulations, the comprehensive plan, existing and proposed development, and comments from affected agencies. City staff may approve the application, approve the application subject to modifications, or recommend the application be processed under the major or minor subdivision procedure. (Ord. 20, Series of 2012)