



Board Summary Report

File #: 25-254

Agenda Date: 5/12/2025

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To: Board of County Commissioners

Through: Bryan D. Weimer, Director, Public Works and Development Department

Prepared By:
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Presenter: Larry Mugler, Planner, Long Range Planning Division

Subject:
2:30 PM *Proposed Revisions to the Location and Extent Review Process

Purpose and Request:

The Planning staff has reviewed the Location and Extent (L and E) provisions in the Land Development Code (LDC) and the Development Application Manual (DAM) and identified several changes that should make the L and E review process more efficient for applicants, staff, and the Planning Commission. At a previous study session on July 23, 2024, the BOCC requested that staff prepare a case study illustrating the effect of the changes on a particular project. Staff will present the case study and describe additional changes to make the process more efficient.

Background and Discussion: Arapahoe County undertakes location and extent reviews based on two Colorado statutes: Colorado Revised Statutes, § 30-28-110, as amended, and Colorado Revised Statutes, § 22-32-124, as amended. Under the first statute, “No road, park, public way, ground, or space, no public building or structure, and no major facility of a public utility shall be constructed or authorized in the unincorporated areas of Arapahoe County unless and until the proposed location and extent thereof has been submitted to and approved by the Arapahoe County Planning Commission.”

The second statute concerns the location of public and new charter schools. This statute is not currently referred to in the LDC. The proposed change provides this summary of C.R.S. § 22-32-124, “prior to acquiring land or contracting for the purchase of land for a school site, the school district shall consult with and advise the Planning Commission in writing to ensure that the proposed site conforms to the adopted Comprehensive Plan as far as is feasible. Prior to the construction of any structure or building, the school district shall submit a site development plan for review and comment to the Planning Commission.”

One unique element of these statutes is that the applicant in either case is not bound by the Planning Commission’s action and can override a Planning Commission disapproval by action of their own board. The Colorado Land Planning and Development Law publication describes the L and E process this way, “Generally, the approval process is not intended to be a mechanism to prevent the construction of public improvements and public utilities, rather, it is intended to encourage intergovernmental communication and coordination in the development of public improvements and public utilities.”

The intent of this review and suggested changes is to clarify the L and E process, simplify where possible, and make the LDC and DAM consistent. Planning staff reviewed the L and E processes for neighboring counties. Generally, they do not require the amount of detail that Arapahoe County lists in the LDC and the DAM. El Paso County has an extensive L and E provision but also includes a list of projects that are excluded from the L and E process. That is an element that the staff is proposing to add to the Arapahoe County LDC.

While the LDC does not have a reference to the school location and building review statute, the County has reviewed new schools. One difficulty has been the process for public charter schools. The statute states that the Planning Commission may request a hearing before the school district board to address concerns. However, charter schools have their own boards of directors and make their own decisions on siting. The Planning Commission, a school district board, and a charter school board need a clear process for ensuring the Planning Commission's comments are considered. Douglas County seems to have solved this problem by having the school district require the charter school to contact the Planning Commission at the same time as the charter requests approval from the school district. If the Planning Commission has concerns that should be considered at a public hearing, early notification will allow the Planning Commission to participate in the school district's public hearing. The revisions to the LDC will provide the linkages among the County, the school district board, and the charter school.

The changes to the DAM are more technical. The current version requires several special studies that may not be appropriate for some L and E projects. The proposed changes allow the staff more flexibility in determining which studies are necessary. Copies of the L and E sections of the LDC and DAM are attached with the proposed changes shown in red. The staff used case LE18-003 Arapahoe County Sheriff's Substation to identify how the proposed changes would have affected the review of that case. A summary is attached. The major concern was the amount of detail initially submitted by the applicant. The changes give staff more latitude in eliminating special studies (like traffic studies) that would have saved the Sheriff's Department the costs of preparing the studies. In this case, identifying the unneeded studies at the initial pre-submittal meeting might have saved time and money. The proposed changes to the LDC and DAM now emphasize the need to determine the special studies at the earliest opportunity in the review process.

These proposed changes were discussed with the Arapahoe County Planning Commission (PC) on April 15, 2025. Their questions focused on the requirement that the PC provide a report to the Board of County Commissioners whenever they vote to deny an L and E application. The questions concerned the process for providing the report, such as: Do the PC members need to sign the report or can the chair submit it? Can the PC have the staff draft the report? What needs to be included in the report? Once the changes to the LDC are adopted, staff will work with the PC to detail the process for providing a denial report.

Fiscal Impact: The proposed changes are intended to make the review process more efficient and, therefore, reduce costs to the County and to applicants.

Alternatives: The BOCC may find that the proposed changes do not achieve the intended improvements to the L and E review process and direct the staff to consider other changes.

Alignment with Strategic Plan:

- Be fiscally sustainable
- Provide essential and mandated service.
- Be community focused.

Staff Recommendation: Staff recommends that the Board direct that the proposed changes be scheduled for consideration and adoption by the BOCC.

Concurrence: The Arapahoe County Planning Commission held a study session on April 15, 2025, on these proposed changes. Their comments are included in this memorandum.