

**RESOLUTION NO.**            It was moved by Commissioner \_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_ to adopt the following Resolution:

WHEREAS, Sections 29-20-101, *et seq.*, Colorado Revised Statutes (C.R.S.), and Sections 30-28-113, -116 and -133, C.R.S., provide broad land use authority within the unincorporated territory of Arapahoe County to the Board of County Commissioners (the Board) and further provide that the Board has the power to adopt and amend the zoning regulations and subdivision regulations after notice to and recommendation from the Planning Commission, all as set forth in such statutes; and

WHEREAS, the Board has adopted the Arapahoe County Land Development Code, which establishes the zoning and subdivision regulations for unincorporated Arapahoe County, and from time to time the Board considers proposed amendments to the Land Development Code and such zoning and subdivision regulations, all in accordance with such statutory authority; and

WHEREAS, the Department of Public Works and Development, Planning Division staff, has made recommendations for certain amendments to the Arapahoe County Land Development Code , Case No. LDC21-001 concerning LDC Section 4-1.3, Landscaping and Screening, and Chapter 7, Definitions and forwarded such proposed amendments to the Arapahoe Planning Commission for review and recommendation; and

WHEREAS, on *October 15, 2024*, the Planning Commission held a duly notice public hearing, heard such public comment as was presented, and reviewed and considered the Planning Division staff's proposed recommended amendments to the Land Development Code and the Development Application Manual, and following such public hearing, the Planning Commission was unable to reach a majority vote to make a recommendation to approve the proposed amendments, instead voting in a 3 to 3 tie on a recommendation of approval and, as a result, the recommendation is for denial; and

WHEREAS, Notice of a Public Hearing to be held on *November 12, 2024*, on the proposed amendments to the Land Development Code was published on *October 24, 2024* in The Englewood Herald, Littleton Independent, and Centennial Citizen, newspapers of general circulation in the County, and was also published on *October 24, 2024*, in the I-70 Scout, a newspaper with circulation in the eastern part of Arapahoe County; and

WHEREAS, on *November 12, 2024*, in accordance with the published notice, the Board held a Public Hearing on the proposed amendments to the Land Development Code ; and

WHEREAS, evidence was presented to establish that all notice and other procedural requirements required by law for amending the Land Development Code were followed, and to establish the Board's jurisdiction to hear and decide on the proposed amendments; and

WHEREAS, Planning Division and Legal staff presented and explained the proposed amendments, and responded to Board questions and comments concerning the proposed amendment; and

WHEREAS, following the presentation by County staff, the Chair opened the Hearing for public comment and the Board heard and considered such public comment as was presented on the proposed amendment; and

WHEREAS, the Board hereby makes the following findings:

A. The Board finds and determines:

1. That the statutory jurisdictional requirements have been met.
2. That the Public Hearing was opened and that the public had opportunity for public input and comment on the proposed amendments.
3. That the Board has jurisdiction to hear, consider and act upon the proposed amendments to the Land Development Code.
4. That the proposed amendments to the Land Development Code are consistent with the Arapahoe County Comprehensive Plan.

B. The Board further finds and concludes that the proposed amendments to the Land Development Code are appropriate and lawful land use regulations for the unincorporated territory of Arapahoe County, that the proposed amendments will promote the community's interest in reasonable stability in zoning and subdivision regulations, and that the proposed amendments are in the public interest and for the public good.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado to adopt the following revisions to the Land Development Code, see attached Exhibit A.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that the provisions of the Land Development Code amended by this Resolution are hereby repealed.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that Planning Division staff with the approval of the County Attorney is hereby authorized to correct typographical errors and make such text revisions to this Code amendment as are reasonably necessary to incorporate the approved amendment into the Land Development Code for publication.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that the amendments to the Land Development Code approved by this Resolution shall be effective immediately and shall be included in the next printing of the Land Development Code.

The vote was:

Commissioner Baker, \_\_\_; Commissioner Campbell, \_\_\_; Commissioner Holen, \_\_\_; Commissioner Summey, \_\_\_; Commissioner Warren-Gully, \_\_\_.

The Chair declared the motion carried and so ordered.