



## Board Summary Report

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**File #:** 24-384

**Agenda Date:** 7/23/2024

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**To:** Board of County Commissioners

**Through:** Bryan Weimer, Director, Public Works and Development Department

**Prepared By:**  
Larry Mugler, Planner, Long Range Planning Division, PWD

**Presenter:** Larry Mugler, Planner, Long Range Planning Division, PWD

**Subject:**  
1:15 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. The study session will provide the BOCC an opportunity to review and discuss the proposed changes before the formal amendment of the LDC and DAM. The attached presentation highlights specific areas for which staff requests BOCC discussion and direction. However, staff encourages the BOCC to review all aspects of the proposed regulations and welcomes comments and direction on the entirety of the proposed code amendments.

**Background and Discussion:** Arapahoe County undertakes reviews of the use of land for public projects based on two Colorado statutes: Location and Extent reviews under Colorado Revised Statutes, § 30-28-110, as amended, and new public or charter school facilities under 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 and construction of public and charter schools. Subsection 1(a) addresses the acquisition of land by a board of education for a new school site and subsection 1.5(a) address new charter school facilities. This statute is not referenced 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 making sure 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 in nature. 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.

**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 July 16, 2024, on these proposed changes. Their comments will be provided at the BOCC study session.