

SECTION 4 – SUBDIVISION REGULATIONS

4.1 GENERALLY

4.1.1 Purpose and Intent:

New subdivisions require review and evaluation so that they may be located properly with respect to their effects on surrounding properties and Archuleta County at large. New subdivisions may be permitted subject to such conditions and limitations as Archuleta County may prescribe. The intent is to ensure that the location and operation of the new subdivision is in accordance with the development objectives of the County (per the *Archuleta County Community Plan*) and will not be detrimental to other uses or properties.

4.1.2 Types of Subdivisions:

4.1.2.1 Major Subdivision

A Major Subdivision is any subdivision which involves the division of land into four (4) or more parcels, lots, tracts, spaces or interests. The term interests as used in this Section shall not be construed to include undivided fee simple interests in real property, but instead shall be in reference to divisions of land into separate parcels, tracts, or lots' or separate divisions of improvements (e.g. condominiums, townhomes or apartments). As an example, four or more persons or entities may own undivided fee simple interest in three or fewer parcels without requiring a Major Subdivision.¹ The Major Subdivision review process includes Sketch Plan, Preliminary Plan and Final Plat review, in accordance with the procedures in Section 4.2, Section 4.3, and Section 4.4.

4.1.2.2 Minor Subdivision

A Minor Subdivision, formerly known as a Minor Impact Subdivision, is any subdivision which involves the division of land into three (3) or fewer parcels, lots, tracts, spaces or interests, all of which can be accessed and served with existing improved roads and utilities, whether intended for eventual sale or not, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of these Regulations. The Minor Subdivision review process includes Sketch Plan and Final Plat review, in accordance with the procedures in Section 4.2 and Section 4.4.

4.2 SKETCH PLAN

4.2.1 Purpose and Intent:

The purpose of this submittal shall be an informal initial review of the concept and general scope of the proposal at an early stage in the planning. No vote shall be taken for or against any such submittal, but comments and suggestions may be made to clarify policies or to provide additional guidance.

¹ Amended August 2011 (Res. 2011-41)

4.2.2 Submittal Requirements:

Applicant shall submit a minimum of six (6) copies of the Sketch Plan application, the application fee, and any supplemental data for the proposed subdivision and the Sketch Plan application to the Planning Department. The Sketch Plan application shall include:

- 4.2.2.1** A plan, roughly drawn to approximate scale, showing access to and the layout of the subdivision, and indicating the relationship of various usages such as residential, commercial, industrial, recreational, public facilities, the street network, and showing features and uses of adjoining lands as related to the proposed subdivision.
- 4.2.2.2** Information on topography, hazard areas which may exist such as flood prone areas, concentrated runoff areas, inadequate drainage areas, wildfire hazard areas, steep slopes, etc., and lakes, streams and vegetation.
- 4.2.2.3** Reports concerning geologic characteristics of the area which might significantly affect the proposed land use and explaining the impact of such characteristics on the proposed Full Subdivision or in the case of a geo-technical hazard located on the parcel. Any coal and mineral resources and hazard areas such as landslides, avalanches, rock falls, mudflows, debris fans, unstable or potentially unstable slopes, seismic effects, ground subsidence, expansive soils or rock, radioactivity, etc., must be specifically shown, explained and evaluated.
- 4.2.2.4** Reports and explanatory information concerning the types of soil in the proposed Full Subdivision and the suitability for the expected uses, in accordance with the National Cooperative Soil Survey available from the Natural Resource Conservation Service. Evaluation of potential radiation hazard to the proposed future land use, evaluation of these potential radiation hazards.
- 4.2.2.5** Property survey and ownership of the land to be subdivided; and ownership of surrounding lands.
- 4.2.2.6** A plan and a written description of the layout or plan of development including, where applicable, the following information:
 - (1)** Total acreage of land to be subdivided; number and approximate size of proposed lots and tracts.
 - (2)** Reasonable evidence that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed.
 - (3)** Type of sewage disposal and treatment system proposed for the subdivision and a report from the appropriate health authority that this proposed method is compatible with the soil, topography, governmental requirements and other characteristics of the area.
 - (4)** Information concerning providing services and amenities, such as fire protection, solid waste disposal, telephone, electricity, recreation, schools, etc.

- (5) Assurance of all-weather access to the proposed subdivision from an existing county or state road.

4.2.3 Review Procedure:

- 4.2.3.1** The Planning Department shall review the Sketch Plan for conformance with the Master Plan, these Regulations, and other adopted County policies and ordinances and within ten (10) working days after the submittal a conference shall be scheduled with the applicant to discuss the proposed subdivision.
- 4.2.3.2** Either the applicant or the Planning Department may request that the Sketch Plan be reviewed by the Planning Commission if needed to clarify policies or provide additional guidance. In such instances, the Sketch Plan will be reviewed at the next available Planning Commission meeting which occurs at least twenty one (21) days following the conference in 4.2.3.1.
- 4.2.3.3** The Planning Department will provide the applicant with written comments regarding the proposed subdivision within five (5) working days following the conference or Planning Commission review.
- 4.2.3.4** A preliminary plan must be submitted within six (6) months from the date of the written comments described in 4.2.3.3, otherwise a new Sketch Plan must be submitted, unless an extension is granted by the Planning Department.

4.3 PRELIMINARY PLAN

4.3.1 Purpose and Intent:

The Preliminary Plan submittal is the second step in the Major Subdivision review process, and is not required for a Minor Subdivision. The Preliminary Plan will be presented to the Planning Commission for their review and consideration for approval.

4.3.2 Submittal Requirements:

In accordance with decisions resulting from review of the Sketch Plan, the applicant shall prepare and submit fifteen (15) copies of a Preliminary Plan application, the non-refundable application fee, and any supplemental data for the proposed subdivision and the Preliminary Plan application to the Planning Department. The Preliminary Plan application shall comply with the requirements of the Subdivision Design Standards in Section 5.1, and shall include:

- 4.3.2.1** A vicinity map prepared at an appropriate scale covering at least one-half mile around the proposed subdivision (or farther if necessary to show all influencing factors) and showing existing roads, streams, municipal boundaries, platted areas, adjoining ownerships, utilities and similar major natural or man-made features of the area. The nearest section lines shall be indicated for reference purposes.
- 4.3.2.2** The Preliminary Plan map shall be prepared at an appropriate scale with outer dimensions of twenty four by thirty six inches (24"x36"). If more than one (1) map is

required to show the subdivision, a key map showing the whole subdivision shall be submitted with detail as to how each map ties together. It shall include or show:

- (1)** Proposed name of the subdivision.
- (2)** Date of preparation, true north arrow, scale and signature of the person responsible for preparing the map.
- (3)** Names and addresses of the landowner, the applicant and the designer of the subdivision.
- (4)** An accurate survey of the perimeter boundary of the area to be subdivided with ties to permanent location markers, such as existing section corner markers or other suitable points acceptable to the Planning Commission. Total acreage must be specified.
- (5)** Topography, indicated by contour lines at intervals of two (2) feet on land less than six (6) percent slope, five (5) feet on land sloping seven (7) percent to twenty (20) percent, or ten (10) feet on land sloping over twenty (20) percent; shading shall be provided on land sloping over twenty (20) percent - thirty (30) percent and greater than thirty (30) percent.
- (6)** Location and principal dimensions for all existing and proposed street right-of-ways (including street names), alleys, buildings, easements, water and sewer lines, telephone lines, power lines, gas lines, water courses and other important features within and adjacent to the property to be subdivided.
- (7)** Principal dimensions to the nearest foot (which may be scaled values) and the approximate area (square feet or acres) of all proposed lots, parcels and tracts.
- (8)** The proposed type of use for each lot, parcel and tract.
- (9)** Lots shall be numbered consecutively, either throughout the subdivision or block by block. Other parcels or tracts shall also be individually identified by number or letter.
- (10)** The names of abutting subdivisions or the names of the owners of the abutting unplatted property.
- (11)** Delineation of any area subject to a base flood and the flood water elevations at representative cross sections. All floodplain areas shall be shaded on the map. Easements for storm drainage shall be provided as necessary.
- (12)** Reasonable access shall be provided to adjoining public and private lands by suitable right-of-ways or easements where such access is desirable or appropriate for present or future use of adjoining lands.

(13) Planned Unit Developments have special requirements which must be addressed.
(See Section 3.1.6).

4.3.2.3 Evidence to establish that definite provision will be made for a water supply that is sufficient in terms of quantity, dependability and quality to provide for the proposed subdivision. This must be in the form of a report signed by a professional engineer registered in the State of Colorado, and must include, as a minimum, the following information:

- (1)** The expected water requirements of the subdivision at full development including various water uses to be permitted.
- (2)** The estimated consumptive use of water by the subdivision.
- (3)** The source of water for the subdivision and the dependability of this source.
- (4)** If applicable, evidence of ownership or right of acquisition of, or use of, existing and proposed water rights.
 - a.** Historic use and estimated yield of claimed water rights.
 - b.** Amenability of existing water rights to a Water Court decreed change in use, if necessary.
 - c.** The dependability of claimed water rights for use as a subdivision water supply.
 - d.** An evaluation of the potential for material injury to other existing water rights as a result of the subdivision water usage, including the cumulative effect of on-lot household or domestic wells.
 - e.** A plan of augmentation or plan of exchange whereby any material injury to existing water rights is prevented.
- (5)** If applicable, evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use by the proposed subdivision and the feasibility of extending service to the new area.
- (6)** Evidence concerning the portability of the proposed water supply for the subdivision.

4.3.2.4 Evidence of suitable sewage treatment facilities. This shall include evidence that all applicable local, state and federal requirements will be met.

4.3.2.5 No County Maintenance of streets or roads. The County's acceptance of this plat constitutes acceptance, on the public's behalf, of the offer of dedication of rights-of-way over the subdivision roads, but does not constitute acceptance of road maintenance obligations. Owner(s) of property in the subdivision and/or the homeowners' association shall retain all road maintenance obligations for all roads in the subdivision.

- 4.3.2.6** If the subdivision does not abut an existing county or state road so as to provide direct access to the subdivision, evidence as to how public all-weather access is to be provided and maintained. The applicant shall be responsible to provide access road or roads. Plat notes on the Preliminary Plan map and Final Plat shall state that it is the responsibility of the property owners to maintain such road or roads.
- 4.3.2.7** All proposed subdivisions shall submit a fire protection plan reviewed by the Fire Chief/Fire Marshall of the Pagosa Fire Protection District or other qualified individual.
- 4.3.2.8** Information explaining how the subdivision application complies with the public land dedication requirements in Section 6.
- 4.3.2.9** Proposed covenants or restrictions to control activities or land uses, which would be recorded along with a final plat.
- 4.3.2.10** If the proposed subdivision lies in an identified flood hazard area, or is suspected by Staff to lie in a flood hazard area, the applicant shall submit, certified by a Colorado licensed professional engineer, the following:
- (1)** On the Preliminary Plan map show the area which would be covered by a base flood and flood water surface elevations at representative cross sections. This area shall be shaded on the Preliminary Plan map and Final Plat.
 - (2)** On the Preliminary Plan map show lowest floor elevation, size and location of all proposed and existing structures and improvements; and location and elevation of streets, water supply systems and sewage facilities.
 - (3)** Proposed flood proofing measures, if any.
 - (4)** Specifications for building construction and materials, filling, dredging, grading, channel changes, storage of materials, water supply systems and sanitary facilities.
 - (5)** Descriptions of any construction activity which would affect the hydraulic capacity of the floodway.
 - (6)** Plat notes on the Preliminary Plan map and Final Plat stating that such a hazard exists.
- 4.3.2.11** If the proposed subdivision lies in an identified geologic hazard area, or is suspected by the Planning Commission to lie in a geologic hazard area, the applicant shall submit the following maps, reports or data prepared by a qualified geologist:
- (1)** A map or maps portraying the geologic conditions of the area with particular attention given to the applicable geologic hazard. If appropriate, sub-surface geologic cross sections shall also be utilized to portray such conditions at depth. The geologic maps shall be at the same scale and in the same format as the Preliminary Plan maps.

- (2) A geologic report explaining the above maps and cross sections with particular emphasis on evaluating and predicting the impact of such geologic or hazardous conditions on the proposed land use changes and developments. It shall also include recommended mitigating procedures to be employed in meeting the purposes of these regulations.
- (3) The applicant, in narrative, pictorial or graphic form, shall explain the nature, density and intensity of the proposed development or land use change and shall explain mitigation procedures which will be needed and are planned to carry out the objectives of these regulations.
- (4) Plat notes on the Preliminary Plan map and Final Plat stating that such a hazard exists.

4.3.2.12 If the proposed subdivision lies in an identified wildfire hazard area, or is suspected by the Planning Commission to lie in a wildfire hazard area, the applicant shall submit the following information certified by a qualified professional forester:

- (1) Maps or overlays portraying the existing wildfire conditions of the area with particular attention given to the effects of slope, topographic and vegetative (living and dead) conditions. Such maps shall be on a scale sufficiently detailed to meet the objectives of these regulations.
- (2) The procedures proposed to reduce or control conditions of wildfire hazard.
- (3) The fire protection plan for the proposed land use including all fire suppression facilities which are necessary to meet the objectives of these regulations.
- (4) Plat notes on the Preliminary Plan map and Final Plat stating that such a hazard exists.

4.3.2.13 If the proposed subdivision lies in an identified mineral resource area, or is suspected by the Planning Commission to lie in a mineral resource area, the applicant shall submit the following data prepared by a qualified geologist:

- (1) Ownership of the mineral rights affected.
- (2) Type and location of mineral resources under the property.
- (3) An analysis of the commercial feasibility of extracting the mineral resource.
- (4) A map or maps portraying the geologic conditions of the area with particular attention given to the applicable mineral resource deposit. If appropriate, sub-surface geologic cross sections shall also be utilized to portray such conditions at depth. The geologic maps shall be at the same scale and in the same format as the development plan maps.

- (5) An analysis of the fiscal impacts on local services and facilities.
- (6) Evidence that the development plan will present no obstacle to extraction of the mineral resources on or under the subject property or evidence that the proposed development will be of greater economic value than the minerals present.
- (7) Plat notes on the Preliminary Plan map and Final Plat stating that a mineral resource exists.

4.3.2.14 If the proposed subdivision lies in a radiation hazard area, or is suspected by the Planning Commission to lie in such an area, the applicant shall submit:

- (1) A report of the hazard as prepared by the Geological Survey or a qualified geologist.
- (2) Plat notes on the Preliminary Plan map and Final Plat stating that such a hazard exists.

4.3.2.15 When a proposed street will intersect with a State or Federal highway, a copy of the applicable access application or permit issued by the Colorado Department of Transportation shall be submitted.

4.3.2.16 An erosion control plan shall be submitted.

4.3.2.17 A drainage plan shall be submitted.

4.3.2.18 When site conditions warrant, the Planning Commission, County Engineer, or Planning Department may determine that in order to make an informed decision, the applicant shall submit additional supplemental data. This supplemental data shall be determined at the Sketch Plan stage or at the Preliminary Plan Pre-Application meeting. This supplemental data can include, but is not limited to, preliminary engineered construction drawings, preliminary drainage plans, etc.

4.3.3 Review Procedure:

4.3.3.1 The Planning Department shall review the Preliminary Plan for conformance with the Community Plan, these Regulations, and other adopted County policies and ordinances and within ten (10) working days after the submittal a conference shall be scheduled with the applicant to discuss the proposed subdivision.

4.3.3.2 The Preliminary Plan will be reviewed at the next available Planning Commission meeting which occurs at least twenty one (21) days following the conference in Section 4.3.3.1.

4.3.3.3 The Planning Commission, at a public hearing, shall review the Preliminary Plan and after considering the comments and recommendations of the agencies specified in Section 2.2.5, testimony of the general public, and impacts on adjoining areas and the county as a whole, from factors such as natural resources, natural hazards, erosion,

county services, transportation, education, socio-economic factors, and county needs and benefits, the Planning Commission shall approve, conditionally approve, continue or disapprove the Preliminary Plan.

4.3.3.4 In the event the Planning Commission disapproves a Preliminary Plan, the applicant may appeal to the Board of County Commissioners and present the Preliminary Plan for its disapproval or approval as submitted (before proceeding to prepare a Final Plat).

4.3.3.5 In the event the Planning Commission continues a Preliminary Plan, no public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the applicant. Any continuation of a public hearing shall be to a date certain.

4.3.3.6 Preliminary Plan approval shall be valid no longer than one (1) year. In the event a Final Plat is not submitted to the Planning Commission within this time, the Preliminary Plan approval becomes null and void and of no further force nor effect. An extension of time may be applied for on the basis of unforeseen circumstances.

(1) The applicant shall, in writing, request an extension citing the specific reasons for such extension and for how long the extension is required.

(2) One written extension of time may be granted by the Planning Commission.

(3) If an extension of time is granted, these Regulations, as may be amended, shall apply.

4.4 FINAL PLAT

4.4.1 Purpose and Intent:

The Final Plat submittal is the last step in the subdivision review process. The Final Plat review will be presented to the Planning Commission for their review and consideration for approval.

4.4.2 Submittal Requirements:

Not more than twelve (12) months (or such extension time as may have been granted) after approval of the Sketch or Preliminary Plan, the applicant shall prepare and submit five (5) copies of the Final Plat application, the non-refundable application fee, and any supplemental data for the proposed subdivision and the Final Plat application to the Planning Department. The Final Plat application shall comply with the requirements of the Subdivision Design Standards in Section 5.1, and shall include:

4.4.2.1 A mylar plat map, made at an appropriate scale, with outer dimensions of twenty four by thirty six inches (24"x36"). In the case of multiple sheets, a small key map showing the relationship of the individual sheets shall be shown on each sheet. Shading shall be provided on land sloping from twenty (20) percent – thirty (30) percent and another form of shading shall be provided for land sloping thirty (30) percent or greater. All information shall be accurate and legible.

4.4.2.2 The Final Plat shall contain the following information and shall be prepared and signed by a registered Colorado land surveyor.

- (1)** Subdivision name, scale, true north arrow, date of preparation and basis of bearings.
- (2)** The property owner's name and mailing address.
- (3)** Legal description of property and the total acreage. This should be part of the dedication statement.
- (4)** Complete survey data which shall include all information necessary to establish the boundaries in the field; a description of all monuments, both found and set, which mark the boundaries of the property; and a description of all control monuments used in conducting the survey. All monumentation shall be in place prior to final plat submittal to the County Surveyor.
- (5)** Subdivision boundary lines; street and other right-of-way lines; easements; property lines of lots, parcels and tracts; showing in all cases accurate distances, bearings, curve radii, central angles and arc lengths.
- (6)** Street names or easement descriptions and widths of each right-of-way or easement.
- (7)** A number or other means to identify each lot, parcel or tract, and the area (square feet or acres) of each.
- (8)** The type of use permitted (other than single family residential) for each lot, parcel or tract.
- (9)** A vicinity map, drawn at an appropriate scale showing the perimeter outline of the platted area, accesses, abutting subdivisions or ownerships, surrounding section lines, and other relevant information so the subdivision location may be ascertained by persons unfamiliar with the area.
- (10)** All appropriate plat notes and appropriate shading, such as floodplain information, geological hazard, mineral resources, access information, etc.
- (11)** The following certifications and dedications shall appear on the Final Plat and shall be substantially in conformance with the format on file with the Planning Department.
 - a.** Dedication and waiver by the applicant.
 - b.** Surveyor's Certification.
 - c.** County Surveyor's Certification.
 - d.** Planning Commission Certification.
 - e.** County Commissioners' Conditional Certification.
 - f.** County Commissioners' Approval to Record Certification.

- g. Clerk and Records Certification.
- h. Lien Holder Certification.²

4.4.2.3 The County Surveyor shall review all plats for accuracy at the applicant's expense.

- (1) Surveyor fees shall be paid to the Planning Department prior to submittal to the County Surveyor and a paid receipt presented to the County Surveyor. The County Surveyor shall have up to fourteen (14) calendar days to review the plat.
- (2) The County Surveyor shall review the plat and if any corrections are needed, the applicant shall have the corrections made and two (2) copies of the corrected plat shall be re-submitted to the County Surveyor and two (2) copies to the Planning Department. Re-check fees shall be paid to the Planning Department and a paid receipt presented to the County Surveyor. If corrections are needed, the County Surveyor shall have an additional fourteen (14) calendar days for review from the date the corrected plat is received by the County Surveyor.

4.4.2.4 Tax Certificate from the County Treasurer showing that no taxes are currently due or delinquent against the property.

4.4.2.5 A title report from within three (3) months of the Final Plat submission showing the names of all surface owners, lien holders, mineral owners and lessees of mineral rights in the platted area as the names may appear upon records in the County Clerk and Recorder's Office. The title report shall also include all easements of record.

4.4.2.6 Evidence that notices, giving the time and place of the Planning Commission meeting at which the Final Plat will be considered, have been sent via Certificates of Mailing to said mineral owners and lessees at their most recent addresses as they may appear in a telephone or other directory of general use in the area of the proposed subdivision or on the tax records of the County.

4.4.2.7 Statements from utility companies (water, sewer, electric, gas, telephone, etc.), as applicable, concerning the extent to which service can be provided to the subdivision, and at whose expense.

4.4.2.8 The restrictions or protective covenants to be recorded controlling the use of land and activities in the subdivision, if applicable.

4.4.2.9 The avigation easement to be recorded for said land, if any part of said land lies within an Airport Overlay District and/or an airport influence area. The avigation easement shall be substantially in conformance with the format on file with the Planning Department.

4.4.2.10 Subdivision Summary Form appropriately filled out. The Subdivision Summary Form is available from the Planning Department.

² Amended Oct.2006 (Res. 2006-29)

- 4.4.2.11** When a proposed street will intersect with a state or federal highway, a copy of the applicable access permit issued by the Colorado Department of Transportation.
- 4.4.2.12** Assurance that there will be all-weather access to the subdivision via public roads, conforming to county standards, from existing county or state roads and that maintenance, including snow removal, is assured for said access roads.
- 4.4.2.13** For Major Subdivisions, the applicant shall submit two (2) complete sets of Design and Construction drawings prepared by a professional engineer licensed in the State of Colorado. These Construction Drawings shall include roadway/utility plan and profiles, roadway/utility cross-sections, a drainage plan, and other details necessary for construction, at a scale no smaller than one inch equals forty feet (1" = 40'), unless otherwise approved by the County Engineer. These Design and Construction drawings will also be presented to area utility companies by the applicant. All utility companies, the County Road and Bridge Department, and the Planning Department shall approve the Construction Drawings prior to recommending Final Plat Conditional approval to the Planning Commission and to the Board of County Commissioners.
- (1)** Construction Drawings shall be prepared on a twenty four by thirty six inch (24"x36") plan and profile sheets at a minimum horizontal scale of one inch equals forty feet (1" = 40'), with a vertical scale of one inch equals five feet (1" = 5'). Other scales and sheet sizes may be considered, as determined by the County Engineer. Each drawing shall include a title block showing the project identity, scale and date, name and title of designer; and shall include north arrow, legend and general notes.
- (2)** Roadway design shall be prepared on plan and profile drawings. The plan view of the roadway is to be shown by centerline stationing with curve control points being identified by stationing. The curve radii, delta angles and bearings of tangents shall be shown when required by the County Engineer. All road elements such as curbs, gutters, utilities, easements and road rights-of-way shall be shown. All County roads by number and proposed roads by name shall be identified.
- The profile shall depict vertical alignment for existing and proposed roads and storm sewers by stationing and grade. The plan and profile of any given road shall be depicted on the same sheet. The cross culvert locations shall be shown by stationing and skew angle. The design specifications and standards in these regulations shall be followed.
- (3)** Major intersections will be defined by the County Engineer. Major intersection design will require details to be shown at a scale of one inch equals twenty feet (1" = 20'), on a twenty four by thirty six inch (24"x36") plan-drawing sheet. The configuration and channelization shall be shown in detail to include elevations of the roadway surface, curbs, and gutters; striping and paving; and signalization, when required by the County Engineer.

- (4)** Unless waived by the County Engineer, a professional engineer licensed in the State of Colorado will conduct a drainage study of the area to be developed and adjacent areas that affect the development.
- a.** The drainage study shall be shown at a scale to correlate with the roadway drawings scale, and shall be shown on a separate twenty four by thirty six inch (24"x36") plan drawing sheet.
 - b.** The drawing shall include contours of existing conditions and of developed conditions. The topography shall depict flow paths of storm waters. Contour intervals shall be at two-foot (2') intervals for up to twenty (20) percent terrain slopes and ten (10) foot intervals for terrain slopes greater than twenty (20) percent. At an appropriate scale, depict also the outlines of the sub and major drainage basin flows to and within the proposed development. Runoff control measures such as detention basins shall be shown.
 - c.** Describe the effect of offsite flows on the development and how they are affected by the development. Describe the control measures, which will be necessary for their proper conveyance.
 - d.** Define the system that will convey the historic and developed onsite flows throughout the development and how they will be dispersed off-site.
- (5)** Construction details of proposed roadway and drainage structures shall be shown at a scale of one inch equals twenty feet (1" = 20') or of one inch equals ten feet (1" = 10'), whichever is appropriate, on a separate twenty four by thirty six inch (24"x36") plan-drawing sheet. The sheet shall be identified by a title block to include all pertinent information. The details may be additionally presented on an eight and a half by eleven inch (8 ½"x11") paper to be included in the construction specifications report. The drawings shall depict construction details of items such as erosion protection at entrances and exits of culverts, drop inlets (when required), detention pond facilities, final roadway template showing structural data, channel cross sections, and other structures pertinent to construction.

- 4.4.2.14** Base flood and flood water elevations shaded, when required as a result of the Preliminary Plan review, and noted on the Final Plat.
- 4.4.2.15** Geologic hazard mitigation plan, when required as a result of Preliminary Plan review, and noted on the Final Plat.
- 4.4.2.16** Wildfire control plan, when required as a result of Preliminary Plan review, and noted on the Final Plat.
- 4.4.2.17** Radiation hazard mitigation plan, when required as a result of Preliminary Plan review, and noted on the Final Plat.
- 4.4.2.18** Fire protection plan reviewed by the Fire Chief/Fire Marshall of the Pagosa Fire Protection District or other qualified individual, if required.
- 4.4.2.19** Appropriate deeds or arrangements covering land for public purposes or money in lieu thereof.

4.4.3 Review Procedure:

- 4.4.3.1** The Planning Department shall review the Final Plat for conformance with the Community Plan, these Regulations, and other adopted County policies and ordinances and within ten (10) working days after the submittal a conference shall be scheduled with the applicant to discuss the proposed subdivision.
- 4.4.3.2** The Preliminary Plan will be reviewed at the next available Planning Commission meeting which occurs at least twenty one (21) days following the conference in Section 4.4.3.1.
- 4.4.3.3** At the scheduled meeting the Planning Commission shall review the proposed Final Plat and, taking into consideration all pertinent factors including, but not limited to, impact on natural resources, transportation, education, socio-economic factors, county services, county needs and benefits; and general health, safety and welfare implications; shall thence recommend to disapprove or approve, as submitted, the proposed subdivision.
- 4.4.3.4** Upon the Planning Commission recommendation of the Final Plat, it shall be held by the Planning Department for presentation to the Board of County Commissioners.
- 4.4.3.5** The applicant shall request that the Planning Department make an appointment with the Board of County Commissioners for a mutually satisfactory time to present the Final Plat for their review and action. At the appointed time, the Planning Department will present the Final Plat along with all pertinent supplementary information before the Board of County Commissioners.
- 4.4.3.6** The Board of County Commissioners, at a public hearing, shall review the subdivision proposal and after considering testimony from any interested parties and the applicant, and the Planning Commission recommendations, shall conditionally approve or disapprove the Final Plat.
- (1)** Conditional approval shall include specific arrangements for providing the required land for public purposes or money in lieu thereof, and the improvements agreement shall be executed with an exhibit listing all required improvements.
 - (2)** Conditional approval shall be evidenced by signing the County Commissioners' Conditional Certification on the Final Plat.
 - (3)** No site preparation for any proposed subdivision shall commence until the signing by the County Commissioners' of the Conditional Certification on the Final Plat and the pre-construction meeting has occurred.
 - (4)** The Final Plat approval assures the applicant that upon satisfactory completion of the listed improvements and completion of the arrangements for land or money for public purposes, the Final Plat will be accepted for recording.

- 4.4.3.7** No alterations of any kind shall be made to the Final Plat after this conditional approval by the Board of County Commissioners.
- 4.4.3.8** Upon conditional approval by the Board of County Commissioners, the Final Plat shall immediately be returned to the Planning Department to be held until the required improvements have been complete to the satisfaction of the County Engineer and the Planning Department.
- 4.4.3.9** Upon completion of all required improvements, and of arrangements for land or money for public purposes, and within the two (2) year time limit, the applicant may so notify the County Commissioners and the Planning Department and request final approval and recording of the Final Plat.
- 4.4.3.10** No plat for subdivided land shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides the certification of the County Treasurer's office that all ad-valorem taxes applicable to such subdivided land are current and there are no delinquent taxes.
- 4.4.3.11** The Board of County Commissioners, after ascertaining satisfactory completion of the required improvements and of the arrangements for land or money for public purposes, may give final approval of the Final Plat for recording. This shall be evidenced by signing the Approval to Record Certification on the Final Plat and accept a warranty bond or other assurance.
- (1)** The final approval shall be evidenced by signing the Approval to Record Certification on the Final Plat and release of the Performance bonding obligation.
 - (2)** The warranty bond or other assurance shall be for any engineering or construction defects or inadequacies that appear in the completed improvements within two years from the date of final approval. Such bond or other assurance shall be an amount recommended by the Archuleta County Engineer and approved by the Board of County Commissioners.
- 4.4.3.12** The Planning Department shall then have recorded, without undue delay, the Final Plat and any appropriate supplemental instruments such as covenants, avigation easements, etc.
- 4.4.3.13** The Board of County Commissioners may withdraw approval of a plat if and when it is determined that information provided by the applicant, upon which such approval was based, is false or inaccurate. The Board of County Commissioners may also withdraw approval if the applicant fails to complete the required improvements within the allotted eighteen (18) months.

4.5 RURAL LAND USE PROCESS SUBDIVISION

4.5.1 Purpose and Intent:

The purpose and intent of the Rural Land Use Process Subdivision is to:

- 4.5.1.1** Recognize the current thirty-five (35) acre exemption law and implement the provisions of Section 30-28-401, *et seq.*, C.R.S., and amendments to Section 37-92-601, C.R.S.
- 4.5.1.2** Preserve and protect land such as agricultural land, open lands, parks and trails, as well as distinct landscapes, forest land, ecosystems, watersheds, ridge lines, wildlife, wetlands, hazardous areas, scenic view corridors, and historic and archeological sites, and to encourage development that respects these areas.
- 4.5.1.3** Encourage development that fosters continued agricultural land uses and protects the County’s rural character, open space, and the character of existing communities while recognizing current land use regulations.
- 4.5.1.4** Implement “Community Character and Cultural Traditions” policies from the Community Plan that call for incentives encouraging “genuine” farming and ranching operations and preservation of agricultural lands.
- 4.5.1.5** Implement “Land Use and Growth Management” policies from the Community Plan.
- 4.5.1.6** Develop new methods that, with incentives, encourage the retention of agricultural and forest land as productive resources.
- 4.5.1.7** Give priority consideration for protection to parcels containing areas designated as critical wildlife habitat areas through the use of incentives and to conclude this process and negotiations in a timely manner consistent with other thirty-five (35) acre developments.
- 4.5.1.8** Assist in larger parcel planning.
- 4.5.1.9** Facilitate cooperation among neighboring landowners to create a single proposal for clustering on one property or a combination with appropriate economic incentives to each.
- 4.5.1.10** Provide flexibility in land use regulations responding to the needs of the agricultural community (i.e., additional family dwelling units, migrant farm housing, caretaker/foreman quarters, guest housing, etc.).

4.5.2 Applicability:

A RLUP Subdivision may be used for any land in Archuleta County that involves a single parcel, or two (2) or more contiguous parcels, where each parcel is at least seventy (70) acres in size and meets the criteria of this Section.

4.5.3 Submittal Requirements:

In lieu of the submittal requirements typically required for a Major or Minor Subdivision, the applicant for a RLUP Subdivision shall submit a minimum of six (6) copies of the RLUP Subdivision application, the application fee, and any supplemental data for the proposed subdivision and the RLUP Subdivision application to the Planning Department.

4.5.3.1 Vicinity Map. A map that identifies the general location and boundaries of the parcel to be subdivided, together with identification of the uses of all lands adjacent to the parcel.

4.5.3.2 Site Plan. A site plan that includes the following information:

- (1) Boundary lines, corner pins, dimensions and other land survey information; dimensions of the parcel to be exempted.
- (2) Existing and proposed topography at contours at vertical intervals suitable to demonstrate the drainage and grading features.
- (3) Location of wells and septic systems.
- (4) General location of roadways, easements; rights-of-way, both existing and proposed.
- (5) Description of natural features such as ridges, wildlife corridors, waterways and wetlands, soils, vegetative cover and other features that would, in the opinion of the County, influence development.

4.5.3.3 RLUP Subdivision Map: A map that includes the following information:

- (1) All boundary survey control points with monument descriptions to create blocks, lots, rights-of-ways and easements.
- (2) Purpose, width and location of all easements.
- (3) Location of all lots and blocks with accurate dimensions.
- (4) Location, identification and dimensions of roads, driveways and trails.
- (5) Location and dimensions of open space parcels and preserved areas.
- (6) Location of utilities.

4.5.3.4 Development Report:

- (1) The existing environmental conditions on the parcel to be developed and the effects of the development on those conditions.

- (2) The design and engineering of any septic or sewer system, including provisions for on-going operation and maintenance.
- (3) A description of the conservation values to be preserved and the means to preserve those values for the two-thirds (2/3) of the area of the parcel that will remain undeveloped as open space, pasture or grazing lands, parkland, wildlife habitat or other conservation uses acceptable to the County. Examples of means to preserve the property include, without limitation, creation of a conservation easement, conveyance of land to a land trust, conveyance to homeowners association.
- (4) A description of the proposed water supply.

4.5.4 Review Procedure:

4.5.4.1 The review procedure for a RLUP Subdivision shall be in accordance with the Major Subdivision process. The Major Subdivision review process includes Sketch Plan, Preliminary Plan and Final Plat review, in accordance with the procedures in Section 4.2, Section 4.3, and Section 4.4.

4.5.4.2 No later than ten (10) days after approval, the Board of County Commissioners shall notify the state engineer of such approval and shall provide the state engineer with a copy of the approved RLUP.

4.5.5 Review Criteria:

The Planning Commission and Board of County Commissioners shall be guided by the following criteria in reviewing RLUP Subdivision applications:

- 4.5.5.1** That the application meets all of the minimum requirements of this Section.
- 4.5.5.2** That the application fulfills the goals of the County to preserve open space and scenic corridors, protect wildlife habitat and watersheds, and enhance and maintain the rural character of lands with contiguity to agricultural lands suitable for long-range farming and ranching operations.
- 4.5.5.3** That at least two thirds (2/3) of the total area of the tract is reserved for the preservation of contiguous open space.
- 4.5.5.4** That the application reduces the extension of roads and utilities to serve the proposed development.
- 4.5.5.5** That the proposed development will not exceed two (2) dwelling units for each thirty-five (35) acre increment.
- 4.5.5.6** That the application permits landowners to implement smart growth on land that is otherwise exempt from subdivision regulation.
- 4.5.5.7** That approval of the application would preserve existing agricultural uses.

4.5.5.8 That approval of the application would protect existing view sheds of benefit to present and future residents and visitors to the County.

4.5.5.9 That a water-court approved plan for augmentation shall be required and shall accompany any approved RLUP Subdivision when water usage in the development would exceed an annual withdrawal rate of one (1) acre-foot for each thirty-five (35) acres within the development, provided, however, that this requirement shall not apply in the event the development will be served by the use of treated domestic water provided by any public or private entity.

4.5.6 Permitted Incentives for Approval of RLUP Subdivisions:

The Planning Commission may recommend, and the Board of County Commissioners may consider, the following incentives which may be granted in connection with approval of the RLUP Subdivision application:

4.5.6.1 Density bonuses, not to exceed a gross density of one (1) dwelling unit per seventeen and one half (17.5) acres.

4.5.6.2 The density bonus permitted hereby may be used for construction of additional family dwelling units, migrant farm housing, caretaker/foreman quarters, and guest housing at a higher density than permitted by underlying zoning.

4.5.6.3 Qualification of preserved scenic corridors and wildlife habitat areas as a Sending Site to the extent permitted by the County through the Transfer of Development Rights program in Section 2.6 of these Regulations.

4.5.7 Conditions:

In exchange for the permitted incentives in Section 4.5.6, any of the following conditions may be imposed by the Board of County Commissioners upon the approval of a RLUP Subdivision:

4.5.7.1 That the RLUP Subdivision set aside land for open space, scenic corridors, watershed protections, wildlife habitat, or critical areas of importance as identified in Section 4.5.1.2 , in a conservation easement held by a qualified land trust.

4.5.7.2 That the RLUP Subdivision shall not permit development of any preserved land set aside in either a perpetual conservation easement or a conservation easement for at least forty (40) years. In the event a non-perpetual conservation easement of forty (40) years or more is used to preserve land, the RLUP shall stipulate a “first right of refusal” allowing the County and/or a qualified land trust the option to purchase, at prevailing market value, the development rights available at the conclusion of the term of the non-perpetual conservation easement.

4.6 AMENDMENTS

4.6.1 Purpose and Intent:

Amended plats require review and evaluation so that they can be evaluated properly with respect to their effects on surrounding properties and Archuleta County at large. Amended plats may be permitted subject to such conditions and limitations as Archuleta County may prescribe. The intent is to ensure that the amended plat is in accordance with the development objectives of the County (per the Archuleta County Community Plan) and will not be detrimental to other uses or properties.

4.6.2 Applicability:

4.6.2.1 Amendments to a recorded plat shall include re-subdividing, re-platting, minor boundary adjustments, single transaction large lot subdivision, minor corrections or any other changes to a recorded plat.

4.6.2.2 Amendments to a recorded plat, for the purpose of minor lot line boundary adjustments, shall include no more than two contiguous lots or parcel, with existing improvements on the lot(s), and in the same unit of a subdivision. No new lots or parcels are created, the resulting lots or parcels are comparable to the size and character of lots or parcels within that subdivision, no lot or parcel is rendered non-conforming, and any existing non-conforming lot or parcel is not rendered more non-conforming. There shall be no significant effect to the adjoining property due to the boundary adjustment.

4.6.2.3 Amending a plat does not change any covenants or restrictions previously recorded pertaining to the subdivision since they run with the land and can be changed only with the written approval of all parties having a legal or equitable interest in the whole subdivision.

4.6.2.4 All platted utility easements shall remain on the subject property unless appropriate releases are obtained. Additional easements, including drainage easements, may be needed when re-subdividing or amending a plat.

4.6.2.5 All plat amendments shall comply with these Regulations.

4.6.3 Submittal Requirements:

The applicant shall submit a minimum of six (6)³ copies of a completed application for an Amended Plat, the non-refundable application fee, and any required supplemental data for the proposed subdivision amendment to the Planning Department. The application shall include:

4.6.3.1 A written statement giving the details of the proposed plat amendments and the reasons why they are necessary.

³ Amended Oct. 2006 (Res. 2006-29)

- 4.6.3.2** An original Tax Certificate(s) for all lots, parcels and/or tracts involved from the County Treasurer showing that no taxes are currently due or delinquent against the property.
- 4.6.3.3** An original title report done within three (3) months of submission from a licensed Colorado Title Company shall be provided showing the names of all surface owners, and lien holders. The title report shall also include all existing easements.
- 4.6.3.4** A title report including mineral owners and lessees of mineral rights may be required.
- 4.6.3.5** Any supplemental data, as required by the Planning Department, which is deemed necessary to adequately review the request.
- 4.6.3.6** In addition, the following information may be needed, if there is no past history on file or information is not adequate, to assist in making a determination as to whether the plat amendment is feasible: topography, geology, soils, drainage, floodplain, hazards, roads, etc.
- 4.6.3.7** For minor lot line boundary adjustments and lot consolidations, the following information shall be submitted:
- (1)** Complete survey data of modified boundaries including all information necessary to establish modified boundaries in the field. All monuments shall be in place in the field and in the ground, prior to submittal of the Amended Plat to the County Surveyor.
 - (2)** Each lot shall be identified with the existing lot number, and the area of each lot shall be shown on the Amended Plat. For those portions of property involved that do not require a boundary survey, area may be obtained from the recorded plat.
- 4.6.3.8** All of the costs of amending a plat including, but not confined to notification, plat preparation, surveying, recording, etc., shall be paid by the applicant.

4.6.4 Review Procedure:

- 4.6.4.1** The Planning Department shall review the Amended Plat for conformance with the Community Plan, these Regulations, and other adopted County policies and ordinances and within ten (10) working days after the submittal a conference shall be scheduled with the applicant to discuss the proposed plat amendment.
- 4.6.4.2** The County Surveyor shall review the Amended Plat for accuracy, prior to review by the Planning Commission, at the applicant's expense. Surveyor fees shall be paid to the Planning Department prior to submittal to the County Surveyor and a paid receipt presented to the County Surveyor. The County Surveyor shall have up to fourteen (14) calendar days to review the plat.
- (1)** If any corrections are needed, the applicant shall have the corrections made and two (2) copies of the corrected plat shall be re-submitted to the County Surveyor,

and two (2) copies to the Planning Department. Re-check fees shall be paid to the Planning Department and a paid receipt presented to the County Surveyor. If corrections are needed, the County Surveyor shall have an additional fourteen (14) calendar days for review from the date the corrected plat is received by the County Surveyor.

4.6.4.3 Amendments to a recorded plat may have to go through one or more steps of the subdivision review process which includes Sketch Plan, Preliminary Plan and Final Plat review.

- (1) If it is discovered that there is a minor survey or drafting error on a recorded plat, the applicant shall be required to submit an Amended Plat indicating the revisions made as compared to the previously recorded plat. Such a correction plat may be approved by the County Commissioners without the otherwise required review or hearing procedures if the corrections are consistent with the approved Final Plat; and after such approval, it shall be recorded.
- (2) If, however, correction of an error results in conditions which do not comply with these Regulations or results in changes affecting parties other than the applicant, the Amended Plat shall then be reviewed by the Planning Commission in accord with the procedures for Final Plat processing before the County Commissioners review or recording.

4.6.4.4 If the Amended Plat is approved by the Board of County Commissioners, the applicant must complete all conditions and pay all fees, and record the Amended Plat no later than twelve (12)⁴ months from the date of the County Commissioners approval, or the Amended Plat becomes null and void.

- (1) All back fees, including but not limited to, property owners fees, water and/or sewage availability fees, metro district fees, and taxes that were voided or reduced as a result of an Amended Plat shall be paid in full before approval.
- (2) It is the responsibility of the applicant to submit to the Planning Department from each entity, either a paid receipt or a written document stating no back fees are due.

4.6.5 Right-of-Way and Easement Vacations⁵:

The purpose of this section is to provide for the vacation of rights-of-way and easements that they no longer serve the public, after review by appropriate agencies. The process may be applied for by a property owner or initiated by the County via resolution. For the purposes of this Section, a Roadway shall be defined under C.R.S. 43-2-301 to include any platted or designated public street, alley, lane, parkway, avenue or other public way, whether or not it has been used as such.

⁴ Amended May 2013 (Res. 2013-22) Deleted former sections 4.6.4.3(3)-(5) and amended 4.6.4.4.

⁵ Amended March 2012 (Res. 2012-15) Entire section added.

The applicant shall submit an application with a written statement of details and the reasoning behind the vacation. A Certified Land Survey Plat for the property subject to Right-of-Way Vacation shall be submitted showing the proposed re-platting and vesting of property in compliance with C.R.S. §43-2-302. A public right-of-way or easement of record, or any portion thereof, which the County has jurisdiction over, shall be eligible for vacation if the following criteria are met:

- 4.6.5.1** Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services;
- 4.6.5.2** That the vacation will provide a public benefit, and/or will be for a public purpose. When necessary, the County may reserve an easement in the right-of-way for existing or planned utilities. Any easement shall be recorded with the County Clerk at the expense of the petitioner;
- 4.6.5.3** The recommendations of referral agencies have been considered;

Any right-of-way that is vacated will be divided proportionally among the affected lots, unless it can be demonstrated the entirety of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way are allowed to divide the vacated right-of-way differently but may transfer ownership only after final approval and recordation of the vacation.

All applications for right-of-way or easement vacations shall follow the Review Procedure as described in Section 2.2 and 4.6.4 herein, except as required by C.R.S. §43-2-303. Notices other than those required in Section 2.2.3 are required only when the subject roadway has been established for use as such; in this case, the notice must follow C.R.S. 43-2-302 (2)(b).⁶

4.7 Subdivision Exemption Plat for Agricultural/Ranching Land Divisions⁷

Under the current Colorado State Law an exemption to CRS 30-28-101 may be applied for by the landowner directly to the Board of County Commissioners (BoCC). The exemption request, if granted, would allow for the landowner to create an additional lot from an existing tract of land of 35 acres or more within the AR district. Each application shall be considered on a case by case basis where the following conditions may apply:

- 4.7.1** Prior to the allowing of the division of tracts, the landowner shall provide proof of water availability and approved septic capability;
- 4.7.2** The intent of the exception is to benefit the traditional ranching/farming family; whereas, to allow more than one family to remain living on the property to assist with the operation of the ranch/farm. However, the State Law does allow the Board of County Commissioners the option to consider exceptions for other extraneous circumstances unrelated to the traditional ranching family conditions.

⁶ Amended March 2012; (Res. 2012-15). Entire Section 4.6.5 inserted.

⁷ Amended December 2010; (Res. 2010-58). Entire Section 4.7 inserted.

- 4.7.3** No more than one home on the divided tract and two homes on the original tract;
- 4.7.4** Access from public roads shall remain the same;
- 4.7.5** Additional deed restrictions may apply;
- 4.7.6** Exemption plat to be drafted by a certified Colorado surveyor;
- 4.7.7** Leinholders must sign exemption plat therefore either an Owners and Encumbrances or Title Report no more than 90 days old will be required.

No less than twenty-one (21) days prior to the hearing before the BoCC, the Owner shall cause the landowner to send written notice to each landowner either adjacent to or within 300 feet of any portion of the parcel of land proposed to be divided. Such notification shall be made by United States Mail, Certified Mail-Return Receipt Requested, postage pre-paid and the Owner shall file proof of mailing with Development Services no less than ten (10) days before the hearing. If the Owner decides to provide such notice by some other means then the Owner must file an affidavit verifying under oath the method and success of such delivery and must further agree to indemnify and hold harmless Archuleta County, its officers and employees from any claims based on the lack of failure of notice. Regardless of method of delivery, such notice shall:

- 4.7.7.1** describe the parcel being divided; and
- 4.7.7.2** state the date, time and location of the Hearing scheduled before the BoCC; and
- 4.7.7.3** state that the recipient has a right to appear and be heard in objection or support of the application.

4.8 VACATION OF A RECORDED SUBDIVISION

4.8.1 Purpose and Intent:

The vacation of a recorded subdivision requires review and evaluation so that the effects on surrounding properties and Archuleta County at large can be evaluated. The vacation of a recorded subdivision may be permitted subject to such conditions and limitations as Archuleta County may prescribe. The intent is to ensure that the vacation of a recorded subdivision is in accordance with the development objectives of the County (per the Archuleta County Community Plan) and will not be detrimental to other uses or properties.

4.8.2 Submittal Requirements:

The applicant shall submit seventeen (17) copies of the Petition for Vacation application, the non-refundable application fee, and any required supplemental data for the Application for Vacation to the Planning Department. The application shall include:

- 4.8.2.1** A title report completed within the past three (3) months by a licensed Colorado Title Company showing the names of all surface owners and lien holders as the names may appear upon records in the County Clerk and Recorder's Office.

- 4.8.2.2** A statement of approval by signature notarized by a Notary Public of one hundred (100) percent of all owners, equitable and legal lien holders of the property making up the recorded subdivision. Said statement of approval by record Owner and lien holders shall be in a form approved by the Planning Department.
- 4.8.2.3** A Tax Certificate from the County Treasurer showing that no taxes are currently owed and/or delinquent against the property to be vacated.
- (1) As a prerequisite to the vacation of the recorded subdivision the applicant shall pay and provide evidence of payment of the pro-rated taxes on the property to be vacated as of the date of vacation of the property in question.
- 4.8.2.4** Evidence that all holders of easements crossing the subdivision property have legally conveyed the originally conveyed easements back to the applicant.
- (1) It shall be an express condition of the approval to a vacation of a recorded subdivision that the holder of the benefit of any easement granted by the platting of a recorded subdivision convey to the applicant their interest in the easement.
- (2) A Petition for Vacation of any previously subdivided property shall not be approved where vacation of the subdivision eliminates rights-of-way or easements within the subdivision servicing or potentially servicing adjoining property.
- (3) At the discretion of the Board of County Commissioners, if alternate means of access or easements crossing the subject property can be facilitated to service adjoining properties, the County may allow such alternatives in granting the Petition for Vacation of the subject properties. Except at the discretion of the Board of County Commissioners an easement may not be eliminated.

4.8.3 Review Procedure:

- 4.8.3.1** The Planning Department shall review the Petition for Vacation for conformance with the Community Plan, these Regulations, and other adopted County policies and ordinances. Following Staff review, the Petition for Vacation shall be scheduled for consideration by the Planning Commission.
- 4.8.3.2** At the scheduled meeting, the Planning Commission shall review the Petition for Vacation and take into consideration all pertinent factors.
- 4.8.3.3** Upon recommendation of approval of the Petition for Vacation, it shall be held by the Planning Department for presentation to the Board of County Commissioners.
- 4.8.3.4** The Board of County Commissioners, at a public hearing, shall review the Petition for Vacation and after considering testimony from any interested parties and the applicant, and the Planning Commission recommendation, shall approve or disapprove the Petition for Vacation.

4.8.3.5 If approved, the Planning Department shall then have recorded, without undue delay, the vacation plat and any appropriate supplemental instruments.

4.8.3.6 The cost of recording the vacation plat and the cost of recording supplemental instruments shall be paid by the applicant.

4.9 Lot Consolidations⁸

4.9.1 Purpose and Intent:

4.9.1.1 Two or more bordering⁹ lots may be consolidated into one legal lot of record by resolution if all lots involved meet the following criteria:

- (1)** are in the same block, unit, phase, etc. of a platted subdivision
- (2)** are in the same taxing districts
- (3)** are in the same zoning district
- (4)** vested ownership in all lots is the same and title in which they are held is the same (names on the titles must be the same and must be held the same – either joint tenants or tenants in common)¹⁰.

The resolution eliminates the interior lot line(s) but has no effect on recorded easements.

4.9.1.2 All applicants shall meet with the Planning Staff before submitting a Lot Consolidation application. The purpose of this is to inform the applicant of the procedural and submittal requirements.

4.9.2 Submissions: The applicant shall then submit the following to the Planning Department:

4.9.2.1 A completed, signed and notarized Land Use Application form.

4.9.2.2 Payment of application fees, which shall be non-refundable.

4.9.2.3 A copy of a tax receipt or other written proof showing that no taxes are currently due or delinquent against the lot(s) involved. The tax receipt or other written proof must also show that the lots are in the same tax district.

4.9.2.4 An Ownership and Encumbrance (O&E) report from a licensed Colorado title company or an opinion of title from a Colorado licensed attorney, neither of which may be more than three months old. Such document shall evidence the following for each lot described individually:

⁸ Amended May 2013 (Res. 2013-23), Entire Section 4.9 replaced.

⁹ Bordering means sharing a common boundary or border without being separated by road, open space, or other similarly defined land.

¹⁰ Exception: variances allowed only in accordance with CRS 38-35-116

- (1) Exact names of all owners, for all lots to be consolidated. Properties shall be vested identically (name variances only allowed in accordance with CRS 38-35-116);
- (2) All properties are title identically whether joint tenancy or tenants in common;
- (3) All liens (or specifically state there are no lien holders). Any and all lien holders will be required to complete the “Lien Holder Consent to Consolidate Lots” form as part of the application submittal.
- (4) Property description including legal descriptions and reception numbers for related resolutions or plats and other historical information.

If names or tenancy are not the same or liens are not specifically described, the planning department shall deny the application as the lots cannot be consolidated.

4.9.2.5 The original notarized signature(s) of lien holders as shown on the O&E Report, giving their approval of the lot consolidation, is required and shall be included with the submittal. A sample form is included with the application.

4.9.2.6 The notice of intent and the map, as detailed in Section 4.9.3.

4.9.2.7 Any supplemental data, as requested by the Planning Staff, which is deemed necessary to adequately review the request. Incomplete submissions will not be considered.

4.9.3 Notifications:

Notice of intent to consider such lot consolidation shall be given as follows:

4.9.3.1 Notification shall be sent via Certificates of Mailing, a minimum of 30 days prior to consideration of the request by the Planning Department. The notification shall include the following:

- (1) A description of the proposed consolidation;
- (2) A vicinity map showing the lots which are being consolidated and nearby roads or other identifying landmarks;
- (3) An invitation to comment on the application;
- (4) The address and telephone number for the Planning Department; and
- (5) The date when responses must be received by the Planning Department (thirty days from the date sent).

4.9.3.2 The above notice shall be sent via Certificates of Mailing to all utility companies, applicable property owners association(s) and special districts.

4.9.3.3 The original Certificates of Mailing receipts shall be submitted to the Planning Department.

4.9.3.4 The vicinity map, the detail map and the notification shall be reviewed and approved by the Planning Department prior to mailing.

4.9.4 Effects on Platted Easements:

Consolidating lots does not change any of the previously recorded, platted utility easements and they shall remain as platted on the subject property.

4.9.4.1 The applicant may make a written request to all utility companies to vacate utility easements along the center lot line(s) that are to be eliminated.

4.9.4.2 If a lot consolidation is requested because of plans to build over the center lot line(s), the applicants shall check with the utility companies before proceeding with the lot consolidation, to ensure that all utility companies will quit claim the easements.

4.9.4.3 To have utility easements released along the center lot line(s), applicants must obtain Quit Claim Deeds from each utility company, *after* approval of the lot consolidation by Archuleta County. These Quit Claim Deeds must be recorded in the County Clerk and Recorder's Office, at the expense of the applicant.

4.9.5 Review Process:

Once a lot consolidation request is submitted and considered complete (including all notice requirements), the Planning Staff will review the request. The request will be reviewed within seven calendar days of the submittal. After the expiration of the thirty-day notification period, and upon approval by the Planning Staff, the request will be submitted to the Chairman of the Board of County Commissioners, in the form of a Resolution, for signature and final approval. In the absence of the Chairman, the Vice-Chairman shall be authorized to sign the Resolution.

4.10 Reversing a Lot Consolidation or Re-Subdividing the Consolidated Lots¹¹:

A consolidation may be reversed either by a Resolution or as a subdivision, both described below. To reverse a lot consolidation, the applicant shall comply with all of the following conditions.

4.10.1 By Resolution:

4.10.1.1 A reversal of a lot consolidation by resolution will only be allowed once per 3-year period.

4.10.1.2 The consolidated lot shall be returned to a pre-consolidation boundary configuration. The original and all applicable subsequent plat name(s) and recording number(s) shall be referenced in the Resolution.

¹¹ Amended May 2013 (Res. 2013-23), Entire Section 4.10 added.

4.10.1.3 A resolution to reverse a consolidation may result in no more than three (3) lots.

4.10.1.4 No improvements may encroach on property lines or current setbacks. If there are any improvements located on the consolidated lot, the applicant shall provide an Improvement Location Certificate from a licensed Colorado surveyor.

4.10.2 Submissions:

The applicant shall submit the following to the Planning Department:

4.10.2.1 A completed, signed, and notarized Land Use Application form.

4.10.2.2 Payment of application fees, which shall be non-refundable.

4.10.2.3 A copy of a tax receipt or other written proof showing that no taxes are currently due or delinquent against the lots involved.

4.10.2.4 An Ownership and Encumbrance (O&E) Report from a licensed Colorado title company no more than three months old. The O&E Report must list all liens (or specifically state there are no lien holders). Any and all lien holders will be required to sign the "Lien Holder Consent" form. If liens are not specifically described, or if a "Lien Holder Consent" is not signed and notarized, the planning department shall deny the application.

4.10.2.5 A copy of the notice of intent and the map, as detailed in Section 4.10.3.

4.10.2.6 Any supplemental data, as requested by the Planning Staff, which is deemed necessary to adequately review the request. Incomplete submissions will not be considered.

4.10.3 Notifications:

Notice of intent to reverse such lot consolidation shall be given as follows:

4.10.3.1 Notification shall be sent via Certificates of Mailing, a minimum of 30 days prior to consideration of the request by the Planning Department.

4.10.3.2 The notification shall include the following:

- (1)** A description of the proposed reversal of lot consolidation;
- (2)** A vicinity map showing the general location of the existing consolidated lot and nearby roads or other identifying landmarks;
- (3)** A map depicting the proposed configuration of the lots to be reversed
- (4)** An invitation to comment on the application;
- (5)** The address and telephone number for the Planning Department; and
- (6)** The date when responses must be received by the Planning Department (30

days from the date sent).

4.10.3.3 The above notice shall be sent via Certificates of Mailing to the following:

- (1) All bordering owners as shown on the current records of the Assessor's records
- (2) All utility companies, regardless of whether they serve the property or not
- (3) Applicable property owners' associations
- (4) All special districts.

4.10.3.4 The original Certificates of Mailing receipts shall be submitted to the Planning Department.

4.10.3.5 The vicinity map and the notification shall be reviewed and approved by the Planning department prior to mailing.

4.10.4 Review Process:

Staff shall review the ILC to verify no encroachment of improvements into proposed property lines and associated setbacks. Upon review by the Planning Department for compliance with such conditions listed above, the request shall be placed on the agenda for the next available meeting of the Board of County Commissioners, in the form of a Resolution, for signature and final approval.

4.10.5 By Subdivision:

Any lot consolidation which included a change in property boundary lines from the original platted lots, or which does not comply with the conditions set forth in Section 4.10.1 above, shall be required to comply with the requirements for a subdivision as set forth in these Regulations. In the event that utility easements, as dedicated on the original recorded plat, have been vacated, easements as required under the current Regulations at the time of application must be granted and conveyed to each utility company which previously vacated such easement. For reversals done by resolution, this shall be accomplished through a grant of easement by deed or other legal instrument recorded in the office of the Archuleta County Clerk and Recorder at the expense of the applicant. For subdivisions, the plat shall dedicate such easements as required.

Applicants shall be aware they will be liable for all back fees to property owners' associations, water and sanitation districts, and metropolitan districts that may apply once the lots are re-subdivided. In addition, the return of such consolidated lots to their original platted configuration may result in an increase in property taxes for any lot remaining vacant.

4.10.6 Costs:

All of the costs of consolidating lots and throughout the review process, including, but not be limited to, Mortgage Guarantee report, Owner and Encumbrance report, notification and recording shall be paid by the applicant.