

**ARCHULETA COUNTY PLANNING COMMISSION
ARCHULETA COUNTY, COLORADO
RESOLUTION NO. 2019-01 PC**

**A RESOLUTION OF THE ARCHULETA COUNTY PLANNING COMMISSION
CERTIFYING AMENDMENT OF THE ARCHULETA COUNTY LAND USE
REGULATIONS TO THE BOARD OF COUNTY COMMISSIONERS**

WHEREAS, pursuant to C.R.S. §30-28-101, *et. seq.*, and in particular, C.R.S. §§30-28-111 and 30-28-133, the Archuleta County Planning Commission made a comprehensive revision to the zoning plan and subdivision regulations for the unincorporated territory of Archuleta County, and pursuant to C.R.S. §30-28-112, certified the *Archuleta County Land Use Regulations* to the Board of County Commissioners by Planning Commission Resolution No. 2006-01; and

WHEREAS, pursuant to C.R.S. §30-28-112, the Archuleta County Board of County Commissioners adopted the *Archuleta County Land Use Regulations* by Resolution No. 2006-13, and as subsequently amended; and

WHEREAS, pursuant to C.R.S. §30-28-116, from time to time the Board of County Commissioners may amend provisions of the zoning resolution, when first submitted for the approval, disapproval, or suggestions of the County Planning Commission; and

WHEREAS, the Archuleta County Development Services Department has drafted proposed amendments to Section 2 Land Use Review, Section 3 Zoning Regulations, Section 4 Subdivision Regulations, Section 5 Development Standards, Section 9 Mining, and Section 11 Definitions, of the *Archuleta County Land Use Regulations*; and

WHEREAS, the Archuleta County Planning Commission conducted a public hearing on 27 March 2019, to consider proposed amendments to the *Archuleta County Land Use Regulations*; and

WHEREAS, public notice of the hearing was given by publication in a newspaper of general circulation in the County at least fourteen (14) days prior to the public hearing, as required by C.R.S. §30-28-116; and

WHEREAS, at the public hearing testimony was taken from all persons appearing and wishing to give testimony; and

WHEREAS, the Archuleta County Planning Commission has considered the public need, legal authority, and purpose of the land use regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE ARCHULETA COUNTY PLANNING COMMISSION, AS FOLLOWS:

Section 1. Findings.

- a. The proposed amendments, attached hereto as **Exhibit A**, are hereby certified to the Board of County Commissioners in accordance with the provisions of C.R.S. §30-28-101, *et. seq.*; and
- b. The Planning Commission recommends the Board of County Commissioners consider amendment of the *Archuleta County Land Use Regulations* as provided in Section 1.1.9.

Section 2. Effective Date.

- a. The Planning Commission recommends the proposed amendments take effect upon adoption by the Board of County Commissioners.

MOVED, SECONDED AND ADOPTED BY THE ARCHULETA COUNTY PLANNING COMMISSION, by a vote of 5 in favor to 0 against, this 27th day of March, 2019.

ARCHULETA COUNTY PLANNING COMMISSION

By: 
Chair

ATTEST:

Recording Secretary

EXHIBIT A Draft 3/27/2019

Proposed Amendments to the Archuleta County Land Use Regulations for Subdivision Review:
Additions in RED UNDERLINE, deletions in strikeout; commentary in italics.

SECTION 2 – LAND USE REVIEW

2.2 REVIEW PROCEDURE

2.2.2 Review Process Chart:

TABLE 1: REVIEW PROCESS

	<u>Pre-App</u>	<u>Sketch</u>			<u>Preliminary</u>			<u>Final</u>				
<u>Approval Requested</u>		<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>BOA</u>	<u>Notes</u>
Minor O&G Permit	M ¹							<u>AM</u> ³	H	APP	APP	¹ Sec 9.2.4.16.9 ³ Sec 9.2.6.910
<u>Subdivision Exemption</u>	<u>M</u>							<u>M</u>		<u>H</u> ³		³ <u>Sec 4.9</u>

2.2.3 Public Notice Requirements:

The requirements of this Section apply only to public hearings required by these Regulations and as shown on Table 1, the Review Process Chart and Table 2: Public Notice Requirements. Where Table 1 ~~that chart~~ indicates that a public meeting (in contrast to a public hearing) is required, this Section does not apply, and notice of such meeting is subject only to the requirements of the Colorado Open Meetings law, C.R.S. §24-6-401, *et seq.*

2.2.3.3 Mailed Notice. At least twenty-one (21) days prior to any public hearing which requires notification by letter in Table 2 below, the Planning Department ~~Director of County Development~~ shall cause to be sent, by Certificate of Mailing ~~first class U. S. mail~~, a letter to: Owners of property whose land abuts the subject property, is within five hundred (500) feet of the subject property, or is separated from the subject property only by a public right-of-way or water course, and

2.2.3.4 Notice to Mineral Estate Owners and Lessees. For applications requiring a public hearing in Table 1 above—including but not limited to preliminary or final subdivision plats, exemption plats, Conditional Use Permits, Sand and Gravel Permits, and Oil & Gas Permits—the Applicant shall provide notice in accordance with CRS §24-65.5-101 et seq.

to all owners and lessees of any mineral rights that have been severed from the subject property.

(1) Such notification shall be made not less than 30 days before the initial public hearing on the application for development, and shall, at a minimum, meet the requirements of CRS §24-65.5-103.

(2) Prior to the initial public hearing, the Applicant shall certify to the Planning Department that the required notice has been provided to the owners and lessees of any mineral rights in accordance with CRS §24-65.5-103.

2.2.3.5 Public Notice Time Requirements. Unless otherwise provided in these Regulations, public notice time requirements include the day the notice is posted, appears in the newspaper, is mailed, and is received by a recipient, and shall also include the day of the public hearing.

2.2.3.6 Public Notice Requirements Chart. Public notice shall be given of all Public Hearings. Table 2 identifies for which requested approvals public notice is required, either by publishing, posting, or mailing:

TABLE 2: PUBLIC NOTICE REQUIREMENT

Approval Requested	NOTICE REQUIRED		
	Publish	Post	Mail
<u>Minor O&G Permit</u>	<u>X</u>	<u>X</u>	<u>X</u>
Major O&G Permit	X	X	X
Access <u>Plan</u> Permit	X	X	
Subdivision Exemption	X	X	<u>X</u>

2.2.11 Expiration of Approval:

2.2.11.1 Unless otherwise specifically provided in these Regulations any preliminary or final approval as listed in Table 1 shall expire and become null and void if:

- (1) ~~For s~~Sketch plan or preliminary approvals shall expire when, an application for final approval is not filed within one (1) year of such approval, or a one-time, one (1) year extension of such original approval has not been approved by the Board of County Commissioners; or
- (2) Final Plat approvals shall expire if not recorded with the Archuleta County Clerk & Recorder within one (1) year, or as more specifically provided in Section 4.

(3) ~~All other~~ For final approvals shall expire when, a building permit is not issued for the work authorized (or work is not substantially begun on a project not requiring a building permit) within one (1) year from the date of final approval, if work is ceased for a period of one hundred eighty (180) days or more at any time after work is commenced. ~~or if~~

a. Applicant may apply for a one-time, one (1) year extension of such original approval, to be ~~has not been~~ approved by the Board of County Commissioners; ~~or if the work is ceased for a period of one hundred eighty (180) days or more at any time after work is commenced.~~

2.2.11.2 Should a final approval expire, for a project other than Final Plat approval for which final approval has been granted, according to Sec. 2.2.11.1 above, ~~When final approval of rezonings, planned unit developments, and conditional use permits a public hearing before the Planning Commission or Board of County Commissioners, as appropriate in the manner required for final review,~~ shall hold a public hearing ~~be held~~ to confirm whether the zoning and/or permitted use of the property shall revert to that in place prior to the (expired) approval, or whether a one-time, one (1) year extension of such original approval may be granted.

2.2.11.4 Any issued Land Use ~~building~~ permit shall expire if the work authorized is not commenced within one year from the date of issuance.

2.3 VESTED PROPERTY RIGHTS

2.3.1 Generally:

For those developments for which the landowner wishes the creation of vested rights under CRS §24-68-101 et.seq., Applicant shall complete a Land Use Permit for review and the approval by the Board of County Commissioners of the project at a public hearing, as provided in Table 1 in Section 2.2.3 ~~conducted at the request of the landowner, which hearing may be combined with the hearing on approval of the project,~~ after all other required stages of the development review process.

2.3.1.1 Failure of the landowner to apply for ~~request~~ such a hearing at least thirty days prior to such approval renders the approval not a “site specific development plan”....

2.3.2 Notice and Hearing:

No Site-Specific Development Plan shall be approved until after a public hearing before the Board of County Commissioners, preceded by written notice as provided in Table 2 in Section 2.2.3 ~~of such hearing.~~ Such notice may, at the County’s option, be combined with the notice required by CRS §Section 30 28 116, C.R.S., for amending regulations, or with any other required notice. At such hearing, interested persons shall have an opportunity to be heard.

2.3.4 Notice Of Approval:

Each map, plat, or site plan or other document constituting a site specific development plan shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right.

2.3.4.1 ~~In addition, a~~ As required by CRS §24-68-103, notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than fourteen (14) days after approval of the site specific development plan, in a newspaper of general circulation within the County. The applicant shall be responsible for publication of the notice.

2.4 VARIANCES

2.4.1.2 An administrative variance can be reviewed as a waiver by Staff to vary from a required setback in Table 4 or PUD Development Plan, when the request does not encroach on any easement.

- (1) The property owner or designated agent shall obtain and furnish to the Planning Department written verifications of consent from:
 - ~~a. Any and all affected utility companies when the variance encroaches in a utility easement as shown on the Improvement Location Certificate or other survey document acceptable to the Planning Department; and~~
 - ~~b. Any affected property owner adjacent to the side(s) of the property where the setback encroachment is proposed.~~

- (2) Where the property owner owns both sides of the easement, they may provide their own written verification of consent for variance of a setback from a lot line or access easement (but not to encroach on any easement).

SECTION 3 – ZONING REGULATIONS

3.1 DISTRICT REGULATIONS

3.1.4 Zoning District Standards

Table 4 lists the height, setback and other zone district standards for each of the zone districts listed in Section 3.1.2.

TABLE 4: ZONE DISTRICT STANDARDS

DIMENSION	AF	AR	AE	RR	R	MH	C	I
Minimum Lot Size	160 acres	35 acres	5 acres	3 acres (w/H20 or Sewer)	8,000 ft ²	2,500 ft ²	10,000 ft ²	10,000 ft ²
Minimum Lot Width	500 feet	200 feet	100 feet	80 feet	60 feet	40 feet	100 feet	100 feet
Minimum Front Setback	100 feet	<u>50</u> 75 feet	25 feet	20 feet	<u>10</u> 15 feet	10 feet	<u>20</u> 25 feet	<u>25</u> 50 feet
<u>Minimum Garage Door Setback</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>20 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>n/a</u>
Minimum Corner Setback (street side)	100 feet	50 feet	25 feet	20 feet	<u>10</u> 15-foot	10 feet	<u>20</u> 25 feet	<u>25</u> 50 feet
Minimum Side Setback	100 feet	25 feet	25 feet	20 feet	<u>10</u> 15 feet	10 feet	10 feet	25 feet
Minimum Rear Setback	100 feet	25 feet	25 feet	20 feet	<u>10</u> 15 feet	10 feet	10 feet	25 feet
Maximum Height	40 feet	40 feet	35 feet	35 feet	35 feet	16 feet	40 feet	40 feet
Accessory Height	40 feet	40 feet	30 feet	30 feet	30 feet	16 feet	40 feet	40 feet
Maximum Density	n/a	2 DU/35 Ac.	2 DU/5 Ac.	2 DU/3 Ac.	5 DU/ Ac.	12 DU/Ac.	n/a	n/a
Minimum District Size	500 acres	100 acres	20 acres	12 acres	1 acre	5 acres	1 acre	1 acre

DU = Dwelling Unit

Ac. = Acre

3.1.4.1 Measuring Setbacks: Setbacks are a minimum distance measured between a structure and property lines, road rights-of-way (ROW) and access easements (as defined in Section 11). Variance from setback standards may only be granted as provided in Section 2.4.

(1) Setbacks shall be measured as the minimum horizontal distance between the edge of the structures, including the closest projection of a deck or porch to a setback line.

(2) Eaves may encroach into any required setback, extending no more than 2' from that structure.

3.1.4.2 Garage Door Setback: The vehicle door façade of any garage, attached or detached, shall maintain a minimum setback of at least 20' to fit at least one on-site parking space.

3.1.4.3 Other Setbacks: See also Section 3.2.6 Accessory Structures, Section 5.2.1.2 Water Body Setbacks, Section 5.5.5 RV Parks and Campgrounds, and Section 5.6.7 Mobile Home Parks. Specific setbacks in Section 2.5.6.8 apply to Geothermal Resource uses, and in Section 9 apply for Mining uses (Sand & Gravel and Oil & Gas).

3.2.2 Use-by-Right Site Plan Review

3.2.2.1 Purpose and Intent:

Site plan review is conducted to ensure that the development is in conformance with environmental, infrastructure, and site development standards outlined in ~~S~~sections 5.2, 5.3, and 5.4 of these regulations.

3.2.6 Accessory Structures

3.2.6.2 No part of any accessory structure shall be located closer than ~~five (5)~~ **five (5)** ~~ten (10)~~ feet to any ~~other~~ **other** principal structures unless it is attached to, or forms a part of ~~that~~ **that** the principal structure.

SECTION 4 – SUBDIVISION REGULATIONS

4.1 GENERALLY

Any division of land should be carefully considered. It is much easier to divide land than to re-assemble parcels for future conservation and development.

4.1.2 Types of Subdivisions: Regulations. A Subdivision of land, as defined by State Statute in CRS §30-28-101 and by these Regulations, is both a process and a result—the process of dividing property, and the resulting parcel of divided land (including land used for condominiums and townhomes) with certain exceptions, such as the exemption for parcels of land thirty-five acres or larger in single ownership. Any Subdivision of land less than 35 acres must be approved by the Board of County Commissioners in conformance with these Regulations and State Statutes to be considered a Legal Lot. The sale of subdivided lots prior to County approval is illegal and punishable by civil and criminal prosecution and penalty (CRS §30-28-110(4)).

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 separate interests or interests in common, except as exempt under the definition of Subdivision in Chapter 11.

(1) Divisions of land subject to Subdivision review include ~~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, and other common interest communities, but not divisions of land by lease or rent 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.~~

(2) 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 separate interests,

(1) All lots in a Minor Subdivision must be able to ~~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.~~

a. Any Subdivision which requires new or improved roadways shall follow a Major Subdivision Review process.

(2) 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.

4.1.2.3 Condominium or Common Interest Community

Creation of condominiums, townhomes or Common Interest Community shall follow the appropriate Major or Minor Subdivision Review process, and demonstrate conformance with CRS Article 33 and/or Article 33.3 as appropriate.

4.1.2.4 Amended Plat

Any amendment of a Subdivision Plat previously approved by the Board of County Commissioners shall follow the procedures in Section 4.6, which may include Sketch Plan, Preliminary Plan and/or Final Plat review as determined by the Director.

4.2 SKETCH PLAN

4.2.1 Purpose and Intent:

Sketch Plan is ~~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.~~ Sketch Plan review is an opportunity for Applicants and Archuleta County to clarify policies, or to provide additional procedural guidance, make Applicants aware of initial concerns, and discuss relevant provisions of the Archuleta County Community Plan and Land Use Regulations, in order to ensure the best chance of the Applicant's project success.

4.2.2 Submittal Requirements:

Applicant shall submit a complete Archuleta County Land Use Permit ~~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,~~ as determined at the Pre-Application Conference (Section 2.2.4.1). Certain information may be waived for Amendments to existing Subdivisions. The Sketch Plan application shall include:

4.2.2.1 A vicinity map prepared at an appropriate scale showing the proposed project area and approximately one-half (½) mile adjacent area, indicating land use, access, utilities, and significant natural or man-made features. ~~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 Sketch Plan prepared by a professional surveyor, architect or engineer, showing proposed lots, access, ~~Property survey and ownership of the land to be subdivided; and~~

ownership of adjacent surrounding lands at scale sufficient for initial review at 11x17" or 24"x36" in print, and number of copies determined at Pre-Application.

(1) A formal property survey and documentation of ownership of the surface and mineral estates including mineral lessees, if any, are required by CRS §30-28-133(3)(a), and shall be submitted with Preliminary Plan and/or Final Plat review.

4.2.2.3 A written narrative description of the development including, where applicable the following information:

(1) Subdivision Design Standards: Assurance of all-weather access from existing county or state roads, and provisions for maintenance of roads, as required by Section 5.1 of the Land Use Regulations.

(2) Environmental Resources: Information such as surface water resources (including streams, lakes and wetlands), natural features and vegetation, and natural hazards on topography, hazard areas which may exist such as flood prone areas, concentrated runoff areas, inadequate drainage areas, wildfire hazard areas, (including steep slopes, geologic hazards, flood hazards, wildfire hazards, and radiation hazards) etc., and lakes, streams and vegetation required by Section 5.2 of the Land Use Regulations.

a. Geology and soil suitability affect new development. Include maps and tables concerning suitability of types of soil, in accordance with standard soil classifications, such as reports from the National Cooperative Soil Survey available from the USDA Natural Resource Conservation Service (NRCS), and any additional preliminary information.

b. For property subject to (or likely to be subject to) flooding, especially in the Special Flood Hazard Area, include a FEMA FIRMette or floodplain map.

4.2.2.(3) Infrastructure: Information on availability of Infrastructure, including access to public roads and trails, on-site drainage, public utilities, provision of suitable water supply and sewage treatment, and fire protections, as required by Section 5.3 of the Land Use Regulations. 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 More detailed information and studies may be required depending on the scope of the proposed development, including ~~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; and 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 explanation of how the proposed system complies with San Juan Basin Public Health and/or Colorado Department of Public Health and Environmental (CDPHE) rules and regulations ~~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 provision of providing services and amenities, such as public safety and fire protection, ~~solid waste disposal, telephone, electricity~~ and broadband, recreation, schools, etc.
- (5) Assurance of all-weather access to the proposed subdivision from an existing county or state road. Any existing or proposed Covenants, Codes & Restrictions (CC&Rs).

4.2.3 Review Procedure:

4.2.3.1 The Planning Department shall review the Sketch Plan for conformance with the Community 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.~~ Planning Staff will circulate the Sketch Plan for Review by Referral Agencies as provided in Section 2.2.5.

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 particular for Major Subdivision review. 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~~ at the discretion of the Chair of the Planning Commission.

- 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 close of reviews in Section 4.2.3.1 ~~conference~~ or Planning Commission review in Section 4.2.3.2.
- 4.2.3.4** A preliminary plan or Final Plat, as appropriate, must be submitted within ~~six (6)~~ twelve (12) 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 Director ~~Department.~~

(1) Preliminary Plan or Final Plat applications are subject to any amendments of these regulations that may take place between Sketch Plan approval and the date of that application, as provided in Section 1.1.8. It is the Applicant's responsibility to be aware of any proposed changes to these Regulations during the interim.

4.3 PRELIMINARY PLAN

4.3.2 Submittal Requirements:

In accordance with ~~decisions resulting from~~ review of the Sketch Plan, the applicant shall prepare and submit one complete copy of an updated Archuleta County Land Use Permit ~~fifteen (15) copies of a Preliminary Plan application~~ and Preliminary Plan, the non-refundable application fee, and any supplemental data for the proposed subdivision ~~and the Preliminary Plan application~~ to the Planning Department, as determined by Sketch Plan Review. The Preliminary Plan application shall comply with the requirements of the Development ~~Subdivision Design~~ Standards in Section 5.1, and shall include:

- 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"), legible as a PDF. The number of printed copies shall be determined by Sketch Plan Review. 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:
- 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. Applicant shall provide ~~This must be in the form of~~ a report signed and sealed by a professional engineer registered in the State of Colorado, which ~~and~~ must include, as a minimum, the following information:

- (6)** Evidence concerning the portability of the proposed water supply for the subdivision.

4.3.2.4 Evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system and, if other methods of sewage disposal are proposed, evidence that such systems will comply with state and local laws and regulations which are in effect at the time of submission of suitable sewage treatment facilities. This shall include evidence that all applicable local, state and federal requirements will be met.

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 circulate for Review by Referral Agencies as provided in Section 2.2.5 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 scheduled for reviewed in a public hearing at the next available Planning Commission meeting for which public notice can be given as provided in Sections 2.2.2 and 2.2.3 which occurs at least twenty one (21) days following the conference in Section 4.3.3.1.

(1) Applicant shall certify notice as provided in Section 2.2.3, prior to the public hearing.

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 recommendation to the Board of County Commissioners 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 Plan review or Preliminary Plan approval (and after any such extension time as may have been granted), the applicant shall prepare and submit one complete copy of an updated Archuleta County Land Use Permit ~~five (5) copies of the Final Plat application~~ and Final Plat, 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 Development Subdivision Design Standards in Section 5.1, and shall include:

4.4.2.1 A mylar plat map and PDF, made prepared by a Colorado-licensed surveyor at an appropriate scale, with outer dimensions of twenty four by thirty six inches (24"x36"), as printed and suitable for recording with the County Clerk & Recorder. In the case of

multiple sheets, a small key map showing the relationship of the individual sheets shall be shown on each sheet.

(1) 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.

(2) Submission of the mylar original of the Final Plat to the Planning Department may be deferred until approval of the plat by the Board of County Commissioners.

4.4.2.5 A Title Report from within three (3) months of the Final Plat submission showing the names of all surface owners, and 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 Applicant shall identify mineral estate owners entitled to notice under CRS §24-65.5-101 et seq. ~~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.~~

4.4.2.9 In the Airport Overlay District, a copy of t~~The~~ aviation 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 aviation easement shall be substantially in conformance with the format on file with the Planning Department.

4.4.2.11 When a proposed road ~~street~~ will intersect with a state or federal highway, a copy of the applicable access permit issued by the Colorado Department of Transportation.

4.4.2.14 In areas subject to natural or manmade hazards, identified by Sketch Plan and/or Preliminary Plan review:

(1) In areas subject to flooding, including the Flood Hazard Overlay District, any Special Flood Hazard Areas indicated and ~~Base~~ Flood and flood water ~~Elevations shaded, when required as a result of the Preliminary Plan review,~~ and noted on the Final Plat, as required by Section 10 of these regulations.

(2)4.4.2.15 Geologic or Radiation hazard mitigation plan, when required as a result of Preliminary Plan review, and noted on the Final Plat.

~~(3)4.4.2.16~~ Wildfire control plan, when required by the Fire Marshall during Sketch Plan or 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.

~~4.4.2.15~~18 Fire protection plan reviewed by the Fire Chief/Fire Marshall of the Pagosa Fire Protection District or other qualified individual, if required.

~~4.4.2.16~~19 Appropriate deeds or arrangements covering land for public purposes or money in lieu thereof.

4.4.3 Review Procedure and Criteria for Approval:

~~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 circulate for Review to any Referral Agencies which made comments on Sketch Plan or Preliminary Plan Review 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 Final Plat Preliminary Plan will be reviewed at the next available Planning Commission meeting which occurs at least twenty one (21) days after receipt of a complete application (as provided in Table 1) following the conference in Section 4.4.3.1.

~~4.4.3.4~~ Upon the Planning Commission recommendation of the Final Plat, the application will be scheduled for review in a public hearing at the next available it shall be held by the Planning Department for presentation to the Board of County Commissioners meeting for which public notice can be given as provided in Section 2.2.2 and 2.2.3.

(1) The Board of County Commissioners meeting may be scheduled for concurrent notice with the Planning Commission meeting, at the Applicant's risk that continuance or re-scheduling may require updating that notice.

(2) Applicant shall certify notice as provided in Section 2.2.3, prior to the public hearing.

~~4.4.3.5~~ No plat for any land division shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides 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. 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 with notice as provided in Table 2, 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 any the ~~required~~ land for public purposes or money in lieu thereof required by Section 6 Dedications, and the an improvements agreement shall to be executed with an exhibit listing all required improvements.

(3) No site preparation for any proposed subdivision shall commence until ~~the signing by the County Commissioners'~~ signing of the Conditional Certification on the Final Plat and the Applicant has completed a pre-construction meeting ~~has occurred~~ with the Development Director and the County Engineer or designee(s).

~~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~~ **Final Plat Approval:**

Upon conditional approval by the Board of County Commissioners, the mylar original of the Final Plat shall immediately be returned to the Planning Department to be held until the required public improvements have been completed to the satisfaction of the County Engineer and the Planning Director ~~Department~~.

(1) No alterations of any kind shall be made to the Final Plat after approval by the Board of County Commissioners.

(2) When no improvements are required, Applicants shall have one (1) year to request final approval and recording of the Final Plat mylar.

~~4.4.(3).9~~ Upon completion of all required improvements, and of arrangements for land or money for public purposes, and within ~~the~~ a two (2) year time limit, the applicant ~~may~~ shall 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.

4.4.3.811 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.

4.4.3.913 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~~ time period.

4.5 RURAL LAND USE PROCESS SUBDIVISION

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 meeting ings 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 one complete copy of an Archuleta County Land Use Permit ~~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,~~ as determined by Sketch Plan Review.

4.5.3.3 RLUP Subdivision Plat Map: A plat map suitable for recording, that includes the following information:

4.5.5.5 That the proposed development will not exceed two (2) dwelling units for each thirty-five (35) acre increment, before Incentives in Section 4.5.6.

4.6 AMENDMENTS

4.6.1 Purpose and Intent:

Amendment of a Subdivision plat previously approved by the Board of County Commissioners provides property owners the opportunity to combine lots; reconfigure lots, tracts and rights-of-way; change conditions of approval and notes on the face of a plat; or generally address any inadequacies in the original plat. Amendment of an existing plat requires review and evaluation to ensure conformance with the Community Plan, the Land Use Regulations, any other County regulations and ordinances, and State Statutes. 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 typically be accomplished by re-plat (including include re-subdividing, re-platting, minor boundary adjustments, single transaction large lot subdivision, minor corrections or any other changes to a recorded plat) prepared by a Colorado-licensed surveyor. The Review process may include Sketch Plan, Preliminary Plan, and/or Final Plat as provided in Section 4.6.4.3 and determined by the Planning Director.

4.6.2.2 Amendments to a recorded plat, for the purpose of minor corrections, may be completed as a Correction Plat as provided in Section 4.6.4 below ~~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.~~

4.6.3 Submittal Requirements:

The applicant shall submit one complete copy of an Archuleta County Land Use Permit a ~~minimum of six (6) copies of a completed application for~~ the appropriate review process required by Section 4.6.4.3 and as determined at the Pre-Application Conference ~~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.

4.6.3.2 The appropriate plans and plats for review required by Sections 4.2, 4.3, and 4.4, as determined at Pre-Application.

4.6.3.3 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.

4.6.3.4 ~~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.~~ An Owners & Encumbrance Report or Mortgage Guarantee Report may be sufficient for an Amended Plat at the Planning Director's discretion.

(1) ~~4.6.3.4~~ A title report including mineral owners and lessees of mineral rights may be required.

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 and Criteria for Approval:

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 circulate for Review by Referral Agencies as provided in Section 2.2.5 ~~within ten (10) working days after the submittal a conference shall be scheduled with the applicant to discuss the proposed plat amendment.~~

4.6.4.3 Amendments to a recorded plat may need ~~have~~ to go through one or more steps of the subdivision review process including ~~which includes~~ Sketch Plan, Preliminary Plan and Final Plat review, as determined by the Director after the Pre-Application Conference (Table 1).

(1) **Correction Plat:** 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 application 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.

a. ~~(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 regular procedures ~~for Final Plat processing before the County Commissioners review or recording.~~

(2) **Minor Lot Line Adjustment:** As defined by these regulations, an MLLA may be reviewed by the Planning Commission and Board of County Commissioners at public meetings, rather than requiring public hearings and without the benefit of Sketch Plan Review (Table 1).

a. Reducing 3 lots to 2 lots, eliminating an established lot in the process, may be accomplished by Minor Lot Line Adjustment.

b. All criteria of these regulations must be met, and:

1. No new lots or parcels are created,
2. The resulting lots or parcels are comparable to the size and character of lots or parcels within that subdivision,
3. No lot or parcel is rendered non-conforming, and any existing non-conforming lot or parcel is not rendered more non-conforming.
4. There shall be no significant effect to the adjoining property due to the boundary adjustment.

(3) **Lot Consolidation:** Consolidation of legal lots in an approved Subdivision may be accomplished by Resolution, and reversal of a Consolidation by Resolution, as provided in Section 4.7.

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) 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~~ sewer district fees, or metro district fees, ~~and taxes~~ that were voided or reduced as a result of an Amended Plat shall be paid in full when required, before the plat is recorded ~~approval.~~

4.6.5 **Amending a Plat for Right-of-Way and Easement Vacations**

The purpose of this section is to provide for the vacation of rights-of-way and easements for roads, utilities, or other purposes, created by a Subdivision Plat, and 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.~~ Vacation of road rights-of-way and access easements not created by plat (typically by deed or resolution) may be accomplished by Board resolution and shall follow procedures in the Archuleta County Road & Bridge Design Standards and C.R.S. §43-2-301 et seq.

4.6.5.1 Application: The applicant shall submit an one complete copy of an Archuleta County Land Use Permit application, application fee, and with a written statement of details and the reasoning behind the vacation.

- (1) A plat map (vacation plat) and PDF prepared by a Colorado-licensed surveyor shall be submitted, at appropriate scale showing ownership, acreage ~~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.~~

4.6.5.2 Review Procedure: All applications for right-of-way or access or utility 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. The County Engineer shall review all applications for right-of-way and access easement vacations for conformance with the Archuleta County Road & Bridge Design Standards.

- (1) Notices other than those required in Section 2.2.3 are required only when a subject roadway has been established for use as such; in this case, the notice must follow C.R.S. §43-2-302(2)(b).

4.6.5.3 Review Criteria: 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, or for drainage. 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.

4.6.5.4 Vesting of Vacated Property: 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.

(1) 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 plat.

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).

[Delete Section 4.7 and move to new Section 4.9. Leave Section 4.8 as is. Delete Section 4.9 & 4.10 and consolidate into new Section 4.7.]

4.7 LOT CONSOLIDATIONS AND UN-CONSOLIDATIONS ~~SUBDIVISION EXEMPTION PLAT for Agricultural/Ranching Land Divisions~~

4.7.1 Purpose and Intent:

A Subdivision plat of record may be amended by resolution of the Archuleta Board of County Commissioners to consolidate two or more abutting (bordering) legal lots into one legal lot of record. The resolution eliminates the interior lot lines but has no effect by itself on recorded easements. A lot consolidation by Resolution may be reversed by Resolution when certain criteria can be met. Reversal of any consolidation of legal lots may also be considered by Amended Plat, according to the procedures outlined in Section 4.6 above.

4.7.1.1 Consolidation of lots on a subdivision plat may be considered when:

- (1) All lots are in the same block, unit, or phase of a platted subdivision;
- (2) All lots are in the same zoning district;
- (3) All lots are in the same taxing districts;
- (4) Vested ownership in all lots is the same; the title in which they are held is the same (names on the deeds are the same) and must held the same (for example, single ownership, joint tenants, tenants in common, or in trust).

4.7.1.2 Reversal of a lot consolidation, or un-consolidation, may be considered when:

- (1) Un-consolidation by resolution will only be allowed once per 3-year period.
- (2) A Resolution shall have the effect of undoing the most recent Resolution, and the consolidated lots 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.
- (3) A resolution to reverse a consolidation may result in no more than three (3) lots.
- (4) No improvements may encroach on property lines or current setbacks

4.7.1.3 A Pre-Application Conference is required prior to application, as provided by Section 2.2.4.1.

4.7.2 Submittal Requirements:

The Applicant shall submit one complete copy of an Archuleta County Land Use Permit application, non-refundable application fee, and supporting material as determined at the Pre-Application Conference (Section 2.2.4.1).

4.7.2.1 Applications for lot consolidation or reversing consolidation shall provide:

- (1) An Ownership and Encumbrance (O&E) or Mortgage Guarantee report from a licensed Colorado title company, not more than three months old. Such document shall evidence the following for each lot described individually:
 - a. The report shall describe exact names of all owners, for all lots to be consolidated or unconsolidated. Properties shall be vested identically (names by vary only as allowed in accordance with C.R.S. §38-35-116);
 - b. All lots are titled identically, whether joint tenancy or tenants in common;
 - c. 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.
 - d. Property description including legal descriptions and reception numbers for related resolutions or plats and other historical information.
- (2) Original notarized signature(s) of lien holders as shown on the O&E or Mortgage Guarantee Report, giving their approval of the lot consolidation, is required and shall be included with the submittal. A sample form is available from the Planning Department.
- (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) Notice of Intent, as detailed in Section 4.8.2.2 below.

(5) Any supplemental data identified by the Planning Staff at the Pre-Application Conference, which is deemed necessary to adequately review the request. Incomplete submissions will not be considered.

4.7.2.2 When Reversing a Lot Consolidation, if there are any improvements located on the consolidated lot, Applicant shall also provide an Improvement Location Certificate from a licensed Colorado surveyor.

4.7.2.3 Applicant shall provide Notice of Intent to apply for Lot Consolidation or Reversing a Consolidation, with their application.

(1) Upon completion of the Pre-Application Conference and confirmation by Applicant of their intent to apply for Lot Consolidation or Un-consolidation, Planning Staff shall cause to be prepared Notification which shall include the following:

- a. A description of the proposed consolidation;
- b. A vicinity map showing the lots which are being consolidated and nearby roads or other identifying landmarks (the County GIS website may be used);
- c. An invitation to comment on the application;
- d. The address and telephone number for the Planning Department; and
- e. The date when responses must be received by the Planning Department (no sooner than thirty days from the date sent).

(2) The Notification shall be sent shall be sent via Certificates of Mailing to:

- a. All utility companies, applicable property owners association(s) and special districts.
- b. When Reversing a Lot Consolidation, Notification shall also be mailed to all adjacent property owners at the address shown in the Assessor's records.
- c. The original Certificate of Mailing receipts shall be submitted to the Planning Department.

(3) Planning Staff will schedule consideration of an application by the Board of County Commissioners no sooner than 30-days after the post mark on the Certificate of Mailing receipts.

4.7.3 Effects on Platted Easements:

Consolidating or Un-consolidating lots does not change any of the previously recorded, platted utility easements and they shall remain as platted on the subject property. Easements where utilities are physically present should remain, unless those utility lines are relocated at the Applicant's expense.

4.7.3.1 Applicant may make a written request to all utility companies serving Archuleta County to vacate utility easements along the interior lot lines (typically side yard but may be rear yard) to be eliminated.

4.7.3.2 If a lot consolidation is requested because of plans to build over the interior lot lines, Applicants shall check with utility companies before proceeding with the lot consolidation, to ensure that all utility companies will abandon the easements.

(1) To have utility easements abandoned along the interior lot lines, Applicants must obtain written releases (such as Quit Claim Deeds) from each utility company serving Archuleta County, after approval of the lot consolidation by Archuleta County.

(2) Written releases must be recorded in the County Clerk and Recorder's Office, at the Applicant's expense, after the Archuleta Board of County Commissioners has passed a Resolution approving Applicant's request to Consolidate said lots.

4.7.3.3 When Reversing a Lot Consolidation, 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.

(1) Applicant shall prepare and submit a grant of easement by deed or other legal instrument for review by Planning Staff.

(2) After approval of the Resolution, these documents shall be recorded in the office of the Archuleta County Clerk and Recorder at the Applicant's expense.

4.7.4 Review Process and Criteria for Approval:

Once an application for Lot Consolidation or Un-Consolidation is submitted (including all notice requirements), the Planning Staff will review the request within seven (7) days of a complete application, and inform the Applicant of any deficiencies.

4.7.4.1 Upon completion of the 30-day period for the Notice of Intent (Section 4.7.2.3), Planning Staff shall submit a Resolution of Approval for consideration at the next public meeting of the Board of County Commissioners.

4.7.4.2 The Board shall consider any written comments if received during the Notice period.

4.7.4.3 Applicants shall be aware they may be liable for fees to property owners' associations, water and sanitation districts, and metropolitan districts.

(1) When Reversing a Lot Consolidation, the return of such consolidated lots to their original platted configuration may result in an increase in property taxes for any lot remaining vacant.

4.8 VACATION OF A RECORDED SUBDIVISION

4.9 SUBDIVISION EXEMPTION ~~LOT CONSOLIDATIONS~~

The Board of County Commissioners may exempt a division of land from the definition of Subdivision in C.R.S. §30-28-101 and in these Regulations, if the Board can determine that such division is not intended to evade the purposes of this Section 4 and C.R.S. Article 28 Part 1.

4.9.1 Purpose and Intent:

Exemption from Subdivision Review by the Board of County Commissioners may be appropriate in very limited circumstances. Among these is for the benefit of 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 farm and ranch. However, 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.

4.9.2 Submittal Requirements:

The applicant shall submit one complete copy of an Archuleta County Land Use Permit application, non-refundable application fee, and supporting material as determined at the Pre-Application Conference (Section 2.2.4.1). Certain data may be waived by the Director.

4.9.2.1 Exemption plat and PDF prepared by a Colorado-licensed surveyor shall be submitted, at appropriate scale showing ownership and acreage.

4.9.2.2 Written description of the request and how the proposal meets Criteria for Approval.

4.9.2.3 Copies of well permits and Onsite Wastewater Treatment Systems (OWTS) permits, for any wells or septic systems on the parcel.

4.9.2.4 Title Report from within three (3) months of application 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. The Title Report shall include all easements of record.

4.9.3 Review Procedure:

The Director shall refer the application for review as provided in Section 2.2.5.

4.9.3.1 The Planning Department shall schedule the application for a Public Hearing at the next available Board of County Commissioners meeting for which public notice can be given as provided in Section 2.2.2 and 2.2.3.

(1) Notice shall be provided as required by Table 2. Notice to Mineral Estate Owners and Lessees may also be required by State law.

4.9.4 Criteria for Approval:

The Board of County Commissioners must be able to find that the proposed division of land is not within the purposes of Section 4 of the Archuleta County Land Use Regulations and C.R.S. §30-28-101 et.seq. Also:

4.9.4.1 Access from public roads shall remain the same;

4.9.4.2 These shall be no more than one home on the divided tract, or two homes remaining on the original tract;

4.9.4.3 For divisions of land benefiting a traditional ranching/farming family, the minimum lot size in the Agricultural/Ranching (AR) zoning district of 35 acres (Table 4) may be waived once, through this Exemption process.

4.9.4.4 Additional deed restrictions may apply;

~~4.10 — REVERSING A LOT CONSOLIDATION OR RE-SUBDIVIDING THE CONSOLIDATED LOTS~~

[Delete entire section]

SECTION 5 – DEVELOPMENT STANDARDS

5.1 SUBDIVISION DESIGN STANDARDS

5.1.2 Roads and Blocks:

5.1.2.1 Right-of-way widths shall be as follows required in the Archuleta County Road & Bridge Design Standards (Table 27-3).

~~(1) Major highways: As required by CDOT.~~

~~(2) Arterial roads: Eighty (80) feet~~

~~(3) Collector roads: Sixty (60) feet~~

~~(4) Local roads: Sixty (60) feet~~

5.3.1.4 Survey Monuments

~~5.1.4.5.3.1.1~~ 5.3.1.1 Permanent survey monuments shall be set within all subdivisions pursuant to Title 38, Article 53, Colorado Revised Statutes, as amended. In addition, No. 5 steel rebar, twenty-four (24) inches or longer, shall be set at all lot corners prior to selling or advertising for sale such lots. All monuments, markers and benchmarks shall have fixed securely to the top thereof the registration number of the land surveyor responsible for the establishment of such monument, marker or benchmark. Benchmarks shall be stamped with the letters "B.M." and the elevation of the benchmark.

~~5.1.4.5.3.1.2~~ 5.3.1.2 Monuments located within roads shall be of No. 5 rebar steel, thirty-six (36) inches or longer, placed so that their tops are six (6) inches below the final road surface. When a road is paved or otherwise surfaced, all such monuments within the paved or surfaced area shall be fitted with monument boxes of sturdy construction and monuments set after paving or surfacing shall also be provided with sturdy monument boxes.

~~5.1.4.5.3.1.3~~ 5.3.1.3 All monuments, markers and benchmarks shall be set or witnessed according to standard construction techniques and in a fashion that is satisfactory to the Board of County Commissioners.

5.2.3 Mitigation of Natural Hazards

5.2.3.1 Steep Land:

(2) Slopes greater than or equal to thirty (30) percent shall not be built upon. Any roads or driveways shall only be built in accordance with *County Road and Bridge Design Standards*, except for purposes of forestry management or wildfire protection.

5.3.12 Access ~~Plan~~ Permit Required

5.3.12.1 Purpose and Authority. This Section is enacted pursuant to the authority granted under Colorado Revised Statutes §30-28-110(3)(a). The purpose of this Section is to ensure that roads ~~and roads~~ serving parcels of thirty five (35) acres or more, which divisions are otherwise exempt from subdivision review by Archuleta County, provide adequate access, especially emergency vehicle access, to and from the public road system to such parcels. This Section shall not require any other review or approval beyond requiring adequate access and road design and construction.

5.3.12.2 Applicability. All plans, plats, and re-plats of land laid out in building lots and the roads, highways, alleys, or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto which are not required to be reviewed pursuant to Section 4 of these Regulations, shall be reviewed pursuant to this Section. ~~No such plan, plat, re-plat or deed shall be accepted for recording by the Archuleta County Clerk and Recorder unless it has been so reviewed and approved as provided herein.~~

(1) For parcels created after the effective date of these regulations (May 23, 2006), no permit application will be accepted by the Development Services (Building & Planning) Department until an Access Plan is approved.

5.3.12.3 Access Plan Required. Prior to presenting a plan, plat, re-plat or deed for recording, the Developer, property owner or authorized representative ~~The applicant~~ shall apply for ~~file an~~ access plan approval with the Planning Department which demonstrates compliance of the proposed access with the *Archuleta County Road and Bridge Design Standards* and this section of the Archuleta County Land Use Regulations.

5.3.12.4 Procedure. The Planning Director shall review the Access Plan, with ~~and may request~~ the review and comment of the County Engineer. The application shall be forwarded to the Planning Commission and subsequently to the Board of County Commissioners for review and action for approval, approval with conditions or denial, in a public meeting with public notice as required by Table 2 in Section 2.2. Such approval of an access plan ~~permit~~, once granted, may be revoked if the applicant fails to follow and comply with the approved access plan, including any imposed conditions.

5.3.2 [Reserved for future use]

5.4.5 Parking

Areas shall be provided for off-street parking of vehicles for all development.

5.4.5.1 A minimum of two (2) surfaced ~~paved~~ off-street parking spaces shall be provided for each residential lot or dwelling unit. The minimum size of each off-street parking space

shall be one hundred sixty-two (162) square feet and measuring nine (9) feet wide and eighteen (18) feet long.

5.4.5.2 Multi-family parking areas shall be paved; when required by the *Archuleta County Road & Bridge Design Standards* at the discretion of the County Engineer.

5.4.5.5 All Non-Residential parking areas shall be paved when required by the *Archuleta County Road & Bridge Design Standards*. Variance to those standards may be appropriate for those uses which are located in the more rural areas of the County, and where the County Engineer and the Planning Department have determined that paving would be unnecessary.

SECTION 9 – MINING

9.1 SAND, SOIL AND GRAVEL MINING

9.1.2 Applicability:

Any Resource Extraction, Processes and Sales Use is subject to review and approval by the Planning Department. This includes: All projects that have one (1) or more of the following characteristics are subject to this section

9.1.2.1 Project includes the Mining of sand, soil or gravel.

9.1.2.2 Temporary borrow pits to extract sand, soil or gravel.

9.1.2.3 Project which includes any of the following ~~related issues:~~

- (1) Accessory uses and structures associated with mineral extraction.
- (2) Crushing, screening, stockpiling of extracted materials.
- (3) Processing or batching of materials into other products such as asphalt and concrete.
- (4) Outdoor storage of equipment and materials used for mineral extraction.

9.1.4 Minor Sand and Gravel permit:

Certain small The following mining operations may shall be reviewed and approved administratively, with conditions, or denied, by the Planning Director Department, after consultation with the County Engineer.

9.1.4.1 A project may qualify as a Minor Sand & Gravel operation when:

(1) The extraction site is adjacent to the project area for another approved Land Use Permit and is owned or controlled by the same person, company or agency, or-

9.1.4.(2) The operation serves a specific one-time major construction project, or-

9.1.4.(3) The site will be limited to a maximum of ten (10) acres.

9.1.4.24 The A Minor Sand & Gravel operation should only be is located in an area where there are no existing mining operations which could serve the project without creating significant impacts on the road system or to surrounding areas-

~~9.1.4.5 The operation will serve only the project for which it was intended under this permit.~~

9.1.4.36 Specific Performance Standards for a Minor Sand & Gravel Operation:

- (1) Any Minor Sand & Gravel** The operation ~~shall~~ will be reclaimed within one (1) year of completion of all mining activities. In the case of a multi-cell operation, reclamation of each cell will be made within one (1) year of completion of mining activities in said cell.
- (2) 9.1.4.7** The project site ~~shall~~ will not be visible from adjacent residences, or will be mitigated to have reduced visibility from adjacent residences.
- (3) 9.1.4.8** The mine ~~shall~~ will be located in proximity to the construction project which it is intended to serve, and will cause minimum impacts to the roads used from the mine to the project site.
- (4) 9.1.4.9** Roads used to access the construction site from the mine will be upgraded to withstand the additional traffic, and the permittee will prevent road damage and mitigate dust, under the supervision of the County Road and Bridge Supervisor.
- (5) 9.1.4.10** Flagmen and traffic control signs will be used during the construction project to assure safe traffic detours and to minimize conflicts with truck traffic serving the project.

9.1.4.411 Crushers and/or batch ~~plants~~ berms will be allowed at a site permitted under this Section 9.1.4 only under a separate Conditional Use Permit approved by the Board.

9.2 OIL AND GAS DEVELOPMENT PERMIT

9.2.1 General Provisions and ~~9.2.1.1~~ Authority

This Section is authorized by C.R.S. §§ 29-20-101 *et seq.*, 34-60-101 *et seq.*, and 30-28-101 *et seq.*

9.2.1.1 Purpose:

This article is enacted to protect and promote the health, safety...

9.2.1.23 Jurisdiction:

~~This Section 9 article shall apply to lands within the unincorporated area of the county with the exception of those lands where the county's jurisdiction is preempted by federal or state law, or by tribal jurisdiction.~~

~~9.2.1.4~~ General Procedures:

Development of oil and gas facilities within the unincorporated areas of Archuleta County, ~~except those areas where~~ as to which the County's legal jurisdiction has ~~not~~ been preempted by state or federal law, shall be subject to the provisions of this Section

9 article and any other applicable regulations of the County, as well as any state or federal entities or agencies having jurisdiction over such development.

(1) Oil & Gas Operations of the Southern Ute Indian Tribe are exempt from Section 9 by Memorandum of Understanding of the Board of County Commissioners.

(2) The State of Colorado, through the Colorado Oil & Gas Conservation Commission, retains primary authority to regulate oil and gas development on public and private land. Archuleta County retains the right to mitigate impacts of such development, to the extent accorded by federal and state law.

9.2.1.3 General Procedures:

Construction, installation and operation of oil and gas facilities shall not commence until administrative approval has been granted by the County Planning ~~Director~~ Department, or approval following public review has been granted by the Archuleta County Planning Commission and/or the Archuleta Board of County Commissioners, as applicable under this section of the *Archuleta County Land Use Regulations Code*. The Planning ~~Director~~ Department shall serve as the authorized representative of the Board of County Commissioners for the purposes of this Section article.

(1) Major and minor oil and gas facilities which comply with the applicable standards and requirements of this article shall be granted recommendation for approval ~~or approval~~ by County Planning ~~Director~~ Department upon the applicant's submittal of satisfactory documentation, in the manner prescribed, that the facility is in compliance with the standards set forth in this article. Special mitigation measures are required for minor facilities which do not comply with the standards set forth in this Section article.

(2) The Planning ~~Commission~~ Department shall review and grant approval for minor facilities ~~requiring special mitigation measures~~, provided that the applicant submits satisfactory documentation to County Planning Department that an appropriate mitigation plan for the facility will be implemented in accordance with this Section article.

(3) Planning Commission review and recommendation, based upon a report prepared by the County Planning Department, together with the Board of County Commissioners review and approval shall be required for activities and facilities classified as major facilities.

9.2.1.4 Best Management Practices:

Archuleta County encourages and, where determined to be feasible, requires the appropriate use of directional drilling, the placement of multiple wells on a single pad, the use of closed loop ("pitless") systems, the use of non-toxic or "green chemicals" (as defined by the *Archuleta County Land Use Regulations definitions*) in all drilling and

fracturing fluids and other techniques, including current and available best management practices, designed to protect the integrity of the surface estate and subsurface water resources.

9.2.2 Minor Oil & Gas facilities ~~Must meet all of the following:~~

9.2.2.1 Certain small oil and gas operations may be reviewed and approved as Minor Oil & Gas operations, including:

(1) An individual well pad built with one or more wells and operated for exploration or production of liquid petroleum and/or natural gas, including any and all associated equipment located on the well pad or within 150 feet of the wellhead required for such production.

~~9.2.2.(2)~~ Gathering lines and ancillary equipment including but not limited to drip stations, vent stations, pigging facilities, chemical injection stations and valve boxes.

~~9.2.2.(3)~~ Total brake horsepower of all equipment associated with an application will not exceed 50 BHP.

9.2.2.23 Certain small operations may be reviewed and approved as Minor oil and gas facilities requiring special mitigation measures:

~~9.2.3.(1)~~ An individual well site built and operated for exploration or the production of petroleum and/or natural gas and associated equipment (as defined above) which does not meet the minimum setback and other requirements specified in this section for minor facilities.

~~9.2.3.(2)~~ Any of the facilities specified under ~~subsection (1) of this section~~ 9.2.2 which do not comply with all applicable standards and requirements, as set forth in this article, and which are not classified as major facilities.

~~9.2.3.(3)~~ Continuous drilling and completion operations of wells or well legs on a well pad that are planned to continue for longer than six weeks.

9.2.34 Major Oil & Gas Facilities:

[Renumber 9.2.4.1- 9.2.4.6 to 9.2.3.1 – 9.2.3.6]

9.2.45 Application ~~Submittal~~ Requirements:

[Delete Section 9.2.6.9 and move to new Section 9.2.4.1.]

9.2.4.1 Pre-Application Meeting:

A pre-application meeting is required prior to submittal of an Oil & Gas permit application. In addition to the ~~pre-application procedures described~~ in Section 2.2.4.1, the following provisions shall apply:

- (1) The surface rights owner(s), home and property owners associations, improvement district members, and all other parties which must be noticed under this section 9.2.5 shall also be given the opportunity to attend the pre-application meeting.

~~9.2.45.21~~ The applicant shall submit a complete Archuleta County Land Use Permit ~~minimum of 3 complete copies of the application,~~ application fee and associated materials as determined at the Pre-Application Conference (Section 2.2.4.1) ~~application packets.~~ Submittal requirements are as follows:

~~9.2.45.32~~ Application and other fees.

[Delete Section 9.2.5.3 and move to new Section 9.2.5.]

9.2.45.4 Pipeline Permit Submittal Requirements:

9.2.4.5 Application Determination of Completeness: Archuleta County Development Services staff shall review the application for completeness as provided in Section 2.2.4.3. Planning Staff will provide the applicant with written notice of any specific deficiencies within fifteen (15) business days of the initial submittal.

9.2.4.6 Review Time: Staff Review of a complete application will typically occur within twenty-one (21) business days, with allowance for referrals as provided in section 2.2.5. More time may be required for review depending on the Archuleta County Development Services work load or requests for additional information made to the Applicant. Additional time may be necessary to complete an on-site inspection, with Applicant's and the surface owner's permission.

9.2.4.7 Public Site Visit: At the request of either the Applicant, surface owner, or other landowner receiving notice pursuant to Section 9.2.5, Development Services staff may, at the discretion of the Director and upon notice to the surface owner, conduct a public site visit with these parties to evaluate well locations, compliance with applicable County Codes, and mitigation that may be required under Section 9.2.7. When possible this site visit will be coordinated with site visits required by other governmental agencies.

9.2.5 Notification

9.2.5.1 Notice for review of an Oil & Gas permit shall follow these procedures, rather than those in Section 2.

- (1) Written notice** shall be provided to surface owners for all minor facility applications as well as the current surface owners...
- (2) Posted notice.** A posted notice of a size of not less than 36 inches in width by 24 inches in height...
- (3) Notice of Public Hearing ~~Planning Commission review.~~ Prior to any required public hearing by the Planning Commission or Board of County Commissioners, legal notice shall be published as provided in Section 2.2.3.1. ~~Not less than 15 days, nor more than 30 days prior to the public meeting, if required, to consider the major facility application, a legal notice of the public meeting before the Planning Commission shall be published in a newspaper of general circulation within the County, and shall include the following:~~**

9.2.6.9 Pre-Application Meeting:

9.2.6.10 Review Procedure For Minor Oil & Gas Facilities

(1) Generally

Applications for county land use approval for proposed minor facilities shall be reviewed ~~processed administratively by the County Planning-Director Department,~~ provided the information in the application to establishes that (a) the proposed use complies with the minimum requirements for such facilities as set forth in this section ~~article~~ or (b) that the proposed facility's noncompliance with this article will be mitigated in accordance with the applicable standards and requirements set forth ~~in this subcategory~~ for minor facilities requiring special mitigation. Applications for such minor oil and gas facilities shall receive approval by the ~~without~~ County Planning Commission in a public ~~or Board of County Commissioners'~~ hearing ~~or review~~, in accordance with the procedures set forth in this section. ~~An application which the Planning Department finds to be in compliance with the relevant standards shall be granted administrative approval.~~

(2) Application Submittal Procedure

The application shall be in the form prescribed by section 9.2.4 of this Regulation ~~Code~~ and shall include information and/or documentation establishing that the proposed minor facility is either in compliance with all applicable requirements of this article or establishing that the proposed facility's noncompliance with this article

will be mitigated in accordance with the applicable standards and requirements set forth in this subcategory for minor facilities requiring special mitigation.

- a.** If the applicant asserts that the proposed use complies with requirements, the application shall contain a certification from the applicant or the applicant's designated agent (accompanied by a written designation of agent in the form prescribed by the County, if applicable) that the proposed facility complies with all applicable provisions of these regulations, and that the information in the application, as well as in any documentation submitted, is true and accurate.
- b.** If the applicant asserts that the proposed facility's noncompliance with this article will be mitigated, the application shall set forth the specific measures which will be employed at the facility to mitigate the land use impacts associated with the facility. Such identified mitigation measures shall comply with the standards and requirements for such facilities as set forth in this subcategory.

(3) ~~Determination of Completeness.~~

~~Should the Archuleta County Planning Department determine that the application, as submitted, is not complete, it shall provide the applicant with written notice of the specific deficiencies within fifteen (15) business days of the initial submittal. No further action, including approval, shall be taken on an application determined to be incomplete, until the specified deficiencies have been corrected to the satisfaction of County Planning Department. If the application is found to be complete, containing all information and/or documentation required by this article, County Planning Department shall then review the application for compliance with applicable standards and requirements. This review may include a field inspection of the proposed site.~~

(4) ~~Administrative action; site visit~~

~~Review of a complete application and approval or denial will typically occur within twenty one business days. More or less time may be required for review depending on the County Planning Department's work load or requests for additional information made to the applicant. If a permit is not approved within twenty one (21) business days, the County Planning Department will contact the applicant with a specific estimate of when the application will be acted upon. Should the information in the application and any accompanying documentation establish that the proposed minor facility will be constructed and operated in compliance with all applicable standards and requirements of this article, then the county Planning Department shall issue an approval for the proposed minor facility. Should the Planning Department determine that the proposed minor facility will not or cannot be constructed and operated in compliance with all applicable standards and requirements of this article, then it shall issue a written denial of the application, stating with specificity the grounds for its decision. At the request of either the applicant, surface owner, or other landowner receiving notice pursuant to Section 9.2.5.3, the Planning Department may, at the discretion of the Archuleta County Planning Department Director and upon notice to the surface owner, conduct a~~

public site visit with these parties to evaluate well locations, compliance with applicable County Codes, and mitigation that may be required under Section 9.2.7.3. When possible this site visit will be coordinated with site visits required by other governmental agencies. Where a site visit is not deemed necessary, the County Planning Department may hold an informal dispute resolution meeting pursuant to Section 9.2.7.7 at a convenient community building, such as a local grange.

(5) **Administrative Review and Recommendation** determination of satisfactory mitigation for Minor Facilities Requiring Special Mitigation Measures. Should the information in the application and any accompanying documentation establish that the proposed facility will be constructed and operated in conformance with these Regulations, or in such a manner that the land use impacts associated with the facility's noncompliance with this article are mitigated in accordance with the applicable standards and requirements, the County Planning Director Department shall issue written recommendation of approval for the proposed minor facility. Should the County Planning Director Department determine that the mitigation plan for the facility does not meet the applicable standards and requirements, and the applicant fails or refuses to provide satisfactory evidence that such a mitigation plan is not possible under the facility's specific circumstances, it shall issue a written recommendation of denial of the application, stating with specificity the grounds for its decision.

(4) County Planning Commission review and approval.

Archuleta County Planning Commission will review Minor Oil & Gas Permits at a noticed Public Hearing, under Review Procedures, Review Criteria and Findings for a Conditional Use Permit in Section 3.2.3, as well as Section 9.2.7 Performance Standards.

(56) Appeal of administrative denial or approval.

~~a.~~ Should the County Planning Commission Department deny administrative approval under this section, the applicant may request county land use approval by the filing a Land Use Permit Application and appropriate fee for of a written appeal with the County Planning Department Board of County Commissioners within ten business days of receipt of written notification of such denial. Such an appeal shall be in writing and state with specificity the grounds of the appeal.

a. The Planning Director shall schedule an appeal hearing before tThe Board of County Commissioners shall proceed to consider and decide the applicant's appeal at the next regularly scheduled Board meeting of County Commissioners ~~hearing for planning agendas~~ for which proper public notice can be given.

1. Upon request of the applicant, the Board of County Commissioners shall provide it with an opportunity to be heard on such an appeal. ~~Should the applicant request a hearing on its appeal, t~~the County Planning Department shall be notified and given an opportunity to present evidence at the Board meeting hearing.

- 2.** Should the applicant provide satisfactory documentation that either the proposed minor facility complies with all applicable requirements of this article or that the proposed facility's noncompliance with this article can be adequately mitigated, in accordance with the applicable standards and requirements set forth in this subcategory, the Board of County Commissioners **may reverse the Planning Commission's decision and** shall approve the application ~~forthwith~~. The decision of the Board of County Commissioners is a final decision subject to appeal to the District Court.
- b.** All surface owners ~~and owners~~, residents, associations, government entities, improvement districts and other entities subject to notification under this section shall have standing to file an appeal of the ~~administrative~~ decision regarding the siting of a minor facility. Parties subject to notice in ~~§9.2.4.1.2~~ who can demonstrate a reasonable likelihood of actual injury in fact based upon operator's failure to meet specific standard(s) shall have standing to file an appeal of the ~~administrative~~ decision regarding the siting of a minor facility. The appeal shall be in writing **with the appropriate fee**, shall state with specificity the grounds for the appeal, and shall be filed within ten working days of the ~~administrative~~ decision. The Board of County Commissioners shall proceed to consider and decide an appeal at the next regularly scheduled Board of County Commissioners hearing for planning agendas for which proper public notice, in accordance with all the terms of this section, can be given. Upon request of the applicant, the Board of County Commissioners shall provide it with an opportunity to be heard on such an appeal.

~~c. Minor Facilities Requiring Special Mitigation Measures~~

- ~~1. Applications for County land use approval of proposed minor facilities which do not comply with the applicable standards specified in this subcategory shall be processed administratively as a minor facility requiring special mitigation by the Planning Department, subject to compliance with the applicable provisions of this article.~~
- ~~2. Application submittal procedures.~~
The application shall include information and/or documentation establishing that the proposed facilities non-compliance with this article will be mitigated in accordance with the applicable standards and requirements set forth in this section for minor facilities requiring special mitigation. The application shall contain the information prescribed by section 9.2.5.1 of this Code. It shall set forth the specific measures which will be employed at the facility to mitigate the land use impacts associated with the facility. Such identified mitigation measures shall comply with the standards and requirements for such facilities as set forth in this section. The application for a minor facility requiring special mitigation measures shall be processed in accordance with section 9.2.6.10.1, *et seq.*

9.2.6.1011 Review Procedure For Major Oil & Gas Facilities

(1) Review Procedure.

All applications for major facilities shall be scheduled for public review before the Planning Commission and the Board of County Commissioners ~~in accordance with the provisions of this subcategory.~~

- a. The Planning Commission shall review such applications at a scheduled public ~~hearing meeting~~, and forward a recommendation for approval, conditional approval, or denial with appropriate findings to the Board of County Commissioners for final action.
- b. The Board of County Commissioners' action on an application for a major facility shall be scheduled for the next regularly scheduled Board of County Commissioners ~~public hearing for planning agendas~~ for which proper public notice may be given. Final actions of the Board of County Commissioners shall contain appropriate findings based upon competent evidence in the record before the Board of County Commissioners.

(2) Submittal Procedure.

The major facility application shall consist of all items identified in section 9.2.4.1 ~~of this article~~. Prior to formal submittal of the application, County Planning Department shall ~~conduct a Pre-Application Conference~~ meet with the applicant to discuss and identify any additional information required to adequately review the proposed facility.

(3) ~~Determination of completeness.~~

~~The County Planning Department will review the application for completeness. If the application is deemed complete, the Department will commence project review, pursuant to the requirements of the Archuleta County Land Use Code and its supporting regulations. If the application is incomplete, the applicant will be notified of the deficiency and the application shall be withdrawn from the review process until the required information is submitted.~~

(4) ~~Notice upon request~~

~~Public notice shall be provided as required in Section 9.2.5.~~ Notice shall also be sent to any other person, agency or organization that has filed a request with County Planning Department to receive notice of major facilities undergoing public review; such notice to be sent by County Planning Department at the applicant's expense.

(45) Planning Commission review

The Planning Commission shall conduct a noticed public ~~hearing meeting~~ for review of the proposed major facility. On the basis of competent evidence received at such a public ~~hearing meeting~~, the Planning Commission shall make its recommendation to the Board of County Commissioners regarding approval, conditional approval or denial of the application. Such Planning Commission actions shall contain

appropriate findings or reasons in support of the recommendation concerning the facility's compliance with applicable standards and requirements, as well as the appropriateness of the facility in the location proposed in accordance with the review criteria set forth in section 9.2.6. ~~1011~~(7).

- a.** The Planning Commission may continue a public ~~hearing meeting~~ on an application to a date certain in order to receive additional testimony or information. The applicant may request a continuation of the public ~~hearing meeting~~ for good cause shown satisfactory to the Planning Commission. The Planning Commission shall render its verbal decision regarding a recommendation on the proposed facility forthwith after the evidentiary phase of the public ~~hearing meeting~~ on the application has been closed.

SECTION 11 – DEFINITIONS

11.1 ABBREVIATIONS

11.1.1 The following abbreviations are defined as follows:

ADA	Americans <u>with</u> Disabilities Act (<u>1990 and as amended</u>)
CC&Rs	<u>Covenants, Codes & Restrictions</u>
PDF	<u>Portable Document Format or equivalent electronic file</u>

11.2 WORDS AND TERMS

Alley: A specialized road ~~street~~ which provides ~~affords only~~ secondary access to property.

Apartment: A dwelling unit within a multi-family building, intended for lease or rent rather than individual purchase as a Condominium. ~~Commonly a rented unit.~~

Applicant: The owner of land or the owner's authorized representative or the optionee of the land, as well as mineral estate owners and lessees. For mining permits, ~~The~~ person, corporation or other legal entity possessing the legal right to develop the mineral resource or any other use proposed in connection thereof for the site in question.

Centerline: The linear centerline of a right-of-way or access easement, as recorded with the Archuleta County Clerk and Recorder.

Condominium: An individual air space dwelling unit together with an undivided interest in common elements appurtenant to each dwelling unit.

Driveway: A constructed vehicular access other than a road serving one (1) or more properties and abutting a public or private road.

Duplex: A Single-Family Attached Dwelling with two units in one building on one legal lot, and each unit has primary ground floor access to the outside and which are attached to each other by party walls without openings.

Dwelling: A building used exclusively for residential occupancy, with complete living facilities including kitchen, bathroom and sufficient living area to meet the minimum requirements of the adopted residential building code ~~single-family dwellings, two-family dwellings and multi-family dwellings.~~

Dwelling, Multi-Family: A dwelling containing two (2) ~~three (3)~~ or more dwelling units, on one parcel or a condominium, but not including Single-Family Attached Dwellings such as a Duplex or Townhouse, and ~~not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.~~

Dwelling, Single-Family Attached: A residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Dwelling, Two-Family: A multi-family residential building occupied by two (2) families living independently of each other, not including a Single-Family Attached Dwelling such as a Duplex or Townhouse.

Frontage: That portion of a lot which abuts a dedicated access easement ~~street~~, road or highway.

Functional Classification: Categories of roads (such as arterial, collector, or local) as established in the Archuleta County Road & Bridge Design Standards.

Lot: A designated parcel, tract or area of land established by plat or exemption from subdivision review of at least a sufficient size to meet minimum requirements for use, ~~street~~ frontage, coverage, and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private road ~~street~~.

Lot Area: The total area within the boundary lines of a lot, exclusive of any ~~street~~, road or ~~alley~~ rights-of-way.

Lot, Double Frontage: Lots which front on one (1) ~~public street~~ road and back on another (not including an Alley).

Lot Line, Front: A The property line dividing a lot from a road ~~street~~. On a corner lot ~~only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line for measurement of setbacks.~~

Mineral Estate: a mineral interest in real property that is shown by the real estate records of the Archuleta County Clerk & Recorder.

Mineral Estate Owner: the owner or lessee of a Mineral Estate underneath a surface estate.

Minor Lot Line Boundary Adjustments: A re-plat amending existing legal lots involving ~~Involves~~ no more than three (3) ~~two (2)~~ lots or parcels. No new lots or parcels are created. ~~The resulting lots or parcels are substantially the same in size and character as other lots in the subdivision. There is no significant effect to the adjoining property.~~

Public Highway: A state or county road as defined in CRS §43-2-201.

Right-of-Way: An area of land legally separate and distinct from adjacent lots or tracts of land, designated for public use including public or privately-owned roads, ~~streets~~, walkways, and utility lines, access ways, railroad, ~~road~~. The term Right-of-Way may also be used in specialized contexts to refer to easements for uses such as electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. ~~The usage of the term "right-of-way" for land platting purposes~~

shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

(1) A person's legal right to pass through grounds or property owned by another or

(2) Land, property or interest therein usually in a strip, acquired for or devoted to transportation purposes

Streets or Roads: For purposes of this regulation, a general term denoting a public or private way for purposes of vehicular travel, including the entire area within the right-of-way and/or access easement.

Any way or place for passage of vehicular traffic. In these Regulations streets are classified as follows:

~~(a) Major Highways:~~ Any street designated as a numbered state or federal route.

~~(b) Arterial Street:~~ A street designed to carry greater volumes of traffic at higher speeds or longer distances, generally between major highways.

~~(c) Collector Street:~~ A street designed to carry traffic between areas of concentrated population or activity, generally leading to arterial streets or major highways.

~~(d) Local Street:~~ A street designed to directly serve residential sites or less concentrated activities.

~~(e) Alley:~~ A way for service or access to the rear or sides of properties also abutting a street.

~~(f) Cul-de-sac:~~ A dead-end street terminating in a circular turn-around.

Roadway: That portion of a right-of-way or access easement, not including a driveway, improved surfaced for vehicular traffic.

Setback: The minimum distance between a structure and the nearest property line, edge of road right-of-way or access easement (whichever is closer); The distance between the following, including but not limited to, a lot or property line, the closest projection of a building, structure or for mining regulations, also including any permitted facility, wellhead, flow line, gathering line or a major facility boundary, ~~or~~ the required unoccupied open space between the nearest projection of a building or structure and the property line of the lot on which the building or structure is located, except as specifically permitted by these land use regulations.

Sight Distance Triangle: The area at the four corners of an intersection forming a triangle in which visibility is maintained. Distance along the legs of the triangle shall be measured from the corner or intersection point along the right-of-way lines, access easements, or along edge of driving surface for driveways. See also *Archuleta County Road and Bridge Design Standards and Construction Specifications*.

Street: A type of Road.

Surface Estate: A fee title interest in the surface of real property that may or may not include mineral rights as shown by the real estate records of the Archuleta County Clerk & Recorder.

Surface owner: Means ~~T~~the owner of the Surface Estate and any person with rights under a recorded contract to purchase all or part of the Surface Estate property on which the facility will be constructed.

Townhouse: A single family, attached residence with individual exterior entries that will never have units above or below, and does not have more than two (2) walls in common.