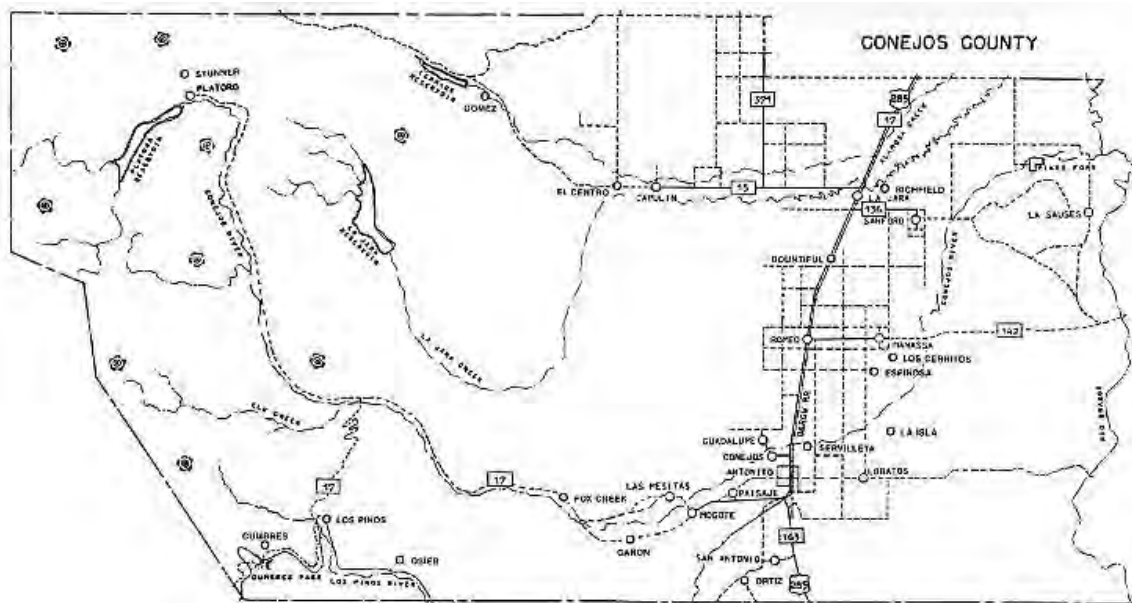


2005  
CONEJOS COUNTY  
LAND USE CODE



**CONEJOS COUNTY LAND USE**

**P.O. BOX 197**

**CONEJOS, COLORADO 81129**

**376-2014**

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**+2005 CONEJOS COUNTY LAND USE CODE+**

**ARTICLE 1 TITLE, PURPOSE AUTHORITY AND INTERPRETATION**

**DIVISION 1.1 GENERAL**

**Section 1.100 Title and Short Title**

This code, and all future amendments, shall be known as the Conejos County Land Use Code.

**Section 1.110 Purpose**

- A. **General Purposes.** The general purposes of this Land Use Code are to:
1. **Protect Quality of Life.** To provide for protection of the health, safety and welfare of the residents of the County and to protect and preserve the environment, the history and the traditions of Conejos County.
  2. **Provide for Orderly Development of the County.** To provide for balanced, orderly growth patterns and to provide efficient, phased government services to accommodate existing and future residents.
  3. **Preserve Property Values.** To preserve and promote the value of property, to protect the tax base of the County and to respect the property rights of citizens.
  4. **Protect and Enhance Agriculture.** To protect and enhance agricultural and traditional practices and the rural characteristics of the County.
  5. **Protect Water Resources.** To protect water resources in the County for the health, safety and welfare of the residents as well as for the long-term sustainability of the environment and the local economy.

**Section 1.120 Authority and Jurisdiction**

- A. **Authority.** It is the intention of the Board of County Commissioners in adopting this Land Use Code to fully exercise all relevant powers conferred by the laws of the State of Colorado, including but not limited to:
1. **Colorado Constitution.** All of the powers reserved to the County by the Colorado Constitution.
  2. **State Enabling Legislation.** All of the powers granted to the County by:
    - a. **Title 30, Article 28, C.R.S.** The provisions of the County Planning Act.
    - b. **Title 29, Article 20, C.R.S.** The provisions of the Local Government Land Use Control Enabling Act of 1974.



- c. **Title 24, Article 65.1, C.R.S.** The provisions of the Areas and Activities of State Interest Act.
  - d. **Title 24, Article 67, C.R.S.** The provisions of the Planned Unit Development Act of 1972.
  - e. **Title 24, Article 68, C.R.S.** The provisions of the Vested Property Rights Act.
3. **All Other Powers Authorized.** All other powers authorized by statute or by common law for the regulation of land uses, land development and the power to abate nuisances.

B. **Jurisdiction.** This Land Use Code shall apply to all land within the unincorporated areas of Conejos County. No land shall be offered for sale, exchange, lease or development, and no building, structure or land shall be used or occupied except in conformance with this Land Use Code. Structures and uses existing on the effective date of this Code, and which were allowed by and in compliance with the previous land use code, shall be permitted to continue, subject to the provisions of Article 7, Nonconforming Uses.

**Section 1.130                      Repeal; Enactment; Effective Date**

A. **Repeal of County’s Prior Land Use Regulations.** The 1979 Conejos County Zoning Regulations and all amendments are hereby repealed on the date that these land use regulations become effective.

B. **Enactment.** This Land Use Code shall be enacted upon its approval by the Board of County Commissioners, after review and recommendation by the Conejos County Planning Commission, following public hearings.

C. **Effective Date.** This Land Use Code shall become effective immediately following its enactment by the Board of County Commissioners.

**Section 1.140                      Amendment to the Text of Land Use Code**

A. **Initiation.** Text amendments to this Land Use Code shall be initiated by the Board of County Commissioners, the Planning Commission, or the Land Use Administrator.

B. **Proposed Amendment.** A proposal for text amendment shall state the precise wording of the proposed text amendment and the reason for the proposed amendment.

C. **Public Review.** Copies of the proposed text amendment shall be available at the County offices for review by the public.

D. **Review and Recommendation by Planning Commission.** Following the publication of notice of the proposed text amendment published at least fourteen (14) calendar days prior to the public hearing, in accordance with Section 3.230, the Planning Commission shall conduct a public hearing following the procedures in Section 3.240. The Planning Commission may make modifications to the proposed amendment and transmit its recommendations on the proposed text to Board of County Commissioners.

E. **Action by Board of County Commissioners.** After receipt of the recommendation from the Planning Commission, a public notice of the proposed text amendment shall be published at least thirty (30) calendar days prior to the public hearing in accordance with Section 3.230. The Board of County Commissioners shall then conduct a public hearing, following the procedures in Section 3.240, to determine whether the text should be amended. If the amendment is approved, the BOCC will direct the Administrator to make any such amendments to the official Land Use Code. All changes shall be recorded in the Office of the Clerk and Recorder as soon as practical.

**Section 1.150 Severability**

A. **Provision Declared Invalid.** If any provision of this Land Use Code is declared invalid by a decision of any court of competent jurisdiction then the effect of such decision shall be limited to that provision which is expressly declared invalid and shall not affect any other provision of this Land Use Code.

B. **Application to Tract of Land Invalid.** If the application of this Land Use Code to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, then the effect of such decision shall be limited to the tract of land involved. Such decision shall not affect this Land Use Code or the application of any provision thereof to any other tract of land.

**Section 1.160 Interpretation and Construction**

A. **Minimum Required.** The provisions of this Land Use Code shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.

B. **Liberal Construction.** This Land Use Code shall be liberally construed to further its underlying purposes.

C. **Conflict.** If a conflict occurs between this Code and a state statute or other applicable codes and regulations, the more restrictive provision controls unless otherwise specified in this Code. If this Code imposes a greater restriction than that imposed by a private easement, covenant, agreement, deed restriction, recorded plat or other restrictive covenant, this Code controls.

**Section 1.170 Incorporation and Interpretation of Maps**

A. **Official Zoning District Maps.** The map entitled Conejos County Zoning Maps adopted in 1992 shall continue to be used as the official zoning map for the County until the location and boundaries of the zoning districts established by this Code are established on an updated map. If an amendment is thereafter made to zoning in the county, the change shall be entered on the map.

B. **District Boundaries.** The location of the zoning district boundary line shall be determined by the Administrator in accordance with the following provisions. Where more than one of the following provisions is applicable in any given situation, the first stated and applicable provision shall prevail over all other provisions:

1. Where a zoning district boundary line is given a position within or abutting a highway, road, street or alley right-of-way which does not appear to be located within any zoning district (other than an overlay zoning district), the zoning district boundary line shall be deemed to be in the center of such right-of-way.

2. Where a zoning district boundary line is shown as closely and approximately following subdivision plat lot lines, municipal boundary or county boundary lines, the zoning district boundary line shall be deemed to coincide with such platted lines or boundaries.
3. Where a parcel within a zoning district has a boundary line shown by a specific dimension, that dimension shall control.

C. **County Road Map.** The Conejos County Road inventory and inventory map, as amended, is adopted as the Official County Road Map of Conejos County. The County Road Map together with the state's public highway system shall constitute the county public streets, roads and access rights-of-way.

D. **Address Map.** The official Conejos County Address Map will be maintained and updated by the appointed Address Coordinator.

E. **Flood Plain Overlay Map.** The boundaries of this overlay district have been partially identified by the Colorado Water Conservation Board in its Flood Hazard Boundary Map for Conejos County, dated June 2002. As new information becomes available this map shall be updated to more accurately depict the one hundred year flood plain for Conejos County.

F. **Riparian Overlay Map.** (Reserved.)

G. **Wireless Communication Facility (WCF) Map.** The Land Use Office shall create a map indicating pre-existing WCFs and new WCFs as they are located within Conejos County.

**Section 1.180 Vested Property Rights.**

A. **Purpose.** The purpose of this Section is to establish a system of vested property rights for this Code as authorized by Article 68 of Title 24. C.R.S, as amended.

B. **Establishment.**

1. **General.** Pursuant to this Code, a vested property right shall be deemed established for a Land Use Permit for a period of three years with the approval of a Site Specific Development Plan. When a Land Use Permit is approved for a Site Specific Development Plan the permit shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the Site Specific Development Plan for a period of three years from the date of its approval.
2. **Site Specific Development Plan.** For the purposes of this Section, Site Specific Development Plan shall only mean:
  - a. A Land Use Permit and Site Plan (as described in Section 3.210A5),
  - b. A Final Plan for PUD, or
  - c. A Final Plat for Subdivision or a Cluster Subdivision.

C. **Approval and Effective Date.** A Site Specific Development Plan shall be deemed approved upon the effective date of the Board of County Commissioners' approval action relating thereto, or upon administrative approval for land use permits that do not require any action by the Board. Issuance of the Land Use Permit may be conditioned upon such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare. The issuance of the Land Use Permit shall result in a vested property right, although failure to abide by such terms and conditions will result in forfeiture of the vested property right.

D. **Subsequent Review.** Following approval or conditional approval of a Site Specific Development Plan, the Site Specific Development Plan shall be subject to subsequent reviews by the County to ensure compliance with the terms and conditions of the original approval.

E. **Exceptions.** A vested property right once established pursuant to this Section, precludes any zoning or land use action by the County for a period of three years from the date of approval of the Site Specific Development Plan that would alter, impair, prevent, diminish, or otherwise delay the development or use of the land subject to the Site Specific Development Plan consistent with the terms and conditions of the Site Specific Development Plan, except:

1. **Landowner's Consent.** With the consent of the affected landowner.
2. **Hazards.** Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the approval of the Site Specific Development Plan, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare.
3. **Just Compensation Paid to Landowner.** To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, including but not limited to all fees paid in consideration for financing, and all architectural, planning, marketing, legal and other consultants' fees incurred after approval by the governmental entity, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property that is caused by such action.

F. **Extension Agreements.** The Board of County Commissioners may enter into an extension agreement with the permit holder for the extension of vested property rights where, in the discretion of the Board, an extension is warranted due to project size and/or phasing of the development.

G. **Applicability of General Ordinances and Regulations.** The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulations by the County, including but not limited to building, fire, plumbing, electrical and mechanical codes.

**ARTICLE 2                    DEFINITIONS**

**DIVISION 2.1                GENERAL**

**Section 2.100                Definition of Words and Phrases**

For the purposes of this Land Use Code, the following words and phrases are defined as follows:

**Abatement.** To remove the rubbish as prescribed in the notice of violation.

**Accessory Dwelling.** A second dwelling unit for use as a complete independent living facility on the same parcel as a permitted principal use.

**Accessory Structure.** A structure on the same lot with, and incidental and subordinate to, the principal structure, including but not limited to garages, sheds, barns, greenhouses, etc.

**Accessory Use.** An accessory use is a use customarily incidental to and on the same parcel as the main use. A use listed herein may be an accessory use if the Administrator determines that the use is customarily incidental to a main use.

**Administrator.** Land Use Administrator.

**Administrative Review.** A minimal level of review that can be reviewed administratively in accordance with Division 5.3.

**Agriculture.** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that these uses shall not include uses that are defined as Confined Animal Feeding Operations.

**Agricultural Products Distribution or Sales at Point of Production.** A location for the distribution, retail sale or wholesale of agricultural or horticultural products that are grown on site, excluding live animals.

**Agricultural Products Processing and Storage at Point of Production.** The processing and storage of agricultural products grown on site, including but not limited to cleaning, sorting, grading, packaging, milling, or storing of products that are intended for direct human or animal consumption or use, excluding live animals.

**Agricultural Products Processing, Storage, Distribution or Sale off Site.** The processing, storage, and distribution of agricultural products brought to the site, including but not limited to cleaning, sorting, grading, packaging, milling, or storing of products that are intended for direct human or animal consumption or use. Or the distribution or sale of agricultural products, which are not grown on site and which are intended for direct human or animal consumption or use, excluding live animals.

**Amateur Radio Facilities.** Amateur Radio Facilities shall mean typical shortwave radio equipment used by private individuals and clubs for the purpose of non-commercial communication.

**Animal Unit.** A unit of measure to determine a comparable number of animals. For purposes of this code, an animal unit shall mean one animal, or one female animal and its offspring until weaned.

**Antenna Array.** An Antenna Array shall mean one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure as defined below.

**Applicant.** The owner, or the owner's duly designated representative, of land for which a Land Use Permit has been requested.

**Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year.

**Board of Adjustment.** The Board of Adjustment of Conejos County.

**Board or Board of County Commissioners.** The Board of County Commissioners of Conejos County.

**Building.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property, excluding fences.

**Building Contracting Shop.** A facility providing for general building repair, service, and maintenance including installation of plumbing, roofing, signs, electrical, air conditioning, and heating.

**Building Material Store.** A retail sales site for building materials which may include a mix of indoor and outdoor sales and storage areas.

**Campground, Commercial.** A parcel of land used for the accommodation of tents and/or recreational vehicles on a temporary basis for recreational purposes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees.

**Car Wash.** An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**Carpentry, Woodworking or Furniture Marking Facility.** A facility for the making, repairing or refinishing of furniture or wood products for sale.

**Cemetery.** Property used for the interring of the dead, not including burial plots on privately owned land as allowed by the State of Colorado.

**Church.** A facility principally used for people to gather together for public worship, religious training, or other religious activities.

**Co-location/Site Sharing.** Co-location/Site Sharing shall mean use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

**Compost Processing, Commercial.** A facility where organic materials are converted into a humus-like material under a process of managed biological decomposition and available for wholesale or retail sale.

**Comprehensive Plan.** The Conejos County Comprehensive Plan, or any portion thereof, adopted by the Conejos County Board of County Commissioners establishing the goals, objectives and policies of the County.

**Condominium.** A common interest community building in which portions of the building are designed for separate ownership.

**Confined (Concentrated) Animal Feeding Operations.** A concentrated, confined animal or poultry growing operation (facility) for meat, milk or egg production or stabling, in pens or houses wherein the animals or poultry are fed at the place of confinement for forty five (45) calendar days or longer in any 12 month period and crop or forage growth or production is not sustained in the area of confinement. Two or more animal-feeding operations under common ownership or management are deemed to be single animal-feeding operation if they are adjacent or utilize a common area or system for manure disposal. “Confined (Concentrated) Animal Feeding Operations” meet one or more of the following criteria:

1. Average Working Capacity of 1000 or more animal units
2. Case by case designation under one of the following criteria
  - a. Pollutants are discharged into waters of the state through a manmade ditch, flushing system or other similar manmade devise; or
  - b. Pollutants are discharged directly into waters of the state which originate outside of the facility and pass over, cross through the facility or otherwise come into direct contact with the animals confined in the operation; or
  - c. The animal feeding operation is in a location which reasonably could be expected to adversely affect a hydrologically sensitive area.

**Contractor Equipment.** Storage of construction materials, equipment, vehicles or machinery, unrelated to agriculture.

**Convenience Store.** Any retail establishment selling consumer products including primarily prepackaged food and household items, having a gross floor area of less than 5,000 square feet. A convenience store may also have associated retail sale of gasoline and other petroleum products.

**County.** The County of Conejos, State of Colorado.

**Crop Production Cultivation and Harvesting.** The production of agricultural or horticultural products for sale.

**Custom Meat or Poultry Processing Facility.** A facility for the processing of meat and poultry for individuals, not intended for resale on the premises, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products.

**Day Care Center.** A commercial facility subject to licensing by the state that provides less than 24-hour care for children.

**Density.** A unit of measurement; the number of dwelling units per acre of land.

**Development.** Any activity or construction, excluding normal agricultural activities, that changes the basic character or use of the land.

**Dwelling Unit.** One or more rooms designed to accommodate one family and containing only one kitchen plus living, sanitary and sleeping facilities.

**Educational Facility.** Buildings and property used for educational or research activities associated with an academic institution which has curriculum for technical or vocational training, kindergarten, elementary, secondary, or higher education, including residential facilities for faculty, staff, and students.

**Emergency Care Facility.** A health care facility, providing primarily outpatient emergency care for the diagnosis and treatment of individuals.

**Equestrian Center.** An establishment where fifteen (15) or more different people per month, other than the owner or manager of the property, are, for a fee, trained or instructed in riding, driving, or showing horses.

**Excavations Unrelated to Mining.** Excavations where the excavated material is used on the same parcel from which it is removed or, from contiguous parcels owned by the same owner, for farm and ranch activities such as land leveling, farm road repair, digging of ponds for storage of irrigation water, etc. as allowed by state and federal law.

**Farm or Garden Supply Store.** A retail site for farm or garden supplies which may include a mix of indoor and outdoor sales and storage areas.

**Federal Aviation Administration (FAA).** The federal agency responsible for aircraft safety.

**Fire Station.** A facility operated by a municipality, fire district, or department which houses fire equipment and may be used for the housing of personnel and associated meetings.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of watercourses, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Plain.** The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

**Floodproofing.** Any combination of provisions, changes, or adjustments to structures, moveable objects, or properties for the purpose of the reduction or elimination of the potential for flood damage.

**Floodway.** The channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

**Forest Management Plan.** An agreement which includes a plan to aid the owner of forest land in increasing the health, vigor, and beauty of forest land through use of forest management practices; and which has either been executed between the owner of forest land and the Colorado State Forest Service, or executed between the owner of forest land and a professional forester and



has been reviewed and has received a favorable recommendation from the Colorado State Forest Service; and which has been determined to be complied with through the required annual reports from the State Forest Service to the County Assessor pursuant to Section 39-1-102(4.4), C.R.S, as amended.

**Forestry, Commercial.** Establishments on privately owned forest land which are primarily engaged in the operation of timber tracts, tree farms, forest nurseries, or the logging, harvesting or gathering of forest products for commercial purposes.

**Geologic Hazard.** A geologic phenomenon that is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to: Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes; Seismic effects; Radioactivity; and Ground subsidence.

**Geologic Hazard Area.** An area that contains or is directly affected by a geologic hazard.

**Golf Course.** A tract of land laid out for a driving range and/or at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

**Group Home.** A facility subject to licensing by the state to be occupied as a group home for the care of persons with special needs.

**Hazard.** A significant source of risk, danger or peril resulting from natural phenomena or conditions including those precipitated or caused by activities of man.

**Height of Building.** The vertical distance from the “grade” to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average heights of the highest gable of a pitch or hip roof.

**Historical Resource.** Evidence of human activities that represent facets of history in the locality such as sites, structures, and objects; places where significant historical or unusual events occurred; and places associated with an important person or group in the past.

**Home Occupation.** A commercial business use conducted in a single family or duplex dwelling and /or accessory structure by residents of the premises and that does not change the residential character or exterior appearance of the dwelling and/or accessory structure, nor does it unreasonable affect the ability of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation may utilize no more than 50% of the combined square footage of the dwelling and/or accessory structure on the property and may employ not more than one person who does not reside on the premises. All parking required to accommodate a home occupation must be provided on the site of the home occupation. Each home occupation is limited to one sign, which is a maximum of sixteen (16) square feet and which must be located on the same lot as the home occupation.

**Hospital.** An institution where people are given medical attention and treatment, including related facilities such as laboratories, outpatient clinics, and staff offices.

**Impact.** The direct or indirect effect or consequence resulting from a development upon land, the environment, the community or any part or segments thereof. The term shall include, but not be limited to, physical, environmental, economic, visual, auditory or social consequences or effects.

**Improvements.** Street grading and surfacing, curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, general landscaping, electrical transmission facilities, natural gas or telephone lines, or such other installations as may be designated by the Board.

**Industrial Facility or Activity.** Manufacturing, fabrication, machining, industrial storage, processing and shipping facilities; mineral processing; concrete or asphalt batch plants and similar activities or uses and commonly known as industrial in nature.

**Irrigation Ditch.** Any artificially-constructed channel used to carry water from a stream, lake, reservoir or other source to agricultural lands for the purpose of watering crops, forage or livestock. Also sometimes known as an acequia.

**Individual Sewage Disposal System (ISDS).** A system, permitted and constructed pursuant to State law, for the treatment and disposal of sanitary sewage in the ground on the lot upon which the primary use is located.

**Junk.** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition. May include, but is not limited to, unregistered, inoperable vehicles, tires, vehicle parts, equipment, metal, glass, building materials, household appliances, machinery, wood or lumber.

**Kennel.** (1) A lot or building in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation, or sale or (2) a location for housing, breeding, exhibiting, researching, or rehabilitating any and all non-domestic animals as identified by the Colorado Division of Wildlife. Species listed as prohibited by the Colorado Division of Wildlife are not allowed.

**Land Use Permit (LUP).** A permit issued by the County required for any land use activity subject to this code.

**Laundry or Dry Cleaner.** A facility for the cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

**Livery or Horse Rental Operation.** A facility which offers horses, mules, donkeys or other animals for hire, or organizes and/or supervises groups, for riding off or on the property.

**Livestock and Animal Husbandry.** Domestic animals that are used for food for human or animal consumption, breeding, draft or profit.

**Lot.** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used developed, or built upon.

**Lot Line.**

1. **Front.** That part of a lot line dividing a lot from a road. On a corner lot, only one lot line shall be considered as a front line. The shorter lot line shall be

considered the front unless the property owner chooses another lot line dividing the lot from a road.

2. **Rear.** The line opposite from and generally parallel to the front line. In the event no lot line is opposite and parallel to the front lot line, there shall be no rear.
3. **Side.** All lot lines other than front lot lines or rear lot lines. A triangular lot has two side lot lines and no rear lot line.

**Major Electrical or Natural Gas Facilities.** Major electrical or natural gas facilities include one or more of the following:

1. Electrical generating facilities.
2. Substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity.
3. Transmission lines operated at a nominal voltage of sixty-nine thousand volts or greater.
4. Structures and equipment associated with such electrical generating facilities, substations, or transmission lines.
5. Structures and equipment utilized for the local distribution of natural gas service including, but not limited to, compressors, gas mains, and gas laterals.

**Manufactured Home:** Any pre-constructed building unit or combination of pre-constructed building units. These homes are commonly built on a chassis with wheels and are traditionally thought of as being capable of being moved from site to site. Such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for the occupancy by persons for residential purposes, in either temporary or permanent (on an engineered permanent foundation) locations and which unit or units are not licensed as a vehicle. Manufactured home include mobile homes, manufactured homes built to the HUD standards and factory-built units built to the building code standards adopted by the Colorado Division of Housing and certified pursuant to the "National Manufactured Standards Act of 1974," 42 U.S.C, 5401 *et seq* as amended.

**Mineral Resource (Other than Natural Gas or Oil).** An inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. For the purpose of this Code, this definition does not include water, geothermal resources, or natural gas or oil.

**Mineral.** An inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. For the purposes of this article, this definition does not include surface or subsurface water, geothermal resources, or natural oil and gas together with other chemicals recovered therewith, but does include oil shale.

**Mining.** The development or extraction of a mineral from its natural occurrences on affected land. The term includes, but is not limited to open mining and surface operation and the disposal of refuse from underground and in situ mining. The term includes any of the following operations on affected lands: Transportation; concentrating; milling (crushing); evaporation; or other processing as allowed by State law. The term does not include: The exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe; the extraction of geothermal resources; smelting, refining cleaning, preparation, transportation, and other off-site operations not conducted on affected land. Exceptions to this use include: excavations below finished grade for basements and footings of a building, retaining wall or other structures authorized by a valid building permit, or authorized by a grading permit.

**Mobile Home.** A transportable unit which is built on a permanent chassis and designed to be used as a dwelling without permanent foundation when connected to required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**Mobile Home Lot.** A plot of ground within a mobile home park legally established under this Code, designed for the accommodation of one mobile home to be installed for the purpose of a single-family dwelling in compliance with the provisions of this Code.

**Mobile Home Park.** A parcel of land used for the continuous accommodation of five or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. Mobile Home Park does not include mobile home subdivisions or property zoned for manufactured home subdivisions.

**Monopole Tower.** Monopole Tower shall mean a structure composed of a single spire used to support telecommunications equipment. The monopole tower is a stand-alone structure consisting of a support structure, antenna and associated equipment.

**Mortuary.** A place for the storage of human bodies prior to their burial or cremation.

**Multi-family Dwelling.** A structure designed, arranged or intended for use as two or more dwelling units.

**Nonconforming Use.** A building, structure, or use of land existing at the time of enactment of this Code and which does not conform to the regulations of the district or zone in which it is situated.

**Nuisance.** Conditions, or action or lack of action that cause conditions, which are detrimental to the health, comfort, safety or welfare of the public, or that cause or tend to cause substantial annoyance, inconvenience or injury to persons exposed to the conditions or that cause or tend to cause damage to property.

**Nursing, Convalescent, or Residential Care Facility.** A facility subject to licensing by the state which provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A Nursing, Convalescent, or Residential Care Facility provides some level of skilled nursing or medical service to the residents.

**Oil and Gas Drilling or Production.** Any operation intended to discover, develop, recover and/or process oil and/or gas.

**Open Agricultural Uses.** Agricultural uses which do not have structures, other than accessory structures, associated with their operation, including but not limited to the grazing, keeping and use of livestock, the production of agricultural or horticultural products, and accessory storage.

**Overlay Zone.** Zones that are superimposed over the existing zone district. Regulatory requirements in these zones are in addition to those of the underlying zone district.

**Overnight Lodging.** A facility or structure offering lodging accommodations on a daily basis to the general public. This definition includes such uses as a hotel or motel, resort lodge, conference center, guest ranch, bed and breakfast or a commercial boarding house. The Overnight Lodging facility may also include incidental business uses commonly associated with the main lodging use.

**Parcel.** See “Lot”.

**Park or Playfield.** A tract of land, designated and used by the public for active and passive recreation.

**Planned Unit Development (PUD).** A customized zoning designation, the purpose of which is to permit and encourage greater flexibility and innovation so that the development is compatible with the site’s physical and environmental characteristics. The PUD provides an opportunity for a mixture of uses and housing types in a coordinated manner that may not be possible in a traditional zoning district.

**Planning Commission.** The Conejos County Planning Commission

**Printing or Publishing Establishment.** A facility for the reproduction, cutting, printing or binding of materials on a bulk basis, using lithography, offset printing, blue printing, silk screening, or similar methods.

**Professional Office.** An office for professionals including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who, through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. This use includes medical and dental clinics and banks.

**Public Hearing.** A meeting called by a public body for which public notice has been given and which is held in a place where the general public may attend to hear issues and express their opinions.

**Public Utility Central Office Building.** A building owned and operated by a public utility company and which is open to the public.

**Public Utility Facility.** Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures related to the furnishing of utility services (including a wind or solar energy production facility), such as electric, gas, telephone, water, sewer, and public transit, to the public, but excluding what is defined as Major Electrical or Natural Gas Facilities.

**Ranch.** A parcel of land which is used for raising of livestock.

**Reception Halls and Community Meeting Facilities.** A facility used for social and cultural activities and open to the public or a designated part of the public.

**Recreation Center.** A public place designed and equipped for the conduct of sports and leisure-time activities.

**Recreational Vehicle (RV).** A transportable structure or self-propelled vehicle with or without flexible, removal, or collapsible walls and partitions, designed to be used as a temporary dwelling for travel, recreation or vacation uses. The term “recreational vehicle” shall include motor home, camper bus and travel trailer, but shall not include pickup trucks with camper shells that extend one foot or less above the cab of the truck.

**Recreational Vehicle (RV) Park, Commercial.** A parcel of land that has been developed for occupancy by recreational vehicles for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. RV Park does not include subdivision developments in which RV lots are individually owned.

**Recycling Collection and Processing Facility.** A lot or parcel of land, with or without buildings, where recyclable materials are collected and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

**Restaurant or Bar.** A commercial establishment designed primarily to serve food or alcohol to customers.

**Retail or Personal Service Facility.** An establishment for the retail sale of merchandise or the provision of personal services. A retail facility includes but is not limited to antique or art shops, bakery, clothing, department, drug, dry good, florist, furniture, gift, grocery, hardware, hobby, office supply, package liquor, paint, pet, shoe, sporting, or toy stores. A personal service facility includes but is not limited to barber or beauty shop, optometrist shop, photographic studio, or travel bureau. This does not include a laundry or dry cleaner which is defined separately.

**Riparian/Riparian Area.** Related to, living or located on the bank of a natural watercourse or lake. Riparian areas include groups of plants, animals and aquatic communities whose presence is either directly or indirectly attributed to water-influenced or water-related factors. Areas exempt from this definition are manmade agricultural structures and devices including irrigation ditches, sprinklers and artificial ponds.

**Road.** See “Street”.

**Rubbish.** Garbage, trash, and junk including, but not limited to: unwanted or discarded household items; waste from building construction, remodeling and repair; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; motor vehicle parts or tires or abandoned, unlicensed or inoperable motor vehicles, including without limitation mobile or manufactured homes, particularly those not safe or fit for human habitation; newspapers, magazines, packaging materials, waste paper or cardboard; dead animal carcasses; and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.

**Rural.** The character of an area that is primarily low-density residential, unimproved and open.

**Salvage Yard.** An area where junk is collected, bought, sold, exchanged, stored, baled, packed or handled.

**Saw Mill.** A facility for the storage, sales, and milling of forest products, not including the cutting of firewood.

**Screening.** A permanent, opaque, solid fence or wall approved by the decision making body, which will minimize the visual impact of a certain use from adjacent properties and public roads. Screening shall be a minimum of 8 feet in high, shall conceal the use on a year round basis, be compatible with surroundings, and be relatively maintenance free and durable.

**Setback.** A distance measured from the lot line, designating the area in which buildings may not be erected. See "Lot Line"

**Sewage.** Waste matter carried of by sewers or drains.

**Sign.** Any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, products, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or project images, excluding traffic control devices.

**Single-Family Dwelling.** A building which is occupied or which is arranged, designed, and intended to be occupied, by one family and containing only one kitchen plus living, sanitary and sleeping facilities, but not including hotels, motels, tents, seasonal vacation cabins, camper trailers, or other structures designed or used primarily for temporary occupancy. A single-family dwelling shall also include a mobile or manufactured home that is installed and has received permits in accordance with the provisions of this code. A single-family dwelling must have indoor plumbing and be serviced by adequate water, sewer and public utility systems.

**Solid Waste Disposal Site and Facility.** The location and facility at which the collection, storage, treatment, utilization, processing, or final disposal of solid wastes occur.

**Solid Waste Transfer Facility.** A facility at which wastes, awaiting transportation to a disposal site and facility, are transferred from one collection vehicle to another.

**Special Districts.** Quasi-municipal corporations established under state statute to provide public facilities or services.

**Special Use Review.** Review of certain land use changes that, because of their nature, or location warrant review by the Planning Commission and the Board of County Commissioners in accordance with Division 5.4.

**Storage Facility, Commercial.** A commercial facility for the storage of personal items in individual units.

**Street.** Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is

shown on a plat duly filed and recorded in the office of the County Clerk before the adoption of any land use regulations.

**Structural Alterations.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, roof or exterior walls.

**Structure.** Anything constructed or erected upon and attached to the ground. "Structure" shall include mobile or manufactured homes.

**Substantial improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension, of the structure. The term does not, however, include any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Support Structures/Facilities for WCF.** Support Structures/Facilities shall mean a facility such as a small structure or equipment facility and associated electronic devices such as connection cables directly related to or connected with the support structure that houses the Antennae Array.

**Temporary Construction or Sales Office.** A structure without any foundation or footings used during a construction period or for sales within a new development and that is removed within a designated time period.

**Temporary Outdoor Activity.** Happenings that are carried out primarily out of doors for a fixed period of time and including flea markets, fireworks displays, speeches, seasonal sales, swap and shop markets, racing meets, circuses, carnivals, concerts, and parades.

**Temporary Special Use.** A use that receives a Special Use Permit as a temporary use. Land Use Permits for temporary uses are regulated and will be limited in duration.

**Temporary Use.** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**Temporary Wireless Communication Facility (Temporary WCF).** Temporary Wireless Communication Facility shall mean a WCF to be placed in use for one hundred twenty (120) or fewer calendar days.

**Theater, Indoor.** A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

**Traditional Religious Structure.** A structures for religious purposes such as a chapel, morada, sweat lodge, medicine lodge, etc, which is primarily for the use of the property owner. A religious structure that is intended for public use is considered to be a church and shall be reviewed as such.

**Truck Stop.** A retail facility for the dispensing of motor fuels or other petroleum products directly into motor vehicles. A truck stop may include a restaurant, overnight accommodations, showers and other facilities intended to serve travelers.



**Use.** The purpose for which any land, structure or building is designed, maintained or occupied.

**Vacation.** The process of eliminating all or a portion of a public road, street, alley or easement.

**Variance.** An authorization, by the Board of Adjustment, for the construction or maintenance of a building or structure, which due to setback requirements, height of building, lot coverage or minimum lot size, would otherwise be prohibited by this Code.

**Vehicle Sales or Rental Lots.** An open area, other than a right-of-way or public parking area, used for display, sale, or rental of new or used vehicles in operable condition and where no repair work is done.

**Vehicle Service Center.** A facility for the retail sale of gasoline and other petroleum products and/or where maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

**Veterinary Clinic.** A place where animals are given medial care and the boarding of animals is limited to short-term care incidental to the hospital use.

**Warehouse and Distribution Center, Non-agricultural.** A building for the storage of goods and materials by the owner of the goods, or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field, or an establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials.

**Wireless Communications.** Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

**Wireless Communication Facility (WCF).** WCF shall mean any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables and Equipment Facility, and a Support Structure to achieve the necessary elevation.

**Yard.** The space on the same lot as a building or structure that is unoccupied and open to the sky.

**Zoning.** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

**ARTICLE 3**                    **ADMINISTRATION AND GENERAL APPLICATION AND REVIEW PROCEDURES.**

**DIVISION 3.1**                    **DECISION-MAKING, ADMINISTRATIVE AND ADVISORY BODIES**

The following decision-making, administrative and advisory bodies shall have the following duties and responsibilities in the administration of these land use regulations.

**Section 3.100**                    **Board of County Commissioners**

A.        **Powers and duties.** In addition to any authority granted to the Board of County Commissioners by general or special law, the Board of County Commissioners shall have the following powers and duties under the provisions of this Land Use Code, including but not limited to:

1.        **Amendment to Text of this Land Use Code.** To initiate, hear, consider and approve or disapprove applications to amend the text of this code.
2.        **Amendment to Official Zone District Map/Zone Changes.** To initiate, hear, review, consider and approve or disapprove applications for amendment to the Official Zone District Map/Zone Change.
3.        **Planned Unit Development (PUD).** To hear, review, consider and approve or disapprove applications for Planned Unit Developments.
4.        **Subdivision.** To hear, review, consider and approve, approve with conditions, or disapprove applications for Sketch Plans, Preliminary Plans and Final Plats for Subdivisions.
5.        **Special Use Review.** To hear, review, consider and approve, approve with conditions or disapprove Special Use Permits.
6.        **Appeals of Administrative Review Permits and Other Administrative Decisions.** To hear, review, consider and approve, approve with conditions or disapprove appeals of a decision by the Land Use Administrator.
7.        **Public Way Vacations.** To hear, review, consider and approve, approve with conditions or disapprove vacations of public ways and easements.
8.        **Other Action.** To take such other action not delegated to the Planning Commission, the Board of Adjustment, or Land Use Administrator, as the Board of County Commissioners may deem desirable and necessary to implement the provisions of the Comprehensive Plan and this Code.

**Section 3.110**                    **Planning Commission.**

A.        **Powers and Duties.** The Conejos County Planning Commission shall have the following powers and duties under the provisions of these land use regulations for all matters within the unincorporated portions of Conejos County.

1. **Prepare/Amend Comprehensive Plan.** To prepare, adopt and amend the Conejos County Comprehensive Plan.
2. **Amendments to Text of this Land Use Code.** To initiate, hear, review, consider, and make recommendations to the Board of County Commissioners to approve or disapprove applications to amend the text of this Land Use Code.
3. **Amendments to the Official Zone District Map/Zone Changes.** To initiate, hear, review, consider and make recommendations to the Board of County Commissioners to approve or disapprove amendments to the Official Zone District Map of this Land Use Code.
4. **Planned Unit Development (PUD).** To hear, review, consider and make recommendations to the Board of County Commissioners to approve or disapprove applications for Sketch Plans and Preliminary Plans for Planned Unit Developments.
5. **Subdivision.** To hear, review, consider and make recommendations to the Board of County Commissioners to approve, approve with conditions or disapprove applications for development permit for Sketch Plans and Preliminary Plans for Subdivisions.
6. **Special Use Review.** To hear, review, consider and make recommendations to the Board of County Commissioners to approve, approve with conditions, or disapprove Special Use Applications.
7. **Public Way Vacations.** To hear, review, consider and to make recommendations to the Board of County Commissioners approve, approve with conditions or disapprove vacations of public ways and easements.

**B. Planning Commission Membership**

1. **Qualifications.** Members of the Planning Commission shall be residents of Conejos County, and registered voters. No member of the Board of County Commissioners shall serve on the Conejos County Planning Commission.
2. **Appointment.** The Conejos County Planning Commission shall be composed of five (5) regular voting members and two (2) associates (or alternates) appointed by a majority vote of the Board of County Commissioners by Resolution. An associate member may only vote in the absence of a regular member.

**C. Terms of Office.** All members serving on the Planning Commission on the effective date of this Land Use Code shall complete their terms according to their prior appointments. Thereafter the term of office of each new member appointed shall be for three (3) years for regular members and one (1) year for associates, unless a member is appointed to complete a unfilled term vacated by another member. Terms will be staggered so that the terms of no more than two members expire in a single year.

**D. Attendance.** Three unexcused absences (lack of notice) may cause a member to be recommended for dismissal by the Board of County Commissioners for lack of attendance.

E. **Removal from Office.** Any member of the Conejos County Planning Commission may be removed for cause (misconduct or nonperformance of duty) by the Board of County Commissioners

F. **Vacancy.** Whenever a vacancy occurs on the Conejos County Planning Commission, the member's or associate member's position shall remain vacant until a new member or associate member can be appointed by the Board of County Commissioners. Openings will be announced through an advertisement in a local paper of general circulation within the county, allowing interested individuals to submit their names for consideration by the Board.

G. **Rules of Conduct and Procedure.** The Planning Commission shall adopt rules to govern voting rights and other procedural matters.

H. **Compensation.** The members of the Conejos County Planning Commission shall serve without compensation, but may be reimbursed for such travel, mileage and continuing education expenses as may be authorized by the Board of County Commissioners.

### **Section 3.120 Board of Adjustment**

A. **Powers and Duties.** The Board of Adjustment shall have the following powers and duties under the provisions of this Land Use Code.

1. **Variance.** To hear, review and approve, approve with conditions, or disapprove applications for variances from zone district standards. (See Article 6.1 Variances)
2. **Appeals of Interpretation of Land Use Administrator.** To hear, review, consider and affirm, modify, or reverse appeals of interpretations of this code made by the Land Use Administrator. (See Article 6.2 Appeal of Administrative Interpretation)

B. **Board of Adjustment Membership.**

1. **Qualifications.** Members of the Board of Adjustment shall be residents of the County, and registered voters. No member of the Board of County Commissioners shall serve on the Board of Adjustment, however two (2) members of the Planning Commission may serve on the Board of Adjustment.
2. **Appointment.** The Board of Adjustment shall be composed of five (5) members, to be appointed by a majority vote of the Board of County Commissioners by Resolution.

C. **Terms of Office.** All members serving on the Board of adjustment on the effective date of this Land Use Code shall complete their terms according to their prior appointments. Thereafter the term of office for each new member shall be three (3) years unless a member is appointed to complete a unfilled term vacated by another member. Terms will be staggered so that the terms of no more than two members expire in a single year.

D. **Attendance.** Three unexcused absences (lack of notice) may cause a member to be recommended for dismissal by the Board of County Commissioners for lack of attendance.

E. **Removal from Office.** Any member of the Board of Adjustment may be removed for cause (misconduct or nonperformance of duty) by the Board of County Commissioners.

F. **Vacancy.** Whenever a vacancy occurs on the Board of Adjustment, the member's position shall remain vacant until a new member can be appointed by the Board of County Commissioners. Openings will be announced through an advertisement in a local paper of general circulation in the county, allowing interested individuals to submit their names for consideration by the Board.

G. **Compensation.** The members of the Board of Adjustment shall serve without compensation, but may be reimbursed for such travel, mileage and continuing education expenses as may be authorized by the Board of County Commissioners.

### **Section 3.130 Land Use Office**

#### **A. Land Use Administrator Duties and Responsibilities**

The Land Use Administrator, or his/her designated representative, is responsible for the administration and/or enforcement of all ordinances and regulations, requirements and provisions of this Code. In order to carry out these responsibilities the Land Use Administrator processes all Land Use Permit and Zone Change applications and is responsible for the review and approval of Land Use Permit applications subject to the Administrative Review process under Division 5.3. The Administrator also fulfills the roles of Secretary to the Planning Commission, the Board of Adjustment, and the Board of County Commissioners when acting upon land use issues.

#### **B. County Inspector/ Code Enforcer Duties and Responsibilities**

The County Inspector/Code Enforcer works under the direction of the Land Use Administrator to carry out the requirements and provisions of this code in regard to new construction and septic installation and the enforcement of all ordinances and regulations.

## **DIVISION 3.2 GENERAL APPLICATION AND REVIEW PROCEDURES**

### **Section 3.200 Pre-application Conference**

A. **Pre-application Conference Required.** Unless expressly provided otherwise in this Code, a pre-application conference is required for all applicants for all requested actions under this Code.

1. **Participating Parties.** The pre-application conference shall be held between the applicant and the Land Use Administrator.
2. **Purpose.** This meeting is intended to provide an understanding of the applicable review procedures, requirements and standards, and to exchange information pertinent to the site and the proposal. The Land Use Administrator will explain the application procedures and the materials required for submittal.
3. **Materials.** The applicant shall bring a conceptual site plan to the pre-application conference showing in sufficient detail the location, parcel size, and basic concept of the proposed land use.

B. **Optional Report.** Within five (5) working days after the pre-application conference, the Administrator may, at his/her discretion, prepare and mail to the applicant a written report regarding any concerns or conflicts raised by the applicant's proposal.

C. **Determination of Level of Review.** The Land Use Administrator will determine the appropriate type of review process for the land use change that is being sought.

### **Section 3.210 Application Submittal**

A. **Application.** The following basic materials are required for *all* applications. For certain types of Land Use applications there are additional application submittal requirements and procedures. The Land Use Administrator will determine the number of copies of the materials that will be required.

1. **Application Form.** Land Use applications shall be obtained from the Land Use Office. Completed application forms and accompanying materials shall be submitted to the Land Use Office by the owner or their authorized agent
  - a. **Applicant is not the owner.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
  - b. **Applicant is not the sole owner.** If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners or an association representing the owners consenting to or joining in the application for development permit
2. **Legal Description.** A complete legal description of the property, including the total size of the parcel.
3. **Certification of Taxes Paid.** As verified by the County Treasurer.
4. **Vicinity Map.** An 8 ½ x 11 copy of an aerial photo, provided by the Land Use Office, locating the section in the County in which the parcel is located. The boundaries of the subject property shall be indicated on the photo. (Not required for Land Use Permits for new construction)
5. **Site Plan.** A sketch site plan, which best conveys the conceptual aspects of the plan and for effective public presentation. The site plan must have the following elements:
  - a. The name, address and telephone number of the property owner or the applicant if not the owner and the name of proposed development or use.
  - b. Date of preparation, and north arrow.
  - c. Clearly identified boundary lines, with approximate dimensions of the subject property.

- d. Location of all structures and uses, existing and proposed, with approximate distance of structures from lot lines.
  - e. Existing and proposed access roads, parking areas, driveways, and/or sidewalks with approximate locations-including all proposed grading for the property.
  - f. Existing and proposed roads, railroad tracks, irrigation ditches, utility lines, and/or easements and rights-of-ways on or adjacent to the parcel, shown by approximate location.
  - g. Significant on-site features that may exist on the property such as: natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with flooding limits based on information available through the County), geologic features and hazards (including slopes, alluvial fans, areas of subsidence, rock outcrops rockfall areas, and landslide areas), dams, reservoirs, excavations, and mines, and any other on-site and off-site features that affect the development.
  - h. Description of the proposed wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities to serve the proposed use, if applicable. Refer to Article 13.
  - i. Description of the source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use, if applicable. Refer to Article 13
  - j. Verification that the site is a legal building lot under this Code and that legal access from a public road has been obtained.
  - k. Current zoning of the property and zoning of adjacent properties.
  - l. Additional information that may be requested by the Land Use Administrator.
6. **Fees.** Any Land Use application must be accompanied by the appropriate fees. A schedule of fees as adopted by the Board of County Commissioners is available through the Land Use Office.

**B. Surveyed Plat.** In the event that a surveyed plat is required the following basic standards must be met in addition to any other requirements for a specific application.

- 1. **Plat Requirements.** A surveyed plat shall be prepared by a registered or licensed professional land surveyor, in a clear and legible manner on reproducible film stock and in a manner acceptable to the Land Use Administrator. Plats shall exhibit outer dimensions of twenty-four (24) inches by thirty-six (36) inches and shall contain a certification as to accuracy by a registered land surveyor licensed by the State of Colorado. In the case of large subdivisions requiring more than one sheet at such size, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted. Photo

Mylar shall be used for the original and two additional paper copies will be required. The plat shall be done at a scale of 1 inch equals 100 feet or 1 inch equals 200 feet or another scale approved by the Administrator which clearly shows the entire proposal.

The plat shall contain the following information:

- a. The name and address of the owner(s) of record of the land being platted as well as signature(s).
- b. The name, address and seal of a Colorado Registered Surveyor certifying the accuracy of the plat, along with a statement by the land surveyor that the survey was performed by him/her or under his/her direct supervision
- c. Title description or title block
- d. The date of preparation of the plat.
- e. A complete and accurate legal description of the property being platted, together with complete reference to the Book and Page of Records with the County.
- f. A scale drawing of the boundaries.
- g. Recorded/apparent rights-of-way and easements
- h. All dimensions necessary to establish boundaries in the field
- i. A description of the monuments, both found and set marking the boundaries and the control monuments.
- j. A statement of the scale of the drawing and a bar or graphical scale.
- k. A North arrow.
- l. Conflicting boundary evidence (for a division of land this must be resolved).
- m. A legend which adequately describes all symbols and line types.
- n. Names of all streets and roads along with dimensions.
- o. Labels showing any adjacent subdivisions.
- p. Monuments which meet minimum state standards.
- q. Monument records shall be filed on all aliquot corners.
- r. The acreage and/or square footage of lots being platted.



- s. A vicinity map adequate to clearly depict the general location.

**Section 3.220 Review of Application by Land Use Administrator**

The Land Use Administrator shall review all Land Use Applications as follows:

A. **Completeness Determination.** Within fifteen (15) working days of receipt of the application, the Land Use Administrator shall determine whether the application is complete in regard to the submittal requirements for the specific application. The Land Use Administrator shall also assess whether or not an application for a zone change should also be submitted by the applicant for the proposed use.

1. **Application is not Complete.** If the application is not complete, the Land Use Administrator shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the Land Use Administrator shall notify the applicant in writing that, unless the applicant responds, the application will be withdrawn and returned to the applicant and the application fee forfeited.
2. **Application is Complete.** If the application is complete, the Land Use Administrator shall certify it as complete and stamp it with the date of the application acceptance. The Administrator shall notify the applicant, in writing, of the application's completeness. If a public hearing is required pursuant to this Code, the hearing will be scheduled within forty five (45) calendar days of completeness. If no public hearing is required the Administrator will review the application and issue a decision with forty five (45) calendar days.

B. **Evaluation.** The Land Use Administrator shall review the application to determine whether it complies with applicable standards and shall prepare a staff report detailing this determination. The report will be proved to the applicant and the appropriate review board.

C. **Referral Letters.** If referral letters are deemed necessary, the Land Use Administrator shall cause the application materials, or any portion thereof, to be submitted for referral review and comment by any agency, organization, or governmental entity deemed appropriate. The referral review and comment period shall be for a period of time up to thirty (30) calendar days from the date that the application is deemed complete, unless a necessary extension of not more than thirty (30) calendar days has been consented to by the applicant and the Planning Commission. The failure of any office to respond within the prescribed time period shall for the purpose of the hearing on the proposed use be an approval of such proposal.

Referral Agencies may include, but are not limited to, any of the following that in the opinion of the Land Use Administrator may be affected by the proposal or be otherwise competent to provide relevant information or analysis concerning the potential impact of the proposal.

1. The local school district;
2. A community or municipality in the vicinity of the proposal;
3. Utility, local improvement and service districts or ditch companies as applicable;

4. The Colorado State Forest Service, United State Forest Service, or the Bureau or Land Management when applicable;
5. The appropriate local soil conservation district board;
6. The Colorado State Health Department;
7. The Colorado Geological Survey;
8. The Colorado Division of Wildlife;
9. The Colorado Department of Transportation;
10. Such other agencies, entities and groups as the Land Use Administrator may deem advisable.

**Section 3.230 Notice of Public Hearing.**

Certain Land Use Permits will require a public hearing. When a public hearing is required, the following public notice shall be required unless otherwise specified.

**A. Manner and Type of Notice**

1. **Notice by Publication.** At least fourteen (14) calendar days prior to the day of the scheduled public hearing before the Planning Commission, and at least thirty (30) calendar days prior to the day of the scheduled public hearing before the Board of County Commissioners or the Board of Adjustment, a notice of public hearing shall be published in a newspaper of general circulation in Conejos County. Publication of said notice shall follow a form prescribed by the County.
2. **Notice to Adjacent Property Owners.** At least fourteen (14) calendar days prior to day of the scheduled public hearing by the Planning Commission or at least thirty (30) calendar days prior to a hearing with Board of Adjustment, the Land Use Office shall mail a written notice of the public hearing by First Class Mail to the owners of record of all property within five hundred (500) feet of the boundaries of the property in question. This distance provision may be expanded up to two thousand five hundred (2500) feet by the Land Use Administrator in the case of large subdivisions and other special circumstances that so warrant.

Notice shall include a vicinity map, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing.

3. **Posting of Notice.** At least fourteen (14) calendar days prior to the day of the scheduled public hearing before the Planning Commission or Board of Adjustment, the applicant shall post notice of the public hearing on the property. Such notice shall consist of at least one sign facing each adjacent public right-of-way within ten (10) feet of the property line, so as to be fully visible from that right-of-way. Such sign shall be erected no less than four feet nor more than six feet above ground level. The applicant shall engage in reasonable efforts to

maintain the sign in that location until a final decision on the application is rendered.

B. **Responsibility for Notice.** Public notification of the hearing is the responsibility of the Land Use Office, with the exception of posting of the property, which is the responsibility of the applicant.

**Section 3.240 Conduct of Public Hearing.**

Certain approvals will require a public hearing before the Planning Commission, Board of County Commissioners or the Board of Adjustment. The following are procedures for the conduct of that meeting.

A. **Rights of All Persons.** Any person may appear at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment may also be submitted in written form before or during the hearing. Each person appearing at a public hearing must be identified by name and address and, if appearing on behalf of a person or organization, must state the name and address of the person or organization being represented.

B. **Ex Parte Communications.** Members of decision-making bodies shall not engage in communications outside of a regularly noticed public hearing with the applicants and their agents and applicants and their agents shall not engage in communications with the Planning Commission, Board, or other decision making body about applications under review or reasonably anticipated to come under review. If an ex parte communication is attempted by telephone, in person, by fax or other means outside of a regularly scheduled public meeting, the member of the decision-making body involved shall first attempt to stop the party from the prohibited behavior, then document the communication and notify the Land Use Administrator by telephone or in written form. The Administrator shall then enter that documentation into the public file. The Administrator shall report that documentation at the next meeting or hearing on the subject application. No ex parte communication shall be considered by a decision-making body, or any of its members, in making a decision on a land use permit matter.

C. **Executive Sessions.** An executive session may be held as needed in accordance with Colorado Revised Statute 24-6-402.

D. **Order of Proceedings.** When a public hearing is required under this Land Use Code the following procedures are recommended:

1. **Opening of Public Meeting.** Chair declares that the public hearing is open.
2. **Written Staff Report.** Five (5) working days prior to the date of the public hearing, the Land Use Administrator shall submit a staff report to the review body. A copy of the Staff Report shall also be provided to the Applicant at least five (5) working days in advance of the public hearing. A copy of the Staff Report shall also be available for public review if requested.
3. **Confirmation of Adequate Public Notice.** The Land Use Administrator shall report whether or not adequate notice has been accomplished pursuant to Section 3.230.

4. **Land Use Administrator Presentation.** The Land Use Administrator shall describe the applicant's proposed project, identify the standards of this Code that apply to the proposed project and provide an objective examination of the findings of fact to establish whether the application meets those standards. The Land Use Administrator will also present the comments of any referral agencies.
5. **Questions by Review Body.** The review body may ask questions of the Land Use Administrator.
6. **Applicant's Presentation.** The applicant shall make an oral presentation on behalf of the application.
7. **Questions by Review Body.** The review body may ask questions of the applicant or the Land Use Administrator.
8. **Chair Lays Ground Rules for Public Comment.** The Chair may establish whether groups present are represented by a spokesperson. The chairperson conducting the public hearing may set rules of conduct and reasonable time limits for testimony or presentation of evidence. The person offering that testimony or evidence shall have an opportunity to enter it into the record in writing at the public hearing. The public should be advised to discuss whether the application satisfies the approval criteria, not whether they are for or against the proposal.
9. **Public Comments.** Public comments and questions shall be heard. Written comments that have been received before the hearing shall be reported by the Land Use Administrator and acknowledged to be part of the hearing record. No further public comments shall be heard once this portion of the meeting has concluded.
10. **Applicant Response.** The applicant may respond to any comments or questions made by the public, the Land Use Administrator, or the review body.
11. **Questions by Review Body.** The review body may ask questions of the applicant, the Land Use Administrator, or members of the public in attendance.
12. **Land Use Administrator Response.** The Land Use Administrator may respond to any statement made by the applicant, the public, or the review body.
13. **Close or Continuance of Public Hearing.** The body conducting the hearing may close the public hearing or continue it to a fixed date and time acceptable to the applicant. Notice of the continued meeting need not be republished, however the date that the meeting will be continued to must be announced before the end of the meeting. If the hearing is not continued, it shall be closed.
14. **Deliberation and Decision.** Following testimony by the applicant, the Land Use Administrator and public and questions by the review body, the review body shall close the hearing to further testimony and proceed with deliberations.

E. **Record of Public Hearing.** The body conducting the public hearing shall record the public hearing by any appropriate means, including audiotape or videotape, and detailed written minutes.

F. **Record of Decision.** The record of decision includes: the taped record of oral proceedings, including testimony and statements of personal opinions; the minutes of the hearing and other meetings of the review body; all applications, exhibits, letters and papers submitted in a timely fashion by any person to the County regarding the application; the Land Use Administrator Report; timely referral agency reports and the decisions of the recommending and decision-making bodies. Those materials, on presentation to the County, shall become the public property of the County and shall not be removed without proper authorization.

Resolutions and surveyed plats (if required) are recorded in the Office of the Clerk and Recorder and land use changes shall be noted on the Zoning Map.

### **Section 3.250                    Appeal Processes**

#### **A.            Appeal of Administrative Decisions.**

1. **Request for Review by Board.** An applicant may request review by the Board of County Commissioners of a decision made by the Land Use Administrator by filing a written request within ten (10) working days of notice of the decision, a notice of a violation of the code or a notice of termination of a non-conforming use. (This does not include interpretations of the code made by the Land Use Administrator. These are appealed to the Board of Adjustment. See Section 6.200). The written request shall include the reasons why the appellant believes that the Administrator's decision is incorrect, including any materials or evidence to support the appeal.
  
2. **Consideration by the Board.** Upon receiving the applicant's request for appeal, the Land Use Administrator shall schedule a public hearing before the Board of County Commissioners at a regular meeting, not more than forty-five (45) calendar days from the receipt of the applicant's request for appeal. The hearing shall be publicized in accordance with Section 3.230, however it is not necessary to post a notice of the hearing on the property or to mail notice of the hearing to adjacent property owners. The Board shall review the written request and hear testimony from the Administrator and the appellant at the public hearing conducted in accordance with the provisions of Section 3.240. The Board shall uphold the decision, modify the decision, or reverse the decision.

B. **Appeal of Decisions by the Board of County Commissioners or the Board of Adjustment.** Those aggrieved by a decision of the Conejos County Board of County Commissioners or the Board of Adjustment, may appeal such decisions within thirty (30) days to the Conejos County Combined Court. (This does not include appeals of decisions regarding Major Electrical and Natural Gas Facilities. For this process see Section 5.420.)

## **ARTICLE 4            ZONING**

### **DIVISION 4.1            GENERAL**

#### **Section 4.100            Establishment of Zone Districts**

The following zone districts are established. The Land Use Table set forth in Section 4.300 describe which uses are allowed in each zone district and the type of review that is required for different uses (Administrative or Special Use Review). The Land Use Table also shows those uses and activities which are exempt from requirement to obtain a Land Use Permit. Exemption from Land Use Permit requirements does not exempt a use or activity from Construction Permit requirements pursuant to Division 5.7. In addition, all exempt uses must follow all applicable State and Federal regulations as well as other provisions of this code.

- A.     **Agricultural District (A).**
- B.     **Rural District (RU).**
- C.     **Residential District (R).**
- D.     **Community/Townsite District. (C/T)**
- E.     **Commercial District (C).**
- F.     **Industrial District (I).**

#### **Section 4.110            Establishment of Zone District Overlays**

Overlay districts are superimposed over the existing zone district, and the overlay district regulations are in addition to those of the underlying zone district. Uses permitted in the underlying zone district are permitted in the overlay district if the proposed use conforms with the applicable standards for the zone district and the additional standards and restrictions of the overlay district.

- A.     **Riparian Protection Overlay District.**
- B.     **Floodplain Overlay District.**

### **DIVISION 4.2            ZONE DISTRICT REGULATIONS**

#### **4.200 Zoning Districts Details:**

- A.     **Agricultural District (AG):** The purpose of the Agricultural District is to preserve and protect rural areas of the county where the conservation of agricultural resources and agricultural production is of major importance and where uses must be protected from uncontrolled and unmitigated residential, commercial and industrial uses.

This district includes all unincorporated areas of the County that are recognized by the County Assessor as of the enactment of this code as being irrigated properties being used for agricultural

production, including areas that are utilized for growing crops and raising of livestock and other similar farming and ranching activities.

1. Two single-family residential structures are allowed. All structures shall conform to the water and sewer requirements of Article 13.
2. Lot Size: Minimum lot area for permitted use: One (1) acre.
3. Setback requirements:
  - a. Front setback for all uses: forty (40) feet.
  - b. Minimum side setback: forty (40) feet.
  - c. Minimum rear setback: forty (40) feet.
4. Height of Buildings: Maximum height for all uses forty five (45) feet.
5. The following uses and activities are exempt from the requirement to obtain a Land Use Permit if the use or activity is proposed for areas of the County that are zoned Agricultural. Additional exempt uses are also shown on the Land Use Table in Division 4.3.
  - a. Production, cultivation, growing, irrigating and harvesting of crops and plants, but not including commercial forestry or timbering.
  - b. Raising and breeding livestock, but not including confined (concentrated) animal feeding operations.
  - c. Customary accessory uses including fencing of animals or property primarily employed in the above uses.
  - d. Enclosed facilities less than 120 square feet.
  - e. Normal maintenance of existing improvements.
  - f. Maintenance of irrigation ditches/acequias.
  - g. Land leveling, pond construction and other grading or excavations unrelated to mining.
  - h. Removal of vegetation near structures for fire protection purposes.
  - i. Accessory outside storage related to agriculture

**B. Rural District (RU):** The purpose of the Rural District is to preserve rural areas, while allowing for residential areas to be developed at a density and character compatible with agriculture and other rural uses.

1. Two single family residential structures are allowed. All structures shall conform

to the water and sewer requirements of Article 13.

2. Lot Size: Minimum lot area: one (1) acre
3. Set back Requirements:
  - a. Minimum front setback: forty (40) feet.
  - b. Minimum side setback: forty (40) feet.
  - c. Minimum rear setback: forty (40) feet.
4. Lot Coverage: The total coverage of all buildings shall not occupy more than twenty (20%) percent of the lot area.
5. Height of Buildings: Maximum height for all uses: thirty-five (35) feet.
6. The following uses and activities are exempt from the requirement to obtain a Land Use Permit if the use or activity is proposed for areas of the County that are zoned Rural. Additional exempt uses as well as uses requiring permits are also shown on the Land Use Table in Division 4.3.
  - a. Production, cultivation, growing, irrigating and harvesting of crops and plants, but not including commercial forestry or timbering.
  - b. Raising and breeding livestock, but not including confined (concentrated) animal feeding operations.
  - c. Customary accessory uses including fencing of animals or property primarily employed in the above uses.
  - d. Enclosed facilities less than 120 square feet.
  - e. Normal maintenance of existing improvements.
  - f. Maintenance of irrigation ditches/acequias.
  - g. Land leveling, pond construction and other grading or excavations unrelated to mining.
  - h. Removal of vegetation near structures for fire protection purposes.
  - i. Accessory outside storage related to agriculture

C. **Residential District (R):** The purpose of the Residential District is to address areas where the management and maintenance of rural and agricultural resources is of incidental value and where higher density residential use is intended.

1. One single family residential structure is allowed. All structures shall conform to the water and sewer requirements of Article 13.



2. Lot Size:
  - a. Minimum lot area:
    - (1) For all land not provided with both central water and sewer facilities, the minimum lot area shall be one (1) acre; the minimum lot area per dwelling unit shall be one (1) acre.
    - (2) For all land provided with both central water and sewer facilities, the minimum lot area shall be 7,000 square feet for an interior lot and 9,000 square feet for a corner lot.
  - b. Minimum lot width:
    - (1) For all lots with an area of one (1) acre or larger, the minimum lot width shall be one hundred fifty (150) feet, or shall be a minimum of one hundred (100) feet when facing a cul-de-sac turnaround or curve on a minor loop street.
    - (2) For all lots with an area of one-half (1/2) acre or larger, but less than one (1) acre, the minimum lot width shall be one hundred (100) feet, or shall be a minimum of seventy-five (75) feet when facing cul-de-sac turnaround or curve on a minor loop street.
    - (3) For all lots with an area less than one-half (1/2) acre, the minimum lot width shall be sixty (60) feet for an interior lot, seventy-five (75) feet for a corner lot, or shall be a minimum of forty feet when facing a cul-de-sac turnaround or curve on a minor loop street.
3. Setback Requirements:
  - a. Minimum front setback: twenty-five (25) feet.
  - b. Minimum side setback: eight (8) feet on one side and eight (8) feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of twenty-five (25) feet on the side abutting a street.
  - c. Minimum rear setback: twenty-five (25) feet.
4. Lot Coverage:
  - a. On all lots with an area of one-half (1/2) acre or larger, the total coverage of all buildings shall not occupy more than twenty (20%) percent of the lot area.
  - b. On all lots with an area of less than one-half (1/2) acre, the total coverage of all buildings shall not occupy more than thirty (30%) percent of the lot area.

5. Height of Buildings:
  - a. Maximum height for principal uses: thirty-five (35) feet, except as a part of a Planned Unit Development maximum height shall be fifty (50) feet.
  - b. Maximum height for accessory uses: twenty (20) feet.
6. Exempt uses as well as uses requiring permits within a Residential District are shown on the Land Use Table in Division 4.3.

D. **Community/Townsite District (C/T).** The purpose of the Community/Townsite District is to acknowledge and identify unincorporated areas within the County where urban densities and uses exist and are appropriate when consistent with this Code; to establish development standards that promote appropriate land use and growth within these areas; and to facilitate development activity compatible with existing land use and small lot development of unincorporated communities within the County.

1. One single family residential structure is allowed. All structures shall conform to the water and sewer requirements of Article 13.
2. Lot Size:
  - a. Minimum lot area:
    - (1) For all land not provided with both central water and sewer facilities, the minimum lot area shall be one (1) acre; the minimum lot area per dwelling unit shall be one (1) acre.
    - (2) For all land provided with both central water and sewer facilities, the minimum lot area shall be 7,000 square feet for an interior lot and 9,000 square feet for a corner lot.
  - b. Minimum lot width:
    - (1) For all lots with an area of one (1) acre or larger, the minimum lot width shall be one hundred fifty (150) feet, or shall be a minimum of one hundred (100) feet when facing a cul-de-sac turnaround or curve on a minor loop street.
    - (2) For all lots with an area of one-half (1/2) acre or larger, but less than one (1) acre, the minimum lot width shall be one hundred (100) feet, or shall be a minimum of seventy-five (75) feet when facing cul-de-sac turnaround or curve on a minor loop street.
    - (3) For all lots with an area less than one-half (1/2) acre, the minimum lot width shall be sixty (60) feet for an interior lot, seventy-five (75) feet for a corner lot, or shall be a minimum of forty feet when facing a cul-de-sac turnaround or curve on a minor loop street.

3. Setback Requirements:
  - a. Minimum front setback: twenty-five (25) feet.
  - b. Minimum side setback: eight (8) feet on one side and eight (8) feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of twenty-five (25) feet on the side abutting a street.
  - c. Minimum rear setback: twenty-five (25) feet.
4. Lot Coverage:
  - a. On all lots with an area of one-half (1/2) acre or larger, the total coverage of all buildings shall not occupy more than twenty (20%) percent of the lot area.
  - b. On all lots with an area of less than one-half (1/2) acre, the total coverage of all buildings shall not occupy more than thirty (30%) percent of the lot area.
5. Height of Buildings:
  - a. Maximum height for principal uses: thirty-five (35) feet, except as a part of a Planned Unit Development maximum height shall be fifty (50) feet.
  - b. Maximum height for accessory uses: twenty (20) feet.
6. Exempt uses as well as uses requiring permits within a Community/Townsite District are shown on the Land Use Table in Division 4.3.

E. **Commercial District (C):** The purpose of the Commercial District is to promote and encourage a suitable environment for a full range of retail sales and services and to exclude activities of an industrial nature which conflict with that goal.

1. One single-family residential structure is allowed, however it is only allowed as an accessory to a commercial use. All structures shall conform to the water and sewer requirements of Article 13.
2. Lot Size:
  - a. Minimum lot area:
    - (1) For all land not provided with both central water sewer facilities, the minimum lot area shall be one (1) acre.
    - (2) For all land provided with both central water and sewer facilities, the minimum lot area shall be ten thousand (10,000) square feet.

- b. Minimum lot width:
  - (1) For all lots one (1) acre or larger: one hundred fifty (150) feet;
  - (2) For all lots less than one (1) acre: one hundred (100) feet;
- 3. Setback Requirements:
  - a. Minimum front setback: twenty-five (25) feet.
  - b. Minimum side setback: ten (10) feet; except however on corner lots, the setback for all buildings shall be a minimum of the required front setback.
  - c. Minimum rear setback: twenty (20) feet.
- 4. Height of Buildings:
  - a. Maximum height of principal uses: sixty (60) feet.
  - b. Maximum height of accessory uses: twenty (20) feet.
- 5. Exempt uses as well as uses requiring permits within a Commercial District are shown on the Land Use Table in Division 4.3.

**F. Industrial District (I):** The purpose of the Industrial District is to provide appropriate areas for development of general industry, manufacturing, and commerce, in locations where conflicts with residential, commercial and other land uses can be minimized. These are uses which by their size or conduct have a greater impact on the surrounding areas than uses in a Commercial District.

- 1. No residential structures are allowed. All structures shall conform to the water and sewer requirements of Article 13.
- 2. Lot Size:
  - a. Minimum lot area: one (1) acre.
  - b. Minimum lot width: one hundred fifty (150) feet.
- 3. Setback requirements:
  - a. Minimum front setback: fifty (50) feet.
  - b. Minimum side setback: ten (10) feet.
  - c. Minimum rear setback: twenty (20) feet.
- 4. Height of buildings: Maximum height for all uses: sixty (60) feet.

5. Exempt uses as well as uses requiring permits within an Industrial District are shown on the Land Use Table in Division 4.3.

**Section 4.210 Zoning Overlay District Details**

**A. Riparian Protection Overlay District.**

1. **Boundaries.** The boundaries of this zoning overlay district will be established on the map entitled The Conejos County Riparian Protection Overlay District Map of Conejos County, Colorado.
2. **Purpose.** The Conejos County Board of County Commissioners finds that residents of and visitors to Conejos County rely on water resources for drinking water supply, agricultural production, recreation, aesthetic enjoyment, wastewater treatment and other activities; and that regulation of land uses within certain areas of the County, as designated on the Riparian Protection Overlay District Map, is essential to the protection of these water resources from degradation.

The Riparian Protection District also serves as important wildlife habitat, which should be maintained and enhanced to protect the diversity of wildlife species and to promote the health, welfare and prosperity of present and future inhabitants of the State.

- a. **Prohibit Significant Degradation.** Prohibit certain uses, which because of their intensity or nature cause significant degradation to the environment.
- b. **Protect Riparian Areas from Pollution.** Regulate development so that riparian areas are protected from erosion, condensation, sedimentation, and pollution.
- c. **Harmony with Wildlife Habitat.** Ensure that development is planned and designed to be harmonious with wildlife habitat.
- d. **Preserve Natural Environment.** Preserve the natural environment and aesthetics of the riparian areas to the greatest extent possible.

**B. Floodplain Overlay District.**

1. **Boundaries.** The boundaries of this overlay district have been partially identified by the Colorado Water Conservation Board in its Flood Hazard Boundary Map for Conejos County, dated June 2002. As new information becomes available this map shall be updated to more accurately depict the 100 year flood plain for Conejos County.

The floodway is defined as those portions of the Floodplain Overlay required for the passage or conveyance of the base flood in which waters will flow at significant depths or with significant velocities. Where the floodway has not been so identified, it is those portions of the Floodplain Overlay where floodwater from the base flood is eighteen (18) inches or greater in depth. The floodway

shall not extend less than twenty-five (25) feet from the banks of the river or creek, unless such bank consists of an impervious natural rock wall or cliff which is higher than the flood elevation

2. **Purpose.** The purpose of the Floodplain Overlay District is to:
  - a. **Address the Flood-carrying Capacity.** Minimize or prevent adverse affects of proposed development on the flood-carrying capacity of flood hazard areas.
  - b. **Minimize Flood Loss.** Minimize flood damage by restricting or excluding uses which are dangerous to public health, safety and property in times of flood or which cause increased flood heights or velocities within the 100-year floodplain.
  - c. **Regulate Development in Flood-prone Areas.** To take necessary steps which are particular to flood-prone areas and land use proposals, including those which alter the existing character of the land and lie within known or designated 100-year floodplains and can affect drainage patterns and flood-carrying capacities of the known watercourses within these flood-prone areas. Any proposed development that would alter or increase the potential damage or impacts of a major storm or alter the floodplain impacts on the proposed development and other tracts of land shall require this review prior to permit approval.

**DIVISION 4.3 LAND USE TABLE**

**Section 4.300 Land Use Table**

- A** Use requiring Administrative Review (See Division 5.3)
- S** Use requiring Special Use Review (See Division 5.4)
- E** Use Exempt from Permit Requirement
- X** Non-permitted Use

	Agricultural	Rural	Residential	Community/ Townsite	Commercial	Industrial
Agricultural Products Distribution or Sales at Point of Production	E	E	S	S	A	S
Agricultural Products Processing, Storage, Distribution or Sale Off-Site	E	S	S	S	A	E
Agricultural Products Processing, Storage at Point of Production	E	E	S	S	A	A
Building Contracting Shop	S	S	S	S	A	E

	Agricultural	Rural	Residential	Community/ Townsite	Commercial	Industrial
Building Material Store	S	S	S	S	E	A
Campground, Commercial	S	S	S	S	S	X
Car Wash	X	S	S	A	E	E
Carpentry, Woodworking or Furniture Making Facility	S	S	S	S	S	E
Cemetery	S	S	S	S	S	X
Church	S	S	S	A	A	X
Compost Processing, Commercial	A	S	X	X	S	A
Confined Animal Feeding Operation	S	S	X	X	S	S
Contractor Equipment Storage	S	S	X	S	E	E
Convenience Store	X	S	S	S	S	S
Crop Production, Cultivation, Harvesting	E	E	S	S	S	E
Custom Meat or Poultry Processing Facility	S	S	X	S	S	E
Day Care Center	S	S	S	S	A	X
Educational Facility	S	S	S	S	S	S
Emergency Care Facility	X	S	S	S	S	X
Equestrian Center or Livery and Horse Rental	A	A	S	S	S	X
Excavations Unrelated to Mining	E	E	S	S	S	S
Farm or Garden Supply Store	S	S	S	S	E	A
Fire Station	S	A	A	A	A	A
Forestry, commercial	S	S	X	S	S	S
Golf course	X	S	S	S	S	X
Group Home	S	S	S	S	S	X
Home Occupation	A	S	S	S	A	X
Hospital	X	S	S	S	S	S
Industrial Facility or Activity	X	S	X	X	S	A
Kennel	S	S	X	S	S	S
Laundry and Dry Cleaning, Commercial	X	S	X	S	A	S
Livestock & Animal Husbandry	E	E	S	S	X	S
Mining	S	S	X	S	X	S
Mobile Home Park	X	S	S	S	X	X
Mortuary	X	S	S	S	A	A
Multi-Family Dwelling	S	S	S	S	S	X
Nursing, Convalescent or Residential Care Facility	X	S	S	S	A	X
Oil & Gas Drilling or Production	S	S	S	S	S	S
Overnight Lodging	S	S	S	S	A	X
Park or Playfield	S	A	A	A	A	X

	Agricultural	Rural	Residential	Community/ Townsite	Commercial	Industrial
Printing or Publishing Establishment	X	S	S	S	A	A
Professional Office	X	S	S	S	E	A
Public Utility Central Office Building	X	S	S	S	E	A
Public Utility Facility	S	S	S	S	S	S
Reception Halls and Community Meeting Facilities	S	S	S	S	A	X
Recreation Center	X	S	S	S	A	X
Recreational Vehicle Park, commercial	S	S	S	S	S	X
Recycling Collection and Processing Facility	X	S	X	S	S	E
Restaurant or Bar,	S	S	S	S	A	X
Retail or Personal Service Facility	X	S	S	S	A	S
Salvage Yard	X	S	X	S	S	S
Saw Mill	S	S	X	S	S	S
Solid Waste Disposal Site and Facility	X	S	X	X	X	S
Solid Waste Transfer Facility	X	S	X	S	S	S
Storage Facility, Commercial	X	S	S	S	A	A
Theater, Indoor	X	S	S	S	A	X
Vehicle Sales and Rental Lots	X	S	X	S	A	A
Vehicle Service Center	S	S	X	S	S	S
Veterinary Clinic	S	S	X	S	A	S
Warehouse & Distribution Center, Non-agricultural	S	S	X	S	A	E
Wireless Communication Facility	S	S	S	S	S	A

	Agricultural	Rural	Residential	Community/Townsite	Commercial	Industrial
Temporary Christmas Tree Lots	A	A	A	A	A	S
Temporary Construction or Sales Office	A	A	A	A	A	A
Temporary Fireworks Stands	X	X	X	S	A	X
Temporary Outdoor Activity	S	S	X	S	S	X
Temporary Wireless Communication Facility	S	S	S	S	S	A

Uses that have not been listed or cannot be included in an encompassing category shall be considered as a Special Use Review in accordance with Division 5.4. The Planning Commission shall recommend approval or denial and the Board of County Commissioners shall make final approval or denial of unlisted uses by determining if the unlisted use is appropriate for and consistent with the intent of a zoned district as specified in Section 4.200.



## **DIVISION 4.4            ZONE CHANGE**

### **Section 4.400            Application Submittal and Review Procedure.**

- A.     **Initiation.** A Zone Change may be initiated by the Planning Commission, the Land Use Administrator, or the legal owner of any property in Conejos County or their authorized agent. No zone change request shall be processed unless it is accompanied by a request to conduct a specific land use.
- B.     **Pre-application Conference.** A pre-application conference shall be held in accordance with Section 3.200.
- C.     **Application Submittal.** An application for a zone change shall be submitted to the Administrator, and shall contain the materials specified in Section 3.210A, with the following additional submittal requirements.
1.     **Ownership.** A copy of a current commitment or policy from a title insurance company in the State of Colorado attesting to the accuracy and validity of the title and to the property being platted and stating that the applicant is the land owner or is duly authorized by the land owner(s) to so plat such land. The commitment or policy shall also list all mortgages, liens judgments, easements, contracts, and agreements of record regarding the land to be platted. The Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to authorize the application before it is accepted for review.
  2.     **Written Description.** The written description shall include:
    - a.     A description of the existing uses of the subject property and of the adjacent properties within five hundred (500) feet of the subject property.
    - b.     A description of the proposed use, density and the timing for its development.
  3.     **Survey.** The application shall include a survey and legal description developed in accordance with Section 3.210B, including the following information:
    - a.     Certification block for the Planning Commission.
    - b.     Certification block for the Board of County Commissioners.
    - c.     Certification block for the County Clerk and Recorder.
  4.     **Compliance with Zone Change Standards.** A report that explains how the zone change would satisfy the approval Standards for a Zone Change set forth in Section 4.410.
  5.     **Impact Analysis.** A description of the impacts that the zone change may cause, and a complete description of how the applicant will ensure that impacts will be mitigated and Zone Change Standards will be satisfied.

6. **Preliminary Subdivision Plan Application.** When a zone change is necessary in order to develop a major subdivision, then the applicant shall submit the subdivision Preliminary Plan application along with the zone change request.
7. **Fee.** Any application for a Zone Change must be accompanied by the appropriate fees. A schedule of fees is available through the Land Use Office.

**D. Review Procedure**

1. **Review of Application Materials by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220 including the mailing of referral letters.
2. **Review and Recommendation by Planning Commission.** Notice of a public hearing before the Planning Commission shall be made in accordance with Section 3.230. The Zone Change application shall be considered by the Planning Commission at a public hearing in accordance with the provisions of Section 3.240. The Planning Commission shall recommend approval, approval with conditions or denial of the Zone Change based on the approval standards set forth in Section 4.410.
4. **Public Hearing and Action by Board of County Commissioners.** A public hearing by the Board of County Commissioners shall be scheduled within forty-five (45) calendar days of the Planning Commission recommendation. Public notice of the hearing shall be made in conformance with Section 3.230 and the hearing shall be conducted in accordance with the provisions of Section 3.240. The Board shall approve, approve with conditions or deny the Zone Change.

**E. Revision to Zoning District Maps.** If approved, the Zone Change shall be recorded on the Official Zoning Map filed in the Land Use Office as soon as practical.

**Section 4.410 Standards for Approval**

In addition to the applicable General Approval Standards set forth in Section 5.500A, the following additional standards shall apply to zone change requests.

- A. **Consistent with Comprehensive Plan.** The location, character and intent of the Zone Change are consistent with the County Comprehensive Plan.
- B. **Consistent with Land Use Code.** The Zone Change is consistent with the purpose and intent of this Land Use Code.
- C. **Development Pattern.** The proposed zone change would result in a logical and orderly development pattern and not constitute spot zoning.
- D. **Relationship to Surrounding Area.** The Zone Change is compatible with the scale, intensity and type of uses located on adjacent property.

## ARTICLE 5 PERMITS

### DIVISION 5.1 GENERAL

#### Section 5.100 Permits Required

- A. **Land Use Permit Required.** A Land Use Permit is required for any change in land use, unless expressly exempt from Land Use Permit in the appropriate zone district section. Development or activity associated with the land use change shall not begin prior to issuance of a Land Use Permit pursuant to this code.
- B. **Land Use Construction Permit Required.** A Construction Permit is required for all new construction, and for remodel or repair of existing buildings or structures unless expressly exempted from Construction Permit requirements by Section 5.600. Construction, remodel or repair activities shall not begin prior to issuance of a Construction Permit pursuant to this code.
- C. **Other Permit Requirements.** In addition to the permit requirements set forth in this Article 5, the owner shall be responsible for satisfying all other state and local permit requirements applicable to the proposed land use or construction, remodel or repair activity.

### DIVISION 5.2 LAND USE PERMITS

#### Section 5.200 Permit Conditions

- A. **Validity of Permit.** A Land Use Permit shall remain valid for the time period specified by the decision making body at the time of issuance of the permit, or if no time period is specified, for the life of the use.
- B. **Term of Permit.** Commencement of the approved land use must begin and proceed in compliance with conditions of the permit within three (3) years of the date of issuance. The permit shall be deemed to have lapsed if there is no construction or conduct of the approved land use for a continuous 12-month period.
- C. **Extension of Permit Term.** An extension of the term of the permit may be requested by the applicant. A request for extension of permit term requires public hearing and recommendation by the Planning Commission and review and public hearing by the Board of County Commissioners. The term of a permit may only be extended (1) as a condition of initial approval, or (2) within the final 18 month of the approved term of the permit.
- D. **Violation of Conditions of Permit.** Failure to comply with permit conditions shall cause the permit to be revoked by the Board of County Commissioners, pursuant to the procedures set forth in Article 16.
- E. **Transfer of Ownership.** Any permit for land use and construction approved in compliance with this Land Use Code shall be binding upon and run with the land. The transfer of any permit to a new owner may occur only after a statement has been filed with the Land Use Office by the transferee indicating that he/she will comply with the terms and conditions of the permit.

F. **Change in Conditions of Permit.** Unless otherwise provided in this code, any proposal to change the permit conditions shall require a new Land Use Permit.

**Section 5.210**            **Violation.**

Failure to obtain the permits required by these Regulations shall be a violation of the Conejos Land Use Code subject to the enforcement provisions in Article 16.

**Section 5.220**            **Levels of Permit Review**

There are two levels of review that might apply to the issuance of a Land Use Permit for uses in a particular zoning district. These are Administrative Review (“A”) and Special Use Review (“S”). The Use Table in Section 4.3 indicates the level of review that will be required for a type of use based upon the zoning district.

A. **Administrative Review.** Certain land use changes require a minimal level of review and can be reviewed administratively in accordance with Division 5.3.

B. **Special Use Review.** Certain land use changes, because of their nature or location, will have the potential to cause impacts that warrant review by the Planning Commission and the Board of County Commissioners. The application and review procedure for uses requiring Special Use Review is in Division 5.4.

**Section 5.230**            **Amendment**

No approved use may be modified, structurally enlarged, or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to the initial approval of the use.

**DIVISION 5.3**            **ADMINISTRATIVE REVIEW**

**Section 5.300**            **Application Submittal and Review Procedure**

A. **Pre-application Conference.** A pre-application conference shall be held in accordance with Section 3.200.

B. **Application Submittal.** In addition to the application materials required in Section 3.210A, an applicant for a Land Use Permit to conduct a use subject to an Administrative Review shall submit the following.

1. **Written Description.** A detailed written description of the proposed use and a description of the impacts that the proposed use may cause.
2. **Additional Materials - Riparian Protection Overlay.** In addition to the other submission requirements contained in this Code, any person applying for a Land Use Permit for any land use activity in the Riparian Protection Overlay District shall submit the following information for the land on which the development activity is to occur:

- a. **Vegetative Cover.** A general description of the type and density of vegetation including i) deciduous trees, ii) coniferous trees, iii) high shrubs, and iv) sage, grassland, and agricultural crops.
  - b. **Wetlands.** Identification of all wetlands identified using the Federal Manual for Identification and Delineation of Jurisdictional Wetlands.
  - c. **Water Bodies.** A description of all lakes, streams, ditches and other water bodies and their classifications and standards adopted by the Colorado Water Quality Control Commission.
  - d. **Soil Investigation Report.** A report evaluating and classifying soil types, and including a discussion of erosion potential, rock falls, mud flow deposits, avalanche areas, debris fans, and drainage areas. Soil mapping from the Natural Resource Conservation Services for Conejos County and USGS geologic hazard mapping may be employed.
  - e. **Development Layout.** A plan and other documentation of the layout and scope of the proposed land use, including:
    - (1). The total land area to be physically disturbed for the construction of improvements at the development and a discussion of phasing.
    - (2). The location of building, storage yards, waste disposal areas, parking areas, utilities and other permanent structures.
3. **Additional Materials – Floodplain Overlay.** For uses located in the Floodplain Overlay the following additional materials are required.
- a. **Floodplain and Floodway Plan.** Plans prepared by a professional engineer and drawn to an appropriate scale, which depict the floodplain and floodways and overall site affected, the proposed improvements or development, the elevations of the area in question, and the location of any existing or proposed structures, fill, storage of materials and drainage facilities.
    - (1). **Elevation of Grades and Lowest Floor.** The plans should indicate at two (2) foot intervals the mean sea level elevation of all existing and finished grades and of the lowest floor (including the basement) of all new and substantially improved structures and the mean sea level elevation to which any structure or use is flood proofed.
    - (2). **Flood Proofing Methods.** The plans shall be certified by a registered professional engineer that address the additional standards in Section 5.520B.
  - b. **Permits.** Copies of all necessary permits from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, 33 USC 1334.

C. **Review Procedure.**

1. **Review of Application Materials by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220, including the mailing of referral letters, if appropriate.
2. **Land Use Administrator Decision.** Within forty five (45) calendar days of the completeness determination, the Land Use Administrator may approve, approve with conditions or deny the application for a Land Use Permit subject to Administrative Review, based upon compliance of the proposed use with the Approval Standards set forth in Section 5.500. The Land Use Administrator shall inform the applicant of the approval, conditions of approval or basis for denial in writing within five (5) working days of the decision.

D. **Recordation and Change to Zone Map.** If an Administrative Review Permit is approved, the resolution shall be recorded in the Office of the Clerk and Recorder and the land use change noted on the Zoning Map.

E. **Annual Review of Conditions.** The Land Use Administrator shall annually review each permitted use for compliance with the conditions set at the time of its approval. This review shall take place each year in the month during which the permit was originally approved.

**Section 5.310 Review of Administrative Decision.**

A. **Request for Review by Board.** An applicant may request review of the Administrator's decision by following the procedure in Section 3.250A.

**DIVISION 5.4 SPECIAL USE REVIEW**

**Section 5.400 Application Submittal.**

A. **Pre-application Conference.** A pre-application conference shall be held in accordance with Section 3.200.

B. **Application.** In addition to the application materials required in Section 3.210A, an applicant for a Land Use Permit to conduct a use subject to a Special Use Review shall submit the following.

1. **Written Description.** A detailed written description of the proposed use.
2. **Slope/Topographic Map.** A depiction of contours at an interval of five (5) feet is required on slopes of 15% or greater (13.5 degrees) where there will be a permanent change in elevation of the ground surface. This requirement may be met by providing the best mapping available from the U.S. Geological Survey highlighting areas of geologic hazards, and areas subject to landslides and avalanche.
3. **Archaeological, Cultural and Historical Resources.** If appropriate one of the following will be required: a letter of verification of a search of Inventory of

Cultural Resources from the State Historical Society or a report defining the archaeological or historical resources on the site based on information available from the State Historic Preservation Officer.

4. **Wildfire Mitigation Plan.** The applicant may be required to create a wildfire mitigation plan with the assistance of the State Forest Service, if appropriate.
5. **Impact Analysis.** A description, prepared by the applicant, of the impacts that the proposed use may cause, described in terms of the standards that apply to Special Uses in Section 5.500B, and a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied.

C. **Additional Materials - Riparian Protection Overlay.** In addition to the other submission requirements contained in this Code, any person applying for a Land Use Permit for any land use activity in the Riparian Protection Overlay District shall submit the following information for the land on which the development activity is to occur:

1. **Vegetative Cover.** A general description of the type and density of vegetation including i) deciduous trees, ii) coniferous trees, iii) high shrubs, and iv) sage, grassland, and agricultural crops.
2. **Wetlands.** Identification of all wetlands identified using the Federal Manual for Identification and Delineation of Jurisdictional Wetlands.
3. **Water Bodies.** A description of all lakes, streams, ditches and other water bodies and their classifications and standards adopted by the Colorado Water Quality Control Commission.
4. **Soil Investigation Report.** A report evaluating and classifying soil types, and including a discussion of erosion potential, rock falls, mud flow deposits, avalanche areas, debris fans, and drainage areas. Soil mapping from the Natural Resource Conservation Services for Conejos County and USGS geologic hazard mapping may be employed.
5. **Development Layout.** A plan and other documentation of the layout and scope of the proposed land use, including:
  - a. The total land area to be physically disturbed for the construction of improvements at the development and a discussion of phasing.
  - b. The location of building, storage yards, waste disposal areas, parking areas, utilities and other permanent structures.

D. **Additional Materials – Floodplain Overlay.** For uses located in the Floodplain Overlay, the following additional materials are required.

1. **Floodplain and Floodway Plan.** Plans prepared by a professional engineer and drawn to an appropriate scale, which depict the floodplain and floodways and overall site affected, the proposed improvements or development, the elevations of the area in question, and the location of any existing or proposed structures, fill, storage of materials and drainage facilities.

- a. **Elevation of Grades and Lowest Floor.** The plans should indicate at two (2) foot intervals the mean sea level elevation of all existing and finished grades and of the lowest floor (including the basement) of all new and substantially improved structures and the mean sea level elevation to which any structure or use is flood proofed.
  - b. **Flood Proofing Methods.** The plans shall be certified by a registered professional engineer that address the additional standards in Section 5.520B.
2. **Permits.** Copies of all necessary permits from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, 33 USC 1334.

E. **Additional Materials- Wireless Communication Facilities.** Any person, firm, corporation, or another entity desiring to develop a Wireless Communication Facility (WCF) or other telecommunication facility within Conejos County must submit the following additional materials:

- 1. Description of support structure and antenna height.
- 2. Photos and/or drawings of all equipment, structures and antennas.
- 3. Names and addresses of telecommunication providers or users of the proposed WCF or antenna.
- 4. Applicant's master WCF plan for Conejos County and surrounding area.
- 5. Detailed account of co-location efforts.
- 6. If a new WCF is allowed, the owner must agree in writing to allow co-location at the new site, under reasonable terms and conditions.
- 7. Written and graphic description of efforts to minimize or mitigate adverse visual impacts of the proposed facility.
- 8. Any other information determined to be necessary by the Land Use Administrator for a determination of compliance with this Code.

F. **Additional Materials- Mining.** Applications for mining uses shall contain the following additional materials.

- 1. A description of the type of mining.
- 2. A mining plan/description of how mining will be conducted including:
  - a. The method of mining;



- b. The estimated dates that mining will commence and end. If the operation is intended to be intermittent the applicant should include this information.
  - c. Hours of operation.
  - d. Haul route.
  - e. Whether the mined substance will be processed on site, including crushing, screening, washing, etc.
3. Reclamation plan. A general description of the plan to reclaim the affected land for future use.

**Section 5.410 Review Procedures for Special Uses**

**A. Review Procedure.**

- 1. **Review of Application Materials by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220, including the mailing of referral letters.
- 2. **Review and Recommendation by Planning Commission.** Notice of a public hearing before the Planning Commission shall be made in accordance with Section 3.230. The Special Use application shall be considered by the Planning Commission at a public hearing, in accordance with the provisions of Section 3.240. The Planning Commission shall recommend approval, approval with conditions or denial of the Special Use application based on the approval standards set forth in Division 5.5.
- 3. **Public Hearing and Action by Board.** A public hearing with the Board of County Commissioners shall be scheduled within forty-five (45) calendar days of the Planning Commission recommendation. Public notice of the hearing shall be made in conformance with Section 3.230 and the hearing shall be conducted in accordance with the provisions of Section 3.240. The Board shall approve, approve with conditions or deny the application for a Land Use Permit to conduct a Special Use.

**B. Recordation and Change to Zone Map.** If a Special Use Permit is approved, the resolution shall be recorded in the Office of the Clerk and Recorder and the land use change noted on the Zoning Map.

**C. Annual Review of Conditions.** The Land Use Administrator shall annually review each permitted use for compliance with the conditions set at the time of its approval. This review shall take place each year in the month during which the permit was originally approved.

**Section 5.420 Review and Appeal Procedures for Major Electric and Natural Gas Facilities**

The following special requirements are imposed by state law, and shall apply to applications for a Land Use Permit for a Major Electrical or Natural Gas Facility.

A. **Notice.** A public utility or power authority shall notify the Land Use Office of its plans to site a Major Electrical or Natural Gas Facility prior to submitting the permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or the filing of any annual filing with the public utilities commission that proposes or recognizes the need for construction of a new facility or the extension of an existing facility. If a public utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or file annually with the public utilities commission to notify the public utilities commission of proposed construction of a new facility or the extension of an existing facility, then the public utility or power authority shall notify the Land Use Office of its intention to site a Major Electrical or Natural Gas Facility when such utility or authority determines that it intends to proceed to permit and construct the facility. During the pre-application meeting, the public utility or power authority shall consult with the Land Use Administrator to identify the specific routes or geographic locations under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.

B. **Alternatives Analysis.** In addition to the alternative described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives to the local government or explain why no reasonable alternatives are available.

C. **Action on Application.** Within ninety (90) calendar days after submission of a completed application for a Major Electrical or Natural Gas, the County shall decide whether to approve, approve with conditions or deny the application. If the County does not take final action within such time, the application shall be deemed approved. Nothing in these provisions shall be construed to supersede any timeline set by agreement between the County and a public utility or power authority applying for a Land Use Permit for Major Electrical or Natural Gas Facilities.

D. **Appeal.** If the County denies a permit or application of a public utility or power authority that relates to the location, construction, or improvement of Major Electrical or Natural Gas Facilities, or if the County imposes requirements or conditions upon such permit or application that will unreasonably impair the ability of the public utility or power authority to provide safe, reliable, and economical service to the public, the public utility or power authority may appeal the County action to the public utilities commission for a determination under Section 40-4-102, C.R.S., so long as one or more of the following conditions exist:

1. The public utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the public utilities commission pursuant to Section 40-5-101, C.R.S., to construct the major electrical or natural gas facility that is the subject of the local government action;
2. A certificate of public convenience and necessity is not required for the public utility or power authority to construct the major electrical or natural gas facility that is the subject of the local government action; or
3. The public utilities commission has previously entered an order pursuant to Section 40-4-102, C.R.S., that conflicts with the local government action.

## **DIVISION 5.5                    STANDARDS FOR APPROVAL**

### **Section 5.500                    Standards for Approval**

This Section includes the approval standards that will be applied by the County in its decisions to approve, approve with conditions or deny requests for an Administrative Review Permit, a Special Use Permit, or a Land Use Construction Permit.

A.     **General Standards for Approval.** The following general approval standards shall apply to *all* uses that require a Land Use Permit.

1.     **Property Rights.** The applicant can and will obtain all necessary property rights, permits and approvals necessary to conduct the activity.
2.     **Comprehensive Plan.** The use is consistent with relevant provisions of the Conejos County Comprehensive Plan.
3.     **Water Quality Protection.** The use shall not cause significant degradation of the quality of surface or groundwater resources
4.     **Water and Wastewater.** The use shall be served by water and wastewater systems that have been deemed adequate to serve the activity. Refer to Article 13.
5.     **Risk from Geologic Hazards.** The use is not subject to significant risk from geologic hazards.
6.     **Utilities.** Public utilities, where available shall be used. If not available, alternative systems may be employed. Refer to Article 13.
7.     **Access and Roadways.** Access to and from the use shall be safe and in conformance with applicable standards. Roads serving the proposed use have the capacity to accept the additional traffic generated by the use safely and efficiently. An access permit is required from the appropriate authority. Refer to Article 14.
8.     **Visual Impacts.** The proposed use shall preserve views and vistas if possible. Screening as defined in this code may be required of uses with negative visual impacts.
9.     **Compatibility.** The nature, scale, and intensity of the use are compatible with adjacent land uses and will not result in an adverse impact to adjacent land. The design of the activity shall be compatible with the surrounding natural environment.
10.    **Wildlife.** The use shall not be located in significant wildlife habitat area as defined by the Colorado Division of Wildlife unless the applicant demonstrates that there is no viable alternative location. Where the activity must be located in significant wild life habitat areas, the applicant shall implement all mitigation recommended by the Division of Wildlife and the County.

B. **Additional Standards for Special Use Review.** In addition to the General Approval Standards in Section 5.500A, the following standards shall apply to all uses subject to Special Use Review.

1. **Air Quality.** The use shall not cause air quality to be reduced below acceptable levels established by the Colorado Air Pollution Control Division.
2. **Nuisances.** The use shall not cause a nuisance as defined within this Code.
3. **Important Areas.** The use shall not significantly degrade areas of paleontological, historic, or archaeological importance.
4. **Traffic.** The use shall not cause significant traffic congestion or unsafe traffic conditions and all impacts to the roadway system shall be mitigated through roadway improvements or impact fees, or both.
5. **Impact Mitigation.** If the use causes a twenty percent (20%) or more increase in the use of a County Road, the applicant shall be required to bear the cost of all road and bridge improvements, repairs, maintenance and permits necessitated.
6. **Erosion.** Erosion control measures shall be implemented that ensure that disturbed areas and soil stockpiles are stabilized. Disturbed areas must be revegetated within one growing season.

**Section 5.510 Additional Standards for Certain Uses**

A. **Commercial and Industrial Uses.** In addition to the General Approval Standards set forth in Section 5.500A and relevant Special Use Review Standards set forth in Section 5.500B, the following additional standards shall apply to all uses in Commercial and Industrial Zones.

1. **Outside Storage areas.** Storage areas, including recycling and salvage yards, shall be screened from view by fencing at least eight (8) feet high, landscaping or other screening approved by the decision making body, in order to minimize the visual impact on adjacent properties and public roads.
2. **Industrial Structures.** All industrial operations and activities shall be conducted wholly inside of a building or buildings if the nearest of such operation or activity is less than two hundred (200) feet from the boundary of any other zoning district. If the industrial district adjoins a residential district, screening shall be provided at the lot lines sufficient to protect on a year round basis, the privacy of adjoining residential uses.
3. **Commercial and Industrial Structures.** Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.
4. **Objectionable Emissions.** Dust, odors, gas, fumes, and glare shall not be emitted at levels that constitute a nuisance. A mitigation plan may be required.

5. **Noise.** Noise as measured at the property boundary shall not constitute a nuisance and shall be buffered by landscaping or other screening devices.
6. **Lighting.** Exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light on any property located in a residential district, or on any public right-of-way.
7. **Hours of operation.** Days and hours of operation shall be established to minimize impacts to adjacent land uses.
8. **Roadway System.** Impacts to the County roadway system associated with hauling, truck traffic and equipment use shall be mitigated through roadway improvements or impact fees, or both.
9. **Residential Structures.** No structure shall be used for residential purposes, except for the use of the owner or operator of the business located on the premises within a Commercial Zone. No residential structures are permitted in Industrial Zones.

B. **Mining Uses.** In addition to the General Approval Standards set forth in Section 5.500.A, relevant Special Use Review Standards set forth in Section 5.500.B, and Commercial/Industrial Use Standards set forth in Section 5.510 A, the following additional standards shall apply to Mining Uses.

1. **Setbacks.** Surface area disturbed shall fall within the following setbacks:
  - a. **Federal, State, Or Local Dedicated Open Space Or Conservation Areas.** No surface area disturbance caused by a mining operation shall occur in whole or in part closer than one thousand (1000) feet from a permanently dedicated federal, state, or local open space or conservation area unless a smaller setback has been approved by the federal, state or local entity with jurisdiction over the open space or conservation area.
  - b. **Adjacent Property, Irrigation Ditch Or Road Right Of Way.** No excavation, deposit of overburden, stockpiling or other mining activities associated with a mining operation shall be permitted within one hundred (100) feet of the boundary of adjacent property, irrigation ditch or private right of way.
2. **Public Roads.** Roads affected by a mining operation shall comply with the following requirements:
  - a. **Vehicle Weight.** The weight of trucks shall not exceed federal, state or local government imposed road or bridge weight capacity on approved hauling routes.
  - b. **Seasonal Traffic Limitation.** As a condition of approval, the County

may limit the number of trucks that may access the mine to avoid damage to roads caused by heavy vehicle use, weather conditions or water saturation.

3. **Routing.** Designation of construction and haul routes within the County for a mining operation shall comply with the following:
  - a. **Timing of Haul Traffic.** Timing of truck traffic may be controlled to prevent congestion or adverse noise impacts or safety risks.
  - b. **Load Control.** Applicant shall prevent loss of loads and fugitive dust emissions during transit, and shall be responsible to ensure that haul routes are maintained in accordance with dust-suppressant methods required by applicable state or federal agency.
4. **Water Quality.** The operation shall not cause significant net adverse effect/impact in the water quality or water pressure of any public or private water wells or any surface water rights.
5. **Wildlife.** Surface disturbance caused by a mining operation shall not result in significant net adverse effect/impact to sensitive wildlife habitat areas as defined by the Colorado Division of Wildlife.
6. **Access to Records.** All mine operators shall make and keep appropriate books and records covering their operations. Such books and records shall be kept on file and available for inspection by the County for a period of at least three (3) years.
7. **Inspection.** The County may enter and inspect any property subject to this code at reasonable hours for the purpose of determining whether a mining operation is in violation of the provisions of this code.
8. **Emergency Response.** A new or expanded mining operation shall provide a written emergency response plan for the potential emergencies that may be associated with the operation of the facilities.
9. **Wildfire Hazard.** A mining operation shall not cause a significant risk of wildfire hazard.
10. **Use of Cyanide Ore-Processing Regents Prohibited.** Open mining, including open-cut and open pit mining, for gold and silver utilizing heap or vat leaching with cyanide ore-processing reagents is prohibited.
11. **Instream Gravel Pits.** Instream gravel pits shall be prohibited.
12. **Technical Infeasibility Waiver.** The Board of County Commissioners may waive one or more of the Additional Standards for Mining Uses if the applicant demonstrates to the satisfaction of the County that it is technically impracticable

to comply with the standard(s). To be granted a waiver from a standard for technical impracticability, the burden is on the applicant to demonstrate the following with clear and convincing evidence:

- a. **No Technology Available.** There is no reasonable technology generally available to conduct the mining operation in compliance with the County standard, and the applicant will implement the best available technology to conduct the mining operation in compliance with the County standards to the maximum extent feasible; or
- b. **Conflict with State or Federal Regulation.** Conduct of the mining operation in compliance with the County standard would result in an irreconcilable conflict with a state or federal mining regulation, condition or other requirement, and:
  - (1) The state or federal requirement cannot be waived; and
  - (2) Compliance with both the state or federal requirement and the County standard is not technically possible; and
  - (3) The applicant will design, construct and operate the mining operation in compliance with County standards to the maximum extent feasible.

C. **Major Electric or Natural Gas Facilities.** In addition to the General Approval Standards set forth in Section 5.500.A, and relevant Special Use Review Standards set forth in Section 5.500.B, the following additional standards shall apply to major electric or natural gas facilities:

1. **Disruption of Services Avoided.** Areas around major electrical or natural gas facilities shall be administered so as to minimize disruption of the service provided by the public utility.
2. **Community Patterns.** Areas around major electrical or natural gas facilities shall be administered so as to preserve desirable existing community patterns.
3. **Comprehensive Plans.** Where feasible, major electrical or natural gas facilities shall be located so as to avoid direct conflict with adopted local, state and regional master plans.
4. **Underground location.** Utilities shall be located underground unless geologic conditions prevent underground installation. Where utilities are installed underground, they shall be located in a right-of-way at a depth of at least twenty-four (24) inches.
5. **Restoration.** Any disturbed portion of a right of way shall be restored as nearly as possible to the condition as existing immediately prior to the applicant's installation. Back filling shall be made in six-inch lifts, mechanically tamped and packed, and the last twelve (12) inches shall be crushed rock or gravel. Trench shall be left open until the Road Supervisor and/or Code Enforcement Officer inspect installation.

6. **Safety.** Safety measures shall be implemented in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location or relocation.
7. **Roadway crossing.** When the installation exceeds three inches in diameter and crosses a roadway, it shall be located as perpendicular to the roadway as physically possible and installed by boring or jacking beneath the road surface.
8. **Cuts.** Open cuts across a roadway will be allowed, subject to conditions imposed by the County, only if in the opinion of the County, boring is not possible. Where a cut is allowed, it shall be filled with gravel compacted in 5-inch lifts to a density of ninety-five (95) percent of surrounding soils. Any compaction tests shall be conducted by the County at the expense of the applicant.
9. **As-built drawings.** As-built drawings shall be provided to the County once the installation has been completed.
10. **Notice to Proceed.** No work associated with the installation of utilities shall commence until a permit and notice to proceed with installation have been granted by the County.

D. **Wireless Communication Facilities.** In addition to the General Approval Standards set forth in Section 5.500.A and relevant Special Use Review Standards set forth in Section 5.500.B, the following standards shall apply to wireless communication facilities.

1. **Development Standards.** No WCF shall be approved by the County unless the County finds that it complies with each of the following standards.
  - a. **Co-location.**
    - (1) WCFs shall be co-located on existing structures whenever feasible unless co-location would result in a more undesirable visual impact than if they were located separately.
    - (2) Where a WCF cannot be located on an existing structure it shall be designed to accommodate the co-location of future WCFs, wherever feasible.
  - b. **Monopole Structure.** All WCFs must be a monopole or truss type tower structure.
  - c. **Free-Standing Structures Prohibited in Residential Zone.** No freestanding WCF shall be located in any area of the County that is zoned as residential.
  - d. **Setback.** All WCFs shall be located a minimum distance of one hundred (100) feet from the center of the tower base to any neighboring property setback, that is one hundred feet from the point where any existing or future structure might be located.



- e. **Height.** WCF height, including antenna array, shall be no higher than two hundred (200) feet. (WCF height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.)
  - f. **Street Setback.** WCFs shall be located a minimum distance equal to the maximum height of the tower from any existing or planned street right-of-way line, unless additional setback or right of way clearance is required by State law.
  - g. **Fencing.** All WCFs and support facilities must be surrounded by a solid wooden or chain link fence eight (8) feet in height from finished grade. Access to the WCF shall be through a locked gate.
  - h. **Required off-street parking.** Ingress and egress areas must be maintained by the tower owner providing adequate space for a service vehicle to park without interfering with adjacent roadways or sidewalks.
  - i. **Radio Frequency Emissions.** The Federal Telecommunications Act of 1996 (FTA) gives the Federal Communication Commission (FCC) sole jurisdiction of the field of regulation of Radio Frequency (RF) emissions, and WCFs which meet the FCC standards for RF emissions shall not be conditioned or denied on the basis of RF emissions impacts.
  - j. **Visual Impacts and Scenic Corridors.** WCFs shall be located on the site where the visual impacts are the least obtrusive unless the applicant can demonstrate to the satisfaction of the County that no alternative site exists suitable to serve the purpose of the facility.
  - k. **Waiver for Public Emergency WCF.** These standards shall be waived if the WCF erected is to be used only by a public agency for police, fire, EMS, 911, or other similar public emergency communications for Conejos County.
2. **Compliance with Standards and Requirements.** The WCF shall be erected and operated in compliance with current Federal Communication Commission and other applicable federal, state and county standards, regulations, laws and requirements.
  3. **Exemptions.** Although exempted from review and approval under this code, the following facilities require a valid Conejos County Land Use Construction Permit issued through the Land Use Office prior to installation.
    - a. **Amateur Radio Facilities.** This code shall not apply to the installation or erection of any Amateur Radio Facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
    - b. **Temporary WCFs, for Emergency Purposes.** This code shall not apply to temporary WCFs installed for emergency purposes for a term not to exceed one hundred twenty (120) calendar days. The County at its sole

discretion may extend for one time only the term for another sixty (60) calendar days. Such extension shall be effective only upon the written approval of the Board of County Commissioners.

4. **Removal of Abandoned WCFs.** Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such WCF shall remove same within ninety (90) calendar days of notice from the Administrator that the WCF is abandoned. If such WCF is not removed within ninety (90) calendar days, Conejos County may remove or cause to be removed such WCF at the owner's expense. If there are two or more users of a single WCF, then this provision shall not become effective unless all users cease using the WCF.

E. **Solid Waste Disposal Sites.** In addition to the General Approval Standards set forth in Section 5.500.A, relevant Special Use Review Standards set forth in Section 5.500.B, and Commercial/Industrial Standards set forth in Section 5.510 B, the following additional standards shall apply to solid waste disposal sites:

1. **Recycling and Conservation.** Solid waste disposal sites shall be developed in accordance with sound conservation practices and shall emphasize, where feasible, the recycling of waste materials.
2. **Certificate of Designation.** Solid waste disposal sites shall comply with state laws and regulations applicable to Solid Waste Disposal Sites and shall receive a Certificate of Designation from the County in accordance with state requirements.

F. **Forestry.** In addition to the General Approval Standards set forth in Section 5.500.A, and relevant Special Use Review Standards that are set forth in Section 5.500.B, the applicant must develop a timber management plan in cooperation with the State Forest Service in order to receive approval from the County.

#### **Section 5.520 Additional Standards within Overlay Districts**

A. **Riparian Protection Overlay.** In addition to any other relevant standards that may apply, the following standards shall apply to *all* uses in the Riparian Protection Overlay District.

1. **Drainage Alterations.** Any alteration to water drainage courses that increases or decreases rates of stream flow, increases sediment deposition, causes erosion to stream banks, result in increases or decreases of temperature, or otherwise causes significant injury to the aquatic environment shall be prohibited. Development or construction of an impervious area is prohibited within seventy-five (75) feet of the highwater mark of intermittent streams and one hundred (100) feet of the highwater mark of perennial streams.
2. **Timbering.** Any timber harvesting, other than to clear trees for structures, roads or driveways, or to protect the health of the forest ecosystem (such as for fire mitigation), shall be prohibited.
3. **Damage to Waterworks Prohibited.** Any activity causing impairment or damage to publicly-owned waterworks shall be prohibited.

4. **Construction in Waterbodies Prohibited.** Construction, other than State or Federally permitted stream bank reinforcement or repair, water diversion placement or repair, or stream crossings, within any waters in the Riparian Protection Overlay shall be prohibited.
  5. **Water Pollution Hazards.** The following land uses and/or activities are designated as potential water pollution hazards, and must be set back one hundred and fifty (150) feet from the high water mark of any stream or water body by the distance indicated below. Refer to Article 13 for wastewater requirements.
    - a. storage of hazardous substances including propane and fuel tanks.
    - b. above or below ground petroleum storage facilities.
    - c. storage of pesticides or other agricultural substances that have the potential to degrade water quality.
    - d. storage of sand and salt for road de-icing.
    - e. open storage of fertilizers.
    - f. land application of biosolids.
  6. **Major Subdivision and PUD Stream Setback.** A minimum twenty five (25) foot strip of land measured horizontally from the mean identifiable high water mark on each side of any running stream or creek located within the boundaries of a proposed major subdivision or PUD shall be protected in its natural state with the exception that footpaths, bridges, irrigation structures, drainage and erosion control structures, flood control devices and outdoor recreation fixtures may be constructed thereon. If such stream is located along the outer boundaries of a proposed subdivision, this requirement shall apply to that part of such stream and strip that is located within the proposed major subdivision or PUD.
- B. **Floodplain Overlay.** In addition to any other relevant standards that may apply the following standards shall apply to *all* uses in the Floodplain Overlay District.

1. **General Standards**

In the Floodplain Overlay, the following minimum standards are required:

- a. **Floodway.** Those portions of the Floodplain Overlay identified as the floodway must be kept free of development and other encroachments so the base flood is conveyed with no more than a one foot increase in the water surface elevations.
- b. **Residential Construction.** New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.
- c. **Nonresidential Construction.** New construction and substantial

improvement of any commercial industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.

d. **Anchoring**

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and to be capable of resisting the hydrostatic and hydrodynamic loads.
- (2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and to be capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:
  - (a) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side.
  - (b) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;
  - (c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
  - (d) any additions to the manufactured home be similarly anchored.

e. **Construction Materials and Methods**

- (1) All new construction and substantial improvements shall be

constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices designed to minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

f. **Water and Wastewater.**

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and, On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Refer to Article 13.

2. **Major Subdivisions and PUDs.** Portions of a proposed major subdivision or PUD located within a designated one hundred (100) year floodplain shall be subject to the design limitations, standards and regulations contained in Section 5.520.B. These conditions shall be satisfied before an applicant may submit a Preliminary Plan to the Planning Commission. All proposed development within a designated or identified floodplain located within a proposed major subdivision or PUD shall comply with the building and land use provisions of this Code and all applicable provisions of the Federal Emergency Management Agency (FEMA) minimum standards and regulation for land use and construction in the identified floodplain.

a. All major subdivision and PUD proposals shall be consistent with the need to minimize flood damage;

b. All major subdivision and PUD proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All major subdivision and PUD proposals shall have adequate drainage, provided to reduce exposure to flood damage; and,

d. Base flood elevation data shall be provided for major subdivision and PUD proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

## **DIVISION 5.6 LAND USE CONSTRUCTION PERMIT**

### **Section 5.600 Permit Conditions**

A construction permit is required for all new construction including the installation of a mobile or manufactured home unless expressly exempt from that requirement by this code.

- A. **Validity of Permit.** A Land Use Construction Permit shall remain valid for one year.
- B. **Term of Permit.** The permit shall be deemed to have lapsed if there is no construction for a continuous 12-month period.
- C. **Extension of Permit Term.** An extension of the term of the permit may be requested by the applicant and approved by the Land Use Administrator.
- D. **Change in Conditions of Permit.** Any proposal to change to the size, purpose or location of the structure shall require a new Land Use Permit.

### **Section 5.610 Violation**

Failure to obtain a construction permit as required by these Regulations shall be a violation of the Conejos Land Use Code subject to the enforcement provisions in Article 16.

### **Section 5.620 Exemptions from Construction Permit Requirement**

The following construction, remodel or repair activities are exempt from the requirement to obtain a Construction Permit. Exemption from the Construction Permit requirements is not an exemption from other state or local permit requirements applicable to the proposed construction activity.

- A. **Household Repairs.** Routine household repairs, maintenance, decorating, or landscaping performed by the homeowner or a contractor which:
  - 1. Does not result in significant alterations to the existing structural, electrical or plumbing systems, or significantly increase the enclosed floor area of a structure.
  - 2. Does not result in creating or exacerbating nonconformancy of the lot or use with this Land Use Code.
- B. **Roofing.**
  - 1. Minor roof repairs using less than one hundred (100) square feet of material.
  - 2. Re-roofing greater than one hundred (100) square feet if the existing roof has fewer than three existing layers of roofing material and if the work is substantially performed by the owner.

C. **Accessory Structures.**

1. Open structures such as stock pens or corrals, located on land zoned Agricultural or Rural customarily erected and used for agricultural purposes. This exemption does not include pole barns or hay sheds.
2. Enclosed Accessory Structures which are less than 120 square feet in area.

D. **Fences.** Decorative fences and stock fences constructed pursuant to the provisions of Article 46 Title 35, C.R.S.

**Section 5.630 Temporary Buildings or Structures**

The Land Use Administrator may issue a permit for construction or placement of on-site temporary buildings or structures for construction management and material storage, and for other temporary uses approved pursuant to this code. Permits for temporary buildings or structures shall be issued pursuant to the application and review procedure for Construction Permits set forth in Section 5.640 below.

A. **Term.** Construction Permits for temporary buildings or structures for the purpose of construction management and material storage shall be issued for a maximum period of twelve months and may be renewed a maximum of two additional 12-month periods.

B. **Removal.** The temporary building or structure must be removed by the date of expiration specified in approval of the Construction Permit.

**Section 5.640 Application Submittal and Review**

A. **Application Submittal.** An application must be submitted in accordance with Section 3.210A as well as the following additional information:

1. **Site Plan.** A site plan acceptable to the Land Use Administrator, which contains the site plan information required in Section 3.210A5 as well as the following elements:
  - a. Drawings showing the height of the proposed structure above existing grade.
  - b. For building lots with 20% or greater slope where construction is proposed, engineering studies that demonstrate feasibility of proposed construction and discuss construction techniques proposed for mitigation of slope development issues and hazards.

B. **Review Procedure.**

1. **Review of Application Materials by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220. (No referral letters are required.)
2. **Land Use Administrator Decision.** Within five (5) working days of the completeness determination, the Land Use Administrator may approve, approve

with conditions or deny the application for a Construction Permit, based upon compliance of the proposed construction, remodel or repair activity with the Approval Standards set forth in Section 5.660. The Land Use Administrator shall inform the applicant of the approval, conditions of approval or basis for denial in writing within five (5) working days of the decision.

**Section 5.650      Review of Administrative Decision**

An applicant may request review of the Administrator's decision by the Board of County Commissioners by following the procedure in Section 3.250A.

**Section 5.660      Standards for Approval**

In addition to the applicable General Standards for Approval in Section 5.500, the following additional standards must be met.

- A.      **Compliance with Zone District Requirements.** The new construction, remodel or repair meets the applicable zoning district standards for setbacks, building height, lot coverage, and number of residences allowed.
  
- B.      **Manufactured Home/Mobile Home.** Construction shall be in compliance with applicable state and industry standards and the structure will be safe and habitable. No pre-1976 mobile homes are permitted in Conejos County. (See Section 7.110C for information regarding legally nonconforming pre-1976 mobile homes.) No mobile homes are permitted for use as a storage facility. Refer to Article 8.
  
- C.      **Slope Development.** The proposed construction is feasible and appropriate construction techniques will be utilized to mitigate hazards for development on slopes of 20% or greater.
  
- D.      **Address of Property.** The structure has received a physical address through the County. Refer to Article 14.



**ARTICLE 6**                    **VARIANCES AND APPEAL OF ADMINISTRATIVE INTERPRETATION**

**DIVISION 6.1**                **VARIANCES**

**Section 6.100**                **Application Submittal and Review Procedures**

Variations are deviations from the terms of this Code that would not be contrary to the public interest when, owing to special circumstances or conditions like exceptional topographic conditions, narrowness, shallowness or the shape of a specific piece of property, the literal enforcement of the provisions of this Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. Variations are only intended for zoning restrictions within a given zone. Variations will not be considered for uses allowed in a zone district or for procedural requirements.

A.     **Initiation.** Applications for a Variance may be submitted by the owner or the owner’s authorized agent.

B.     **Application Submittal and Review Procedures**

1.     **Pre-application Conference.** A pre-application conference shall be held in accordance with Section 3.200.
2.     **Application.** The applicant for a variance shall submit to the Land Use Administrator an application containing the materials specified in 3.210A, as well as the following additional information:
  - a.     **Written Narrative.** A written narrative explaining the standards from which a variance is being sought, and the reason a variance from the standards is justified.
3.     **Review of Application Materials by Land Use Administrator.** The Administrator shall review the application for completeness, in accordance with the provisions of Section 3.220 (no referral letters are required).
4.     **Review and Action by Board of Adjustment.** Notice of a public hearing before the Board of Adjustment shall be made in accordance with Section 3.230. The Variance application shall be considered by the Board of Adjustment at a public hearing conducted in accordance with the provisions of Section 3.240. The Board of Adjustment shall approve, approve with conditions or deny the application for Variance based on the approval standards set forth in Section 6.100.C.
5.     **Recordation.** If approved the resolution shall be recorded in the Office of the Clerk and Recorder.

C.     **Standards for Approval.** A variance is authorized only where the strict application of the zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner, and the granting of such variance will not be a substantial detriment to the public good nor substantially impair the intent and purpose of the zoning plan and regulation. The hardship or practical difficulty upon which the need for a

variance is premised should not be self-created, and it must be of a type peculiar to the applicant/property owner and not shared by others. The Board of Adjustment must find that all of the following standards are met before a variance can be granted.

1. **Special Circumstances Exist.** One of the follow circumstances or conditions exist with respect to the specific piece of property:
  - a. Exceptional narrowness, shallowness or shape of the property at the time of the enactment of the regulation in question.
  - b. Exceptional topographic conditions of the property.
  - c. Other extraordinary and exceptional situation or condition of the property.
2. **Not a Result of the Actions of Applicant.** The special circumstances and conditions have not resulted from any act or omission of the applicant.
3. **Strict Application Consequence.** Because of the special circumstances and conditions found pursuant to Section 6.100.C.1, the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship on, the owner of the property.
4. **Variance is Necessary for Relief.** The granting of the variance from the strict application of the provisions set forth in this Code is necessary to relieve the owner of the peculiar and exceptional practical difficulties or exceptional and undue hardship.
5. **Not Detrimental to the Public Good.** Granting the variance will not cause substantial detriment to the public good.
6. **Variance Will Not Impair the County's Zoning Plans or Comprehensive Plan.** Granting the variance will not substantially impair the intent and purpose of the County's zone plan and the zoning resolutions adopted or the Comprehensive Plan.

D. **Appeal of Decisions by the Board of Adjustment.** Those aggrieved by a decision of the Board of Adjustment, may appeal such decisions within thirty (30) days to the Conejos County Combined Court.

## **DIVISION 6.2 APPEAL OF ADMINISTRATIVE INTERPRETATION**

### **Section 6.200 Appeal Process.**

An appeal may be taken to the Board of Adjustment by any person aggrieved by a final interpretation by the Administrator of this Land Use Code.

A. **Initiation.** The appeal shall be filed with the Administrator within thirty (30) calendar days of the date of the interpretation of the Administrator.

**B. Statement of Appeal and Review Procedure.**

1. **Statement of Appeal.** The appellant shall submit a written statement of the Administrator's interpretation to be appealed, the date of that interpretation and the reasons why the appellant believes that the interpretation of the Administrator is incorrect, including any materials or evidence to support the appeal.
2. **Public Hearing.** Public hearing by the Board of Adjustment shall be scheduled within forty-five (45) calendar days of the date the appeal was filed with the Administrator. Notice of the hearing shall be published no less than thirty (30) calendar days prior to the hearing, pursuant to the provisions of Section 3.230, however, it is not necessary to post a notice of the hearing on the property or to mail notice of the hearing to adjacent property owners.
3. **Review and Action by the Board of Adjustment.** The Board of Adjustment shall review the Statement of Appeal and hear testimony from the Administrator and the appellant at the Public Hearing conducted in accordance with the provisions of Section 3.240. The Board of Adjustment shall determine the proper interpretation of the provision of the Land Use Code being appealed.
4. **Review Criteria for Appeal of Administrative Interpretation.** The Board of Adjustment shall consider the following criteria in hearing an appeal of an administrative interpretation:
  - a. The technical meaning of the provision being appealed.
  - b. Evidence as to the past interpretation of the provision.
  - c. The effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan.

**ARTICLE 7                    NON-CONFORMING USES**

**DIVISION 7.1                GENERAL**

**Section 7.100                General**

A nonconforming use is any existing use that does not conform to the use regulations of this Code for the zoning district in which such nonconforming use is located, as a result of either the adoption or amendment of this Code, or a final administrative or judicial decision precluding the County from enforcing this Code specific to a use on the basis of estoppel, laches, or waiver. Except as otherwise provided in this Section, a nonconforming use may be continued and normal or routine maintenance of a structure containing a nonconforming use shall be permitted.

**Section 7.110                Enlargement or Alteration of a Nonconforming Use**

A.     **No Enlargement or Alteration of Nonconforming Use.** The right to continue a nonconforming use terminates immediately when the nonconforming use is enlarged, expanded, extended, or altered in any of the following ways, and the property owner does not successfully pursue any of the options specified in this code within thirty (30) calendar days after the Land Use Administrator provides written notification of an alleged illegal enlargement or alteration to the owner:

1.        The addition of a new structure containing, or accessory to, the nonconforming use.
2.        Enlargement or alteration of a structure containing, or accessory to, the nonconforming use including but not necessarily limited to an increase in floor area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the structure.
3.        Enlargement or alteration in the land area occupied by the nonconforming use.
4.        Any other enlargement or alteration of the nonconforming use which has the effect or potential effect of creating a hazard or nuisance on or off the property, of adversely affecting the character of the neighborhood, or of intensifying the use of the land or its need for services.
5.        Removal or replacement of any structural member in a use for which the County is precluded from enforcing this Code specific to use on the basis of estoppel, laches, or waiver.
6.        The following shall not be considered prohibited enlargement or alteration:
  - a.        A change of ownership of the property.
  - b.        An alteration or expansion which the Land Use Administrator determines is necessary to rectify a hazardous health or safety situation or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure.

- c. An extension of the nonconforming use within the structure containing the use, provided that such extension is not accompanied by an alteration of the structure falling within category (b), above.
- d. The addition of a solar energy device to a structure containing a nonconforming use.
- e. Any replacement or upgrading of outmoded or worn equipment or supplies.

**B. Nonconforming Agricultural Uses.** Owners of legal building lots containing agricultural uses which have become nonconforming as a result of adoption or amendment of this Code may restore, modify, and maintain the existing structures, and may construct new conforming structures, provided such structures are directly related to the agricultural use, and provided the use is not enlarged or altered in any other way.

**C. Nonconforming Pre- 1976 Mobile Homes.** Pre-1976 homes which exist within the county at the time of the adoption of this Code will be considered legally nonconforming. These homes may be expanded, altered or moved to another location within the county for residential use, but only with the following: proof that the home existed within the county previous to the adoption of this Code; receipt of a Land Use Construction Permit; and proof (as verified by a State certified inspector) that the mobile home has been brought up to current State plumbing, gas and electric codes.

**D. Nonconforming Lots.** Owners of lots which are less than one acre and are in existence at the time that this Code is enacted will be able to obtain a Land Use Construction Permit for a residence providing that the owner agrees to install an engineered septic disposal system that is acceptable for use, based on State standards as interpreted by the County Inspector/Code Enforcer, on the size lot on which it is located.

**E. Nonconforming Wireless Communication Facilities (WCFs).**

- 1. WCFs in existence on the date of the adoption of this Code, which do not comply with the requirements of this Code (nonconforming WCFs) may continue in use for the purpose now used, but may not be replaced, repaired, rebuilt or expanded without complying with this Code.
- 2. Nonconforming WCFs which are hereafter damaged or destroyed less than fifty (50) percent, as defined in 7.130A, due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a building permit therefore, but without otherwise complying with this Code.

**F. Legally Nonconforming Signs.** Signs lawfully erected prior to the enactment of this code and lawfully maintained in accordance with the provisions of prior regulations, but which do not conform with the provisions of this code, shall be allowed to continue as nonconforming signs under the following provisions. Signs not in conformance with this Section shall be considered in violation of this Article and subject to removal by action of the County.

1. **Sign May Not Be Changed.** Any legally nonconforming sign may be continued in operation and maintained, provided that no such sign shall be changed in any manner that increases the nonconformity of such sign.
2. **Burden Rests Upon Owner.** The burden of establishing a sign to be a legally nonconforming sign under this code shall rest entirely upon the owner.

**Section 7.120 Change of a Nonconforming Use**

- A. **Change to Conforming Use.** A nonconforming use may be changed only to a use which is conforming in the zoning district in which the use is located.
- B. **Termination of Nonconforming Use.** Any change of a nonconforming use to any other use shall immediately terminate the right to continue the nonconforming use. Thereafter, the property shall be used only in conformity with the use provisions of its zoning district.

**Section 7.130 Destruction of a Structure Constituting a Nonconforming Use**

- A. **Structure Deemed Destroyed.** A structure constituting a nonconforming use shall be deemed destroyed when either greater than fifty (50) percent of its floor area as determined by the Land Use Administrator, or greater than fifty (50) percent of its actual value (as determined by the Conejos County Assessor) is destroyed (intentionally or not) or substantially changed.
- B. **Termination of Nonconforming Use.** The right to continue a nonconforming use terminates immediately when the structure constituting that use is destroyed or substantially changed.
- C. **Restoration of Structure or Use.** When a structure constituting a nonconforming use is destroyed, the structure may only be restored if it meets the requirements of this Code, additionally the use may only be reestablished in conformance in this Code.

**Section 7.140 Abandonment of a Nonconforming Use**

- A. **Termination of Nonconforming Use.** The right to continue a nonconforming use terminates as soon as the use is abandoned through the discontinuance of the use for an uninterrupted period of six (6) months or more, as a result of causes within the control of the property owner or their agent.
- B. **Termination of Seasonal Nonconforming Use.** If the nonconforming use is a seasonal use, the use shall be terminated if it is discontinued for an entire single season based upon the history and nature of the use.
- C. **Abandonment of Nonconforming Use.** Any nonconforming use may be abandoned in less than six (6) months or a season, as applicable, if the property owner expressly states an intent to abandon the use, or engages in action which unambiguously expresses an intent to abandon.

**Section 7.150 Notice of Termination.**

In the event of Unlawful Enlargement or Alteration of a Nonconforming Use, Change of Use, Abandonment of a Nonconforming Use, or Destruction or Damage to a Structure Containing a Nonconforming Use a notice of termination may be issued.

A. **Written Notification.** In the event that the Land Use Administrator receives information that the right to continue a nonconforming use has been or may have been terminated, the Land Use Administrator shall provide a written notification of this determination by first class mail to the property owner, and to the parcel address, all as shown on the records of the County Assessor. If the property owner believes that the determination is in error or wishes to file an appeal, he/she may request a review of by the Board of County Commissioners following the procedures in Section 3.250A. In any appeal, the property owner shall have the burden to show that the right to continue the nonconforming use was not terminated according to the applicable provisions of this Article, when judged in light of the history and nature of the use and the circumstances of the alleged termination.

B. **Right to Bring Enforcement Action.** Nothing in this code shall alter or diminish the County's right to take enforcement action against the unlawful continuation of a nonconforming use. Any failure by the Land Use Administrator to provide a notification of a determination of termination as provided for in this regulation shall in no way entitle the property owner to continue or resume a nonconforming use terminated under provisions of this code.

**ARTICLE 8                    MOBILE HOME, MOBILE HOME PARK, RV PARK AND  
CAMPGROUND REGULATIONS**

**DIVISION 8.1                    INDIVIDUAL MOBILE AND MANUFACTURED HOMES**

**Section 8.100                    General.**

**A.            Permits Required.**

1.            **Permit Required to Install – Manufactured/Mobile Home.** No person shall install a manufactured or mobile home in unincorporated Conejos County unless a valid Land Use Construction Permit has been issued by the Land Use Office.
2.            **Permit Required to Move.** It shall be unlawful for any mobile home to be moved onto a lot, or into a mobile home park space or to be moved from one space to another within the mobile home park without first obtaining a Land Use Construction Permit in addition to receiving a Manufactured Home Movers Permit from the Conejos County Assessor.

**B.            Compliance with Standards.** Construction shall be in compliance with all applicable state and industry standards and the structure shall be safe and habitable.

**C.            Skirting.** A mobile home on an individual lot, shall within sixty (60) calendar days of installation, be completely enclosed beneath or skirted with masonry or other rigid material except for necessary openings for access and ventilation, which shall not exceed ten (10%) percent of the skirt wall.

**D.            Restrictions.**

1.            **Pre- 1976 Mobile Homes.** No pre-1976 Mobile Homes will be allowed in Conejos County for any purpose. Pre-1976 homes which exist within the county at the time of the adoption of this Code will be considered legally nonconforming. These homes may be expanded, altered or moved to another location within the county for residential use but only with the following: proof that the home existed within the county previous to the adoption of this Code; receipt of a Land Use Construction Permit; and proof (as verified by a State certified inspector) that the mobile home has been brought up to current State plumbing, gas and electric codes.
2.            **Mobile Home Use for Storage.** Use of any mobile home as an accessory structure for the purpose of storage is prohibited.
3.            **District Requirements.** All district requirements must be followed in regard to the placement of a mobile home on a specific property.



## **DIVISION 8.2            MOBILE HOME PARKS**

### **Section 8.200            Permit Requirements**

A.     **Special Use Review for Park.** A mobile home park is a use subject to Special Use Review. To establish a mobile home park, or for additions to existing parks, the provisions set forth in this Article are in addition to the Special Use Review application, review and approval procedures in Division 5.4.

B.     **Construction and Development Prohibited Without Permit.** No person shall engage in the construction or development or alteration of a mobile home park without a Land Use Permit, issued in compliance with this Land Use Code.

### **Section 8.210            Application Submittal and Review Procedures**

A.     **Application Submittal.** In addition to the relevant application requirements for a use subject to Special Use Review set forth in Division 5.4, the following submittal requirements shall apply to a Land Use Permit application for Mobile Home Park.

1.     **Plot Plans.** Preliminary engineering study for individual mobile home spaces at a scale of 1 inch equals 10 feet showing the following:
  - a.     **Size and Density.** The number, location and size of all mobile home spaces and the gross density of such spaces.
  - b.     **Hook-ups.** Location of proposed Mobile Home hook-ups and the location of utility, water and sewer service to each individual site.
  - c.     **Typical Sections.** Typical street and walkway sections.
  - d.     **Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, pathways. Refer to Article 14.
  - e.     **Centralized Water and Sewage.** The location of centralized domestic water supply or hookup to existing public water supply and location of centralized sewage system or hookup to existing public sewage system. Refer to Article 13.

B.     **Review Procedure.** An application for Land Use Permit for a Mobile Home Park is reviewed as a use subject to Special Use Review as stated in Section 5.410. The additional approval standards for a Mobile Home Parks set forth in Section 8.220 shall apply.

### **Section 8.220            Standards for Approval**

In addition to the Standards for Approval in Section 5.500, the following additional standards shall apply:

A.     **Manufactured Home/Mobile Home Requirements.** Construction shall be in compliance with applicable state and industry standards and the structure will be safe and habitable. No pre- 1976 mobile homes are permitted in Conejos County. (See Section 7.110C

for information regarding legally nonconforming pre-1976 mobile homes.) No mobile homes are permitted for use as a storage facility. Refer to Article 8.

**B. Site Improvement Standards.**

1. **Drainage.** The park shall be located on a well-drained site, that is graded or drained and is free from stagnant pools of water.
2. **Minimum Setbacks.**
  - a. **Mobile Home Park Boundaries.** The mobile home park boundaries shall comply with the following setbacks:
    - (1) **Front Boundary.** The boundary of the mobile home park shall be set back a minimum of fifty (50) feet from an arterial or collector road or twenty-five (25) feet from a local or mountain road.
    - (2) **Side or Rear Lot Line.** The boundary of the mobile home park shall be set back a minimum of twenty (20) feet from any side or rear lot line.
  - b. **Mobile Home Space.** The minimum setbacks for manufactured home units for each space line shall be:
    - (1) **Front:** twenty (20) feet from the front space line.
    - (2) **Side:** twenty (20) feet between units.
    - (3) **Rear:** five (5) feet from the rear space line.
3. **Density Provisions.** The gross density of a manufactured home park shall not exceed six (6) manufactured home units per acre.
4. **Mobile Home Spaces, General.** Each mobile home space shall contain a minimum of three thousand eight hundred square feet of area per single-wide unit and five thousand square feet for a double- or multi-wide unit, exclusive of park driveways. The area in which the mobile home is placed shall be graded for drainage and improved to prevent shifting or settling of the mobile home.
5. **Obstruction of Roadways and Walkways Prohibited.** Mobile home units shall not be installed or parked in any manner that results in any part of the unit obstructing or blocking any portion of a roadway or walkway.
6. **Parking.** Each mobile home space shall contain a minimum of two off-street parking spaces.
7. **Driveways.** All mobile home spaces shall abut upon a surfaced driveway that provides unobstructed access to a public street or highway. The minimum unobstructed width of such driveways shall be twenty-five (25) feet. All driveways within the park shall be sufficiently illuminated with illumination of

not less than 25 watt lamps at intervals of not more than one hundred (100) feet. to ensure safety for park residents.

8. **Interior Roadways.** Interior roadways shall conform, at a minimum, to the Conejos County standards and specifications for local, collector and arterial streets, and all other applicable roadway and right-of-way requirements. All surfacing shall meet the road construction standards adopted by Conejos County. Refer to Article 14.
9. **Walkways.** Any walkways or bicycle paths shall not be less than five (5) feet wide and shall be provided with illumination of not less than 25 watt lamps at intervals of not more than one hundred (100) feet.
10. **Easements, Rights-of-Way, Public Open Space and Common Areas.**
  - a. Mobile home parks shall dedicate public open space or common areas in an amount of at least ten percent of the total area of the mobile home park. Maintenance of private common areas within a mobile home park shall be the responsibility of the owner or operator.
  - b. Applicants shall submit a plat of the site to assure the dedication of all easements and public open space or common areas as a condition of approval of the Land Use Permit application. All lands, including easements and rights-of-way to be dedicated shall be accompanied by full legal descriptions prepared by a Colorado licensed or registered professional land surveyor.
  - c. Land to be provided for public and/or private recreational use and/or open space shall not include any area dedicated as a roadway, mobile home, storage area or any area required for setbacks.

C. **Site Selection Criteria**

1. **Topography.** The topography of the proposed site shall be free from geologic hazards and subject to ready access and ease of maintenance.
2. **Protection of Natural Environment, and Historical and Archeological Features.** Existing streams and other natural amenities shall be preserved. Adequate mitigation measures shall be provided for wildfire hazard mitigation, the protection of critical wildlife habitat, wildlife migration corridors and the preservation of historical and archeological features.

D. **Fire Protection.** Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards.

E. **Rules and Regulations.** The park owner shall adopt rules and regulations to ensure that lots are maintained in a clean, sanitary, and safe condition. The park owner is responsible for enforcing the rules and regulations.

## **DIVISION 8.3 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS**

### **Section 8.300 Permit Requirements**

A. **Special Use Review for Park or Campground.** A recreational vehicle park or campground is a use subject to Special Use Review. To establish a recreational vehicle park, or campground, or for additions to existing RV parks or campgrounds, the provisions set forth in this Article are in addition to the Special Use Review application, review and approval procedures in Division 5.4.

B. **Construction and Development Prohibited Without Permit.** No person shall engage in the construction or development or alteration of a mobile home park or recreational vehicle park/campground without a Land Use Permit, issued in compliance with this Land Use Code.

C. **Recreational Vehicle Use Restriction.** Use of a recreational vehicle for storage purposes, as an accessory structure, or as a dwelling space for any purpose other than temporary dwelling for travel, recreation or vacation use is prohibited. The use of a recreational vehicle or tent is prohibited within a residential district.

### **Section 8.310 Application Submittal and Review Procedures**

A. **Application Submittal.** In addition to the relevant application requirements for a use subject to Special Use Review set forth in Section 5.400, the following submittal requirements shall apply to a Land Use Permit application for Recreational Vehicle (RV) Park and Campground or additions to existing Parks and Campgrounds.

1. **Plot Plans.** Preliminary engineering study for individual RV spaces and campsites at a scale of 1 inch equals 10 feet showing the following:
  - a. **Size and Density.** The number, location and size of all RV spaces and camp sites, and the gross density of such spaces and camp sites.
  - b. **Typical Sections.** Typical street and walkway sections.
  - c. **Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, pathways. Refer to Article 14.
  - d. **Centralized Water and Sewage.** The location of centralized domestic water supply or hookup to existing public water supply and location of centralized sewage system or hookup to existing public sewage system. Refer to Article 13.

B. **Review Procedure.** RV Parks and Campgrounds or additions to existing RV Parks and Campgrounds are reviewed as a use subject to Special Use Review as stated in Section 5.410. The additional approval standards for RV Parks and Campgrounds, set forth in Section 8.320 shall apply.

### **Section 8.320 Standards of Approval**

In addition to the Standards for Approval in Section 5.500, the following additional standards shall apply:

A. **Site Improvements.**

1. **Access.** The Park or Campground shall have access to a public road. An access permit must be issued by the appropriate authority. Refer to Article 14.
2. **Drainage.** The Park or Campground shall be located on a well-drained site that is graded or drained and is free from stagnant pools of water.
3. **Minimum Setbacks.**
  - a. **Vehicles.** RVs and/or-camping units shall be set back a minimum of twenty feet from each other.
  - b. **Park Boundaries.** The RV Park or Campground shall comply with the following minimum setbacks:
    - (1) **Front Yard.** The boundary of the RV Park or Campground shall be set back a minimum of fifty feet from an arterial or collector road or twenty-five (25) feet from a local or mountain road.
    - (2) **Side or Rear Lot Line.** The boundary of the RV Park or Campground shall be set back a minimum of twenty feet (20) from any side or rear lot line.
4. **Obstruction of Roadways or Walkways Prohibited.** RVs or camping units shall not be installed or parked in any manner that results in any part of the unit obstructing or blocking any portion of a roadway or walkway.
5. **Minimum Facilities for RV and Campground Spaces.** The area devoted to each RV or camping unit space shall be adequate to accommodate the following facilities:
  - a. **Picnic Facilities.** Each campground space shall be provided with a fireplace or fire circle, a picnic table and well-drained, level site. Not required for RV spaces.
  - b. **Parking Space.** Each space shall provide one (1) graveled parking space.
  - c. **Vehicle Barriers.** Adequate barriers shall be provided to confine vehicles to driveways and parking spaces.
6. **Easements, Rights-of-Way, Public Open Space and Common Areas**
  - a. **Open Space and Common Areas.** RV Parks and Campgrounds shall provide adequate public open space or common areas in an amount of at least ten percent of the total area of the park or campground.

Maintenance of private common areas within a park or campground shall be the responsibility of the owner.

- b. **Dedication of Easements, Rights-of-Way, and Public Lands.** Applicants shall submit a plat of the site to assure the dedication of all easements and public open space or common areas as a condition of the approval of the Land Use Permit application. All lands, including easements and rights-of-way to be dedicated shall be accompanied by full legal descriptions prepared by a Colorado licensed or registered professional land surveyor.
- c. **Restrictions.** Land to be provided for public and/or private recreational use and/or open space shall not include any area dedicated as a roadway, campsite or RV space, storage area or any area required for setbacks.

- 7. **Driveways.** All RV spaces shall abut upon a driveway, graded for drainage and property maintained, which provides unobstructed access to a public street or highway. The minimum unobstructed width of such driveways shall be fifteen feet for one-way traffic or twenty-five feet for two-way traffic. No parking shall be permitted on the driveways.
- 8. **Walkways.** All Park and Campground walkways and bicycle paths shall be gravel or hard surfaced. Walkway widths shall not be less than five (5) feet wide and all roadways, walkways and bicycle paths shall be provided with illumination of not less than 25 watt lamps at intervals of not more than 100 (100) feet.

B. **Maintenance.** All RV spaces and campsites shall be maintained in a clean and sanitary condition, free from hazardous and noxious materials, weeds and refuse. The park/campground owner shall be responsible for ensuring compliance.

C. **Adequate Water and Wastewater Systems.** The RV Park or Campground shall be served by water and wastewater systems that have the legal and physical capacity to serve the RV Park or Campground in compliance with this code and state and federal laws. Refer to Article 13 in addition to following additional requirements for RV Parks and Campgrounds.

- 1. **Water Stations for RV Area.** Each RV parking area shall be provided with one or more easily accessible watering stations for filling water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of back flow and back siphonage.
- 2. **Water Stations for Tent Camping Area.** Each camping unit area shall be provided with at least one individual watering station no more than two hundred feet from any camping space. Riser height shall be between thirty inches and thirty two inches and a splash pad shall be installed around the base.

D. **Fire Protection.** Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards. All RV Parks and Campgrounds shall be equipped at all times with fire extinguishing equipment in good working order and of such type, size and number and so located as prescribed by the authorizing local fire suppression organization.

E. **Electrical Distribution and Communication Wiring.**

1. **Electrical Distribution System.** Each RV Site shall contain an electrical distribution system to each lot or site, consisting of wiring, fixtures, equipment and appurtenances thereto which shall be installed and maintained in accordance with state regulations. Telephone and cable TV systems may be installed and maintained.
2. **Approval by Utility.** All plans for the above services shall have the approval of the responsible utility prior to County approval of park plans. Refer to Article 13.

F. **Service Building.**

1. **Applicability.** The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as management offices, repair shops and storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses.
2. **Requirements for Buildings.**
  - a. **Central Service Building.** A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in Campgrounds and RV Parks that also provide spaces for camping units. Service buildings shall be conveniently located within a radius of approximately three hundred feet to the spaces served.
    - (1) Exception. When a RV Park is designed for and exclusively limited to use by self-contained vehicles, no public sanitary facilities shall be required.
  - b. **Sanitary Facilities for Women.** Sanitary facilities for women shall include a minimum of one and one-half flush toilet, one lavatory and one shower for each fifteen RV or tent spaces or fractional number thereof.
  - c. **Sanitary Facilities for Men.** Sanitary facilities for men shall include a minimum of one flush toilet, one urinal, one lavatory and one shower for each fifteen RV or tent spaces or fractional number thereof.
  - d. **Recreation Vehicle Park Connected to Resort.** When a RV Park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule of RV spaces and shall be based on the maximum number of people allowed to use such facilities.

**ARTICLE 9 PLANNED UNIT DEVELOPMENTS**

**DIVISION 9.1 GENERAL**

**Section 9.100 General Provisions of the PUD**

A. **Purposes.** A Planned Unit Development (PUD) is a customized zoning designation. The purpose of a PUD is to permit and encourage greater flexibility and innovation so that the development is compatible with the site's physical and environmental characteristics. The PUD provides an opportunity for a mixture of uses and housing types in a coordinated manner that may not be possible in a traditional zoning district. Approved PUDs shall be consistent with the purpose and intent of the County's Comprehensive Plan.

B. **Relationship to Zoning and Subdivision.**

1. The PUD is a type of customized zoning district. The PUD application submittal requirements, review procedures and approval standards are set forth below, and shall apply to any PUD zone change instead of the requirements and standards applicable to a zone change.
2. The Board of County Commissioners may, at the time of zoning as a PUD, waive or modify specifications, standards and requirements such as density, set backs, height restrictions, land dedications, improvement standards and related requirements that would be otherwise applicable to a particular land use, if such waiver or modification furthers the objectives of this code.
3. Where individual lots will be created within the boundaries of a PUD zone, the Subdivision Regulations at Article 10 of this Land Use Code shall apply, and the PUD shall be reviewed together with the preliminary plat for the subdivision.
4. All uses that are permitted in the underlying zone district where the PUD is located and any other uses that are consistent with the County Comprehensive Plan may be permitted in a PUD.

**Section 9.110 Application Submittal and Review Procedures**

A. **Pre-application Conference.** Applicants shall schedule and attend a Pre-application Conference before filing an application for a Preliminary or Final PUD Review in accordance with Section 3.200, as well as providing the following addition information:

1. **Concept Description.** Location of property; existing zoning, use and applicable information regarding density; proposed zoning, use, densities and lot sizes as applicable to proposal; existing zoning and use of surrounding property, including applicable information regarding densities; existing and proposed access; existing and proposed source of water; existing and proposed wastewater treatment system; phasing plan or timetable if entire project is not being done at one time; unique features on the site which might enhance the site and proposed use; a discussion of the anticipated impacts and proposed mitigation.



2. **Additional Information Required.** At the request of the Administrator, the applicant shall provide any reasonable additional conceptual information as needed to help clarify the proposal being made.

**B. Preliminary Plan Application and Review.** Following the pre-application meeting, the Applicant shall submit the PUD Preliminary Plan. The following application submittal requirements and review procedures shall apply to the PUD Preliminary Review.

1. **Application Submittal Requirements.** In addition to the submittal requirements provided for in Section 4.400, Zone Change, the following information shall be submitted to the Land Use Administrator with an application for Preliminary Review of a PUD. (The surveyed plat required in Section 4.400 may be submitted as a part of the Final Plan Application and Review rather than as a part of the Preliminary Plan.)

- a. **Site Plan.** The site plan shall conform to the requirements of a site plan set forth in Section 3.210 A4 and the following:

- (1) Shall be prepared on standard 24 x 36 sheets
- (2) Shall show all adjacent land owned by the applicant that is not part of the proposed request and indicate the current and intended use of the land.
- (3) The topography on the site at ten-foot contours, with delineation of areas having slopes twenty percent or more and other significant topographic conditions at more defined contours.
- (4) Show public access to site, and internal circulation, not limited to vehicular. The widths, lines, and names of all existing and proposed streets, drives alleys and roads on or affecting the site, and names of existing streets and alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown. Refer to Article 14.
- (5) Existing land uses and zoning on adjoining properties.
- (6) All public or private sources of utility services and facilities.
- (7) Delineation of the existing easements on the site, their use, whether they are to remain on site, and who holds or own easements. Delineation of all easements adjoining the property and setbacks.
- (8) The proposed setbacks from all lot lines, required off-street parking, areas for landscaping, proposed use, gross square footage of structures and anticipated number of employees if commercial or industrial uses.

- (9) The unique features on the site (historical, landforms, views, etc.) which might enhance the site and proposed use.
- (10) The specific location of all land uses and proposed densities where applicable.
- (11) Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known one hundred year flood plains affecting the property shall also be delineated as per the national Flood Plain Insurance Map or those maps provided by the US Army Corps of Engineers or another recognized source.
- (12) Designate land to be held in common, open space devoted to community use. The amount of open space required shall be determined on a case by case basis. An open space buffer is encouraged.
- (13) Building envelopes in hazardous areas if deemed appropriate by the Land Use Administrator.

b. **Additional Materials.**

- (1) A report addressing compliance with the Standards for Approval laid out in Section 9.120.
- (2) A letter of verification of a search of inventory of Cultural Resources from the State Historical Society or a report defining the archaeological or historical resources on this site based on information available from the State Historic Preservation Officer.

c. **Written Description.** A written description of the proposal shall include the following information.

- (1) The names and addresses of owner, applicant and representative.
- (2) General project concept and purpose of the request.
- (3) Relationship of the proposed PUD development to the existing land uses and adjacent property land uses.
- (4) The phasing and timing for the proposed development.
- (5) Compliance with the Conejos County Comprehensive Plan.
- (6) Source of and legal right to water. Refer to Article 13.
- (7) Method of wastewater treatment and disposal. Refer to Article 13.

- (8) Written confirmation of service availability from a water and sanitation district if the property lies within the boundaries of said district.
- (9) Type or method of fire protection.
- (10) Description of natural and manmade hazards
- (11) Discussion of impacts on County services, schools, town services and any other unique operation that may be pertinent to a review of the proposed zone change
- (12) Discussion of impacts on existing flora and fauna, air quality, wildlife, historical lands or sites, drainage or mineral extraction

d. **Development Guide.** A Development Guide must be submitted addressing the following:

- (1) Provisions established by the Development Guide shall describe compliance with goals and policies of the Comprehensive Plan, and with the zoning regulations and amendments of this Code at the time of adoption of the Development Guide.
- (2) The Development guide shall contain a landscape design that includes design criteria for the construction of parks, trails, rights-of-ways and all other public open space or common areas.
- (3) The Development Guide shall propose reasonable standards and requirement for development as well as containing a written narrative explaining how these standards are divergent from the subdivision standards outlined in these regulations.
- (4) The Development Guide will be evaluated as to the appropriateness of each proposed variation during the approval process. Only those proposed variations which are deemed appropriate by the County shall become a part of the approved Development Guide. Appropriateness of variations shall be judged on the basis of the environmental and impact assessment, referral agency response, professional and academic reports and studies, adjacent land uses and natural environment, locations and other information available to the County.
- (5) The current and future owners and their assigns shall be required to develop and maintain the proposed project in accordance with the approved and recorded development plan.
- (6) This Code shall be applicable to any conditions not provided for by the approved Development Guide.

2. **Review of Preliminary Plan by Land Use Administrator.** The Land Use Administrator shall review the Preliminary Plan in accordance with Section 3.220.
3. **Review and Recommendation by Planning Commission.** Notice of a public hearing before the Planning Commission hearing shall be made in accordance with Section 3.230. The Preliminary Plan shall be considered by the Planning Commission at a public hearing in accordance with the provisions of Section 3.240. The Planning Commission shall recommend approval, approval with conditions or denial based on the PUD Approval Standards of Section 9.120.

C. **Final Plan Application and Review.** The following application submittal requirements and review procedures shall apply to the PUD Final Plan Review.

1. **Application Submittal Requirements.** The following information shall be submitted to the Land Use Administrator with an application for final plan review of a PUD.
  - a. **Surveyed Plat.** The PUD Final Plan shall be in substantial conformance with the PUD Preliminary Plan as approved, and shall include the basic requirements for a surveyed plat in Section 3.210 B as well as the following:
    - (1) Primary control points, or descriptions and “ties” to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
    - (2) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and lot lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radius, arcs, and central angles of all curves.
    - (3) Location of access to the site as approved by the appropriate authority. A copy of the approved access permit must also accompany the application. Refer to Article 14.
    - (4) Statement by owner dedicating streets, rights-of-way, and any sites for public use.
    - (5) Number to identify each lot or site, such as lot and block numbers.
    - (6) Designation of land to be held in common, open space devoted to community use.
    - (7) Designation of lots where slope is in excess of twenty (20) per cent and any other lots where special studies are required prior to obtaining a development permit.
    - (8) Delineation of all known, identified or designated one hundred (100) year flood plains.

- (9) Designation of building envelopes in hazardous areas if required
- (10) Comments and recommendations regarding legal, planning, or engineering matters from a qualified person as plat notes approved by the Planning Commission.
- (11) Certification block for Planning Commission.
- (12) Certification block for the Board of County Commissioners.
- (13) Certification block for the County Clerk and Recorder.

b. **Additional Materials.**

- (1) The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners.
- (2) Streets/roads plans and profiles.
- (3) Covenants, conditions, and restrictions.
- (4) Estimated construction costs and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the applicant by the County.
- (5) Written Description of proposal.
- (6) Development Guide
- (7) Erosion control and drainage report.
- (8) Description and documentation of mechanism for maintaining and preserving open space and common areas.

- 2. **Land Use Administrator Review.** The Land Use Administrator shall review the Preliminary Plan in accordance with Section 3.220. The Land Use Administrator shall also review the submittal for compliance with any conditions that the Planning Commission recommended in its preliminary review.
- 3. **County Surveyor Review.** The PUD final plan is subject to review and approval by the County Surveyor.
- 4. **Notice of Board of County Commissioners Public Hearing.** Notice of a public hearing before the Board of County Commissioners Hearing shall be made in conformance with Section 3.230.
- 5. **Board of County Commissioners Hearing and Decision.** The Final PUD Plan shall be considered by the County Commissioners at a public hearing held in

accordance with the provisions of Section 3.240. The Board shall approve, approve with conditions or deny the PUD Final Plan.

6. **Plat Recordation and Revision to Zoning District Maps.** The final PUD plat shall be recorded in the Office of the Clerk and Recorder. In addition, approval of a PUD Final Plan shall be recorded on the Official Zoning Map filed in the Land Use Office as soon as practical.

**Section 9.120                      Standards for Approval.**

In addition to the approval standards for a Zone Change at Section 4.410, the following standards shall apply to PUD requests.

A.        **Standards for Approval**

1.        **Street Circulation System.** The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained.
2.        **Addressing.** Addresses for each lot as issued by the County. Refer to Article 14.
3.        **Open Space.** A portion of the PUD shall be set aside for open space.
4.        **Pedestrian and Bicycle Circulation.** The PUD is encouraged to provide pedestrian walkways and bicycle paths.
5.        **Protection of the Environment.** The design and layout of the PUD will protect unique natural features and will not cause significant degradation of the environment.
6.        **Visual Impacts.** The layout and design of the PUD shall preserve views and vistas if possible, and the design of the activity shall be compatible with the surrounding natural environment.
7.        **Important Areas.** Uses and improvements within the PUD will not interfere with areas of paleontological, historic, or archaeological importance.
8.        **Recreation Amenities.** The PUD is encouraged to provide recreational opportunities and amenities to residents of the PUD.
9.        **Covenants.** The PUD must establish covenants.

**Section 9.130                      Amendment Process**

Any amendment to a previously approved Planned Unit Development requires a Special Use Review as outlined in Section 5.410.

**ARTICLE 10                    SUBDIVISION REGULATIONS**

**DIVISION 10.1            GENERAL**

The subdivision regulations establish rules, regulations, procedures, and standards for approval governing the subdivision, platting, replatting and plat vacation of land in the unincorporated area of Conejos County. A Land Use permit is required for all subdivision activities.

**Section 10.100                    General Provisions**

A.        **Subdivision Plat Approval Required.** The division of land into two or more parcels is a subdivision and requires approval by the Board of County Commissioners under this Code. The term "subdivision" does not apply to any division of land that creates parcels of land where each parcel is 35 acres or more in size or a division of land that is approved as a Subdivision Exemption. See Division 10.7.

B.        **Sales Prohibited Prior to Platting.** No person with any interest in land located within a subdivision or proposed subdivision, shall transfer, agree to sell, offer to sell, or sell any land before the plat for the subdivision has been approved by the Board of County Commissioners and recorded or filed in the Office of the County Clerk and Recorder, except as allowed by State law.

C.        **Subdivision Improvements Agreement.**

1.        No Final Plat shall be approved by the Board of County Commissioners until the applicant has submitted a Subdivision Improvements Agreement or similar contract setting forth the plan, parties responsible and method for the construction of all required public improvements shown on the Final Plat documents. The agreement or contract shall adhere to design standards of the County or prevailing engineering practices. The agreement shall, in the judgment of the Board of County Commissioners make reasonable provision for completion of the specified improvements in a specified time period, with appropriate phasing, as a condition of acceptance by the Board. Suitable collateral in an amount stipulated in the Subdivision Improvements Agreement shall accompany the Final Plat submission to ensure completion of the public improvements according to design and time specifications. Refer to Article 17 for Financial Guarantee information.
  
2.        If the improvements requiring installation are not constructed in accordance with the required specifications, the County shall notify the applicant in writing of the noncompliance and establish schedules for the correction of the noncompliance. If the Board of County Commissioners determines that any or all of the improvements will not be constructed in accordance with the specifications, the county shall have the power to annul the Subdivision Improvements Agreement, either fully or in part. Refer to Article 17 for information regarding release of collateral.

## **DIVISION 10.2            TYPES OF SUBDIVISION APPLICATIONS**

### **Section 10.200            Levels of Subdivision Review**

There are two possible levels of permit review for a proposed subdivision.. The Land Use Administrator shall make the initial determination of the appropriate level of subdivision review based upon a pre-application meeting and submittal of the pre-sketch plan. (Note: The State of Colorado allows the County to exempt certain applications from the subdivision regulations laid out here. The process for a Division of Land to create two lots from one lot is discussed in Section 10.700, and Cluster Subdivisions are discussed in Section 10.710).

- A.        **Minor Subdivision.** The Land Use Administrator shall determine that Minor Subdivision Review is required if the subdivision will create 3 to 6 lots and is consistent with the County Comprehensive Plan and these Subdivision Regulations.
  
- B.        **Major Subdivision.** The Land Use Administrator shall determine that Major Subdivision Review is required if the Subdivision will create 7 or more lots.

## **DIVISION 10.3            MINOR SUBDIVISION**

### **Section 10.300            Application Submittal**

The minor subdivision procedure is a process for development and review of subdivisions proposing a maximum of six (6) lots. The minor subdivision process shall not be used to further subdivide lots in a previously approved subdivision. The minor subdivision process shall also not be used to circumvent these subdivision regulations by using more than one minor subdivision to avoid following the major subdivision requirements. An application for a minor subdivision will be presumed to circumvent this code when the result of approval would be for the same subdivider, its agents, assigns or successors to create additional minor subdivision lots on parcels within a radius of 1/4 mile of the original minor subdivision and within 10 years of the original minor subdivision. This situation would require a major subdivision review.

The following application and review process shall apply to minor subdivisions:

- A.        **Pre-application Conference.** A pre-application conference shall be held in accordance with Section 3.200.
  
- B.        **Application and Fee.** In addition to the General Application Requirements in Section 3.210, the applicant shall also submit 1 Mylar and 2 copies of a Final Plat along with the additional materials set forth in Section 10.300C to the Land Use Administrator
  
- C.        **Final Plat Application Submittal.** A Final Plat application shall include the following:
  - 1.        **Final Plat.** Final plats shall be prepared in accordance with Section 3.210 B in addition to including the following information:
    - a.        Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development, drainage, and grading plans.



- b. Location of access to the site as approved by the appropriate authority. A copy of the approved access permit must also accompany the application. Refer to Article 14.
- c. A lot and street layout with all lots and blocks numbered consecutively, the dimensions of all lots, the acreage of each lot shown to two decimal places and all street and road names. The final plat must also show County issued and approved addresses for each lot. Refer to Article 14.
- d. Building envelopes, if required, to designate building sites on lots containing hazards, wetlands, etc.
- e. All plat boundary lines with the lengths of courses to hundredths of a foot and bearings to the nearest second.
- f. The lengths of all arcs, radii and tangents.
- g. Design and layout of all community water systems and sewer service lines, treatment facilities and other elements of the sanitary sewer system (not including individual septic systems), including the location of soil percolation tests as applicable. Refer to Article 13.
- h. Location and width of existing and proposed roadways, sidewalks, or paths, road rights of way and parking areas within the site must be shown.
- i. The names and widths of all existing or recorded streets and roads intersecting the plat boundaries or paralleling them within two hundred (200) feet, the names and map numbers of all bordering subdivision and any municipal limits within two hundred (200) feet of the boundaries of the plat.
- j. Location and size of existing and proposed signs for the purpose of identification, advertising and traffic controls must be shown.
- k. The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks and similar features, including all other rights-of-way not otherwise or explicitly mentioned.
- l. The purpose and owner(s) of all easements and statements from all utility companies, as applicable, that the stated services will be provided to the proposed development after platting.
- m. The boundary lines and dimensions, shown accurately, of all property to be reserved as public open space and common area, with the means of access to such property clearly shown and its intended uses noted.
- n. A legally acceptable land description and dedication block placed on the plat by the applicant dedicating streets, rights-of-way, public sites and other such features.

- o. Identification of lots with slope in excess of twenty (20) percent and any other lots where special studies are required prior to obtaining a development permit.
  - p. Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any.
  - q. The following significant features must be shown:
    - (1) Existing and proposed utility lines.
    - (2) Natural and artificial drainage ways, ditches, streams and lakes.
    - (3) Wetlands.
    - (4) Rock outcrops, soil types, geologic hazards.
    - (5) Dams and reservoirs.
    - (6) Excavations and mine shafts.
    - (7) And any other on-site or off site feature that may influence the development.
  - r. Certification block for the Planning Commission.
  - s. Certification block for the Board of County Commissioners.
  - t. Certification block for the County Clerk and Recorder.
2. **Final Engineering Plans.** Final engineering for the water system, sewage collection and treatment, roadway, drainage, erosion and sedimentation control plans along with a grading plan and a revegetation plan. The grading plan shall be indicated by solid line contours superimposed on dashed line contours of the existing topography of the area to be platted.
  3. **Drawings.** Plan, profile and typical cross sectional drawings of all roads, bridges, culverts and other drainage structures, noting to what depths underground utility lines will be buried beneath such features.
  4. **Additional Plat Notes.** Other plat notes and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the Final Plat.
  5. **Subdivision Improvement Agreement.** A proposed Subdivision Improvement Agreement.
  6. **Permits and Approvals.** A copy of any required state, local or federal permits and approvals, including but not limited to county or state highway access

permits, permits issued by the Army Corps of Engineers, permits issued under Section 404 of the Clean Water Act and air quality permits.

7. **Title to Property.** A copy of a current certificate from a title insurance company in the State of Colorado attesting to the accuracy and validity of the title to the property being platted and stating that the applicant is the land owner or is duly authorized by the land owner(s) to so plat such land. The certificate or certification shall also list all mortgages, liens, judgments, easements, contracts, and agreements of record regarding the land to be platted and the Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to authorize the application for Final Plat approval before such Final Plat is accepted for review.

#### **Section 10.310 Review Procedure**

- A. **Review of Application Materials by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220, including the mailing of referral letters.
- B. **Review by County Surveyor.** The subdivision map is subject to review and approval by the County Surveyor.
- C. **Public Hearing and Recommendation by Planning Commission.** Notice of a public hearing before the Planning Commission shall be made in accordance with Section 3.230. The Final Plat shall be considered by the Planning Commission at a public hearing conducted in accordance with the provisions of Section 3.240. The Planning Commission shall recommend approval, approval with conditions or denial of the Final Plat based on the approval standards set forth in Section 10.500.
- D. **Public Hearing and Action by Board of County Commissioners.** Notice of a public hearing before the Board of County Commissioners shall be made in accordance with Section 3.230. The Final Plat shall be considered by the Board at a public hearing conducted in accordance with the provisions of Section 3.240. The Board shall recommend approval, approval with conditions or denial of the Final Plat.
- E. **Plat Recordation and Revision to Zoning District Map.** If approved, the final subdivision plat shall be recorded in the Office of the Clerk and Recorder. In addition, approval of a final plat shall be recorded on the Official Zoning Map filed in the Land Use Office as soon as practical.

#### **Section 10.320 Plat Amendments**

- A. **Technical Errors.** The Board of County Commissioners may, without a hearing or compliance with any of the submission, referral or review requirements of this code, approve a minor subdivision correction plat if the sole purpose of the correction plat is to correct one or more technical errors in an approved plat. The correction plat shall be consistent with the approved minor subdivision final plat.

B. **Other Changes.** Final plat review procedures outlined in 10.310 shall be followed when proposing other changes to a recorded minor subdivision final plat. A fee will be established by County resolution for this action.

## **DIVISION 10.4 MAJOR SUBDIVISIONS**

### **Section 10.400 Application Submittal**

If a Subdivision is a Major Subdivision as determined in Section 10.200, then the following review process shall apply:

A. **Pre-application Conference.** A pre-application conference shall be held between the applicant and the Land Use Administrator in accordance with Section 3.200.

B. **Application Submittal.** In addition to the General Application Requirements in Section 3.210, the applicant must submit the following additional information.

C. **Sketch Plan Submittal.** A Sketch Plan application shall contain the following:

1. **Sketch Plan.** Sketch plans shall be prepared in accordance with the survey plat requirements in Section 3.210 B. In addition, the sketch plan shall include the following information:
  - a. The current zoning on the site and any zoning changes to be requested.
  - b. Any unique historical, archeological, scenic or other noteworthy features on or in close proximity to the site.
  - c. A delineation of existing easements on the site, their use(s) and the easement owners.
  - d. The existing and any proposed new means of public access to the proposed subdivision.
  - e. A graphic description of all the natural and manmade watercourses, retention areas, streams and lakes including any known, identified or designated one hundred (100) year floodplains, wetlands and other geologic hazards, if any.
  - f. Evidence of all existing structures on the site, their current uses and their future status within the proposed subdivision.
  - g. The topography of the site at an appropriate contour interval, noting all areas with slope in excess of twenty (20) percent.
  - h. The average lot size, proposed density and all public and private sources of utility facilities and services.

- i. The location of all existing and proposed streets, drives and roads and the names of existing streets within the proposed subdivision and within two hundred (200) feet of it.
  - j. The approximate location of land to be reserved for public open space or common area.
  - k. A lot and street layout, indicating general scaled dimensions of lots and blocks.
  - l. The location of off-street parking areas, areas for landscaping, the location of any commercial, service, industrial, recreational and community facilities or buildings and the future land use(s) within the various portions of the proposed subdivision.
2. **Vicinity Map.** A vicinity map showing the proposed subdivision in relationship to the surrounding area with the names of adjacent subdivisions and property owners along with the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
  3. **Description of Water and Sewer.** A description of the proposed systems for the supply of potable water and the disposal of sewage along with adequate evidence that a water supply system capable of dependably delivering an adequate quality and quantity of water for the proposed subdivision will be provided. Refer to Article 13.
  4. **Written Narrative Description.** A brief narrative description of the proposal. Include all submission information presented in narrative form, describing briefly the scope and concept of the proposed subdivision and its anticipated impact on adjoining land uses, on water quality and supply in the area and on the circulation system in the area. The narrative shall also describe whether and to what extent the proposed subdivision is consistent with and fosters the intent of this Code and the goals, objectives, and policies contained in the Comprehensive Plan. Included on the sketch plan and in the narrative should be information on the phasing, if any, that will be used in the development of the proposed subdivision.

D. **Preliminary Plan Submittal.** A Preliminary Plan application shall contain the following:

1. **Surveyed Plat.** A surveyed plat shall be prepared in accordance with the surveyed plat requirements in Section 3.210 B. In addition A Preliminary Plan shall require the following information:
  - a. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
  - b. Site data in chart form presenting the total number of proposed residential lots, the net size of the average (mean) lot, minimum lot size, maximum lot size, types of land use proposed and area of land proposed for each such land use.

- c. The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown.
- d. The location of current and proposed future uses of all buildings and other structures within the proposed subdivision and current buildings within one hundred (100) feet of boundaries of the subdivision.
- e. A lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.
- f. The location of and preliminary engineering for any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants and the sizes and types thereof, along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
- g. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.
- h. The topography of the proposed subdivision at two (2) foot contour intervals for predominant ground slopes up to five (5) percent grade and five (5) foot contours for predominant ground slopes within the site that are over five (5) percent grade. Upon request of and at the discretion of the Land Use Administrator, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea level date.
- i. The delineation of any known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. Mitigation measures, if any, proposed to overcome the consequences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.
- j. The delineation of the geological characteristics of the area with evidence regarding the extent and intensity of any geological, radiological, seismic or other related hazards within or in close proximity to the proposed site. Mitigation measures, if any, proposed to overcome such geological, radiological, seismic or other hazards shall also be included in the submission.
- k. Preliminary drainage, erosion and sedimentation control plans, as required.

1. Delineation of the type and extent of vegetative cover on the site.
  - m. All areas to be reserved for community or public uses along with any other areas to be used for open space and a statement describing how such reserved, dedicated and open space lands shall be maintained.
2. **Ownership.** A copy of a current certificate from a title insurance company in the State of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.
3. **Location Map.** A location map showing the relationship of the proposed subdivision to the characteristics of the surrounding area along with the names of adjacent subdivisions and the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
4. **Soil Information.** Soil suitability and interpretation information developed from National Cooperative Soil Survey data and accompanied by a table of interpretation for the soil types shown on the soils map or equivalent qualified private research sources, along with a narrative description of the mitigating measures, if any, proposed to overcome soils limitations present on the site of the proposed subdivision.
5. **Protective Covenants.** Preliminary copies of the protective covenants and homeowner documents to be filed with the Final Plat.
6. **Wastewater System.** Evidence that the proposed system for the disposal of sewage will comply with the State of Colorado statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound. The peak capacity of the sewage treatment system shall be provided if a centralized collection and treatment system is proposed. Refer to Article 13.
7. **Water Supply System.** Evidence that the proposed system for the supply of potable water will be sufficient in terms of quantity, quality, dependability and pressure to provide adequate water supply to the proposed subdivision. The peak capacity of the proposed water supply system shall be provided if a centralized distribution system is proposed. Refer to Article 13.
8. **Wildlife Report.** Information regarding the relationship of the proposed subdivision to any critical wildlife habitat and wildlife migration corridors as defined by the Division of Wildlife and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of the development on such wildlife habitat and migration corridors.
9. **Historical and Archaeological Report.** Information regarding the relationship of the proposed subdivision to any historical or archeological resources as identified by the State Historical Society and proposed mitigation measures to preserve such resources and measures to be employed to reduce the impact of the development on these historical and archeological resources.

10. **Development Schedule.** A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing.
11. **Special Districts.** A discussion of any special districts that would be created wholly or partly within the proposed subdivision, listing the proposed boundaries of the service district and what services it would provide.
12. **Preliminary Phasing.** A preliminary phasing plan when the proposed subdivision would be developed in more than one phase.
13. **Other Information.** Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the Preliminary plan.

E. **Final Plat Application Submittal.** A Final Plat application shall include the following:

1. **Final Plat.** Final plats shall be prepared in accordance with the surveyed plat requirements in Section 3.210 B. In addition, the Final Plat shall contain the following information:
  - a. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development, drainage, and grading plans.
  - b. Location of access to the site as approved by the appropriate authority. A copy of the approved access permit must also accompany the application. Refer to Article 14.
  - c. A lot and street layout with all lots and blocks numbered consecutively, the dimensions of all lots, the acreage of each lot shown to two decimal places and all street and road names. The final plat must also show County issued and approved addresses for each lot. Refer to Article 14.
  - d. Building envelopes, if required, to designate building sites on lots containing hazards, wetlands, etc.
  - e. All plat boundary lines with the lengths of courses to hundredths of a foot and bearings to the nearest second.
  - f. The lengths of all arcs, radii and tangents.
  - g. Show design and layout of all community water systems and sewer service lines, treatment facilities and other elements of the sanitary sewer system (not including individual septic systems), including the location of soil percolation tests as applicable. Refer to Article 13.
  - h. Location and width of existing and proposed roadways, sidewalks, or paths, road rights of way and parking areas within the site must be shown.



- i. The names and widths of all existing or recorded streets and roads intersecting the plat boundaries or paralleling them within two hundred (200) feet, the names and map numbers of all bordering subdivision and any municipal limits within two hundred (200) feet of the boundaries of the plat.
- j. Location and size of existing and proposed signs for the purpose of identification, advertising and traffic controls must be shown.
- k. The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks and similar features, including all other rights-of-way not otherwise or explicitly mentioned.
- l. The purpose and owner(s) of all easements and statements from all utility companies, as applicable, that the stated services will be provided to the proposed development after platting.
- m. The boundary lines and dimensions, shown accurately, of all property to be reserved as public open space or common area, with the means of access to such property clearly shown and its intended uses noted.
- n. A legally acceptable land description and dedication block placed on the plat by the applicant dedicating streets, rights-of-way, public sites and other such features.
- o. Identification of lots with slope in excess of twenty (20) percent and any other lots where special studies are required prior to obtaining a development permit.
- p. Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any.
- q. The following significant features must be shown:
  - (1) Existing and proposed utility lines.
  - (2) Natural and artificial drainage ways, ditches, streams and lakes.
  - (3) Wetlands.
  - (4) Rock outcrops, soil types, geologic hazards.
  - (5) Dams and reservoirs.
  - (6) Excavations and mine shafts.
  - (7) And any other on-site or off site feature that may influence the development.

- r. Certification block for the Planning Commission.
  - s. Certification block for the Board of County Commissioners.
  - t. Certification block for the County Clerk and Recorder.
2. **Final Engineering Plans.** Final engineering for the water system, sewage collection and treatment, roadway, drainage, erosion and sedimentation control plans along with a grading plan and a revegetation plan. The grading plan shall be indicated by solid line contours superimposed on dashed line contours of the existing topography of the area to be platted. Certification of approval by the Planning Commission and the Board of County Commissioners is required.
  3. **Drawings.** Plan, profile and typical cross sectional drawings of all roads, bridges, culverts and other drainage structures, noting to what depths underground utility lines will be buried beneath such features.
  4. **Additional Plat Notes.** Other plat notes and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the Final Plat.
  5. **Subdivision Improvement Agreement.** A Subdivision Improvement Agreement in a form approved by the Land Use Administrator and The County Attorney.
  6. **Permits and Approvals.** A copy of any required state, local or federal permits and approvals, including but not limited to county or state highway access permits, permits issued by the Army Corps of Engineers, permits issued under Section 404 of the Clean Water Act and air quality permits.
  7. **Title to Property.** A copy of a current certificate from a title insurance company in the State of Colorado attesting to the accuracy and validity of the title to the property being platted and stating that the applicant is the land owner or is duly authorized by the land owner(s) to so plat such land. The certificate or certification shall also list all mortgages, liens judgments, easements, contracts, and agreements of record regarding the land to be platted and the Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to authorize the application for Final Plat approval before such Final Plat is accepted for review.

**Section 10.410 Review Procedure**

A. **Sketch Plan Review.** Following a pre-application conference held in accordance with Section 3.200, the applicant shall submit 10 copies of a Sketch Plan meeting the submittal requirements of Section 10.400 C.

1. **Review of Sketch Plan by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220. No referral letters are required at this stage.

2. **Recommendation by Planning Commission.** The Sketch Plan shall be considered by the Planning Commission. No public hearing is required. The Planning Commission shall recommend that the Sketch Plan be approved, approved with conditions or denied based on the Standards for Approval in Division 10.5.
3. **Action by Board of County Commissioners.** The final decision to approve, approve with conditions or deny the Sketch Plan shall be made by the Board of County Commissioners at the next regularly scheduled meeting following the Planning Commission recommendation on the Sketch Plan. Again, no public hearing is required.
4. **Expiration of Approval of Sketch Plan.** If the applicant fails to proceed with the Preliminary Plan application within twelve (12) months of Sketch Plan approval, the sketch plan approval shall expire. The Board may extend the time period for filing the Preliminary Plan application for good cause shown and upon a finding by the Board of no substantial change in the circumstances of Sketch Plan approval.

B. **Preliminary Plan Review.** Following approval of a sketch plan by the Board, the applicant shall submit 10 copies of the Preliminary Plan containing the submittal materials set forth in Section 10.400.D to the Land Use Administrator.

1. **Review of Preliminary Plan by Land Use Administrator.** The Land Use Administrator shall review the Preliminary Plan in accordance with Section 3.220, including the mailing of referral letters.
2. **Review by County Surveyor.** The Preliminary Plan plat is subject to review and approval by the County Surveyor.
3. **Public Notice of Planning Commission Public Hearing.** Notice of a public hearing before the Planning Commission shall be made in accordance with Section 3.230.
4. **Public Hearing and Recommendation by Planning Commission.** The Preliminary Plan shall be considered by the Planning Commission at a public hearing conducted in accordance with the provisions of Section 3.240. The Planning Commission shall recommend that the Preliminary Plan be approved, approved with conditions or denied based on the Standards for Approval in Division 10.5.
5. **Public Hearing by Board of County Commissioners.** A public hearing with before the Board of County Commissioners shall be scheduled within forty-five (45) calendar days of the Planning Commission recommendation. Public notice of the hearing shall be made pursuant to Section 3.230.
6. **Action by Board of County Commissioners.** The Preliminary Plan shall be considered by the Board of County Commissioners at the public hearing conducted in accordance with Section 3.240. The Board shall approve, approve with conditions or deny the Preliminary Plan.

7. **Subdivision Improvement Agreement.** The Subdivision Improvement Agreement shall also be submitted, reviewed and approved along with the Preliminary Plan.
8. **Expiration of Approval.** Unless another timeframe has been agreed to in a Subdivision Improvement Agreement, the Preliminary Plan approval shall expire within twelve (12) months of date of approval. The Board may extend the time period for filing the Final Plat application for good cause shown and upon a finding by the Board of no substantial change in the circumstances of Preliminary Plan approval.

C. **Final Plat Review.** Following approval of the Preliminary Plan, the applicant shall submit 4 copies of the Final Plat meeting the submittal requirements of Section 10.410.E for review by the Land Use Administrator.

1. **Review of Final Plat by Land Use Administrator.** The Land Use Administrator shall review the Final Plat in accordance with Section 3.220. The Administrator shall also consider whether the Final Plat substantially complies with the approved Preliminary Plan.
2. **Review by County Surveyor.** The Final Plat is subject to review and approval by the County Surveyor.
3. **Public Notice of Board of County Commissioner Public Hearing.** Public notice that the Board will conduct a public hearing to consider the Final Plat shall be made pursuant to Section 3.230.
4. **Public Hearing and Action by Board of County Commissioners.** The Final Plat shall be considered by the Board of County Commissioners at the public hearing conducted in accordance with the provisions of Section 3.240. The Board shall make a decision to approve, approve with conditions or deny the Final Plat. The Final Plat shall be approved if it is found to conform to the approved Preliminary Plan and meets all legal requirements.
5. **Plat Recordation and Revision to Zoning District Maps.** The final subdivision plat shall be recorded in the Office of the Clerk and Recorder. In addition, approval of a final plat shall be recorded on the Official Zoning Map filed in the Land Use Office as soon as practical.

**Section 10.420**            **Reservation and Dedication of Public Sites** (Reserved).

**Section 10.430**            **Impact Fees** (Reserved).

**Section 10.440**            **Plat Amendments**

A. **Technical Errors.** The Board of County Commissioners may, without a hearing or compliance with any of the submission, referral or review requirements of this code, approve a major subdivision correction plat if the sole purpose of the correction plat is to correct one or more technical errors in an approved plat. The correction plat shall be consistent with the approved major subdivision final plat.

B. **Other Changes.** Preliminary Plan review procedures outlined in 10.410B shall be followed when proposing other changes to a recorded major subdivision final plat.

**DIVISION 10.5            STANDARDS FOR APPROVAL FOR MAJOR AND MINOR  
SUBDIVISIONS**

**Section 10.500            Standards for Approval**

The following standards and specifications shall apply to all major and minor subdivisions in the County except as otherwise provided for within the provisions of this Code.

A. **General.** In addition to the design standards and specifications listed herein, all proposed subdivisions shall satisfy the following general standards:

1. **Compatible with neighboring uses.** The proposed subdivision is consistent with and in harmony with neighboring land uses and future intended land uses in the area.
2. **Mitigate Traffic Congestion and Hazards.** The proposed subdivision will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic.
3. **Avoid Negative Impacts.** The proposed subdivision shall be designed to avoid or mitigate negative impacts upon adjacent lands, critical wildlife habitat and wildlife, scenic views and existing and cultural and historical resources.
4. **Preserve the Environment and Promote Public Health, Safety and Welfare.** Subdivisions shall be located and laid out so as to protect the public health, safety, welfare and convenience of the residents of the proposed subdivision and to preserve and enhance the natural terrain, vegetation, soils, wildlife habitat and migration corridors, natural drainages, land forms and other positive characteristics of the site.

B. **Subdivision Lots.** All lots in any subdivision shall conform to the following specifications:

1. **Lots Conforms to Zoning District Standards.** Lot dimensions and other characteristics shall conform to the applicable zoning district requirements and other appropriate provisions of this Code. If the proposed subdivision does not conform to zoning district requirements then a zone change must be approved or the proposal must be amended.
2. **Lots have Access to Public Roadways.** All lots shall have access by easement or other means to a public street or road. The access must be approved by the appropriate authority. Refer to Article 14.
3. **Double Frontage Lots Avoided.** Lots with double frontage shall be avoided except where essential and unavoidable to provide separation from major arterials, incompatible land uses or topographical or other environmental considerations.

4. **Side Lot Line Alignment.** Side lot lines shall be substantially at right angles or radial to street right-of-way lines.
5. **Lots Configuration - Cul-de-Sacs.** Wedge shaped lots or lots fronting on cul-de-sacs shall not be less than thirty (30) feet in width at the front lot line.
6. **Lot Division by Boundaries or Roads.** No lot shall be divided by County or municipal boundaries, roads, rivers or other lots.
7. **Delineation of Potential Development in Hazard Areas.** Delineation of areas for potential building sites, or building envelopes, shall be required for those lots significantly affected by any designated or known one hundred (100) year flood plan, major drainage ways, areas of excessive slope of twenty (20) percent or greater or other identifiable natural or man-made hazards as identified by information from the Colorado Geological Society.
8. **Slope Development.** No building permit shall be issued for construction on building lots with twenty (20) percent or greater slope where construction would occur without an applicant submitting a special engineering study to the Land Use Administrator prior to seeking the building permit. The study shall show the feasibility of the site to allow for construction of the intended structures and it shall also describe the mitigation measures to be used to overcome excessive slope problems.
9. **Nonconforming Lots Prohibited.** The division shall not create nonconforming lots.
10. **Multi-Family Development Prohibited on Single Parcel of Land.** Except for subdivided lots approved for multi-family housing, no subdivided lot or division of land which creates a single parcel shall be occupied by more than one dwelling.
11. **Addressing.** Addresses for each proposed lot as issued by the County. Refer to Article 14.

C. **Subdivision Blocks.** Block lengths and widths shall be acceptable to the Board of County Commissioners and shall be appropriate to the types of land use anticipated in the subdivision, consistent with the zoning provisions within the district(s) in which the subdivision would be located and compatible with the terrain. Blocks shall conform to the following specifications:

1. **Block Size Adequate for Proposed Use.** The size of blocks shall be adequate to accommodate the proposed use.
2. **Block Size Adequate for Access and Safety.** The size of blocks shall be designed for convenient access, vehicular and pedestrian circulation, and control and safety of street traffic.

3. **Block Size Adequate to Accommodate Proposed Individual Septic Systems, if Appropriate.** The size of blocks shall be adequate to accommodate leaching fields where individual septic disposal systems are proposed.
4. **Block Size Adequate to Accommodate Both Proposed Wells and Individual Septic Systems.** The size of blocks shall be adequate for the location of domestic wells where individual septic disposal systems are used.
5. **Maximum Block Length.** Block lengths shall not be longer than one thousand two hundred (1200) feet, except where they enter through main streets.

D. **Subdivision and County Street and Road Standards.** Private and public streets and roads in new subdivisions and other development elsewhere in the County shall be designed and constructed to the standards and specifications as set forth in this Code and in any other applicable laws, resolutions or regulations of Conejos County. Refer to Article 14.

E. **Underground Utilities.** The construction, installation and repair of right-of-way openings for subsurface utilities requires approval from Conejos County, the posting of an appropriate bond and evidence of adequate insurance. Refer to Article 14.

F. **Utilities.** Applicants shall make the necessary arrangements with each serving utility for the installation of required utilities. Refer to Article 13 for utility information and for utility easement requirements.

G. **Drainage, Erosion, Sedimentation and Flood Control.** (Not Required for Minor Subdivisions.) Applicants shall be responsible for the design and construction of all drainage and erosion, sedimentation and flood control facilities required to direct and control all permanent and seasonal water, and for proving all necessary drainage easements. All facilities shall be designed by a registered professional engineer licensed to practice in the State of Colorado. Such facilities shall be designed and constructed in a manner that will protect all roadways and lots, permit the unimpeded flow of natural water courses, ensure the adequate drainage of all low areas and avoid stream degradation within and downstream from the proposed subdivision.

1. **Drainage Systems.** Drainage systems proposed as part of a proposed subdivision shall be based on consideration of the drainage basin as a whole and shall be capable of accommodating not only runoff from the proposed subdivision but also, where applicable, the runoff from areas adjacent to and upstream from the subdivision itself. Total runoff shall be calculated using standard engineering techniques and drainage easements shall be provided as necessary to accommodate the expected flow in any twenty-five (25) year period.
2. **Drainage Structures.** Drainage structures shall be designed to prevent heavy sedimentation within or erosion or overtopping of channels or damage to structures. Drainage structures shall be designed in a manner that will not increase the magnitude, depth or velocity of flow at the point where channels cross the boundary line of the proposed subdivision or increase the stream channel energy gradient within or without the proposed subdivision.
3. **Culverts and Drainage under Roadways.** All drainage facilities under roadways shall be designed and constructed to withstand an AASHO recommended H-20 live loading, except as specifically exempted by the County

upon consideration of engineer designed specification. The minimum accepted culvert size shall be eighteen (18) inches in diameter. Drop structures shall be installed as needed, as shall storm sewers with appropriate inlets and manholes.

4. **Drainage and Erosion Control.** The proposed subdivision shall be designed so as to cause minimal erosion problems. To that end, the design and execution of the proposal shall ensure that the proposed subdivision be constructed in a manner which will minimize disturbance of existing vegetation and soil cover. Adequate provision shall be made for re-vegetation and for soil stabilization during and after development of the site. All cuts and fills shall be designed, engineered and landscaped to control erosion as well as provide stability for the entire mass. Natural drainage patterns shall be preserved and protected from increased water flows that could alter such patterns or subject existing channels and adjacent areas to increased erosion.
- 5 **Vegetation.** Natural vegetation shall be preserved adjacent to streams, rivers, lakes and reservoirs and the planting of trees and bushes, where feasible, is encouraged along open areas. In addition, all road cuts and fills should be replaced or reseeded with grasses suited to the environment.

H **Adequate Water and Wastewater Systems.** The subdivision shall be served by water and wastewater systems that have the legal and physical capacity to serve the subdivision in compliance with this code and state and federal laws. Refer to Article 13.

I. **Fire Safety Protection.** (Not Required for Minor Subdivisions.) Fire hydrants shall be required in all subdivisions serviced by a centralized water treatment and distribution system. Hydrants shall be spaced not more than one thousand (1000) feet apart and provided with adequate pressure, flow and duration, as determined by prevailing underwriter standards for fire fighting purposes.

J. **Survey Monuments.** Permanent survey monuments shall be set within all subdivisions pursuant to Sections 38-51-104 and 38-51-105, C.R.S. In addition, No. 4 steel rebar, twenty-four (24) inches or longer in length, shall be set at all lot corners prior to selling or advertising for sale of 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 "BM" and the elevation of the benchmark.

1. Monuments located within streets shall be of No. 5 rebar steel, thirty (30) inches or longer in length, placed so that their tops are six (6) inches below the final street surface. When a street 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.
2. 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.



## DIVISION 10.6

## SUBDIVISION VACATIONS

### Section 10.600      General

- A.     **Application Submittal.** Vacation of all or part of a previously recorded subdivision requires the General Application materials in Section 3.210 as well as the following materials.
1.     **Written Description.** A written description of the proposed action.
  2.     **Map.** A new surveyed plat prepared in accordance with the surveyed plat requirements in Section 3.210 B. In addition, the plat must include the following information:
    - a.     All boundary survey control points with monument descriptions to locate blocks, lots, rights-of-ways and easements.
    - b.     Purpose, width and location of all easements.
    - c.     Location of any newly proposed lots and blocks with accurate dimensions.
    - d.     Location, identification and dimensions of roads, driveways and trails. Refer to Article 14.
    - e.     Location and dimensions of open space parcels and preserved areas.
    - f.     Location of utilities. Refer to Article 13.
    - g.     Other information deemed necessary by the County for a complete depiction of proposed change.
- B.     **Review and Plat Recordation.**
1.     **Review by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220.
  2.     **Review by County Surveyor.** The subdivision vacation map is subject to review and approval by the County Surveyor.
  3.     **Public Notice of Planning Commission Public Hearing.** Public notice that the Planning Commission will conduct a public hearing to consider the proposed subdivision vacation shall be made pursuant to Section 3.230.
  4.     **Public Hearing and Recommendation by Planning Commission.** The proposed subdivision vacation shall be considered by the Planning Commission at the public hearing conducted in accordance with the provisions of Section 3.240. The Planning Commission shall recommend that the subdivision vacation be approved, approved with conditions or denied.

5. **Public Hearing by Board of County Commissioners.** A public hearing on by the Board of County Commissioners shall be scheduled within forty-five (45) calendar days of the Planning Commission recommendation. Public notice that the Board of County Commissioners will conduct a public hearing to consider the subdivision vacation shall be made pursuant to Section 3.230.
6. **Action by Board of County Commissioners.** The Board of County Commissioners shall consider the application at the hearing conducted in accordance with the provisions of Section 3.240. The Board shall approve, approve with condition or deny the Subdivision Vacation.
7. **Plat Recordation and Revision to Zoning District Maps.** The final approved subdivision vacation shall be recorded in the Office of the Clerk and Recorder. In addition, approval of the subdivision vacation shall be noted on the Official Zoning Map filed in the Land Use Office as soon as practical.

## **DIVISION 10.7            SUBDIVISION EXEMPTIONS**

### **Section 10.700            Divisions of Land Exempt from Subdivision Regulations**

A. **Subdivision Exemptions.** Unless the method of disposition is adopted for the purpose of evading this Section and these land use regulations, the following activities (in addition to any other exemption as allowed by the State of Colorado) are exempt from procedures and standards of the Subdivision Regulations.

1. **Division of Land.** Any division which creates from one lot a total of two lots. Examples include creating a lot in the agricultural zone district for a single-family residential building site, separating existing improvements from agricultural land, and creating a lot in a commercial or industrial zone district for existing or future development. No lot that is part of an approved major or minor subdivision plat filed in the records of the County Clerk and Recorder shall be redivided through the exemption process. Such platted lots may only be resubdivided by utilizing the applicable resubdivision process (i.e. Minor or Major Subdivision process). A parcel which has been divided through an exemption process in the previous 10 year period beginning with the date of the adoption of this code (excluding parcels in commercial or industrial districts) will not be eligible for resubdivision through this process.

Certain divisions require no review by the Land Use Administrator. This includes divisions of land to be conveyed to the County, State or Federal governments to municipalities, the County or to special districts for public purposes such as but not limited to: the creation or expansion of public rights of way; the creation of public parking sites; the creations of public access easements (but in no event shall the creation of any such easement result in the creation of any additional buildable lots); and the Division of Land for parks.

2. **Boundary Line Adjustment and Lot Line Revision, Correction.** This item refers to the adjustment of boundary lines between contiguous legal lots that do not result in any additional lots.

- a. A revision of boundary lines and lot lines from those shown on a recorded plat and which creates no more than the previously recorded number of parcels, provided that: (i) any lot or parcel which is now conforming shall remain so, (ii) any lot or parcel that is not nonconforming shall not increase its degree of nonconformance and, (iii) the plat amendment process and other appropriate provisions of this Code are satisfied.
  - b. A correction of an engineering or survey error in a recorded plat, provided that the correction(s) meet the applicable provisions of this Code.
3. **Consolidation.** Any combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for the purposes of this section.

B. **Application Submittal.** In addition to general submittal requirements in Section 3.210 the following information is required.

- 1. **Pre-application Conference.** A Pre-application conference shall be held in accordance with the Section 3.200.
- 2. **Written Description.** A written description of the proposed exemption which includes the basis for exemption and the proposed use of the property. The Written Description shall also include the following information:
  - a. Demonstrates that the land proposed for exemption will be provided a legal, physical, adequate and dependable potable water supply.
  - b. Demonstrates that the land proposed for exemption will be provided a wastewater disposal system in compliance with the applicable County and state regulations.
  - c. Demonstrates that the proposed exemption will not create hazards and the lot will contain a safe, adequate building site.
  - d. Demonstrates that the proposed exemption complies with applicable approval standards set forth Section 10.700.E of this Code.
- 3. **Exemption Map.** A final surveyed plat shall be prepared in accordance with the surveyed plat requirements in Section 3.210 B. In addition, the plat shall include the following information:
  - a. All boundary survey control points with monument descriptions to locate blocks, lots, rights-of-ways and easements.
  - b. Purpose, width and location of all easements.

- c. Location of all lots and blocks with accurate dimensions. The final plat must also show County issued addresses for each residential or commercial lot.
- d. Location, identification and dimensions of roads, driveways, trails and ditches.
- e. Location of access to the site as approved by the appropriate authority.
- f. Location and dimensions of open space parcels and preserved areas.
- g. Location of utilities.
- h. Other information deemed necessary by the County for a complete depiction of proposed exemption.
- i. Certification block for the Board of County Commissioners.
- j. Certification block for the County Clerk and Recorder.

**C. Review Procedure and Plat Recordation.**

- 1. **Review by Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220. No referral letters are required; however, the Administrator shall conduct a site visit to verify compliance with the Standards. If the Land Use Administrator determines that the standards have been met, then the plat will be forwarded to the County Surveyor.
- 2. **Review by County Surveyor.** The plat is subject to review and approval by the County Surveyor.
- 3. **Signature by the County Commissioners.** The plat shall then be forwarded to the Board of County Commissioners along with a resolution at their next regular meeting for final approval. No public hearing is required.
- 4. **Recordation.** The signed exemption plat and resolution shall be filed with the County Clerk and Recorder as soon as practical.

**D. Standards for Approval.**

- 1. The proposal is consistent with the intent of the zone district the exemption is located within.
- 2. The proposal is consistent with the policies and goals of the Comprehensive Plan.
- 3. The proposal will not create a lot less than the minimum lot size allowable in the zone district.

4. In the case of a proposed Division of Land, the proposed division shall not be part of a parcel which has been divided through an exemption process in the previous ten years beginning with the adoption date of this code. This provision shall not apply in any Commercial or Industrial Zone Districts.
5. The lots shall be served by water and wastewater systems that have the legal and physical capacity to serve them in compliance with this code and state and federal laws. Refer to Article 13.
6. Proposed parcel boundaries and development should be suitably located and sized with respect to the physical characteristics of the land and the character of the neighborhood.
7. The location and size of lots shall minimize adverse impacts on streams, areas subject to flooding, drainage, geologic hazards, lakes, high ground water areas, topography, vegetative cover, climatology, and other environmental features. If there are issues with any of these topics, the Land Use Administrator may opt to use the review process for a Minor Subdivision.
8. An access is, or can be made, available that provides for safe ingress and egress to a public road. Refer to Article 14.
9. A County issued address is required for any new residential or commercial lot created. Refer to Article 14.

**E. Plat Amendments**

The Board of County Commissioners may approve a correction plat for a Division of Land if the sole purpose of the correction plat is to correct one or more technical errors in an approved plat. The correction plat shall be consistent with the approved exemption plat.

Division of Land review procedures outlined in Division 10.7 shall be followed when proposing other changes to a recorded plat.

**Section 10.710 Cluster Subdivision Development/Rural Land Use Process**

A **General.** The Cluster Subdivision Development/Rural Land Use Process is authorized by 30-28-101(1)(c)(X), C.R.S. and 30-28-401 C.R.S, *et seq.* A development approved pursuant to this section is eligible for the cluster well exemption set forth in 30-28-404, C.R.S.

The basic principle of the cluster development is to group new homes onto part of the development parcel, so that the remainder can be preserved as unbuilt space.

1. **Eligible Parcels.** The Rural Land Use Process may be used to create a cluster subdivision development on a parcel of land 70 acres or more in any unincorporated area of the County.
2. **Exempt from Subdivision Regulations.** A cluster subdivision development shall be exempt from the standard subdivision and permit procedures set forth in the Land Use Code and shall be governed by this Rural Land Use Process.

3. **Characteristics of a Cluster Subdivision Development.** A cluster subdivision development must have all the following characteristics to be reviewed under this Rural Land Use Process.
  - a. **Use.** The subdivision must be for single-family residential purposes only.
  - b. **Open Space.** At least two-thirds of the total area of the parcel to be divided into a cluster subdivision development must be preserved as contiguous open space.
  - c. **Density.** The residential density of the cluster subdivision development shall not exceed two (2) residential units for every thirty-five (35) acres within the parcel, and shall not exceed one residential unit for each seventeen and one-half (17 ½) acre increment.
  - d. **Ratio of Wells to Lots.** Where well water is used, the annual withdrawal rate shall not exceed the rate of one acre-foot for each thirty-five (35) acres within the cluster development unless a water augmentation plan is approved. One well shall be allowed per residential lot in accordance with Section 30-28-404, C.R.S.

**B. Application Submittal and Review Procedures.**

1. **Pre-application Conference.** A Pre-application conference shall be held in accordance with the Section 3.200.
2. **Application Submittal Requirements.** In addition to the General Application materials required in Section 3.210, the following information shall be submitted by the applicant:
  - a. **Cluster Subdivision Map.** A surveyed plat shall be prepared in accordance with the surveyed plat requirements in Section 3.210 B. In addition the following information must be included:
    - (1) Location of all lots and blocks with accurate dimensions.
    - (2) Location and dimensions of open space parcels and preserved areas.
    - (3) Location of utilities. Refer to Article 13.
    - (4) Other information deemed necessary by the County for a complete depiction of the cluster development subdivision.
  - b. **Development Report.** A report that describes:
    - (1) The existing environmental conditions on the parcel to be developed and the effects of the development on those conditions.

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

- 3. **Land Use Administrator Review.** The Administrator shall review the application in accordance with Section 3.220, including the mailing of referral letters.
- 4. **Review by County Surveyor.** The Cluster Subdivision map is subject to review and approval by the County Surveyor.
- 5. **Planning Commission Review.** The completed application for a cluster subdivision development shall be reviewed by the Planning Commission at its first regularly scheduled meeting after the Administrator deems the application to be complete. No public hearing is required at the Planning Commission review. The Planning Commission shall recommend to the Board of County Commissioners that the cluster subdivision development be approved, approved with conditions or denied.
- 6. **Public Hearing and Action by Board of County Commissioners.** A public hearing by the Board of County Commissioners shall be scheduled within forty-five (45) calendar days from the date of the Planning Commission recommendation. Notice of the hearing shall be published according to the provisions of Section 3.230 and the hearing shall be conducted in accordance with the provisions of Section 3.240. The Board shall approve, approve with conditions or deny the cluster development.
- 7. **Recordation.** If approved, the Cluster Development plat shall be recorded in the Office of the Clerk and Recorder as soon as is practical. In addition the change shall be noted on the Official Zoning Map filed in the Land Use Office.

C. **Standards for Approval.**

- 1. Proposed division and development conform to the applicable zoning district requirements and other appropriate provisions of this Code.

2. Proposed division and development of the land minimizes the impacts of residential development on agricultural lands and agricultural operations, and maintains the rural character of lands.
3. Proposed division and development of the land maintains the opportunity for agricultural production on the most productive and viable parcels of land, if applicable.
4. Buildable lots shall be clustered.
5. Proposed division and development of the land minimizes negative visual impact as viewed from public rights-of-way including roads, and public open spaces.
6. Proposed division and development of the land provides adequate buffers between water bodies and development to protect water quality, enhance wildlife habitat and improve visual quality of rivers, lakes, wetlands and irrigation ditches and avoids sedimentation and runoff impacts during and after development including those that impact irrigation ditches.
7. Lots and building sites shall be designed to minimize impacts on public roads and services.
8. An access is, or can be made, available that provides for safe ingress and egress to a public road. The applicant is responsible for receiving an access permit from the appropriate authority. Refer to Article 14.
9. County issued addresses are required for each residential lot created. Refer to Article 14.
10. Roads shall be adequate to serve the proposed subdivision. Refer to Article 14.
11. The lots shall be served by water and wastewater systems that have the legal and physical capacity to serve them in compliance with this code and state and federal laws. Refer to Article 13. Where well water is used, the annual withdrawal rate shall not exceed the rate of one acre-foot for each thirty- five acres within the cluster development unless a water augmentation plan is approved. One well shall be allowed per residential lot in accordance with section 30-28-404 C.R.S.
12. Proposed division and development of the land shall avoid negative impacts to wildlife and wildlife habitat.
13. Proposed division and development of the land locates all development outside known and/or active hazard areas. These include: ground subsidence, potential rock fall, fault or fault zone, unstable slopes, slope failure complex, landslide, mudflow, floodplain and earthflow areas.
14. Proposed division and development of the land minimizes the risk of wildfires.
15. Two-thirds of the parcel shall be preserved as contiguous open space to be used as wildlife habitat, grazing land, cropland, critical natural areas or similar uses.



16. The proposed division of land is for single-family dwelling use only, and the residential density does not exceed two (2) residential units for every thirty-five (35) acres or one residential unit for each seventeen and one half (17 ½) acre increment.

D. **Plat Amendments.** The Board of County Commissioners may approve a cluster subdivision correction plat if the sole purpose of the correction plat is to correct one or more technical errors in an approved plat. The correction plat shall be consistent with the approved cluster subdivision plat.

Cluster Subdivision review procedures outlined in 10.710 shall be followed when proposing other changes to a recorded cluster subdivision plat.

### **Section 10.720 Large Lot Land Divisions**

A. **Recording of Plat.** All divisions of land which create three or more parcels of land each of which comprise thirty-five (35) or more shall be accompanied by a recording of a plan or plat with the Conejos County Clerk and Recorder.

B. **Plat Information.** Large lot division plats shall contain the following information:

1. **Plan.** A surveyed plat must be prepared in accordance with the surveyed plat requirements on Section 3.210 B. In addition, the following information must be included on the plat.
  - a. **Approved Access.** An access is, or can be made, available that provides for safe ingress and egress to a public road. The applicant is responsible for receiving an access permit from the appropriate authority. Refer to Article 14.
  - b. **Access Drive Easement.** For all such parcels not adjoining a County maintained public street or road, an access drive easement not less than thirty (30) feet in width shall be designated as such and bearings and dimensions given between the parcel and a public road or street.
  - c. **Road Names.** All roads within the subdivision shall be named.
  - d. **Address.** A County issued address is required for each new residential lot created. Refer to Article 14.
  - e. **Identification.** The developer shall endorse the plan with the following statement:

“I hereby acknowledge that the Board of County Commissioners of Conejos County, Colorado is not responsible in any fashion for the construction, acceptance or maintenance of access drives or roads or streets indicated on this plan. Public service vehicles, emergency vehicles and other vehicles and persons within them having legitimate business to transact shall have the right of ingress, egress and regress along all such drives, roads and streets. I also acknowledge that the right

of such access on roads and streets not constructed for or by, nor dedicated to or accepted by and not maintained by Conejos County does not assure prompt, timely arrival of public safety vehicles or the prompt, timely delivery of public safety services.”

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**ARTICLE 11            SIGNS**

**DIVISION 11.1        GENERAL**

**Section 11.100        Purpose**

The purpose of this Article is:

- A.     **Appearance.** To protect the appearance of the community and enhance the attractiveness of Conejos County as a place to live, do business and visit.
  
- B.     **Identification.** To enable places of residence and commerce to be easily identified and allow the communication of information necessary to the conduct of business.
  
- C.     **Compatibility.** To permit signs that are compatible with their surroundings, but preclude placement in a manner that conflicts with the principal uses of the site, adjacent land uses, or adjacent signs, or interferes with or obstructs the vision of, or distracts motorists, bicyclists or pedestrians.
  
- D.     **Restriction in Size and Number.** To limit the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
  
- E.     **Hazards.** To prevent hazardous situations, confusion and visual clutter caused by proliferation, improper placement or installation, illumination, animation and excessive height, area and bulk of signs that compete for the attention of motorists, bicyclists and pedestrians.
  
- F.     **Safety.** Protect the public from dangers of unsafe signs, and require signs to be constructed, installed and maintained in a safe manner.

**Section 11.110        Sign Maintenance.**

Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or constructed of rust resistant metals.

**Section 11.120        Temporary Signs.**

- A.     **Real Estate Signs.** Signs not extending outside the lot line and not more than fifteen square feet per face in area which advertise the sale, rental or lease or the premises upon which said signs are located shall be permitted. Such signs shall be removed within thirty (30) calendar days of the sale or the property or transaction removing the property from the market.
  
- B.     **Political Campaign Signs.** Temporary political campaign signs shall be permitted; however, such signs may be erected not earlier than sixty (60) calendar days prior to any primary or general election. They shall be removed within fourteen (14) calendar days after the election to which the sign pertains. The property owners shall bear the responsibility and the expense for removal.

**Section 11.130                    Development Identification Signs.**

A sign that identifies a development will be considered as part of the platting process. Size, height, location and construction materials will be reviewed in the context of the proposed development. The provisions set forth in this Article shall apply.

**Section 11.140                    Prohibited Signs**

The following types of signs or advertising devices are prohibited in all zone districts.

- A.        **Structurally Unsafe.** Signs that are structurally unsafe or constitute a hazard.
  
- B.        **Signs Blocking Ingress or Egress.** Signs that prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape, except those signs that may be required by other codes, regulations, or ordinances.
  
- C.        **Signs Obstructing Visibility.** Signs that obstruct or interfere with traffic signs or signals, or that impair visibility in the public right-of-way, or that are located within a clear vision area.
  
- D.        **Signs with Moving Parts.** Signs with visible moving, revolving or rotating parts, flashing or fluttering lights or other illuminating devices that have a changing brightness or intensity or color, or any mechanical movement or apparent movement achieved by electrical, electronic or mechanical means, *except* time, temperature and date signs or holiday decorations.
  
- E.        **Displays with Open Light Bulbs.** External displays, other than temporary decorative holiday lighting, that consist of unshielded or open light bulbs.
  
- F.        **Signs without Adequate Clearance from Power Lines.** Signs that have been constructed or maintained with less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by state law or required by the utility provider.
  
- G.        **Vehicle Signs.** Signs placed on vehicles or trailers that are parked or located for the apparent purpose of advertising a product, service or activity or to direct people to a business or activity located on the premises or nearby
  
- H.        **Obsolete Signs.** Signs that are located on property that becomes vacant and unoccupied for a period of six months or more, or a sign that pertains to a time, event or purpose that no longer applies shall be considered obsolete. The sign face of an obsolete sign shall be removed by the owner of the sign or the owner of the property. A sign that is not so removed by the owner may be removed by the Land Use Office, as authorized under Article 16, provided however, that the following types of signs shall be excepted from these provisions.
  - 1.        **Exception for Change of Ownership.** Signs displayed on a business temporarily suspended because of a change of owner ship or management of the business shall not be construed to be obsolete unless the property remains vacant or the business is closed for a period of six months or more.
  
  - 2.        **Exception for Seasonal Business.** Permanent signs displayed on a business that is open only on a seasonal basis shall not be construed to be obsolete unless the

property remains vacant or the business is closed for a period of twelve months or more.

- I. **Signs on Natural Features.** Signs painted on rocks or other natural features.
- J. **Signs on Trees or Utility Poles.** No sign shall be attached to a tree or utility pole on public property.

**Section 11.150 Requirements**

- A. **Dimensions.** The size and height of the sign must comply with standards shown in the Sign Table, Section 11.160. Where a sign has two display faces, the area of one side shall be considered the total area for that sign.
- B. **Moving Features.** The sign shall not contain any flashing, rotating, animated or otherwise moving features. Signs with a changeable message must remain motionless for not less than one minute.
- C. **Illumination.**
  - 1. **Flashing Lights Prohibited.** The sign shall not have blinking, flashing, moving or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color.
  - 2. **No Impact to Neighboring Property.** Illuminated signs shall not cause glare or otherwise adversely impact residential areas.
  - 3. **No Impacts to Traffic.** Neither the direct or reflected light from any light source illuminating the sign shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares. Colored lights shall not be used at any location or manner so as to be confused with or construed as a traffic control device.
  - 4. **Conformance to Community Standards.** All signage to conform to community standards and General Lighting Standards.
- D. **Location.** The sign shall be entirely located on private property and shall not be placed on or over road easements or rights-of-way. The sign shall not create an obstruction for traffic or create any hazard for motorists, cyclists or pedestrians.
- E. **Safety.**
  - 1. **Wind Load.** Signs over ten feet in height shall be engineered to withstand a wind loading of a minimum of thirty pounds per square foot of sign area without failure of the face retention system or sign structure.
  - 2. **Electrical Wiring.** Electrical wiring for the sign shall be underground in the case of freestanding signs, and behind the sign cabinet in the case of wall or projecting signs.

3. **Support.** Roof signs, signs mounted on marquees, or projecting signs shall be engineered in such a manner that no guy wires are needed for support, other than for the sign structure itself.
  
4. **Protection of Anchors and Supports.** Anchors and supports shall be protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by a parapet wall that is not braced.

**Section 11.160                      Sign Table**

Zoning District	Max. Sign Size (Sq.Ft.)	Max. Sign Height (Ft.)
Agricultural	32	20
Rural Residential	32	20
Residential	N/A	N/A
Commercial	32	20
Industrial	32	20
Interstate Highway Sign*	32	20

\*Interstate highway signs apply only to uses that provide gasoline, food or lodging and have frontage on the interstate right-of-way of interstate frontage road.

**ARTICLE 12            OIL AND GAS REGULATIONS**

**DIVISION 12.1            GENERAL**

**Section 12.100            Applicability**

A.     **Compliance.** All Oil and Gas Operations in the unincorporated areas on public and private land within the County shall comply with Article 12.

B.     **Permit Required.** No person shall engage in, cause, allow or conduct any Oil and Gas Operations prior to obtaining an Oil and Gas Permit unless the Operations fall within the exemption

C.     **Exemptions.** The following Oil and Gas Operations are exempt from this code:

1.     **Mapping Activities.** Mapping activities that do not result in any surface disturbance.
2.     **Existing Oil and Gas Operations.** Operation and maintenance of well sites, wells and pipelines, that are legal nonconforming uses and any expansion of a nonconforming Oil and Gas Operation shall comply with Article 7.

D.     **Classification of Impact.** Unless specifically exempt, Oil and Gas Operations shall be classified and reviewed within one of the three following classes of Oil and Gas Permits:

1.     **Oil and Gas Permit for No Significant Impact Oil and Gas Operation.** An application for an Oil and Gas Permit for a No Significant Impact Oil and Gas Operation shall require an Administrative Review as stated in Division 5.4. An Oil and Gas Operation shall be classified as a No Significant Impact Oil and Gas Operation if it consists solely of the following elements:
  - a.     The Oil and Gas Operation, without mitigation, in its proposed location is unlikely to have any significant adverse impact to the County taking into consideration the Oil and Gas Operation Standards in Division 12.3; and
  - b.     The Oil and Gas Operation will consist solely of the installation or construction by one Operator of no more than five (5) wells, none of which are within one mile of each other, during the same calendar year, and there is no other well(s) existing or proposed within one mile of the proposed well(s); or
  - c.     The Oil and Gas Operation will consist solely of the installation or construction by one Operator of no more than five (5) flowlines or gathering lines within one mile of each other during the same calendar year; or

- d. The Oil and Gas Operation will consist solely of the installation or construction by one Operator of storage yards and construction staging areas disturbing one acre or less, during the same calendar year; or
- e. The Oil and Gas Operation is necessary to protect public health, safety, welfare or the environment.

For purposes of determining if an Oil and Gas Operation is a No Significant Impact Oil and Gas Operation, all proposed activities of the Operator within unincorporated Conejos County shall be taken into consideration.

- 2. **Oil and Gas Permit for a Minor Oil and Gas Operation.** Applications for a Minor Oil and Gas Operation shall require a Special Use Review as stated in Division 5.4. An Oil and Gas Operation shall be considered a Minor Oil and Gas Operation if it consists of:

- a. The installation or construction by one Operator of a well within one mile of an existing or proposed well; or
- b. The installation or construction by one Operator of six (6) to ten (10) wells, none of which are within one square mile of each other during the same calendar year, and there is no other well(s) existing or proposed within one mile of the proposed well(s);\_or
- c. The installation or construction by one Operator of six (6) to ten (10) flowlines or gathering lines, all within a square mile of each other during the same calendar year.

- 3. **Oil and Gas Permit for Major Oil and Gas Operation.** An Oil and Gas Operation that is not classified as a No Significant Impact Oil and Gas Operation or a Minor Oil and Gas Operation shall require an Oil and Gas Permit for a Major Oil and Gas Operation. An application for an Oil and Gas Permit for a Major Oil and Gas Operation shall require a Special Use Review as stated in Division 5.4.

**E. Permit Duration.**

- 1. **Commencement Of Operation.** The Operation shall be commenced within one year of the issuance of an Oil and Gas Permit under this code or the Permit shall terminate and be of no force and effect.
- 2. **Completion of Operation.** The Operation shall be completed within one (1) year of commencement of Operation under this code unless a greater period of time is agreed to by the County in writing prior to the expiration of one year. At the end of one year or such additional term that may be agreed to by the County, the Permit shall terminate and be of no force and effect, and any land disturbance shall be reclaimed immediately.



## **DIVISION 12.2            APPLICATION SUBMITTAL AND REVIEW**

### **Section 12.200            Application Submittal**

This Section shall apply to those Oil and Gas Operations not exempt under 12.100C.

A.     **Application.** An applicant seeking an Oil and Gas Permit to conduct an Oil and Gas Operation shall submit an application to the Land Use Office containing the information in this Section 12.200B. An applicant may provide a copy of an Application for Permit to Drill or other application submitted to the Colorado Oil and Gas Conservation Commission and/or federal Environmental Assessment (EA) or Environmental Impact Statement (EIS) as documentation for one or more of the following submittal requirements in this Section 12.200B if it contains information sufficient to demonstrate compliance with this code and that information is highlighted.

B.     **Submittal Requirements.** An applicant for a permit to conduct Oil and Gas Operations shall submit the following information:

1.     **Applicant.** The name, address, and telephone for the applicant; and if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and also stating the same information for the agent.
2.     **Surface Ownership.** Documentation of surface ownership, evidence of surface owner notification, and copies of any surface ownership agreements and leases affecting the area where the Oil and Gas Operation will be conducted. Name, address, and telephone of the owner of the property.
3.     **Mineral Owner.** Documentation of mineral ownership, including name, address, and telephone of the owner of the mineral rights.
4.     **Parcel Location.** The legal description, property address and common description of the parcel on which the Operation is proposed to be located. A copy of the recorded deed or lease to the parcel should be included.
5.     **Identification of Previously Approved Uses.** List any permits which have been previously approved for the parcel on which the Operation is proposed.
6.     **Characteristics and Current Condition of the Operation Location.** Identification of physical characteristics and current conditions of the site where the Operation is proposed to occur, including streams, irrigation ditches, ponds, soils, roads, vegetation, geologic hazards, and any other characteristics requested by the Land Use Office to determine potential impacts. Indications if trees or other vegetation have been removed and changes caused either by weather-related or human activity within the past five years.
7.     **List of Adjacent Landowners.** A listing of all landowners and land uses that are adjacent to the boundaries of the parcel on which the project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the parcels except for the existence of the roadway. The source for

the best-available information to identify those landowners is the Conejos County Assessor's Office.

8. **Vicinity Map.** A vicinity map which shall, at a minimum, include the following:
  - a. **Operation Location.** Location of the Operation on a United States Geological Survey quadrangle map or on a recorded plat if the proposed Oil and Gas Operation is within an approved subdivision, with the location highlighted so that it is easy to see.
  - b. **Topographic Features.** Streams, lakes, ponds, wetlands, contour lines and elevations, within one mile of the proposed well pad.
  - c. **Roads.** All public and private roads that traverse and/or provide access to the proposed Oil and Gas Operation, and identification of the public or private entity having jurisdiction over each road(s).
  - d. **Easements.** Easements recorded or historically used that provide access to or across, or other use of, the parcel.
  - e. **Boundaries of Districts, Municipalities or Subdivisions.** Locations of special district boundaries, municipalities or subdivisions within one mile of the site.
  - f. **Proximity of Other Wells and Other Oil and Gas Operations.** Location of other wells and other Oil and Gas Operations within one mile of the site.
  
9. **Site Plan Map.** A map with north arrow and appropriate scale for the parcel where the Oil and Gas Operation will occur, indicating the following:
  - a. **Easements and Rights-of-Way.** Utility easements and rights-of-way.
  - b. **Improvements.** Existing improvements.
  - c. **Proposed Facilities.** Proposed facilities such as structures, pipelines, tanks, wells, pits, flow lines, impoundment facilities, staging and storage areas and equipment.
  - d. **Site Features.** Site features such as floodplains, waterbodies, drainage patterns, aquatic habitat, vegetative cover, wildlife migration routes and significant wildlife habitat.
  - e. **Topography.** Existing and proposed topography at five-foot intervals or some other interval established by the Land Use Office as necessary to portray the direction and slope of the area affected by the Oil and Gas Operation.
  - f. **Lease Boundary.** All boundaries of the lease(s) upon which the Operation will take place.

10. **Applications and Permits.** Copies of all local, state and federal applications authorizing or required for the Operation, and permits, when issued.
11. **Operation Plan.** A plan including the method and schedule for drilling, completion, transporting, production and post-operation.
12. **Weed Management Plan.** A plan for the management and prevention for noxious weeds on the site.
13. **Access and Transportation Routes.** A map that identifies the access route to, and within the parcel, and a narrative estimating the number and types of vehicles anticipated per day, including weights, that will travel over the route.
14. **Identification of Water Structures.** Identification of irrigation ditches and other water structures, ownership of water rights appurtenant thereto, and evaluation of any impacts to the structures, water rights or water quality.
15. **Roadway Impact Analysis.** An analysis of the impacts of the Operation to the roadway system within the County.
16. **Wildlife and Wildlife Habitat Analysis.** After consultation with the Colorado Division of Wildlife and the U.S. Fish and Wildlife Service, the applicant shall provide an analysis of existing wildlife and sensitive wildlife habitat, an evaluation of the impacts of the Operation on wildlife and sensitive wildlife habitat, and proposed mitigation.
17. **Vegetation.** A written description of the type, character, and density of existing and proposed vegetation on the parcel, a summary of the impacts of the Operation on vegetation, and proposed mitigation.
18. **Emergency Response Plan.** An emergency response plan that addresses fire protection and hazardous spills, including the name and contact information for the applicant's incident commander, proposed signage, access/evacuation routes, and health care facilities anticipated to be used. The plan shall include a provision for the Oil and Gas Operator to reimburse the appropriate emergency response service providers for costs incurred in connection with the emergency.
19. **Water Quality Non-Point Source Impacts.**
  - a. **Identification of All Water Bodies.** An inventory and location of all water bodies within one mile of the proposed Oil and Gas Operation.
  - b. **Description of Existing Water Quality.** A description of existing water quality of all water bodies within one mile of the parcel, based upon a current baseline water quality analysis.
  - c. **Non-Point Source Impacts to Water Quality.** A description of potential non-point source pollution associated with the proposed Oil and Gas Operation and proposed mitigation.

- d. **Mitigation and Avoidance.** Proposed avoidance and mitigation measures to minimize the water quality impacts associated with the Operation. Proposed mitigation may include an erosion control plan required under this Section 12.200 B21.
- 20. **Cultural Survey.** A cultural, historical, and archeological survey of the parcel prepared by a qualified professional.
- 21. **Drainage and Erosion Control Plan.** A plan that identifies existing and proposed drainage patterns and the methods for controlling erosion during construction and operation phases of the Operation.
- 22. **Wildfire Hazards.** An assessment of wildfire hazards within one mile of the site, and a plan for mitigating wildfire hazards.
- 23. **Geologic Hazards.** An assessment of the geologic hazards within one mile of the site, and a plan for mitigating geologic hazards.
- 24. **Existing and Future Land Uses.** A written summary of the existing uses of the parcel and the proposed future land uses of the parcel after completion of the Operation.
- 25. **Technical Infeasibility Waiver.** Documentation of the basis for any technical infeasibility waiver from the Oil and Gas Operation Standards that the applicant may request pursuant to Division 12.3.

**Section 12.210                    Coordination with State or Federal Actions .**

Final action by the County on an Oil or Gas Permit application may be delayed until any required Environmental Assessment (EA), Environmental Impact Statement (EIS) or other permit by a state or federal agency is issued, so that the County will have the benefit of the analysis and determinations made by other entities in reaching its own decision.

**Section 12.220                    Review and Appeal Procedures.**

**A.        No Significant Impact Oil and Gas Operation.**

- 1. **Review by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220, including the mailing of referral letters.
- 2. **Public Notice.** The following notification is required:
  - a. **Adjacent Property Owners.** The applicant shall provide written notice to owners of real property within 1500 feet of the subject parcel when the Oil and Gas Operation is located on private land, and within 1500 feet of the Section (640 acres) in which the Oil and Gas Operation is located when the Operation is located on public land.
  - b. **Owners of Water Rights.** The applicant shall make reasonable efforts to provide written notice to any owners of water rights in any ditches or

other water structures that may reasonably be impacted by the proposed Oil and Gas Operation. The list of owners of such water rights who may reasonably be affected by the Operation shall be compiled by the applicant by contacting the local water commissioner who represents the Colorado Division of Water Resources.

c. **Owners of Non-Adjacent Property within an Existing Subdivision, Or 35-Acre Tract Development.** If any part of an existing subdivision or 35-acre tract development is within 1500 feet of the subject parcel when the Oil and Gas Operation is located on private land, or within 1500 feet of the Section (640 acres) in which the Oil and Gas Operation is located when the Operation is located on public land, the applicant shall notify all of the surface landowners within the existing subdivision or 35-acre tract development.

3. **Land Use Administrator Decision.** Within forty five (45) calendar days of the completeness determination, the Land Use Administrator may approve, approve with conditions or deny the application for a No Significant Impact Oil and Gas Operation, based upon compliance of the Oil and Gas Operation with the Oil and Gas Operation Standards set forth in Division 12.3.

4. **Notice of Administrative Decision.** The Land Use Administrator shall inform the applicant of the approval, conditions of approval or basis for denial in writing with five (5) working days of the decision.

5. **Review of Administrative Decision.** An applicant may request a review of the Administrative decision by following the procedure in Section 3.250A.

**B. Minor and Major Oil and Gas Operation.**

1. **Pre-application Conference.** A pre-application conference shall be held in accordance with Section 3.200.

2. **Review by Land Use Office.**

a. **Review of Application Materials by the Land Use Administrator.** The Land Use Administrator shall review the application as stated in Section 3.220, including the mailing of referral letters.

b. **Public Notice.** The Administrator shall schedule the application of a public hearing with the Planning Commission in accordance with Section 3.230. The following additional notice is required.

(1) **Adjacent Property Owners.** The applicant shall provide written notice to owners of real property within 1500 feet of the subject parcel when the Oil and Gas Operation is located on private land, and within 1500 feet of the Section (640 acres) in which the Oil and Gas Operation is located when the Operation is located on public land.

- (2) **Owners of Water Rights.** The applicant shall make reasonable efforts to provide written notice to any owners of water rights in any ditches or other water structures that may reasonably be impacted by the proposed Oil and Gas Operation. The list of owners of such water rights who may reasonably be affected by the Operation shall be compiled by the applicant by contacting the local water commissioner who represents the Colorado Division of Water Resources.
  - (3) **Owners Of Non-Adjacent Property Within An Existing Subdivision, Or 35-Acre Tract Development.** If any part of an existing subdivision or 35-acre tract development is within 1500 feet of the subject parcel when the Oil and Gas Operation is located on private land, or within 1500 feet of the Section (640 acres) in which the Oil and Gas Operation is located when the Operation is located on public land, the applicant shall notify all of the surface landowners within the existing subdivision or 35-acre tract development.
3. **Review By Planning Commission.** The application for a Minor or Major Oil and Gas Operation Permit shall be considered by the Planning Commission at a public hearing conducted in accordance with Section 3.240. The Planning Commission shall recommend approval, approval with conditions or denial of the Minor or Major Oil and Gas Operation Permit application based on the approval standards set forth in Division 12.3.
4. **Public Hearing and Action by Board.** The final decision to approve, approve with conditions or deny the application for a Minor or Major Oil and Gas Operation shall be made by the Board of County Commissioners at a public hearing. The hearing shall be scheduled within forty-five (45) calendar days of the Planning Commissioner recommendation. Public notice of the Board of County Commissioners hearing shall be in conformance with Section 3.230.

Following the public hearing conducted in accordance with Section 3.240, the Board of County Commissioners shall approve, approve with conditions or deny the application for a Minor or Major Oil and Gas Operation based on the approval standards in Division 12.3. If the application fails to satisfy any one the applicable standards the application shall be denied.

## **DIVISION 12.3            STANDARDS FOR APPROVAL**

### **Section 12.300            Standards for Approval.**

An Oil and Gas Operation shall comply with the following standards and criteria unless a Technical Infeasibility Waiver is granted under Section 1-107P:

- A. **Drainage and Erosion Control.** The Oil and Gas Operation shall not cause significant erosion or sedimentation and shall be conducted in accordance with the drainage and erosion control plan.

B. **Access Roads.** All public access roads, under the jurisdiction of Conejos County, shall be constructed and maintained in compliance with the Conejos County Standard Specifications for Road and Bridge Construction, as necessary to accommodate the traffic and equipment related to the Oil and Gas Operation and emergency vehicles.

C. **Public Roadway and Traffic Impacts.**

1. **Ingress and Egress.** Ingress and egress points to public roads shall be located, maintained and improved to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.
2. **Maintenance Agreement Or Financial Assurance.** If the projected use of the public roads resulting from the Oil and Gas Operation will result in a need for an increase in roadway maintenance or snow removal, the County shall require the Operator to: i) enter into an agreement with the County whereby the operator provides for private maintenance and snow removal, or reimburses the County for such increased costs; and/or ii) provide a bond or other financial assurance in an amount acceptable to the County to cover the costs of impacts to the roads.

D. **Wildlife and Wildlife Habitat.** The Oil and Gas Operation shall not cause significant degradation of wildlife or sensitive wildlife habitat.

E. **Livestock and Livestock Grazing.** The Oil and Gas Operation shall not cause significant impact to livestock, grazing permits, or grazing permittees. Fencing or other agreements between private grazing operations and the Oil and Gas Operator may be used to satisfy this requirement.

F. **Recreation Impacts.** The Oil and Gas Operation shall not cause a significant degradation in the quality or quantity of recreational activities in the County such as hunting, hiking, skiing or related activities.

G. **Water Quality.**

1. **No Significant Degradation.** The Oil and Gas Operation shall not cause significant degradation in the quality or quantity of surface waters from the addition of non-point source pollution.
2. **Water Wells.** The Oil and Gas Operation shall not cause significant degradation in the water quality or water pressure of any public or private water wells.

H. **Waterbody Setbacks.** Activities associated with the Oil and Gas Operation shall be located a minimum of 500 feet from any waterbody unless such a setback would interfere with spacing requirements established by the Colorado Oil and Gas Conservation Commission.

I. **Cultural and Historic Resources.** The Oil and Gas Operation shall not cause significant degradation of cultural or historic resources.

J. **Wildfire Hazard.** The Oil and Gas Operation shall not cause a significant risk of wildfire hazard.

K. **Geologic Hazards.** The Oil and Gas Operation shall not cause significant risk of geologic hazards.

L. **Impact Mitigation Costs.** The Operator shall bear the proportionate cost of mitigating the impacts caused by the Oil and Gas Operation.

M. **Access to Records.** Oil and Gas Operators shall make and keep appropriate books and records covering their Oil and Gas Operations. Such books and records shall be kept on file and be available for inspection by the County during reasonable times for a period of at least five (5) years from final permit date of approval.

N. **Emergency Response.** Oil and Gas Operations shall provide a written emergency response plan for the potential emergencies that may be associated with the operation of the facilities. This shall include, but not be limit to any or all of the following: explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, and hazardous material vehicle accidents or spills. Operation specific emergency preparedness plans are required for any Oil and Gas Operation that involves drilling or penetrating through known zones of hydrogen sulfide gas. The plan shall include a provision for the Operator to reimburse the appropriate emergency response service provider for costs incurred in connection with the emergency.

O. **Financial Guarantees.** Financial security shall be provided by the Operator to guaranty any mitigation required by the County as a condition of approval of an Oil and Gas Permit. The Operator shall enter into a Security Agreement with the County consistent with the following:

1. **Development Improvement Agreement Shall Be Required.** When mitigation is a required component of an Oil and Gas Permit, the Board shall require as a condition of permit approval that the Operator execute and fund with Conejos County a Development Improvement Agreement acceptable to Conejos County in form and substance, and amount and type of security. The Development Improvement Agreement shall constitute the Operator's agreement to perform all conditions, identified as requirements of Permit approval. The Development Improvement Agreement shall specifically identify such requirements including plans, drawings and schedules for completion and shall be substantially in the form referenced in Appendix A, attached hereto and incorporated herein.
2. **Financial Security.** The Development Improvement Agreement shall require the Operator to provide to the County a guarantee of financial security, acceptable to the County, in an amount established by the Board based on no less than 125 percent of the estimated cost of the conditions to be performed, and payable on demand to the County. The purpose of the guarantee of financial security is to assure that the public and private improvements, and all other conditions identified as requirements of Permit approval are timely and fully completed, that all mitigation requirements and permit conditions are timely and fully performed, and that all impacted areas are timely and fully reclaimed.
3. **Ensured Completion of Conditions.** The Development Improvement Agreement shall provide that if the Board determines that any of the required conditions are not performed as provided in the Agreement, including reasonable requirements for the correction of deficiencies upon notice thereof, the Board may draw upon the financial security as may be necessary to complete the



improvements in accordance with the specifications included in the Agreement and the Board may exercise any or all of the other remedies available to it pursuant to the Agreement and this code.

4. **Certification of Completion and Release of Security.** The Development Improvement Agreement may include requirements for certification of completion, partial releases of the security, hold-over of security to ensure repairs or replacement, demonstrated performance of required facilities, substitution of security, and other requirements deemed appropriate by the Board.
5. **Form of Agreement.** A general form of the Development Improvement Agreement may be obtained from the County Attorney's office. This form of agreement may be modified from time to time by the County at its discretion without formal amendment to this Regulation.

P. **Technical Infeasibility Waiver.** One or more of the Oil and Gas Operation Standards set forth in this Section 1-107 may be waived during the application process, if the Operator demonstrates to the satisfaction of the County that it is technically infeasible to comply with the standard(s). To be granted a waiver from a standard for technical infeasibility, the burden is on the Operator to demonstrate one of the following with clear and convincing evidence:

1. **Conflict with State or Federal Regulation.** Conduct of the Oil and Gas Operation in compliance with the County standard would result in an operational conflict with a mandatory state or federal oil and gas regulation, condition or other requirement; or
2. **No Technology Available.** There is no economical technology commercially available to conduct the Oil and Gas Operation in compliance with the County standard, and the applicant will implement the best available technology to conduct the Oil and Gas Operation in compliance with the County standard to the maximum extent feasible; and
  - a. The waiver will not cause substantial injury to the owner or occupant of adjacent land(s); and
  - b. The waiver will not cause substantial injury to the environment.

**ARTICLE 13 WATER, WASTEWATER AND PUBLIC UTILITIES**

**DIVISION 13.1 WATER**

**Section 13.100 General Requirements**

A. **Quality.** A water supply that is in compliance with the drinking water standards of the Colorado Department of Public Health and Environment shall be provided for all new residential lots and for all approved uses where applicable. If treatment is necessary, water supplies shall be treated by methods acceptable to the Colorado Department of Public Health and Environment.

Any treatment of a private water supply shall be in accordance with applicable state and local laws and regulations.

B. **Quantity.** There shall be a sufficient quantity, dependability and pressure to provide an appropriate supply of water for the use proposed, as determined by the Division of Water Resources.

The water source shall be capable of supplying a minimum of four hundred-fifty gallons for residential uses. For RV Parks and Campgrounds the water source shall be capable of supplying a minimum of fifty gallons per space per day for spaces lacking individual water connections and one hundred gallons per space per day for all spaces provided with individual water connections.

C. **Minimum Lot Area**

1. For all land not provided with central water facilities, the minimum lot area shall be one (1) acre;
2. For all land provided with central water facilities, the minimum lot area shall be 7,000 square feet for an interior lot and 9,000 square feet for a corner lot; the minimum lot area per dwelling unit shall be 7,000 square feet.
3. For all commercially zoned land provided with central water facilities, the minimum lot area shall be ten thousand (10,000) square feet.

D. **Connection.** The water supply system shall be connected by pipes to all homes, RV parks, buildings and other facilities requiring water.

E. **Equipment.** All water piping, fixtures and other equipment shall be located, constructed and maintained in accordance with state and County regulations and requirements.

F. **Contamination and Flood Damage.** Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

**Section 13.110 Centralized System**

A. **General Requirements.** No new use shall be approved by Conejos County unless a reliable water supply system is available to it. Where a public supply of water of satisfactory

quantity, quality, dependability and pressure is available, the applicant shall make every reasonable documented effort to connect to such a system and it shall be the exclusive supply used.

When such a public water supply is not available, a central water supply system may be developed and used if it meets the standards of the Colorado Department of Public Health and Environment. It is the responsibility of the developer to obtain an engineered design of such a system and to submit proof that the system is installed as designed.

**B. Future Demands.** Centralized water treatment and distribution systems shall be designed to meet the initial and future demands of the proposed use. In addition, new centralized water systems shall be designed with sufficient treatment and storage capacity to serve the demands.

**C. Application Requirements.** The following information must be submitted in addition to the other information required for proposed use.

1. **Description of System.** A description of the proposed system for the supply of potable water will be provided which includes the location and size of water lines. Also there must be adequate evidence that the system will be capable of dependably delivering an adequate quantity of water for the proposed use.
2. **Water Availability.**
  - a. Where water supply is to be provided by a public system or an already existing private centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed use and that the owners of the system are willing and able to provide the proposed water supply. The applicant must also submit a statement of the feasibility of extending service to the proposed site.
  - b. For a new centralized system, evidence of ownership or right of acquisition of or use of existing and/or proposed water rights and historic use and estimated yield of claimed water rights.
3. **Water Quality.** Evidence demonstrating that the potability and overall quality of the proposed supply will meet or exceed state and Federal water quality standards for drinking water.

### **Section 13.120 On-Lot Systems**

**A. General Requirements.** Water service that is provided to every lot or parcel by a community or collective water supply and distribution system shall be favored where such systems are practical. All lots which cannot practically be provided with a community or centralized water treatment and distribution system shall be provided with an individual on-lot water supply system. The applicant shall install such a system or shall require by deed restriction or otherwise in a manner satisfactory to the Board of County Commissioners as a condition of sale that such an on-site water supply system shall be installed by the purchaser of the lot at the time of the construction of the principal building and before it is occupied.

On-lot systems shall meet these criteria:

1. Underground aquifers are adequate to supply the projected future needs of the development.
2. Well permits are available from the Colorado Division of Water Resources.
3. Well usage would not interfere with vested water rights.

B. **Application Requirements.** The following information must be submitted in addition to the other information required for proposed use.

1. **Description of System.** A description of the proposed systems for the supply of potable water along the location of the well(s) and water lines. Also there must be adequate evidence that the system will be capable of dependably delivering an adequate quality and quantity of water for the proposed use.
2. **Water Availability.** Evidence of ownership or right of acquisition of or use of existing and/or proposed water rights and historic use and estimated yield of claimed water rights shall be provided.
3. **Water Quality.** Evidence demonstrating that the potability and overall quality of the proposed supply will meet or exceed state and Federal water quality standards for drinking water.
4. **Cumulative Effect.** Where the water supply will be provided by multiple individual on-lot wells, the cumulative effect of such proposed use on vested water rights shall be discussed and evidence regarding the effect shall be provided.

## DIVISION 13.2 WASTEWATER

### Section 13.200 General Requirements

A. **General.** An adequate wastewater system shall be provided in each for each applicable proposed use for the purpose of conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws. No proposed use shall receive the approval of Conejos County unless the County Inspector/Code Enforcer, under the guidelines of the Colorado Department of Public Health and Environment, has made a favorable recommendation regarding the proposed method of sewage disposal.

#### B. **Minimum Lot Area**

1. For all land not provided with central sewer facilities, the minimum lot area shall be one (1) acre; the minimum lot area per dwelling unit shall be one (1) acre.
2. For all land provided with central sewer facilities, the minimum lot area shall be 7,000 square feet for an interior lot and 9,000 square feet for a corner lot; the minimum lot area per dwelling unit shall be 7,000 square feet.

3. For all commercial zoned land provided with central sewer facilities, the minimum lot area shall be ten thousand (10,000) square feet.

C. **Sewer Lines.** All sewer lines shall be constructed by standards and with materials that comply with state or local laws and shall meet the Colorado Department of Public Health and Environment design criteria.

D. **Sewage Treatment and/or Discharge.** Where the sewer lines are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Colorado Department of Public Health and Environment prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the state, except with prior approval of the Colorado Department of Public Health and Environment.

E. **Contamination and Flood Damage** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters and, on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### **Section 13.210 Centralized System**

A. **General Requirements.** No new use shall be approved by Conejos County unless a reliable wastewater supply system is available to it. Where a public sanitary sewer main or service area of a special sanitation district is available, the applicant shall make every reasonable documented effort to connect to such a system and it shall be the exclusive system used.

When such a public sanitation system is not available, a central wastewater system may be developed and used if it meets standards of the Colorado Department of Public Health and Environment. It is the responsibility of the developer to obtain an engineered design of such a system and to submit proof that the system is installed as designed.

B. **Mobile Home Parks and RV Parks and Campgrounds.** An adequate, centralized sewage system shall be required in each Mobile Home Park, RV Park and Campground for the purpose of conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.

C. **Application Requirements.** When a centralized system is being proposed, the following information must be submitted in addition to the other information required in this Code for the proposed use.

1. **Description of System.** Description of the proposed wastewater system, including: soil percolation information; location and size of sewer service lines and leach field or treatment facilities to serve the proposed use; and the peak capacity of the sewage treatment system.
2. **Complies with State Regulations.** The applicant must provide evidence that the proposed system for the disposal of sewage will comply with the State of Colorado statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound.
3. **Availability of Existing System.** Where a wastewater system is to be provided by an already existing public or other centralized system, a letter of preliminary

commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed use and that the owners of the system are willing and able to provide the proposed sewage collection and treatment services.

**Section 13.220 Individual Sewage Disposal Systems (ISDS).**

- A. **General Requirements.** Where it is not possible or practical to connect to an existing public or other centralized waste water system an on-lot system must be installed at the time of construction of the principle building and before it may be occupied. On site individual sewage disposal systems shall comply with this Code and with all applicable State of Colorado statutes and regulations governing the construction of such systems.
  
- B. **Distance from Streams.** Individual septic tanks must be placed at least one hundred (100) feet from the high water mark of any perennial stream. Drain fields from on-site sewage disposal and treatment system (i.e., septic systems and leach fields) must be placed one hundred (100) feet from the high water mark of any stream.
  
- C. **Raised and Engineered Septic Systems.** A raised or otherwise engineered septic system will be required in certain circumstances based on State standards as interpreted by the County Inspector/Code Enforcer.
  
- D. **Application Requirements.** When an ISDS is proposed, the following information must be submitted in addition to the other information required for the proposed use.
  - 1. **Description of System.** Description of the proposed wastewater system, including location and size of leach field, sewer lines, etc.
  
  - 2. **Soil Percolation.** Soil percolation tests if applicable.

**Section 13.230 Capped Sewers**

- A. **General Requirements.** Where County, municipal or special district plans indicate that the construction or extension of sewage collection lines may serve a proposed subdivision within a reasonable period of time, the Board of County Commissioners may require the installation of capped sanitary sewer mains and house connections in addition to the installation of temporary on-lot sewage disposal systems. It shall be the responsibility of the developer to obtain an engineered design for an adequate system and proof that they system is built as designed.
  
- B. **Application Requirements.** When a capped sewer is proposed, the following information must be submitted in addition to the other information required for the proposed use.
  - 1. **Description of System.** Description of the proposed wastewater system, including: soil percolation information; location and size of sewer service lines and leach field or treatment facilities to serve the proposed use; and the peak capacity of the sewage treatment system.
  
  - 2. **Complies with State Regulations.** The applicant must provide evidence that the proposed system for the disposal of sewage will comply with the State of Colorado statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound.

3. **Availability of Existing System.** Where a wastewater system is to be provided by an already existing public or other centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed use and that the owners of the system are willing and able to provide the proposed sewage collection and treatment services.

## **DIVISION 13.3 PUBLIC UTILITIES**

### **Section 13.300 General Requirements**

- A. **Public Utilities.** Public utilities, where available, shall be used. If not available, alternative systems may be employed.
- B. **Underground Utilities.** The construction, installation and repair of right-of-way openings for subsurface utilities require approval from Conejos County, the posting of an appropriate bond and evidence of adequate insurance. Refer to Article 14.
- C. **Utility Easements.** Utility easements shall measure twelve (12) feet on each side of rear lot lines and on subdivision perimeter rear lot lines adjacent to unsubdivided property. Utility easements shall measure fifteen (15) feet in width. Side lot easements, where necessary, shall measure ten (10) feet in width on either side of the lot line. If the location of utility easements adjacent to rear lot lines is unsuitable for use by utility companies due to drainage, irrigation or other obstructions, an applicant shall provide like width easements adjacent to said areas of obstruction. Utility easements shall be subject to approval by the applicable utility companies and, where required, additional easements shall be required for main switching stations and substations. Applicants shall make the necessary arrangements with each serving utility for the installation of required utilities.
- D. **Flood Damage.** All proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

**ARTICLE 14 ACCESS, ROAD STANDARDS, PUBLIC WAY VACATIONS AND ADDRESSES**

**DIVISION 14.1 ACCESS**

**Section 14.100 General**

A. **Access Permits Required.** Access to and from the use shall be safe and in conformance with applicable standards. An access permit is required from the appropriate authority. Where the access is adjacent to a county road, the applicant shall be responsible for obtaining a new access permit from the Land Use Office. Where the access is adjacent to a state highway, the application shall be responsible for obtaining a new access permit from the Colorado Department of Transportation.

B. **Access Drive Easement.** For all new parcels not adjoining a County maintained public road, an access drive easement not less than thirty (30) feet in width shall be designated as such and bearings and dimensions given between the parcel and a public road.

**Section 14.110 County Road Access Permit**

A. **Application Submittal.** An application for and access permit from a County Road shall be filed by the person having an interest in the real property for the access being requested. The application must be made on a form provided by the Land Use Office and accompanied by:

1. A copy of a deed demonstrating that the applicant has an interest in the real property abutting the roadway or a portion thereof sought to be vacated.
2. A non-refundable processing fee.
3. A plat or site drawing setting forth the point as which the access is being sought.

B. **Review Procedure**

1. **Review of Application Materials.** Upon receipt of an application and additional materials for an access permit, the Land Use Office will forward the materials to the Road and Bridge Supervisor, who will review the materials and visit the location to which access is sought.
2. **Road and Bridge Supervisor Review.** The County Road and Bridge Supervisor shall conduct a field inspection of the site within ten (10) working days. During the field inspection, the Supervisor will take into consideration, possible alternative locations and/or determine what type of structure is needed in order to provide safe access. The Supervisor will further estimate the cost of providing said access. Within five (5) working days the Road and Bridge Supervisor will recommend approval, approval with conditions or denial and will prepare a report of his or her findings, and construction requirements, which will be submitted to the Land Use Office.



3. **Notification of Applicant.** Upon receipt of the report, the Land Use Office will issue the permit subject to any conditions that have been placed on it or notify the applicant that the permit has been denied.
- C. **Review of Decision.** An applicant may request a review of the Administrative decision in accordance with Section 3.250A.
- D. **Standards for Approval**
1. Permitting access at the point requested will not place in jeopardy the safety of other users of the roadway to which access is sought or otherwise negatively effect the safe movement of traffic on the roadway to which access is sought.
  2. Permitting access at the point requested will not disturb or significantly impair pre-existing drainage patterns or disturb existing irrigation systems.
  3. All approved access must be constructed by the applicant with the applicant providing all material and labor, but that it is accomplished under the direction of and to the satisfaction of the Road and Bridge Supervisor.

## DIVISION 14.2 ROAD STANDARDS

### Section 14.200 General

- A. **Traffic.** Roads serving the proposed use must have the capacity to accept the additional traffic generated by the use safely and efficiently. The use shall not cause traffic congestion or unsafe traffic conditions and all impacts to the roadway system shall be mitigated through roadway improvements or impact fees, or both.
- B. **Roadway System.** Impacts to the County roadway system associated with hauling, truck traffic and equipment use shall be mitigated through roadway improvements or impact fees, or both.
- C. **Interior Roadways.** Interior roadways shall conform, at a minimum, to the Conejos County standards and specifications for local, collector and arterial streets, and all other applicable roadway and right-of-way requirements. All surfacing shall meet the road construction standards adopted by or in prevailing use by Conejos County.

### Section 14.210 Road Standards.

Private and public streets and roads in new subdivisions and other development elsewhere in the County shall be designed and constructed to the standards and specifications as set forth in this Code and in any other applicable laws, resolutions or regulations of Conejos County.

- A. **Advantageous Street System Design.** Street systems shall be devised for the most advantageous development of the entire area. Principal streets in adjoining subdivisions or other development shall be continued and the street system shall provide for the future projection of principal streets into subdivided and unsubdivided adjoining property.

B. **Arterial Street Buffering.** When a subdivision or other development abuts or contains an existing or proposed major arterial street or highway, the County may require service roads, reverse frontage lots with screen planting in a reservation strip abutting the major arterial or other such treatment as may be necessary to adequately protect residential properties and separate local and through traffic.

C. **Adequate Capacity of County Roads.** When a proposed subdivision or other development is located in an area serviced by a County road, the County roads shall be adequate to serve the proposed development. If the County determines that the traffic generated by the subdivision will result in safety hazards for drivers, pedestrians or adjacent residents, or result in substantially increased County maintenance costs, then the County will then determine the improvements necessary to bring the road to acceptable standards for safe and adequate service for the present and future residents. Improvements will be the responsibility of the developer.

D. **Maintenance of Roads.** The County may require paving, graveling or dust suppression on any street or road that, in the Board's opinion, would become hazardous to the public health, safety, welfare or convenience as a result of approval of a new use. The applicant and the Board shall then agree upon a cost-sharing program and/or construction timetable to bring the road to an acceptable condition. In the case of a subdivision, such agreement shall be incorporated into the Subdivision Improvement Agreement.

E. **Cul-de-Sacs.** Cul-de-sacs shall not be longer than one thousand three hundred and twenty (1320) feet in length, nor service more than twenty (20) residential units. Every such street which serves as the sole frontage of any lot shall provide a turning space at its closed end with at least one hundred (100) feet in useable diameter between lot lines. Such streets will be allowed only in cases where it can be demonstrated that the street will be passable year-round by virtue of minimum grade and curvature, adequate parking provisions and allowance for snow removal and storage.

F. **Dead-End Streets.** Dead-end streets (not including cul-de-sacs) shall be prohibited unless they are platted to the boundary of the subdivision and are so located to provide logical connection to future streets in adjoining undeveloped lands. All dead-end streets shall be provided with a temporary turnaround right-of-way easement having a diameter of at least one hundred (100) feet.

G. **Street Intersections.** There shall be a minimum number of intersections of residential streets with state and federal highways. No more than two streets or roads shall intersect at one point. Streets shall not intersect at an angle of less than sixty (60) degrees nor more than one hundred and twenty (120) degrees, except under unusual circumstances. Intersecting streets shall be connected with each other by a curve of at least twenty-five (25) feet in radius.

H. **Curves.** All horizontal and vertical curves shall be laid out so that there shall be clear vision ahead and behind within the traveled way for a safe distance.

I. **Bridges.** Bridges shall be constructed according to an engineered design.

J. **Road Grades.** Street and road grades shall in general conform to the terrain and shall not, except as provided below, be constructed at grades of less than five tenths (.5) of a percent nor more than the following percent grades:

County road

6%

Arterial	8%
Collector street	8%
Local street	10%

K. **Rights-of-Way Width.** Street and road rights-of-way shall conform to the following minimum right-of-way widths, except as provided for below.

County road	30 feet
Required frontage road	30 feet
Residential streets	30 feet
Cul-de-sac diameter	100 feet
Alleys (where proposed)	12 feet

L. **Minimum Road Width.** Street and road roadway surfacing widths, as measured from shoulder edge to shoulder edge or curb to curb, shall conform to the following minimums, except as expressly waived by the Board of County Commissioners after a finding that a waiver is in furtherance of the objectives of the Land Use Code and Comprehensive Plan.

County road	24 feet
Required frontage road	24 feet
Residential streets	24 feet
Alleys (where proposed)	12 feet

M. **Road Base.** Roads, where not paved, shall be constructed with an eight (8) inch base and a two (2) inch finish of a size and quality of construction material acceptable to the Board of County Commissioners.

N. **Additional Road Standards.** The Board may also, by majority vote, establish from time to time by resolution additional standards and specifications for the construction of streets and roads within proposed subdivisions and elsewhere in the County.

**Section 14.220 Utility Installation and Road Restoration.**

A. **Right of Way Restoration.** Any disturbed portion of a right of way shall be restored as nearly as possible to the condition as existing immediately prior to the Company’s installation. Back filling shall be made in six-inch lifts, mechanically tamped and packed, and the last twelve (12) inches shall be crushed rock or gravel. Trench shall be left open until the Road Supervisor and/or Code Enforcement Officer inspect installation.

B. **Roadway crossing.** When an installation exceeds three inches in diameter and crosses a roadway, it shall be located as perpendicular to the roadway as physically possible and installed by boring or jacking beneath the road surface.

C. **Cuts.** Open cuts across a roadway will be allowed, subject to conditions imposed by the County, only if in the opinion of the County, boring is not possible. Where a cut is allowed, it shall be filled with gravel compacted in 5-inch lifts to a density of ninety-five (95) percent of surrounding soils. Any compaction tests shall be conducted by the County at the expense of the applicant. In addition, all road cuts and fills should be replaced or reseeded with grasses suited to the environment.

D. **As-built drawings.** As-built drawings shall be provided to the County once the installation has been completed.

E. **Notice to Proceed.** No work associated with the installation of utilities shall commence until a permit and notice to proceed with installation have been granted by the County.

## **DIVISION 14.3 PUBLIC WAY VACATIONS**

### **Section 14.300 Application Submittal**

An application for a vacation of a roadway (including streets, alleys, easements or any portion thereof) may be filed by the person having an interest in property abutting said roadway and shall be made on a form provided by the Land Use Office. The application must be accompanied by:

- A. **Deed.** A copy of a deed demonstrating that the applicant has an interest in the real property abutting the roadway or a portion thereof sought to be vacated.
- B. **Fee.** A nonrefundable processing fee as well as a deposit to cover publication costs.
- C. **Surveyed Plat.** A plat or a copy of a portion of a plat setting forth generally the roadway or portion of the roadway sought to be vacated. If necessary a sketch plan may be submitted for the hearing before the Planning Commission, and a surveyed plat for the final hearing before the Board of County Commissioners.
- D. **Legal Description.** A legal description of the roadway or portion of roadway sought to be vacated.
- E. **Adjacent Neighbors.** A list of owners of property abutting the roadway to be vacated with addresses, as well as, a list of names and addresses on any persons other than the record owners of the property abutting the roadway or portion thereof sought to be vacated who might be adversely affected by the vacation.

### **Section 14.310 Review Procedure**

- A. **Review by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220.
- B. **Public Notice of Planning Commission Public Hearing.** Public notice that the Planning Commission will conduct a public hearing to consider the proposed public way vacation shall be made pursuant to Section 3.230.
- C. **Public Hearing and Recommendation by Planning Commission.** The proposed public way vacation shall be considered by the Planning Commission at the public hearing conducted in accordance with the provisions of Section 3.240. The Planning Commission shall recommend that the public way vacation be approved, approved with conditions or denied.
- D. **Public Hearing by Board of County Commissioners.** A public hearing on by the Board of County Commissioners shall be scheduled within forty-five (45) calendar days of the Planning Commission recommendation. Public notice that the Board of County Commissioners

will conduct a public hearing to consider the public way vacation shall be made pursuant to Section 3.230.

E. **Action by Board of County Commissioners.** The Board of County Commissioners shall consider the application at the hearing conducted in accordance with the provisions of Section 3.240. The Board shall approve, approve with condition or deny the Subdivision Vacation.

F. **Plat Recordation and Revision to Zoning District Maps.** If approved, the public way vacation shall be recorded in the Office of the Clerk and Recorder.

G. **Title to Roadway.** In the event that the roadway or any portion thereof is vacated, the title to the vacated roadway or portion thereof shall revert to adjoining property owners in accordance with the provisions of CRS 43-2-301 et seq.

## **DIVISION 14.4 ADDRESSING**

### **Section 14.400 General**

The purpose of this code is to establish a uniform system of house numbers and road names; establish an official road name and address range file; provide a process to change and/or assign house numbers and road names; and establish house numbers and road name signage.

The Conejos County Address System is a combination of three addressing system components in the County listed below. All site addresses shall be assigned in accordance with this Address System and no other house numbers shall be displayed in the area. A record of these addresses will be maintained on the Conejos County Address Map. The County shall also maintain an Official Road Inventory showing all current roads and road names whether or not they are county maintained roads.

A. **Unincorporated Conejos County.** The address system for unincorporated Conejos County is a grid system beginning at the western and southern County lines. West to east road names shall be assigned an alphabetic grid convention. South to north road names shall be assigned a numeric grid convention. Whole even house numbers shall be assigned to the east and south and odd numbers shall be assigned to the west and north side the road.

B. **Community/Townships.** The address system for unincorporated communities and townships within Conejos County is also on a grid system like the other unincorporated areas of the County as stated in 14.400A.

C. **Major Subdivisions.** Reserved.

### **Section 14.410 New Addresses**

A County-issued physical address is required for each new residential, commercial and industrial structure (including relocated mobile homes but excluding accessory structures and temporary facilities).

A. **Application Submittal.** An application for a physical address may be filed by the person having an interest in the property and shall be made on a form provided by the Land Use Office. The application must be accompanied by:

1. A copy of a deed or other document showing the exact legal description of the property.
2. A nonrefundable processing fee.
3. A plat or a site plan setting forth the property and specifically the location of the access leading to the property.
4. An approved access permit will be required before an address can be issued for a property with a new access.

B. **Review of Application by Address Coordinator.** Upon receipt of a completed application, the Address Coordinator shall, within five (5) working days, assign a site address.

C. **Recordation of Address.** The new address will be recorded on the Official Address Map for Conejos County.

D. **Posting of Addresses.** The new address must be posted on the site, at a location where it is visible from the nearest roadway, within 30 days.

#### **Section 14.420                    Change to Existing House Number**

A. **General.** The Address Coordinator shall provide address changes consist with the Addressing Standard on file at the Conejos County Land Use Office. Changes to existing house numbers shall only be considered should any of the following conditions exist:

1. The existing address is incorrect or was assigned in a manner that hinders the ability to promptly locate a property structure based on its assigned address.
2. Two or more roads with similar names share similar address ranges.
3. An old address is no longer applicable because the topography has changed, such as a new road, road orientation has changed, change of access or road name change.
4. Six or more addresses share a common access.
5. A municipal address area boundary changes.

B. **Application Submittal and Review.** An address change is generally initiated by the Land Use Administrator. However, if an individual wants to request an address change, the applicant shall follow the same process as established in 14.410.

**Section 14.430                    New Road Name**

A.     **Application Submittal.** Applications for new road names will be accepted in the Land Use Office. The applicant shall file a request with the County for a new road name consisting of the following:

1.     A dated letter requesting a new road name and explanation of why the new name should be considered
2.     Map showing the exact location of the road
3.     List of property owner(s) adjacent to the road
4.     Property owner(s) who access their property from said road.
5.     Nonrefundable processing fee.

B.     **Review and Decision.**

1.     **Uniqueness.** The Address Coordinator shall reference the Official Road Inventory and the Conejos County Address Standard to review written proposals of new road names to determine uniqueness.
2.     **Notification.** Upon receipt the address Coordinator shall notify the following entities:
  - a.     County Road and Bridge Department
  - b.     Local 911 Authority
  - c.     Municipality (if appropriate)
  - d.     Affected property owners
  - e.     Local US Postal Service agent.
3.     **Decision.** The Address Coordinator shall, within thirty (30) calendar days either provide a letter stating that the Road Name Change has been approved to the applicant or a written denial providing reasoning and road name alternatives if appropriate.

Unless otherwise noted, the portions of the road or alley vacated will be divided down the centerline and added to the respective adjacent property

C.     **Notification of Approval.** Upon new road name approval or subdivision plat approval, the Address Coordinator shall update the Official Address map and give written notice to the entities listed in Section 14.430B2.

**Section 14.440      Road Signage**

The Road and Bridge Department, the address applicant, property owners, or land developers shall ensure the road name signage is installed and visible at every road intersection in accordant with the Address Standard for the County.



**ARTICLE 15            RUBBISH**

**DIVISION 15.1        GENERAL**

**Section 15.100        General**

A.        **Purpose.** The purpose of this Article is to protect the health, safety, and welfare of the citizens of Conejos County through the removal of rubbish (including trash, junk, and garbage), from land in the unincorporated areas of the County. This includes removal by the County upon failure of the property owner to comply with a notice to remove rubbish, and the provision for criminal penalties in the event of failure to comply.

B.        **Authority.** Section 30-15-401 C.R.S, as amended, authorizes the Board of County Commissioners to adopt ordinances for the control of matters of local concern, including providing for and compelling the removal of un-permitted rubbish, including trash, junk, and garbage, from lots and tracts of land within the county, except industrial tracts of ten or more acres and agricultural land currently in agricultural use as the term agricultural land is defined in Section 39-1-102(1.6), C.R.S.

**Section 15.110        Process for Removal of Rubbish**

Unless otherwise specified, the following process for complaint and verification of violation shall apply instead of the enforcement process set forth in Article 16 of this Code.

A.        **Complaint and Verification of Violation.**

1.        **Verify Violation.** Upon filing of written and signed complaint by an adjoining landowner, by someone substantially affected by the violation or by a County official or employee, the Land Use Administrator will verify the complaint as a violation of this code.
2.        **Authority to Enter and Inspect.** The Land Use staff's authority to enter and inspect land, a building or structure for the purpose of verifying a violation shall be governed by the same procedures for obtaining consent or an administrative search warrant as are set forth in Section 16.120.

B.        **Notification of Violation.** If staff verifies a complaint as a violation, the Land Use Administrator will provide written notice of the violation and the requirements for abatement to the property owner of record as identified on the Conejos County tax records (both to the address in the tax records and the property address, if different), and to any other responsible party whose identity and whereabouts are known to staff. The notification will include a description of the violation, the requirements for abatement including the time period in which abatement must occur, a proposed re-inspection date to verify abatement, a statement of the right to appeal the determination of violation, and the time within which a written appeal must be filed. Ordinarily the Land Use Office will provide thirty (30) calendar days for abatement, unless staff determines that a shorter or longer time is justified.

C.        **Provision for Appeal.** A property owner may appeal the staff's determination that a violation exists following the process in Section 3.250A.

D. **Authorization for Abatement by County.**

1. **Authorization for Abatement by County.** If the alleged violator fails to comply with the County's requirements for abatement, the Land Use Administrator may request that the Board, at a public meeting, authorize the County to arrange for abatement of the violation.
2. **Notification.** No less than fourteen (14) calendar days prior to the date of the meeting, the Land Use Administrator will provide notice of the meeting to the alleged violator.

E. **Administrative Entry and Seizure Warrant for County Abatement.**

1. **Administrative Entry and Seizure Warrant.** Upon authorization by the Board for County abatement of the violation, the Land Use Administrator shall seek an administrative entry and seizure warrant from the County or District Court having jurisdiction over the property.
2. **Requirements to Issue Warrant.** Such warrant shall be issued upon presentation of this code, an affidavit stating the factual basis for the warrant, evidence that the property owner has received notice of the violation and has failed to abate the violation within the prescribed time, a general description of the location of the subject property, a general description of the violation, and the proposed method and extent of abatement by the County, including a general list or description of the rubbish to be removed.

F. **County Abatement.**

1. Within ten (10) working days following the date of issuance of an administrative warrant the County shall abate the violation in accordance with the direction of the court. A copy of the issued warrant shall be provided to the property owner. Proof of the execution of the warrant, including a written inventory of any property impounded by the County, shall be submitted to the court.
2. The proposed method of abatement by the County may be accomplished through the use of County staff or by contract with a private party, and may include the impoundment of rubbish or other property removed as part of the abatement.
3. A bill for the reasonable costs of abatement plus an inspection fee of five (5) percent of that cost shall be mailed to the property owner of record at the address specified above. Payment of the bill shall be due within sixty (60) calendar days of the date of the bill.
4. If the bill is unpaid after sixty (60) calendar days, the Land Use Administrator through the County Clerk shall certify the bill to the County Treasurer, who shall collect the assessment together with a ten (10) percent penalty for the cost of collection, in the same manner as other taxes are collected.

**ARTICLE 16            INSPECTION, ENFORCEMENT, VIOLATION AND PENALTIES**

**DIVISION 16.1        GENERAL**

**Section 16.100        General Enforcement Procedures**

These procedures apply unless the particular provision, context and violation call for something different according to this code or state law.

- A.     **Notification of Violators.** The County shall send notice of a violation of the Code to the occupant, developer, and owner (if not the same) by first class mail to each person’s last known address and/or by hand delivery.
1.     **Content of Notice.** The Notice shall contain the following information:
- a.     A list and description of all violations with references to the section or sections of the Code violated,
- b.     An order to the occupant, developer, and/or owner to cease all unpermitted or prohibited activities, and
- c.     An order to the occupant, developer and/or owner to attain compliance within thirty (30) calendar days.
2.     **Response.** Any person who receives notice of a violation of the Land Use Code, shall within thirty (30) calendar days:
- a.     Restore the site to compliance and request an inspection of the property by the County to demonstrate that compliance has been attained, or
- b.     File a written request with the County for an extension of time to attain compliance, showing good cause for each extension, with such extensions limited to sixty (60) calendar days ending with an inspection of the property by the County to confirm compliance.
- B.     **Legal Action.** In the event of a violation, the County shall seek penalties and remedies through legal action against the occupant, developer or owner who fails to attain compliance within the specified time, or to show on appeal that a violation has not occurred.
- C.     **Public Endangerment.** The enforcement procedure provided herein may be accelerated where the County finds the public health, safety, welfare, or the environment could be endangered by a continuing violation. In such cases, the County Attorney shall take immediate action to end the danger to the public health, safety, welfare, and the environment through, but not limited to ex-parte restraining orders as authorized under the Colorado Rules of Civil Procedure and/or action by local law enforcement or public safety agencies as deemed appropriate and necessary.

## **Section 16.110 Remedies**

A. **Violations.** Violations of this Code may be abated under the procedures and standards of this Section, at the election of the County Attorney. However, this procedure shall not be the sole remedy available, and the County may enforce this Code in any manner provided by law.

B. **Withholding Land Use Permits.** The County may withhold or deny future Development Permits, land use permits, plat approvals, or any other administrative actions on any land as to which a notice of violation has been issued, and the violation has not been timely corrected. The County may require correction of the violation as a condition of any future Land Use Permits, plat approvals, or any administrative action. This remedy shall apply regardless of whether the applicant for the subsequent permit is responsible for causing the uncorrected violation.

C. **Withdrawing Land Use Permits.** The County may withdraw current Land Use Permits, plat approvals or any other administrative actions that have been issued for property as to which a notice of violation has been issued and the violation has not been corrected as required in this Code. Upon correction, the Land Use Permit shall be reinstated.

D. **Cease and Desist Orders.** After notice of a violation and an opportunity to correct the violation, the County may halt work on any land which there is an uncorrected violation of a provision of this Code or of a permit issued hereunder, through issuance of a cease and desist order. All work shall immediately halt upon issuance of such order. If work continues, the development shall be in violation of this Code.

E. **Injunction.** In case any building or structure is erected, or is proposed to be erected, constructed, reconstructed, altered, maintained or used in violation of the provisions of this Code, the Board, the district attorney or any owner of real property within Conejos County, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

F. **Specific Performance.** The County may seek specific performance of the terms or conditions of any agreement or permit issued under this Code.

G. **Cumulative Remedies.** All remedies provided for in this section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law. To the extent that Colorado law may limit the availability of a particular remedy for a particular violation or a part of a violation, such remedy shall remain available for other violations of other parts of the same violation, and all other remedies shall remain available for the same violations or part of a violation.

## **Section 16.120 Code Enforcement**

### **A. Inspection and Administrative Action**

1. **Land Use Office Authorized to Inspect.** The Land Use Office is empowered to inspect and examine any building, other structure, or parcel or other area of land where staff has reasonable cause to believe that a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this Code. When the enforcing official has reasonable

cause to believe that a violation of this Code is likely to exist on a premises, and that entry onto the premises is necessary to verify the violation, the enforcing official shall first make a reasonable effort to locate the owner or other person having charge or control of the premises, or portion thereof desired to be inspected, and request consent to enter and inspect the premises. If the owner or other person in charge or control of the premises cannot be located or if entry is refused, the enforcing official may seek entry by submitting a sworn affidavit to the proper court of jurisdiction, setting forth facts sufficient to support a reasonable belief that the violation is likely to exist, and that further investigation of the premises is warranted. Any subsequent entry and inspection shall be conducted in accordance with an administrative search warrant issued by the court.

2. **Consent to Enter or Warrant not Required.** Consent to enter or an administrative search warrant shall not be required in the following circumstances:
  - a. To conduct inspections during regular county business hours.
  - b. To conduct inspections within the scope of another official document, such as a duly executed zoning compliance affidavit, which grants express or clearly implied consent to enter and inspect;
  - c. To make observations of the premises in plain view from public property or from portions of the premises which are open or accessible to the public, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy; or
  - d. In emergency situations in which the enforcing official has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.
3. **Notification of Violation.** If a violation exists, the enforcing official shall send a notification to the violator in compliance with the Enforcement Procedures of this Article.
4. **Permit Withheld.** In addition to any other enforcement action specified in this Code, the enforcing official is authorized to withhold or demand the withholding of the issuance of any land use permit or related permit under this Code sought or requested for property on which a violation of this Code exists.

**B. Judicial Action.**

1. **Request for Civil or Criminal Action.** At the request of the Board, the County Attorney shall be empowered to bring either a civil or a criminal (or both) action against the owner of any premises or property on which a violation of this Code is alleged, and, following investigation, has been confirmed or is reasonably believed to exist.
2. **Criminal Remedy.** Criminal violations of this Code shall be punished by a fine in an amount not to exceed one hundred dollars (\$100.00) for each violation or

by imprisonment in the County jail for not more than ten (10) working days, or by both such fine and imprisonment, or by such other remedy as may be specified by amendment to C.R.S. § 30-28-124. Such fine shall inure to the General Fund at the County. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

3. **Civil Remedy.** Civil remedies against violations of this code may include injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate, or remove the violation; and the fine herein above provided for may be recovered in that same civil action wherein such injunction, mandamus and/or abatement is sought, or separate and district proceedings may be instituted seeking varying forms of relief, as C.R.S. 30-28-124 or any other applicable provision of law may allow.
4. **Application of Criminal Remedy.** If the violation alleged is one of the use of any building, structure, or land in violation of this Code, and the enforcing official wishes the County Attorney to pursue criminal remedies, then the enforcing official shall comply with the requirements of C.R.S. 30-28-124(b)(II) by giving written notice to the alleged violator to correct the violation within thirty (30) calendar days after the date of the notice. If the violation is not corrected within the thirty (30) calendar days, the enforcing official may request the County Attorney to pursue criminal remedies in County Court against the violation.
5. **Written Notice Required.** A 30-day written notice to correct shall not be required if the violation involves the erection, construction, or alteration of any building or structure in violation of this code (even if criminal remedies are sought), or if a civil enforcement action is filed. However, even in these cases (unless in the discretion of the enforcing official immediate judicial action is required to prevent or abate the violation), the enforcing official shall provide written notice of the alleged violation to the violator, including a reasonable time period (which may be less than thirty calendar days) to correct, prior to initiating judicial enforcement action.

**Section 16.130 Additional Enforcement Regulations Applicable to Subdivision.**

**A. Requirement for County Subdivision Approval**

1. **Approval in Compliance with Code Required for Recording.** No plans of streets or highways for public use, or plans, plats, plots, and replats of land laid out in subdivision or building lots or the streets, 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, shall be recorded in any public office unless the same is approved in compliance with this Code.
2. **Criminal Remedy, Transfer or Sale Prior to Final Plat Approval and Recording.** Any subdivider or agent of a subdivider who transfers or sells land before a Final Plat for the land has been approved pursuant to the requirements of this Code and recorded or filed in the Office of Clerk and Recorder shall be

guilty of a misdemeanor and upon conviction thereof shall be fined shall be punished by a fine of not more than one thousand dollars (\$1000.00) nor less than five hundred dollars (\$500.00) for each parcel or interest in subdivided land which is sold or offered for sale. All fines collected shall be credited to the General Fund of the County.

3. **Action to Enjoin.** The Board shall have the power to bring an action to enjoin any subdivider from selling proposed subdivided land before a Final Plat for such land has been approved by the Board and filed for recording in the Office of the County Clerk and Recorder. (C.R.S. § 30-28-110(4)(b))
4. **Permits Withheld.** In addition to any other enforcement action specified in this Code, the Land Use Administrator is authorized to withhold or demand the withholding of the issuance of a land use permit or related permit under this Code sought or requested for property which is determined to have been divided without the required County approval. (C.R.S. § 30-28-110(4)(a))
5. **Conformance with Code Required.** Properties that were divided in violation of the County's land use regulations in effect at the time of such division shall be further subdivided only if the proposal includes provisions which bring the entire original parcel, including the area previously divided in violation of County regulations, into compliance with current zoning or subdivision requirements.

#### B. **Enforcement of Subdivision Process and Platting Requirements**

1. **Authority to Compel Enforcement.** The Board or any purchaser of any lot or other subdivided land subject to a plat restriction which is the security portion of a subdivision improvements agreement shall have the authority to bring an action in any district court to compel the enforcement of any subdivision improvements agreement on the sale, conveyance, or transfer of any such lot or other subdivided land or of any other provision of Part 1, Article 28, Title 30, C.R.S., as amended. Such authority shall include the right to compel rescission of any sale, conveyance, or transfer of title of any lot or other subdivided land contrary to the provisions of any such restriction set forth on the plat or in any separate recorded instrument, but any such action shall be commenced prior to the issuance of a building permit by any county where so required or otherwise prior to commencement of construction on any such lot or other subdivided land. (C.R.S. 30-28-137(3), as amended.)
2. **Authority to Bring Action for Injunctive Relief.** In addition to any other remedy set forth in Part 1, Article 28, Title 30, C.R.S., as amended, the Board or any purchaser of any lot or other subdivided land shall have the authority to bring an action for injunctive relief to enforce any plat restriction (including all obligations contained in documents required to be executed and recorded as part of the Final Plat approval and all commitments of record of the subdivider related to the County's approval of the Final Plat), plat note, plat map, or provision of a subdivision improvements agreement, and for damages arising out of failure to adhere to any such plat restriction, plat note, plat map, or provision of a subdivision improvements agreement. Nothing in Part 1, Article 28, Title

30, C.R.S., as amended, shall require the Board to bring any action authorized in this provision. (C.R.S. § 30-28-137(4), as amended.)



**ARTICLE 17            FINANCIAL GUARANTEE**

**DIVISION 17.1            GENERAL**

**Section 17.100            Financial Guarantee and Improvements Agreement**

Before any Land Use Permit for development subject to Special Use Review, PUD, Subdivision or Cluster Subdivision is issued under this Code, the Board shall require the applicant to file a guarantee of financial security deemed adequate by the Board and payable to the County and execute an Improvements Agreement regarding the conditions and improvements identified as requirements of project approval. The purpose of the financial guarantee and Improvements Agreement is to assure the following:

- A.     **Completion of Development and Reclamation of the Property.** The development is completed and, if applicable, that the property is properly reclaimed.
- B.     **Conditions of Permit Fulfilled.** The applicant performs all improvements, mitigation requirements and permit conditions in connection with the construction, operation and termination of the development.
- C.     **Permittee Addresses Responsibility for Impacts.** That increases in public facilities and services necessitated by the construction, operation and termination of the development are borne by the permittee.

**Section 17.110            Amount of Financial Guarantee.**

In determining the amount of the financial guarantee, the County shall consider the following factors:

- A.     **Completion of Development and Reclamation of Property.** The estimated cost of completing the development improvements, and, if applicable, of returning the property to its original condition or to a condition acceptable to the County.
- B.     **Conditions of Permit.** The estimated cost of performing all mitigation requirements and permit conditions in connection with the construction, operation, and termination of the development.

**Section 17.120            Estimate.**

Estimated cost shall be based on the applicant's submitted cost estimate plus the Board's estimate of the additional cost to the County of bringing in personnel and equipment to accomplish any unperformed purpose of the financial guarantee. The Board shall consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The Board may require, as a condition of the permit, that the financial security be adjusted upon receipt of bids to perform the requirements of the permit and regulations.

**Section 17.130            Form of Financial Guarantee.**

The financial guarantee may be in a form acceptable to the Board and shall be set forth in an Improvement Agreement executed by the County and the Applicant.

**Section 17.140**                    **Release of Guarantee.**

A.     **Conditions for Release of Guarantee.** The financial guarantee may be released only when:

1.     The permit has been surrendered to the Board before commencement of any physical activity on the site of the permitted development; or
2.     The development has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County; or
3.     The development has been satisfactorily completed; or
4.     A phase or phases of the development have been satisfactorily completed allowing for partial release of the financial guarantee consistent with Project phasing and as agreed to in the Improvements Agreement.

B.     **Process for Release.** The developer must make a written request to the Board of County Commissioners for a partial or full release of the collateral. Upon receipt of such requests, the Board of County Commissioners or its appointed agent shall inspect the public improvements that have been completed. If the Board determines from such inspection that the appropriate improvements have been made, a portion of the collateral shall be released, provided that the Board of County Commissioners retains sufficient collateral to cover the cost of any uncompleted improvements. After all of the improvements have been completed the Board of County Commissioners or its appointed agent shall inspect the public improvements. If approved, the County shall notify the applicant in writing that the improvements are sufficient and then the entire amount of the collateral shall be released, or the letter of credit returned.

**Section 17.150**                    **Cancellation of the Financial Guarantee**

Any financial guarantee may be canceled only upon the Board’s written consent, which may be granted only when such cancellation will not detract from the purposes of the security.

**Section 17.160**                    **Forfeiture of Financial Guarantee**

A.     **Written Notice.** If the Board determines that a financial guarantee should be forfeited because of any violation of the permit, mitigation requirements, conditions or any applicable Regulations adopted by the Board, it shall provide written notice to the surety and the permittee that the financial guarantee will be forfeited unless the permittee makes written demand to the Board, within thirty (30) calendar days after permittee’s receipt of notice, requesting a hearing before the Board. If no demand is made by the permittee within said period, then the Board shall order the financial guarantee forfeited.

B.     **Public Hearing and Action by the Board.** The Board shall hold a hearing within thirty (30) calendar days after the receipt of the demand by the permittee. At the hearing, the permittee may present for the consideration of the Board statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the Board shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

C.     **Default and Use of Deposit.** The deposit described above may be used by the Board in the event of the default or allowed default of the permit holder, only for the purposes of

recovering on the surety or fulfilling the permit obligation of the permit holder. In the event that the ultimate reviewing court determines that there has been a default by the permit holder, that portion of any moneys expended by the County from the escrow funds relating to such default shall be replaced in the escrow account by the Board immediately following such determination. The County may arrange with a lending institution, which provides money for the permit holder, that said institution may hold in escrow any funds required for said deposit. Funds shall be disbursed out of escrow by the institution to the County upon County's demand for the purpose specified in this section.

D. **Inadequate Revenue and Cost Recovery.** If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County's attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible.

**Section 17.170**                    **Substitute of Financial Guarantee**

If the license to do business in Colorado of any surety upon a security filed pursuant to this regulation is suspended or revoked by any state authority, then the applicant shall within sixty (60) calendar days after receiving notice thereof, substitute a good and sufficient surety licensed to do business in Colorado. Upon failure of the permittee to make substitution within the time allowed, the Board shall suspend the permit until proper substitution has been made.