

CONEJOS COUNTY LAND USE OFFICE

PO Box 197, Conejos, CO 81129 Phone: 719-376-2014 Fax: 719-376-6769

Contact: _____

Conejos County Land Use Code Subdivision Regulations Article 10-Division 10.3-Minor Subdivision

A minor subdivision procedure is a process for development and review of subdivisions proposing a maximum of six (6) lots. The minor subdivision shall not be used to further subdivide lots in a previously approved subdivision. The minor subdivision requires a review and recommendation by the Planning Commission and review and approval by the Board of County Commissioners. The term minor subdivision does not apply to any subdivision of land that creates parcels of land where each parcel is 35 acres or more in size. (Large Lot Development process is required.)

Other subdivision processes: A Subdivision Exemption/Division of Land allows creation of two (2) parcels from one; Article 10 - Division 10.7. A Major Subdivision allows creation of 7 or more lots from one; Article 10 - Division 10.4.

MINOR SUBDIVISION A subdivision which creates from one lot a total of three to six lots is considered a Minor Subdivision and is exempt from major subdivision procedures and standards of the subdivision regulations.

Restrictions - A minor subdivision will be presumed to circumvent the Subdivision Regulations 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 $\frac{1}{4}$ mile of the original minor subdivision and within 10 years of the original minor subdivision.

WHAT PROCESS DO I FOLLOW?

1. Pre-application conference: The applicant (the owner or the owner's duly designated representative) and the Land Use Administrator shall meet to provide an understanding of the applicable review procedures, requirements and standards and to exchange information pertinent to the site and proposal. The applicant shall provide a conceptual site plan showing in enough detail the location, parcel size and basic concept of the proposed land use.

2. Application Submittal: The applicant shall submit the appropriate application provided by the Land Use Office. The following documents are required with the application:

- Legal Description of Property - a recorded deed or the County Assessors Printout sheet.
- Title Insurance Policy
- Certification of Taxes Due/Paid - a receipt or printout from the County Treasurers Office. All taxes must be paid when the application is submitted.
- Vicinity Map - an aerial photo locating the section in the County in which the parcel is located.
- Site Plan - A complete site plan that best conveys the conceptual aspects of the plan for effective public presentation.
- Fees - A non-refundable fee of \$750.00 base fee plus \$100.00 for each lot being created must be paid at the time of filing the application. All fees are payable to the Conejos County Treasurer. (Notary and recording fees must be paid before the recording of any and all plats, resolutions, etc.)

3. Minor Subdivision Survey Plat - Per the Land Use Code - Section 3.210 & Section 10.3(C)(1-7)(a-t) a survey plat shall be prepared by a registered/licensed professional land surveyor. Once you hire a surveyor please notify the Land Use Office so we may provide them with a copy of the application and the plat requirements. When the survey is complete the Land Use Office will require a Photo Mylar (24"x36") and two paper copies. One copy is provided to you the applicant and the other copy is retained in the Land Use Office file.

4. Review & Recording Process

The Land Use Administrator shall review the application and will conduct a site visit to verify compliance with the Standards for Approval. (See Standards for Approval - below)

- The County Surveyor will review the exemption map/survey plat to ensure that all survey requirements have been met.
- Public Hearing and Recommendation by the Planning Commission will be held per Article 3 - Section 3.230 & 3.240 based on the standards for approval in Section 10.5.
- Public Hearing and Action by the Board of County Commissioners will be held per Article 3 - Section 3.230 & 3.240. The Board shall recommend approval, approval with conditions, or deny the final plat.
- Recordation - If approved, the final subdivision plat shall be recorded in the Office of the Clerk & Recorder and on the Official Zoning Map. The applicant is responsible for recording these documents.

5. WHAT ARE THE STANDARDS OF APPROVAL FOR A MINOR SUBDIVISION? (See Division 10.5)

- **Compatible with neighboring uses.** Shall be consistent with and in harmony with neighboring and future intended land uses in the area.
- **Mitigate Traffic Congestion and Hazards.** Will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic.
- **Avoid Negative Impacts.** 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.
- **Preserve the Environment and Promote Public Health, Safety and Welfare.** Shall be located and laid out 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, landforms, and other positive characteristics of the site.
- **Subdivision Lots.** All lots in any subdivision shall conform to the specifications identified in Section 10.5 (B):
 - **Lots Conforms to Zoning District Standards.**
 - **Lots have Access to Public Roadways.**
 - **Double Frontage Lots Avoided.**
 - **Side Lot Line Alignment.**
 - **Lot Configuration - Cul-de-Sacs.**
 - **Lot Division by Boundaries or Roads.**
 - **Delineation of Potential Development in Hazard Areas.**
 - **Slope Development.**
 - **Nonconforming Lots Prohibited.**
 - **Multi-Family Development Prohibited on Single Parcel of Land.**
 - **Addressing.**
- **Subdivision Blocks.** All Blocks in any minor subdivision shall conform to the specifications identified in Section 10.5 (C.)
 - **Block Size Adequate for Proposed Use.**
 - **Block Size Adequate for Access and Safety.**
 - **Block Size Adequate to Accommodate Proposed Septic Systems.**
 - **Block Size Adequate to Accommodate Both Proposed Wells and Individual Septic Systems.**
 - **Maximum Block Length.**
- **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.
- **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.
- **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.

● **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.

● **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. 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. 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.

THE PROCESS IS NOT COMPLETE. To complete the process, the property must be transferred. You must prepare and record the new legal descriptions of the minor subdivision by way of a deed. Please seek the assistance of an Attorney or a Title Company. The County Assessor will not change the legal description until you convey the property.

WHAT ELSE SHOULD I KNOW?

Land Use Permits are required for any change in land use unless expressly exempt. For example:

- ▶ Land Use Construction Permits are required for all new construction, additions, remodels, accessory structures and remodels and repairs unless expressly exempt.
- ▶ Special Use & Administrative Permits are required for certain uses and activities in each zone district. See Article 4 and Article 5 of the Conejos County Land Use Code for more information.