

**HUERFANO COUNTY  
 SUBDIVISION REGULATIONS  
 SECTION 2.00**



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2.01 INTRODUCTION

2.01.01 Reserved

2.01.02 Authority of article

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

2.00.03 Purpose of article

This subdivision regulation establishes rules, regulations, procedures, criteria and design standards governing the subdivision, platting, re-platting and plat vacating of land in the unincorporated area of Huerfano County.

2.02 GENERAL PROVISIONS

2.02.01 Reserved

2.02.02 Title

The title of this subdivision resolution shall be the Huerfano County, Colorado Subdivision Regulations and may be so cited. Hereinafter in these regulations, it shall be referred to as the subdivision regulations.

2.02.03 Definitions

General definitions, terms and phrases are stated in Section 17.00 of the General Land-Use regulations.

2.02.04 Repeal

All subdivision regulations, resolutions and amendments to such regulations and resolutions of Huerfano County in effect prior to the adoption of these subdivision regulations are hereby repealed. The repeal of any of these prior regulations or resolutions does not revive any other regulation or resolution or portion thereof. This repeal shall not affect or prevent the prosecution or punishment for the violation of any resolution or regulation hereby repealed, for any offense committed prior to the repeal.

2.02.05 Types of Subdivisions and Exempted Divisions of Land

These subdivision regulations make provisions for three types of subdivisions; namely, large lot subdivisions, regular subdivisions, and divisions of land that are exempt from the provisions of this subdivision regulation. See Sections 2.04, Exemptions, and 2.04.04, Large Lot Subdivisions.

2.02.06 Acceptance of a Subdivision

No preliminary plan or final plat of a subdivision or any re-plat or plat vacating shall be recommended for approval by the Planning Commission, or be approved by the Board of County Commissioners unless and until it conforms to the appropriate provisions contained within these subdivision regulations, and the

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appropriate provisions contained elsewhere within these regulations, or otherwise adopted by a resolution by the Board of County Commissioners.

**2.02.07 Sales Prohibition Prior to Platting**

No person, firm, partnership or corporation with any interest in land located within a subdivision or proposed subdivision shall transfer, agree to sell, offer to sell, or sell any land so located by reference to, exhibition of, or by use of a plan or plat of that subdivision before such plan or plat has been approved by the Board of County Commissioners and recorded or filed in the Office of the County Clerk and Recorder.

**2.02.08 Building Permits**

No building or other structure shall be erected, nor shall a building permit be issued within a subdivision or proposed subdivision before a final plat has been approved by the Board of County Commissioners and recorded or filed in the Office of the County Clerk and Recorder; except, however, that temporary uses as provided for in section 1.12 of Huerfano County's General Zoning Regulation shall be allowable if they meet the requirements and provisions contained therein.

**2.02.09 Comprehensive Plan Compliance**

All sketch plans, preliminary plans, final plats and the provisions contained therein, along with all other plans, maps, designs and other materials submitted by applicants for approval of a subdivision or plat, re-plat or plat vacation shall be in compliance with the goals, objectives and policies of Huerfano County as contained in the County's Comprehensive Plan, Future Land Use Map, and similar adopted land-use documents.

**2.02.10 Zoning Compliance and Subdivision Location**

Subdivisions may be located in any zoning district, provided that the characteristics of the proposed subdivision are consistent and in harmony with the characteristics, requirements and purpose of the zoning district(s) in which the subdivision would be located. Applicants shall offer to the Planning Commission and the Board of County Commissioners satisfactory evidence that the zoning of the area in which a subdivision, plat, re-plat or vacating of a plat is proposed is consistent with and in harmony with the anticipated uses that would result from approval. If the area of the proposed land use change requires establishment of a new zoning district, approval of such rezoning shall be required before approval of a preliminary plan is considered by the Planning Commission or the Board of County Commissioners.

Lands subject to natural hazards such as flooding, rock falls, snow slides, wildfire, extreme erosion or other natural or man-made hazards shall not be platted for any use which might endanger the health, safety or welfare of the residents or users in the event that the hazards present in the area cannot be adequately or properly mitigated with acceptable control measures.

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2.02.11 Dedication of Land for Open Space

1. The Board of County Commissioners may require the dedication, reservation or conveyance of areas or sites suitable for open space, flood control, scenic areas and related uses. The location of such sites shall be agreed upon by the applicant and the County, and in an amount of at least ten (10) percent of the total area of the subdivision. The proposed open space(s) shall be reasonably adopted for use for park land and recreational or other purposes, taking into consideration such factors as size, topography, geology, access and location of the proposed subdivision and the land earmarked for dedication.
2. The type of dedication, reservation or conveyance required in a given case shall be determined by the Board of County Commissioners in consultation with the Planning Commission, depending on the proposed size, use(s) and other characteristics of the subdivision. A reservation or dedication of areas for the use of owners or users of lots within the subdivision may be acceptable. Such areas shall be restricted to their intended use by plats, deed restrictions and/or recorded covenants which run with the land in favor of the future owners of property within the subdivision and which cannot be defeated or eliminated without the consent of the Board of County Commissioners. In the event of a reservation or dedication for the use of owners of lots within a subdivision, the applicant shall provide for the creation of a homeowners' association or similar organization with powers of assessment for maintenance, improvements and upkeep of such areas and the provisions contained within the homeowners' association bylaws or similar governing document shall receive approval from the Board of County Commissioners prior to acceptance of a final plat.
3. In determining the amount and type of dedication, reservation or conveyance required or cash-in-lieu of payment in a given case, the Board of County Commissioners shall a) base their factual findings on specific criteria or on objective standards of demonstrated need, b) specify the essential nexus or fundamental connection and proportionality between the dedication, reservation or conveyance or cash-in-lieu of payment required and the legitimate local government interest or need to be served or impact to be mitigated, and c) comply with the provisions of Section 29-20-201, et seq., Colorado Revised Statutes.
4. The Board of County Commissioners may also require, at their discretion, easements along the banks of public streams or watercourses in the subdivision for access and recreational use. Such easements, counting toward total required dedicated open space, shall be provided as dedicated open space and be governed and maintained in a manner acceptable to the Board of County Commissioners.

2.02.12 Dedication of Land for Other Public Purposes

Such other land as may be required for school sites and the extension of necessary public services to the proposed subdivision shall also be dedicated to the appropriate public or quasi-public agencies or payments made in lieu thereof to the County. Specific legal descriptions of all dedicated lands will be required at the time of preliminary plan submission. See also Section 2.08, Reservation and Dedication of Public Sites.



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2.02.13 Public Improvements and Maintenance Requirements

The Board of County Commissioners shall withhold all improvements and maintenance from all rights-of-way roads, streets, alleys or other public lands, including open space, which have not been dedicated to and accepted for maintenance purposes by the Board of County Commissioners.

2.02.14 Guarantee of Improvements

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 and shall, in the judgment of the Board of County Commissioners, make reasonable provisions for completion of the specified improvements in a specified time period, with appropriate phasing, as a condition for 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. Such collateral shall be in the form of a payment and performance bond.

2. If the improvements required to be installed are not constructed in accordance with the required specifications, the County shall notify the applicant 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, and withdraw from the deposit of collateral such funds as are necessary to construct the improvements in accordance with the specifications previously established. Should an applicant not provide suitable collateral to insure completion of the required public improvements, no final plat shall be accepted by the Office of the County Clerk and Recorder until said improvements are constructed and approved by the Board of County Commissioners. As the required public improvements in a subdivision are completed, the applicant may apply in writing 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 improvements have been made in accordance with the final plat and the Subdivision Improvement Agreement, a portion of the collateral shall be released, provided that the Board of County Commissioners retains sufficient collateral to cover the cost of the uncompleted improvements.

2.02.15 Withdrawal of Approval for Cause

The Board of County Commissioners may withdraw any approval previously granted to a preliminary plan, final plat or related document if the Board determines that any information provided by the applicant to the Board or to the Planning Commission, upon which such approval had been based, was false or inaccurate. In such cases, the Board of County Commissioners shall give written notice to the



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applicant or other applicant stating the false or inaccurate information allegedly provided to the Board or the Planning Commission and directing the applicant to appear at a public hearing, which shall be scheduled not less than ten (10) and no more than thirty (30) days after notice is given. At the hearing, the Board shall determine the nature and extent of the alleged false or inaccurate information and it may, for good cause, withdraw any approval or require corrective measures to be taken or direct its agents to enter upon the property to take the corrective measures it requires. The cost of such corrective measures shall be assessed against the applicant.

**2.03 WAIVERS**

Following a recommendation from the Planning Commission, the Board of County Commissioners may authorize waivers or modifications of the provisions contained within these subdivision regulations in cases where an applicant clearly demonstrates in writing that on the basis of the conditions peculiar to a site, an unnecessary and undue hardship would be placed upon that applicant by the literal enforcement of one or more provisions of these subdivision regulations. Such waivers or modifications shall not be granted if, in the opinion of the board of County Commissioners, they would prove detrimental to the public health, safety or welfare, or impair or be contrary to the purpose, intent or specific provisions of these regulations. Such waivers and modifications may specifically be granted to facilitate the design characteristics of a Planned Unit Development (PUD). The conditions of any waiver or modification authorized by the Board of County Commissioners shall be stated in writing in the minutes of the Board along with the justification for the granting or the denial of such waiver or modification.

**2.04 EXEMPTIONS**

The Board of County Commissioners may, pursuant to rules and regulations contained herein or by individual resolution, exempt from the definition of the terms "subdivision", "subdivided land" or any division of land if the Board of County Commissioners determines that such division is not within the purposes of these regulations or the purposes of the subdivision laws of the State of Colorado. See BOCC Resolution No. 12-15, Definitions, for a partial listing of divisions of land exempted from the terms "subdivision" and "subdivided land."

**2.04.01 Family Transaction Exemption**

Unless the method of disposition is adopted for the purpose of evading the provisions within these regulations and the appropriate laws of the State of Colorado, the terms "subdivision" and "subdivided land" shall not apply to any division of land which is created by and for the purpose of a gift, transfer, or sale by a parent to his or her offspring, whether related by blood, marriage or legal adoption, or by such offspring to a parent or grandparent, or by a legally appointed guardian to a person under that guardian's care, so long as the parcel created fully conforms to the zoning and other provisions contained within these regulations and the original parcel is not within a platted subdivision that was created by a non-

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exempted subdivision process approved by the Board of County Commissioners. Such gift, sale or transfer shall be specifically prohibited from creating nonconforming lots. For minimum conforming lot areas allowed by zoning district, see the Huerfano County Zoning Regulation.

### 2.04.02 Other Exemptions

Upon the recommendation of the Planning Commission, the Board of County Commissioners may, in its discretion and in accordance with the procedures described in Section 2.04.03, Exemption and Waiver Procedures, exempt from the definition of the terms "subdivision" and "subdivided land" any division of land which:

1. Is done for the purpose of revising lot lines from those shown on a recorded plat and which creates no more than the previously recorded number of parcels, provided that first, any lot or parcel which is now conforming shall remain so; second, that any lot or parcel that is now nonconforming shall not have its degree of nonconformance increased; and third, that the plat amendment and other appropriate provisions of these regulations are satisfied.
2. Is done for the purpose of correcting an engineering or survey error in a recorded plat, provided that the correction(s) continue to meet the applicable provisions of these regulations.

### 2.04.03 Exemption and Waiver Procedures

Family transaction exemptions (Section 2.04.01) must comply with all State and Local Regulations, but do not require review by the Planning Commission or approval from the Board of County Commissioners. All other exemptions (see Section 2.04.02) and all waiver applications for undue hardship (see Section 2.03) shall adhere to the following procedures. Applicants for such exemptions and variances shall submit to the Planning Commission the appropriate fee, and a written Request for Exemption or a written Request for Waiver, which shall include, at a minimum, the following information:

1. A description of the property in question, with a vicinity map, noting the location of all property lines, easements and rights-of-way and the location of current and proposed future uses of all structures on the property. The description shall also include the size of the property in question and the names and addresses of all adjacent property owners.
2. A statement describing what exemptions or waivers from which provisions of this regulation are requested, why they are being requested, and why they should be granted.
3. Evidence of ownership of the property in question or clear authority from the owner(s) to act as their appointed agent.

Exemption and waiver requests shall be considered by the Planning Commission, which may, at its discretion by majority vote, request such additional information as it reasonably needs, and may also submit the request to other organizations, agencies or private parties for review and comment. Following

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review of the request, the Planning Commission shall make a recommendation of the request and forward it to the board of County Commissioners with the recommendation.

The Board of County Commissioners shall review the request and the recommendations and comments forwarded to it and either approve or disapprove the request at a regular public meeting, entering into the minutes of that meeting the action it took. The Board of County Commissioners shall grant or deny such requests in writing, stating the reasons for denial, except that the Board will be deemed to have granted such Request for Exemption or Request for Waiver if it fails to rule within thirty (30) days after the Planning Commission submits the request to it for action.

### 2.04.04 Large Lot Subdivisions

All divisions of land which create parcels of land, each of which comprises thirty-five (35) or more acres shall be exempt from these subdivision regulations. However, by virtue of the authority granted by Title 29, Article 20, Colorado Revised Statutes, the Board of County Commissioners hereby declares that the division or sale of parcels less than one hundred sixty (160) acres shall be accompanied by the recording of a plat with the Huerfano County Clerk and Recorder. All such plats shall be recorded in accordance with the provisions of Sections 38-35-109 and 38-35-109.5, Colorado Revised Statutes and contain the following information:

1. A plat prepared by a professional land surveyor currently registered or licensed pursuant to Title 12, Article 25, Colorado Revised Statutes, and at an appropriate scale, indicating the bearings, distances and curve data of all perimeter boundary lines and legal descriptions and dimensions of all parcels of land that have been so divided.
2. For all such parcels/tracts not situated adjoining a public highway, street or road, an access drive easement shall be designated. All private access streets and easements servicing more than one parcel/tract must meet the Huerfano County Roadway Design and Construction Standard, and must be signed with an appropriate name approved by the Board of County Commissioners.
3. The information on the plan shall include the name of the tract, if any, the current date, and the Township, Range and Section in which it is located.
4. Designated county roads may not be included in determining minimum lot sizes in a zoning district.

### 2.05 SKETCH PLAN EXEMPTED SUBDIVISIONS

Upon written application to the Planning Commission, an applicant may request exemption from the sketch plan stage of subdivision review. Such written application shall contain a description of the salient characteristics of the proposed subdivision and shall state the reasons why the proposed subdivision should be exempted from sketch plan review. Upon consideration of the application the Planning Commission shall, at its discretion, decide whether to grant such exemption, and it shall enter its decision in the minutes of the Planning Commission

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meeting at which the decision was made. In making its decision, the Planning Commission shall consider whether the overall size, complexity, location and potential social, economic and physical impacts of the proposed subdivision would require such sketch plan review and whether the granting of an exemption from sketch plan review would prove consistent with the goals, objectives, policies and other provisions contained within these regulations.

### 2.06 PLANNED UNIT DEVELOPMENT (PUD) SUBDIVISIONS

Any type of subdivision may be developed as a PUD subdivision and applicants are hereby encouraged to employ PUD design considerations in the planning of proposed subdivisions. PUD subdivisions are required to meet submittal requirements in addition to these requirements listed in this Section. Users of these regulations should refer to the County PUD Regulations to review the design standards, submittal requirements and other provisions required for subdivisions developed in accordance with PUD concepts and requiring a PUD permit. In any case where the design standards, submittal requirements or other provisions for a non-PUD subdivision and those for a PUD subdivision overlap or are incompatible, the Planning Commission shall, at its discretion, determine which standard, requirement or other provision shall apply to an applicant. In making such decisions, the Planning Commission shall take into consideration the current and proposed uses of the land, the size, location and characteristics of the proposed subdivision and all other relevant provisions of these regulations.

### 2.07 SUBDIVISION DESIGN STANDARDS AND SPECIFICATIONS

The following design standards and specifications shall apply to all subdivisions to be proposed, reviewed, accepted or platted in Huerfano County following the adoption of these regulations, except as otherwise provided for within the provisions of these regulations.

#### 2.07.01 General Subdivision Design Standards and Specifications

In addition to the design standards and specifications listed above, all proposed subdivisions shall be designed to implement the goals, objectives, policies and other provisions of The County's Comprehensive Plan and shall be so located and laid out 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. See also Section 2.02.09, Comprehensive Plan Compliance.

#### 2.07.02 Subdivision Lots

All lots in any subdivision to be proposed, reviewed or approved in Huerfano County shall conform to the following specifications:

1. Lot dimensions and other characteristics shall conform to the applicable zoning district requirements and other appropriate provisions of these regulations.

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2. All lots shall have access by easement or other means to a public street or road.
3. 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 lines shall be substantially at right angles or radial to street right-of-way lines.
5. Wedge shaped lots or lots fronting on cul-de-sacs shall not be less than thirty (30) feet in width at the front property line.
6. No lots shall be divided by county or municipal boundaries, roads or other lots.
7. Delineation of areas for potential building sites; that is, building envelopes, shall be required for those lots significantly affected by any designated or known one hundred (100) year flood plain, major drainage ways, areas of excessive slope of twenty (20) percent or greater, or other identifiable natural or man-made hazards.
8. 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 County Building Inspector prior to seeking the building permit. The study shall show the feasibility of the site to allow for construction of the intended structure(s), and it shall also describe the mitigation measures to be used to overcome excessive slope problems. Lots where there are no buildable sites with less than twenty (20) percent slope shall be so noted as excessive slope lots on the final plat.
9. No nonconforming lots shall be created.
10. 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. No building permit shall be issued for additional dwellings except as provided for in the County's Zoning Regulations.

2.07.03 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 shall be compatible with the terrain. The following criteria shall be used by the Planning Commission and the Board of County Commissioners for determining the suitability of block characteristics:

1. Adequacy of block size for the provision of building sites appropriate to the uses within the proposed subdivision.
2. Adequacy of block size for convenient access, vehicular and pedestrian circulation and control and safety of street traffic.
3. Relationship of block characteristics to the limitations and opportunities of topography.

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4. Adequacy of block size for the placement of leaching fields where individual septic disposal systems are proposed.
5. Adequacy of block size for the location of domestic wells where individual septic disposal systems are used.
6. When a tract is to be subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged to allow the opening of future rights-of-way and logical further subdivision of the tract and adjoining lands.

2.07.04 Subdivision and General County Street and Road Standards and Specifications

Private and public streets and roads in new subdivisions and other development elsewhere in Huerfano County, upon the adoption of these regulations, shall be designed and constructed to the standards and specifications as set forth herein in these regulations, in BOCC Resolution No: 12-20, and in any other applicable laws, resolutions or regulations of Huerfano County or the State of Colorado.

1. 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.
2. Except in the case of subdivisions having less than twenty (20) lots, at least two (2) means of access to the subdivision shall be provided, so that all lots within the subdivision are provided with adequate ingress and egress in the event of an emergency. In the case of large subdivisions, the Planning Commission may, however, at its discretion, require more than two (2) entrances and in other cases, on application and the demonstration of good cause, the Planning Commission may waive the requirement of two (2) means of access.
3. When a subdivision or other development abuts or contains an existing or proposed major arterial street or highway, the Planning Commission or Road & Bridge Department 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.
4. When a proposed subdivision or other development is located in an area serviced by a County road, the Planning Commission and Road & Bridge Department shall review the adequacy of the road to serve the proposed development. If determined that the traffic generated by the subdivision will result in safety hazards for drivers, pedestrians or adjacent residents, or will result in substantially increased County maintenance costs, then the Planning Commission shall report such findings to the Board of County Commissioners. The Board will then determine the improvements necessary to bring the road to acceptable standards for safe and adequate service for the present and future owners. The applicant and the Board shall then agree upon a cost-sharing program and timetable of activities to bring the road to an



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acceptable condition and such agreement shall be incorporated into the Subdivision Improvement Agreement.

5. When a subdivision or other development borders on or contains a railroad right-of-way or a limited access highway right-of-way, the Planning Commission may require construction of a street approximately parallel to and on each side of such right-of-way, at a distance from the right-of-way suitable for appropriate use(s) of the intervening land.

6. Upon recommendation of the Planning Commission and in compliance with the road standards contained herein and in BOCC Resolution No: 12-20, the Board of County Commissioners may require the paving of any street or road which, in the Board's opinion, would otherwise be hazardous to the public health, safety, welfare or convenience. The cost of such paving, if required, shall be borne by the applicant and its cost incorporated into the Subdivision Improvement Agreement.

7. Streets shall have the names of existing streets with which they are in alignment in the County, in adjoining counties or in adjoining municipalities. There shall be no duplication of streets within a subdivision or adjoining areas, and names of streets shall be subject to approval by the Board of County Commissioners. Applicants shall be required to furnish and install street signs and all traffic control devices required in the proposed subdivision.

8. It shall be the responsibility of applicants to construct, reconstruct or repair all bridges within a proposed subdivision or other development to meet the following minimum requirements established in BOCC Resolution No: 12-20, unless upon application to the Board of County Commissioners and the showing that such standards are unnecessary or would cause undue hardship.

9. Wherever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted or dedicated. This requirement may be waived by majority vote of the Planning Commission when the Commission determines it is the public interest to vacate said adjacent half street or alleyway.

10. All subdivision streets and roads and other streets and roads for development shall be designed and constructed in a manner that will reduce to the greatest extent practical snow accumulation on such streets and roads. The Planning Commission may, at its discretion, require structural means of mitigating snow accumulation on subdivision streets and roads when other proposed means are not shown to be adequate.

11. When a tract of land proposed for a subdivision or other development includes any part of an existing or planned County road it shall be the responsibility of the applicant to cause the right-of-way for said County road to be platted and dedicated for public use.

12. When an existing access right-of-way to federal or State of Colorado public domain lands traverses a proposed subdivision or other development, such existing access right-of-way or alternative dedicated access route acceptable to the Board of County Commissioners and the public agency managing such



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federal or State of Colorado public domain lands shall be provided in the design of the proposed subdivision.

13. In the case of subdivision roads or other roads accessing onto a State of Colorado or US highway, it shall be the responsibility of the applicant to obtain a signed Colorado Department of Transportation highway access permit as a condition for final plat approval.

14. When in the judgment of the Colorado Department of Transportation or by majority vote of the Board of County Commissioners, acceleration and/or deceleration lanes are required at the juncture of a subdivision road or a road for other development and a County road or State of Colorado or US Highway, it shall be the obligation of the applicant to provide such lanes. Provision for the cost of such lanes, including right-of-way acquisition, roadbed and surface preparation, lane striping, signage and the schedule for such construction shall be included within the Subdivision Improvement Agreement.

**2.07.05            Underground Utilities**

All utilities, except major power transmission lines, transformers, switching and terminal boxes, meter cabinets and other facilities necessarily appurtenant to such utilities, shall be placed beneath the ground, buried to a depth specified in the design plan, and acceptable to the Planning Commission, except in cases where, upon application in writing to the Board of County Commissioners and the showing of excessive hardship that would so result, the Board of County Commissioners may grant an exemption from this requirement of underground placement of utilities.

The construction, installation and repair of right-of-way openings for subsurface utilities require the issuance of a permit from Huerfano County, the posting of an appropriate bond, and evidence of adequate insurance. All applicants and excavators who, for any reason, cut, disturb or otherwise deface any County property being a public right-of-way for purposes of constructing, installing or repairing or for any other reason pertaining to the presence of an underground utility or structure shall comply with the terms and provisions of BOCC Resolution No: 12-20, as amended.

**2.07.06            Utility and Irrigation 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 property line. If the location of utility easements adjacent to rear property 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.

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Existing irrigation canals, ditches, and or flumes shall have an easement in all directions of thirty (30) feet measured from the centerline of the watercourse. Said easement will be delineated on the plat as a “No Build Zone.” Piping of existing irrigation systems is prohibited, unless explicitly approved by the systems proprietor, and is not to be construed to be a variance from these easement requirements.

### 2.07.07 Drainage, Erosion, Sedimentation and Flood Control

Applicants shall be responsible for the design and construction of all drainage, 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, or by another individual deemed competent by the Board of County Commissioners and qualified in the fields of hydrology, hydraulics and soils engineering. 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 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 an expected flow in any twenty-five (25) year period.

Drainage structures shall be designed to prevent heavy sedimentation within, 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.

All drainage facilities under roadways shall be designed and constructed in accordance with BOCC Resolution No: 12-20.

2. 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, and adequate provisions 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 and 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.

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3. 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 replanted or reseeded with grasses suited to the environment.

Applicants should consult with the Huerfano County Soil Conservation District and any other appropriate agencies, including the Huerfano County Water Conservancy District, in the development of drainage, sedimentation and erosion control measures.

4. Portions of a proposed subdivision located within a designated one hundred (100) year floodplain shall be subject to the design limitations of Huerfano County Flood Plain Regulations.

Any activities which are planned to take place in or adjacent to a streambed of a proposed subdivision may require issuance of a dredge and fill permit pursuant to Section 604 of the Federal Clean Water Act, PL 92-500. If such a permit is required, evidence of its issuance must be provided to the Board of County Commissioners prior to approval of a final plat.

5. A fifty (50) 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 subdivision 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 which is located within the proposed subdivision.

In cases where the required setback would cause undue hardship or be inconsistent with a design plan or prove not to be in the interest of the public health, safety, welfare and convenience, and upon written application to the Planning Commission and demonstration of sufficient cause, the Planning Commission may, at its discretion, waive or modify this requirement. The Planning Commission may also recommend, and the Board of County Commissioners may determine that a setback in excess of fifty (50) feet and up to one hundred (100) feet is required along all or a portion of a setback when steep or highly unstable or erodible slopes are present along the stream bank, or the proposed use of the land presents a special hazard to the water quality.

**2.07.08 Sanitary Sewage Disposal Systems**

No final plat shall receive the approval of the Board of County Commissioners unless the Colorado Department of Public Health and Environment or a regional health authority to which the plan is referred has made a favorable recommendation regarding the proposed method of sewage disposal. At the discretion of the Huerfano County Board of Commissioners, a community sanitation system may be required if, in said Commissioners' opinion, individual sewage disposal systems could become hazardous to public health.

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2.07.09 Water Service

No final plat shall be approved by the Board of County Commissioners unless or until a practical and economical water supply system is available for the lots within that subdivision. 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. Water supplies shall be treated, as necessary, by methods acceptable to the Colorado Department of Public Health and Environment. Any proposed water supply system for a proposed subdivision shall meet the following conditions and requirements:

1. Sufficient quantity, quality, dependability and pressure to provide an appropriate supply of water for the type of subdivision proposed, as determined by the review of an applicant's water supply plan and/or other documents submitted to the office of the State Engineer.

In the case of centralized treatment and supply systems, fire supply needs shall be satisfactory to the firefighting agency within which jurisdiction the proposed subdivision would be located.

2. All lots in a proposed subdivision which cannot practically be provided with a community or centralized water treatment and distribution system shall be provided with individual on-lot water supply systems. The applicant shall install such systems or shall require by deed restriction or otherwise in a manner satisfactory to the Board of County Commissioners, as a condition of sale of each lot within the proposed subdivision, that such on-site water supply systems shall be installed by the purchaser of the lot at the time of the construction of the principal building, and before it is occupied. See Section 2.09.02, 29., Preliminary Plan/General Submission, for applicant requirements regarding suitable evidence of adequate quantity and quality of water supply for subdivision lots to be provided with on-lot type, non-centralized water supply systems.

Prior to approving a final plat for a proposed subdivision to be supplied with on-site water supply systems and as a condition for approval of that plat, the Board of County Commissioners reserves the right to determine that:

01. Underground aquifers are adequate to supply the projected future needs of the development.
  02. Well permits are available from the Colorado Division of Water Resources.
  03. Well usage would not interfere with vested water rights.
3. Centralized water treatment and distribution systems shall be sized hydraulically to meet the initial and future demands of the proposed subdivision and over-sizing of lines may be required for likely extensions. Such systems shall be sized hydraulically for maximum day plus fire demands or peak hour, whichever is greater. Maximum day demand shall be assumed to be as three (3) times average day demand and maximum hour demand shall be assumed to be six (6) times average day demand, unless other specifications are specifically approved by the Planning Commission upon written application and the demonstration of good cause. In addition, new centralized water systems shall be designed with sufficient treatment and storage capacity to serve the specified maximum hour demands for a period of six

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(6) hours or a maximum day demand plus the required fire demand for the specified duration. In addition, proposed centralized water supply systems shall be required to meet such other design and construction characteristics as the Board of County Commissioners may from time to time establish and as have been established by any water and sanitation district or water district in which the proposed subdivision would be located.

4. Fire hydrants shall be required, at the discretion of the Board of County Commissioners, in all subdivisions serviced by a centralized water treatment and distribution system. Hydrants shall be spaced not more than one thousand (1,000) feet apart and provided with adequate pressure, flow and duration, as determined by prevailing underwriter standards, for fire fighting purposes.

5. Applicants proposing subdivisions which would utilize existing centralized water treatment and distribution systems shall provide, prior to approval of a preliminary plat, evidence in writing of the willingness of the owner of said system to provide potable water in a quantity, quality and pressure, on an uninterrupted basis, adequate to serve the present and future needs of the proposed subdivision.

6. Regardless of the source of the water supply for a proposed subdivision, applicants shall be required to provide evidence from a reputable laboratory that the water available to the proposed subdivision meets all applicable state and federal drinking water standards or that it can and will be subject to established water treatment methods that will allow it to meet such standards.

2.07.10 Fire Safety and Protection

1. At the discretion of the Board of County Commissioners, and upon a recommendation from the Planning Commission, proposed subdivisions may be required to include fire lanes where the forested portion of a proposed subdivision joins or parallels national forest boundaries. Such lanes shall be of sufficient width to allow the passage of tractors, trucks and other heavy firefighting equipment and the lanes to be cleared shall be indicated on the preliminary plan. In cases where fire lanes are required, provision shall be made for them in the Subdivision Improvement Agreement, including provision that all slash materials, vegetative residue, fallen trees, limbs, roots and related material shall be removed from the subdivision or cut for firewood and stacked at appropriate sites. The width and other characteristics of required fire lanes shall be established for each proposed subdivision by the Board of County Commissioners in consultation with the Planning Commission, the appropriate fire suppression agencies and the U.S. Forest Service.

2. Where fire hydrants are not required or available in a proposed subdivision, the Board of County Commissioners may, at its discretion and upon recommendation by the Planning Commission, require that an applicant install cisterns, which shall be of solid construction, strategically placed and with a minimum capacity of five hundred (500) gallons per dwelling unit to be protected. The location of such cisterns as may be required shall be shown on the preliminary plan and provision for them shall be made in the Subdivision Improvement Agreement.

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Access to the cisterns and central water storage shall be guaranteed to Huerfano County and to the appropriate fire suppression agencies for fire fighting and other emergency purposes.

**2.07.11 Survey Monuments**

Permanent survey monuments shall be set within all subdivisions pursuant to Sections 38-51-104 and 38-51-105, Colorado Revised Statutes. In addition, No. 5 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 bench mark. Bench marks shall be stamped with the letters "B. M." and the elevation of the bench mark.

Monuments located within streets shall be of No. 5 rebar steel, thirty-six (36) 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 bench marks shall be set or witnessed according to standard construction techniques and in a fashion that is satisfactory to the Board of County Commissioners.

**2.07.12 Other Public Improvements**

Other reasonable improvements, not specifically mentioned herein, but found appropriate and necessary by the Board of County Commissioners, shall be required to be shown on the final plat and shall be constructed at the applicant's expense, or at an expense to be shared by the applicant and Huerfano County, within such reasonable time and to such reasonable specifications as the Board of County Commissioners deems necessary and appropriate.

**2.07.13 Energy Conservation and Solar Access**

Subdivision design, including the street configuration and the layout of lots, shall be undertaken in manner calculated to provide for the conservation of energy by the future residents of the proposed subdivision and allow for the maximum access to solar energy sources by those residents.

**2.08 RESERVATION AND DEDICATION OF PUBLIC SITES**

It shall be the responsibility of an applicant to provide land within a proposed subdivision, either through dedication, reservation or conveyance of said land or by payments in lieu of, for public use areas. Such dedication, reservation, conveyance or payments in lieu of shall be made to Huerfano County prior to the recording of a final plat. Public use areas shall include, but need not be limited to, land for public buildings, parks, open space, wildlife habitat and recreation areas, but excluding land for streets, roads and utility services. Such



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reservation, conveyance, dedication or payment in lieu of shall conform with the requirements of Section 29-20-201, et seq., Colorado Revised Statutes. See also Section 2.02.11, Dedication of Land for Open Space.

**2.08.01 Schedule for the Reservation and Dedication of Public Sites**

Upon recommendation of the Planning Commission, the Board of County Commissioners shall determine the proportion of a proposed subdivision, if any, to be reserved or dedicated to Huerfano County for public or community uses. Such reservation or dedication shall not exceed ten (10) percent of the gross area of a proposed subdivision and the Board of County Commissioners shall make its determination upon request of an applicant in writing for such a determination, and in no case shall such determination be delayed more than thirty (30) days after submission of a sketch plan to the Planning Commission. In considering the proportion of land, if any, to be reserved or dedicated for public or community purposes, including but not limited to open space, the Planning Commission and the Board of County Commissioners shall take into account the size, location and characteristics of the proposed subdivision and the current and likely future uses of the surrounding area.

**2.08.02 Dedication and Acceptance Provisions for Rights-of-Way and Other Public Uses**

1. Final plat approval, including dedication provisions, shall not constitute an acceptance of maintenance responsibility by Huerfano County for the roads, streets, alleys or other public lands indicated by signature block or other means for dedication on such plat. Acceptance of land for rights-of-way shall not constitute acceptance for maintenance responsibilities of any right-of-way unless and until the following conditions are met:

01. The Board of County Commissioners have received a petition submitted by a subdivision developer, the landowners within the subdivision or a homeowners association alleging a need for dedication to and acceptance by Huerfano County for road, street, alley or other public right-of-way for maintenance.

02. In the case of the dedication and acceptance of roads, streets and alleys or other rights-of-way, that such improvements were designed and constructed in compliance with the Huerfano County Roadway Design and Construction Standards adopted by BOCC Resolution No: 12-20, as amended.

03. The Board of County Commissioners determines that the daily and annual number of residents or users of the roads, streets, alleys, or other public rights-of-way in question justify such acceptance.

04. The Board of County Commissioners acts by Resolution or by final plat approved dedication and acceptance provisions to formally accept improvement or maintenance responsibility for such roads, streets, alleys, rights-of-way or other public improvements including open space.

2. Areas other than rights-of-way proposed for reservation and dedication shall be, in the opinion of the Board of County Commissioners, suitable and usable for the purpose(s) and use(s) intended. Factors to



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be considered by the Planning Commission and the Board of County Commissioners in determining the suitability and usability of sites include but are not limited to the size, location and characteristics of the population to use the sites and the size, location, slope, drainage and other physical characteristics of the sites to be reserved or dedicated. The location and characteristics of the sites to be reserved and dedicated shall be determined by the Board of County Commissioners upon recommendation by the Planning Commission and by other public agencies, such as a school district, with an interest in the development and serving of the proposed subdivision.

Dedication of public sites to Huerfano County or another governmental entity shall be achieved through deed or other legal transfer of the property at the time of final plat approval and before recording of the final plat. The Board of County Commissioners shall, at their discretion, determine the intended uses of land dedicated to Huerfano County. Any entity may petition the Board of County Commissioners for the use or ownership of County land so dedicated for public purposes or for use of the fees generated in lieu of such dedication and such petitions shall be heard in a regular meeting of the Board of County Commissioners and shall illustrate the proposed facilities, intended uses of the dedicated land, justification for the proposed need and benefit to the public that would result. The decision of the Board of County Commissioners shall be conveyed in writing to the petitioner and recorded in the minutes of the meeting.

Sites reserved for private use shall be, in the opinion of the Planning Commission and the Board of County Commissioners, suitable and usable for their intended purpose(s) and use(s) based on consideration of the factors described above in this Section. The areas reserved for private uses shall be reserved through deed restrictions and the maintenance of said sites shall be ensured by specific obligations in the deed of each lot within the subdivision or by other suitable means acceptable to the Board of County Commissioners.

**2.08.03 Payment in Lieu of Dedication of Public Sites**

Upon written request by an applicant, the Board of County Commissioners may accept cash payment in lieu of dedicated land, in whole or in part, not to exceed the current market value of such land that would have been dedicated to the County or other public entity. Current market value of the undeveloped land shall be determined mutually by the applicant and by the Board of County Commissioners. If they fail to reach a satisfactory agreement, the current market value shall be determined by the applicant obtaining an appraisal of the land by a competent appraiser of his choice and at his expense, or by the Board of County Commissioners obtaining an appraisal of the same property by an appraiser of its choice and at its expense. The average of these two (2) appraisals shall be deemed to be the current market value of the property in question.

Cash payments received by the Board of County Commissioners in lieu of dedicated land shall be held in a special account by the Board of County Commissioners for the purposes allowed by law, such as school sites and school capital improvements, and these payments shall be used either by Huerfano County or,

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upon a decision by the Board of County Commissioners, by a public or quasi-public entity for the benefit either of the residents of the subdivision and/or for the benefit of the residents of Huerfano County.

**2.09 SUBMITTAL REQUIREMENTS FOR PROPOSED SUBDIVISIONS**

Applications for approval of a subdivision shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. The Planning Commission may, at its discretion and upon written application by an applicant, waive any of these items not required by the laws of the State of Colorado, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate an application for a subdivision.

**2.09.01 Sketch Plan/Preliminary Submission**

Applicants should note that some subdivision proposals may be exempted from the sketch plan submittal requirements see section 2.05.

The sketch plan and associated documents are submitted as a conceptual proposal that provides an overview of a proposed subdivision and allows generalized discussion of the apparent merits and perceived problems of a particular subdivision configuration. Sketch plans shall be prepared by appropriately qualified persons, such as a landscape architect, surveyor, engineer or draftsman, in a clear and legible manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet, or another scale approved by the County Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, a total area plan showing the total area at an appropriate scale shall also be submitted.

Sketch plans shall remain valid for one (1) year after initially presented to the Planning Commission.

A sketch plan shall include the following information:

1. The name(s), address(es) and telephone number(s) of the property owner(s) and of the applicant(s), if other than the owner(s) and the name(s) of the person(s) preparing the submittal.
2. The name of the proposal.
3. The date of preparation of the sketch plan, a north arrow and a written and a graphic scale.
4. An accurate legal description of the property included within the proposal.
5. Enumeration of the approximate acreage of the proposed subdivision.
6. 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.
7. The current zoning on the site and any zoning changes to be requested.

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8. Any unique historical, archeological, scenic or other noteworthy features on or in close proximity to the site.
9. A delineation of existing easements on the site, their use(s) and the easement owners.
10. The existing and any proposed new means of public access to the proposed subdivision.
11. 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 and other natural hazards, if any.
12. Evidence of all existing structures on the site, their current uses and their future status within the proposed subdivision.
13. The topography of the site at an appropriate contour interval, noting all areas with slope in excess of twenty (20) percent.
14. The average lot size, proposed density and all public and private sources of utility facilities and services.
15. The location of all existing and proposed streets, drives and roads, and the names of existing streets within the site.
16. The approximate location of land to be reserved and land to be dedicated to the County.
17. A lot and street layout, indicating general scaled dimensions of lots and blocks.
18. The location of off-street parking areas, areas for landscaping, the location of any commercial, service, industrial, recreational or community facilities or buildings, and the future land use(s) within the various portions of the proposed subdivision.
19. Documentation concerning the suitability of the types of soil for the uses proposed within the site, and in areas with a known or suspected potential radiation hazard, this hazard shall be evaluated.
20. A description of the proposed systems for the supply of potable water and the disposal of sewage (see section 2.07.08).
21. Evidence of any drainage, retention or watercourse diversion structures proposed for the site.
22. The sketch plan shall be accompanied by a brief narrative description of the proposal. Include all submission information appropriately 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.

See Section 2.02.09 on Comprehensive Plan Compliance of sketch plans, preliminary plans and final plats.

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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.

In preparing material for sketch plan submission, applicants are urged to confer with staff from the Soil Conservation Service, the Division of Wildlife, utility companies, special districts and other local, regional and state agencies, as appropriate.

### 2.09.02 Preliminary Plan/General Submission

The preliminary plan shall incorporate all modifications of and changes to the sketch plan agreed to by the applicant, the Planning Commission and the Board of County Commissioners. The purpose of a preliminary plan is to review the proposed subdivision in the context of the technical requirements, design standards and improvement requirements of Huerfano County and the various other terms and provisions of these regulations to ensure the compatibility of the proposed subdivision with these considerations and with the current and anticipated or desired future land use patterns within and in the vicinity of the proposed subdivision. Detailed review of a preliminary plan at the general submission stage provides further evidence of compliance or lack of compliance of the proposed subdivision with the comprehensive plan and other provisions of State & Local Regulations, along with the policies and plans of other public and quasi-public agencies in Huerfano County.

Preliminary plans shall be prepared by appropriately qualified persons in a clear and legible manner on reproducible stock in a manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet or another scale approved by the County Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, 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.

Preliminary plans approved by the Board of County Commissioners shall remain valid for one (1) year following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

A preliminary plan shall require the following information:

1. The name(s) and address(es) of the property owner(s) and of the applicant(s), if other than the owner(s), and the person(s) preparing the preliminary plan submittal materials.
2. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
3. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the state of Colorado setting forth the names of all owners of property included within the proposed

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subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.

4. The name or identifying title of the proposed subdivision.
5. The date of preparation of the preliminary plan, a north arrow and a written and graphic scale.
6. An accurate legal description of the property included within the proposed subdivision and the total acreage of the proposed subdivision.
7. The location of the proposed subdivision as a part of a larger subdivision, if any, and with reference to permanent survey monuments with a tie to a section or a quarter-section corner.
8. 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.
9. A list from the County Assessor's office of current property owners of record and their complete mailing address for property within five hundred (500) feet of the boundaries of the proposed subdivision. This distance provision may be expanded up to twenty-five hundred (2,500) feet by majority vote of the Planning Commission in the case of large subdivisions and other special circumstances that so warrant.
10. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.
11. 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, the types of land use proposed and the area of land proposed for each such land use.
12. The proposed sites, if any, for multi-family residential use, business use, commercial and industrial areas and other public and non-public uses exclusive of single family residential areas within the proposed subdivision.
13. The total number of projected square feet of non-residential floor space to be included within the proposed subdivision.
14. The current zoning districts on the site and any zoning changes to be requested.
15. 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. All streets and access easements must have proposed names for addressing according to the County's emergency systems. All roads & access names must be approved in writing by the Huerfano County Land Use Department before the final plat is submitted.

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16. The location and current and proposed future uses of all buildings and other structures in and within one hundred (100) feet of the boundaries of the proposed subdivision.
17. 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.
18. The location of and preliminary engineering from 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 under-ground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
19. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.
20. 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 County Planner, 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 data.
21. The delineation of any known identified or designated areas where a flood statistically has a one (1) percent chance of occurring in any given year 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.
22. 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.
23. 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.
24. Preliminary drainage, erosion and sedimentation control plans, as required.
25. Delineation of the type and extent of vegetative cover on the site.
26. All areas to be reserved for community or public uses and all areas to be dedicated to Huerfano County 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.
27. Preliminary copies of the protective covenants to be filed with the final plat.



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28. Evidence that the proposed system for the disposal of sewage will comply with State of Colorado and regional health department 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.
29. Evidence from the Colorado Division of Water Resources that the proposed system for the supply of potable water would 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.
30. Where water supply or sewage collection and treatment is to be provided by an already existing 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 subdivision and that the owners of the system are willing and able to provide the proposed water supply or sewage collection and treatment services.
31. Information regarding the relationship of the proposed location of the subdivision to any critical wildlife habitat and wildlife migration corridors and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of future human settlement on such wildlife habitat and migration corridors.
32. Information regarding the relationship of the proposed location of the subdivision to any historical or archeological resources and proposed mitigation measures to preserve such resources and measures to be employed to reduce the impact of future human settlement on these historical and archeological resources.
33. A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing.
34. 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.
35. A preliminary phasing plan when the proposed subdivision would be developed in more than one phase.
36. 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.

2.09.03 Final Plat/Final Submission

Submission and review of a final plat is the last stage in the subdivision review process. The purpose of this review is to ensure that the detailed plans of development are in keeping with previous approvals granted, to incorporate changes decided upon or mandated at the preliminary plan/general submission review stage and to provide the final technical and legal documents that are a condition for approval and recording of a final plat and associated materials.



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The design of a final plat shall conform to the preliminary plan, with appropriate modifications and amendments. Applicants wishing to phase final platting rather than provide a final plat for an entire development may do so in accordance with an approved preliminary phasing plan submitted under the general submission stage of review and resubmitted and approved, with appropriate modifications, as a final phasing plan.

Final plats shall be prepared by a professional land surveyor currently registered or licensed pursuant to Title 12, Article 25, Colorado Revised Statutes, in a clear and legible manner on reproducible film stock and in a manner acceptable to the Planning Commission. Final plats shall be prepared at the same scale as preliminary plans unless the Planning Commission, by majority vote, deems otherwise. Final 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 to practice such work. In the case of large proposed 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.

Final plats shall also be submitted as a PDF, AutoCAD, or Shapefile for geo-referencing with the County's Geographic Information System. The file should have a minimum of five (5) coordinate reference points and be at the same scale as the final plat. The coordinate reference system for these points should be clearly indicated on the map.

Final plats submitted for a portion of a proposed development in accordance with an approved final phasing plan shall include a map at an appropriate scale showing which portion(s) of the total development are being submitted for final platting and the relationship of the portion(s) so submitted to the remainder of the proposed development.

Final plats shall be submitted to the Planning Commission for action within eighteen (18) months after the date that a preliminary plan for the same proposed development was granted approval by the Board of County Commissioners, except that one extension of up to an additional eighteen (18) months may be granted by the Board of County Commissioners upon the submission of a written request for such extension by the applicant prior to the expiration of the initial eighteen (18) month period. Failure to submit an acceptable final plat within this allowable time period or extension period, if granted, shall require that an applicant resubmit a preliminary plan with the appropriate filing fees and associated materials.

The final plat shall contain the following information:

1. The name(s) and address(es) of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners, along with the name, address and seal of the certifying registered land surveyor and other preparers of the final plat.

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2. A copy of a current certificate from a title insurance company or an attorney licensed to practice law 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 join in and approve the application for final plat approval before such final plat is accepted for review.

3. The name or identifying title of the proposed subdivision.

4. The date of preparation of the final plat, a north arrow and a written and graphic scale.

5. A complete and accurate legal description of the property being platted and the total acreage and number of lots being platted.

6. The township, range, section and quarter section(s) showing the location and full description of all monuments as required by Section 2.07.11 of these regulations, and by Title 38, Article 51, Colorado Revised Statutes.

7. 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.

8. All plat boundary lines with the lengths of courses to hundredths of a foot and bearings to the nearest second.

9. The lengths of all arcs, radius and tangents.

10. 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 subdivisions and any municipal limits within two hundred (200) feet of the boundaries of the plat.

11. 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.

12. 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.

13. The boundary lines and dimensions, shown accurately, of all property to be reserved and dedicated, with the means of access to such property clearly shown and its intended uses noted.

14. 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. The transfer to the County of dedicated land shall take place by a legally acceptable instrument prior to or concurrent with final plat acceptance, but before recording of the final plat.

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15. Identification of lots with slope in excess of twenty (20) percent and any other lots where special studies are required prior to obtaining a building permit.
16. Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along with required stream setback lines, if any.
17. Final engineering for roadway, drainage, erosion and sedimentation control plans along with a grading plan and a re-vegetation 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. Provision for the contour intervals of the grading plan shall be as specified in Section 2.09.02.20. The final roadway, drainage, erosion, sedimentation and re-vegetation plans shall be required by majority vote of the Planning Commission, which shall set whatever reasonable standards for the engineering detail of such plans as the conditions of the site require.
18. Certification of approval blocks for the Planning Commission and the Board of County Commissioners.
19. The final plat submission shall be accompanied by a Subdivision Improvement Agreement, as provided for in Section 2.02.14, Guarantee of Improvements, of these regulations and by copies of all deed restrictions and/or covenants to govern the future use of all lots and common land with regard to water and sewer systems, re-subdivision, and any other changes which could significantly alter the proposed subdivision as reviewed and approved by the Board of County Commissioners. In the case of all final plat submittals for subdivisions in which condominiums would be constructed, copies of the appropriate condominium declarations and covenants must also be submitted. Deed restrictions shall be in conformance with or more restrictive than the zoning regulations, subdivision regulations and other provisions of these regulations and must be approved by the Board of County Commissioners prior or concurrent with the granting of approval of a final plat.
20. In cases where a Section 404 dredge and fill permit from the U.S. Army Corps of Engineers is required pursuant to Public Law 92-500, as amended or its successor legislation, evidence of an approved permit or permit application shall be submitted as a condition for final plat approval. Final plat approval may be withheld by the Board of County Commissioners, at its discretion, pending approval of a Section 404 permit.
21. When a street, road or other thoroughfare to be constructed as a part of the proposed subdivision or to provide public access to the proposed subdivision intersects with a state of Colorado or U.S. Highway, a copy of the Colorado Department of Transportation authorizing permit or other such legal instrument as the Colorado Department of Transportation shall issue must be submitted as a condition for final plat approval.

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22. The final plat submission shall be accompanied by 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.
23. The final plat submittal shall also be accompanied by a summary description of the proposal stating:
  01. Total area to be platted, the total number of proposed dwelling units, the number of single family units and the number of multi-family units, and the size of the largest lot, the smallest lot and the average (mean) size lot.
  02. The total number of square feet of non-residential floor space.
  03. The total number of off-street parking spaces, excluding those provided for single family residential use.
  04. The estimated peak capacity of the proposed water supply system, if a centralized distribution system is proposed.
  05. The estimated peak capacity of the sewage treatment system, if a centralized collection and treatment system is proposed.
  06. The estimated construction cost and intended methods of financing of all public improvements and facilities, by category of improvement or facility. For improvements not completed prior to final plat approval, the cost estimates provided herein shall be identical to those included in the Subdivision Improvement Agreement.
  07. The name(s) of the applicant(s) and the name or identifying title of the proposed subdivision.
24. A list of the owners of subsurface mineral interests and their lessees, if any, and their complete mailing addresses.
25. 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.

**2.10 PROCESSING PROCEDURES FOR SKETCH, PRELIMINARY AND FINAL PLANS**

The review and processing procedures for action on a subdivision plat shall be as specified in the Huerfano County Common Land Use Procedures. In the event that a conflict or inconsistency exists between the procedures and requirements contained in the Common Land Use Procedures and in this Section, the procedures contained herein these regulations shall prevail.

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2.11 CRITERIA FOR ACTION ON SKETCH PLANS, PRELIMINARY PLANS AND FINAL PLATS AND FINAL PLAT RECORDING

2.11.01 Criteria for Action

All actions by the Planning Commission in reviewing and making recommendations on sketch plan, preliminary plan and final plat subdivision applications and by the Board of County Commissioners in approving or disapproving such applications shall be based in general upon the provisions of these regulations and specifically on the following criteria:

1. That the application conforms to the requirements and provisions of these subdivision regulations and that all submittal requirements and other provisions of these regulations have been adequately complied with.
2. That the proposed subdivision is consistent with the goals, objectives and policies of Huerfano County.
3. That the proposed subdivision would be consistent with and in harmony with neighboring land uses and future intended land uses in the area.
4. That the proposed subdivision would not result in overly intensive use of the land relative to current use of the surrounding land.
5. That the proposed subdivision would not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic.
6. That the subdivision would not unnecessarily scar the land on which such use would be located and that the proposed use provide all measures necessary to mitigate negative impacts upon agricultural lands, critical wildlife habitat, seasonal wildlife migration corridors, scenic views and existing cultural and historical resources.
7. That the proposed subdivision would not be likely to prove detrimental to the public health, safety or welfare of County residents, nor cause undue hardship for neighboring persons.

2.11.02 Plan and Plat Acceptance Provisions

Sketch plans, preliminary plans, and final plats which are not in compliance with the design standards, submittal requirements or other technical provisions of these regulations shall not be acted upon by the Planning Commission or by the Board of County Commissioners.

2.12 SUBDIVISION DENIAL AND REHEARING PETITION PROCEDURES

Applicants denied approval of a sketch plan, a preliminary plan or a final plat shall comply with the rehearing petition procedures and provisions for a denial as set forth in County's Common Land-use Procedures.

Huerfano County  
Land Use Department  
400 Main Street, Suite B  
Walsenburg, Colorado 81089  
719-738-1220 ext. 103

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### 2.13 VESTING OF SUBDIVISION APPROVAL RIGHTS

Provision for the vesting of approved subdivision rights (vested rights) is contained in Section 2.16, Vested Property Rights of these regulations. See also the definitions of "site-specific development plan" and "vested property rights" in the BOCC Resolution 12-15.

### 2.14 AMENDMENTS TO APPROVED AND RECORDED PLATS

The re-subdivision of land or substantial changes to a recorded plat shall be considered a subdivision or the subdivision of land and shall be subject to the subdivision and other applicable provisions of these regulations. Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included within an overall site within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein.

#### 2.14.01 Procedures for Amendment

Applicants wishing to amend an approved and recorded plat shall submit to the Planning Commission an application on a form supplied by the County, the appropriate submittal materials and the required filing fees. Applications to amend an approved and recorded plat shall be reviewed by the Planning Commission following the submission of the required materials. The Planning Commission shall make a recommendation on the application for the amendment of an approved and recorded plat and transmit the application to the Board of County Commissioners for a decision. The Board of County Commissioners shall consider the application at a regularly scheduled meeting following, at their discretion, the submission of the application to any appropriate review agencies and interested parties, and the decision of the Board shall be recorded in the minutes of the meeting and transmitted in writing to the applicant. Applications that are denied by the Board of County Commissioners shall result in a statement to the applicant giving the reason for the denial.

#### 2.14.02 Submission Requirements

Submission requirements for an application to amend an approved and recorded plat include a completed application, the appropriate filing fees and the following items:



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1. Proof of ownership of the lot(s), parcel(s) or subdivision plat to be amended and evidence that the applicant, if not the owner, has full legal authority to act on behalf of the owner.
2. A copy of the approved and recorded final plat along with drawings done to the same scale as the recorded final plat indicating the amendment(s) proposed to be made to the approved and recorded plat. The drawings submitted with the recorded final plat shall meet all requirements for the preparation of a final plat and be suitable for recording in the office of the County Clerk and Recorder. The drawings shall also show the location of all structures, streets, rights-of-way and easements within the area of the proposed plat amendment along with the boundary dimensions and angle of bearing of each lot line to be amended.
3. A narrative statement describing the proposed changes to the approved and recorded final plat and providing an explanation of why the proposed changes should be approved by the Planning Commission and the Board of County Commissioners. Included with the narrative statement shall be the acreage or square footage of all lots before and after adjustment, a legal description of each lot before and after adjustment and a statement of the current zoning of all portions of the plat to be amended.
4. Applications for amendment of an approved and recorded plat submitted to correct minor surveying or drafting errors shall be accompanied by an affidavit by a Colorado licensed land surveyor attesting to the changes that have been made in the previously approved and recorded final plat.
5. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of these submission items listed above, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for a plat amendment submitted to it. The Planning Commission may also submit the application for review to such referral agencies and interested parties as it reasonably sees fit.

2.14.03 Criteria for Action on a Plat Amendment Application

All actions by the Planning Commission in reviewing and making recommendations on an application to amend an approved and recorded plat and by the Board of County Commissioners in approving or disapproving such applications shall be based in general upon the provisions of these regulations and specifically on the following criteria:

1. That the proposed amendment meets the qualifications stated herein for a minor change to the approved and recorded plat.
2. That the proposed amendment would be consistent with all other provisions of these regulations and would not cause significant hardship or inconvenience for adjacent or neighboring land owners or tenants.
3. That the proposed amendment would be beneficial to the public health, safety or welfare of County residents.



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2.14.04 Recording of Amended Plats

1. Within five (5) working days of notification of an approval by the Board of County Commissioners all amended plats shall be filed and recorded in the office of the Huerfano County Clerk and Recorder, at the applicant's expense.

2.15 VACATING OF APPROVED AND RECORDED PLATS, ROADS OR EASEMENTS

Applicants may apply for the vacating of any plat, road, easement or portion thereof so long as the plat, road, easement or portion thereof has been filed and recorded in the office of the Huerfano County Clerk and Recorder.

2.15.01 Procedures for Vacating Plats, Roads and Easements

1. Applications to vacate approved and recorded plats, roads, easements or portions thereof shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials listed in 2.15.02. and by the necessary filing fees. Copies of the vacating submittal materials shall be submitted to the school district and any other special purpose districts in which the proposed vacating is located along with all utility companies and municipalities potentially affected by the proposed vacating. Additional referral agencies may be contacted by the Planning Commission, at its discretion. All referral agencies shall be allowed a review period, or the extension period shall be deemed an approval by referral agencies, twenty-one (21) days from the receipt of the referral materials to report their findings and/or recommendations to the County, and an additional twenty-one (21) day extension period with the approval by a majority vote of the Planning Commission. Failure to respond within the original review period or the extension period shall be deemed a de facto approval by referral agencies.

2. At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place.

3. In addition, the applicant shall also mail a written notice of said hearing(s) by certified or registered mail, return receipt requested, at least ten (10) days prior to the Planning Commission hearing date to owners of record of all property adjacent to or within the property where the proposed vacating is located and to owners of record of all property located within five hundred (500) feet of the boundaries of the property in question. Pursuant to C.R.S. § 24-65.5-103 (2) (a) The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the County Tax Assessor and Clerk and Recorder. The notice shall include a vicinity map, a short narrative

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describing the proposed action and an announcement of the date, time and location of the scheduled hearing.

4. Applications for vacating shall be processed as a final submission except as otherwise provided for in this Section 2.15.

Applications for vacating may be initiated by:

01. The Board of County Commissioners
02. The Huerfano County Planning Commission
03. The owner of record or duly authorized agent of any owner of record of any approved and recorded plat or easement.

**2.15.02 Submittal Requirements**

Submittal requirements for an application to vacate an approved and recorded plat or easement shall include a completed application, the appropriate filing fees and the following items:

1. Proof of ownership of the property to be vacated and evidence that the applicant, if not the owner, has full legal authority to act on behalf of the owner.
2. A copy of the approved and recorded plat or easement and a vacated plat. Said plat shall be prepared as a final plat and shall be prepared by and have the seal of a registered land surveyor, duly registered to practice in the state of Colorado.
3. A narrative statement describing the proposed vacating action and providing an explanation of why the proposed vacating should be approved by the Planning Commission and the Board of County Commissioners. Included within the narrative should be a legal description of the land to be vacated and the area, in acreage or square feet, of the land in question.
4. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of the submittal requirements listed above and the Planning Commission may also, at its discretion, add such submittal items as it deems necessary and appropriate to evaluate and recommend upon any application for the vacating of a plat, right-of-way or easement.

**2.15.03 Criteria for Action on a Vacating Application**

All actions by the Planning Commission in reviewing and making recommendations on an application to vacate an approved and recorded plat or easement and by the Board of County Commissioners in approving or disapproving such applications, shall be based in general upon the provisions of these regulations and specifically upon the following criteria:

1. That the proposed vacating would not interfere with development of nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other

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improvements, nor deny access to structures, facilities or sites located beyond the plat or easement to be vacated.

2. That the proposed vacating would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant.
3. That the proposed vacating would not be likely to prove detrimental to the public health, safety or welfare of County residents.
4. That the proposed vacating would be consistent with all other provisions in these regulations.
5. That the proposed vacating would not cause undue financial hardship to Huerfano County nor deprive it of needed tax base.

2.15.04 Vacating of Roads, Streets and Highways

Any conflicting provisions contained within these regulations, notwithstanding the procedures for vacating roads, streets and highways shall conform to the provisions contained in Section 43-2-301, et seq. Colorado Revised Statutes.

2.16 VESTED PROPERTY RIGHTS

Final approval of a PUD or non-PUD final subdivision plat or a PUD development plan shall be considered approval of a site specific development plan as defined by Board of County Commissioners Resolution 12-15 or as otherwise required by Section 24-68-101, et seq., Colorado Revised Statutes and shall result in a vested property right for a period of three (3) years as provided for in Section 24-68-101, et seq., Colorado Revised Statutes. Within fourteen (14) days after final approval of a site specific development plan, the County Planner or other person authorized by the Board of County Commissioners shall publish in a newspaper of general circulation in Huerfano County notice of the creation of a vested property right as described in Section 24-68-101, et seq., Colorado Revised Statutes.

All approved site specific development plans shall contain a note stating that the vested property right is vested for a period of three (3) years from the date that the vesting notice is published. The Board of County Commissions may, by majority vote, following review and recommendation by the Planning Commission, approve vested rights for a period of more than three (3) years upon payment of the required application fee and the approval of a development agreement in accordance with the provisions of Section 24-68-101, et seq., Colorado Revised Statutes.

2.17 COMPLAINTS

Any person(s) aggrieved by a violation or alleged violation of any provision of these subdivision regulations may file a written complaint with the County Building Inspector or County Zoning Enforcement Officer, who shall

Huerfano County  
Land Use Department  
400 Main Street, Suite B  
Walsenburg, Colorado 81089  
719-738-1220 ext. 103

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promptly investigate such complaint and report his findings to the Planning Commission and to the Board of County Commissioners.

### 2.18 NON-LIABILITY

See Section 13.07 on the non-liability of Huerfano County and County officials, agents and employees regarding this and other sections of these regulations.

### 2.19 INSPECTION, ENFORCEMENT, VIOLATION AND PENALTIES

See Section 13.00 for additional information on inspection, enforcement, violation and penalties in regard to the various provisions of this subdivision regulation and other provisions of these regulations.