

Proposed Housing Related Changes to the Huerfano County Land Use Code

The proposed updates to the Huerfano County Land Use Code are aimed at achieving the following goals:

- 1) Creating a new zone, The Homestead Zone. This zone is needed to differentiate between agricultural land and large-lot residential subdivisions. Adjust Rural Residential and Agricultural zones to distinguish the character of these zones from the Homesteading Zone.
 - a) The use table in Section 1.05 is updated to show uses in the new zone as well as adjustments to distinguish it from Rural Residential and Agricultural.
 - b) The Homestead Zone is intended to recognize the residential character of certain existing large-lot subdivisions. The zone maintains a 35-acre minimum so as not to allow further subdivisions of land in such zones.
- 2) The Rural Residential, as it is currently applied, pertains to neighborhoods with an average lot size of 2-acres. In a 2024 update to the zoning code, a second residence was made a use by right in this zone. In this update, this is qualified by requiring proof of potable water availability as a condition for a building permit. For neighborhoods served with a communal water supply, this means a letter of approval from the water utility, for other properties, this may include a letter from DWR or other documentation of sufficient existing water rights.
- 3) Change how Development rights are created to separate the creation of new parcels from the creation of new development rights. In the Agricultural zone, new development rights are not conferred upon newly created parcels. The minimum lot size to build a residence is increased to 200 acres, and on agriculturally zoned parcels less than 200 acres, a residence is made a use accessory to agriculture.
- 4) Address non-conforming parcels by establishing a new date by which lot-size conformity shall be determined.
- 5) Sunset PUD zoning conditions.
- 6) Update use table to incorporate new zone and differentiate from other zones.
- 7) Incremental development rights in Agricultural and Homesteading.
- 8) Reduce lot size and setbacks in Urbanizing Residential to allow for development patterns that resemble those in historic Cuchara or Gardner.
- 9) Clarify conforming/non-conforming status by specifying a date. Current regs state “the adoption of this regulation” but because the zoning code is being amended over time, this does not help us determine conformity. By setting a date, we affirm that 35-acre parcels that existed when this was adopted maintain a development right, while new development rights do not get created with new 35-acre parcels after the date of adoption.

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Section 1.00 Zoning Regulations

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1.01 INTRODUCTION

The authority, scope, purpose and an overview of this zoning resolution and other portions of these regulations are included within authority use.

1.02 GENERAL PROVISIONS

1.02.01 Title

The title of this zoning resolution shall be the Huerfano County Zoning Regulations and Zoning Maps. Hereinafter, it shall be referred to as the Huerfano County zoning regulations.

1.02.02 Repeal

All zoning regulations, resolutions and amendments to such regulations and resolutions of Huerfano County in effect prior to the adoption of these zoning regulations are hereby repealed. 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.

1.02.03 County Building Permits and Construction Codes

No building or other structure shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except in conformity with the regulations prescribed herein for the zoning district in which such building or land is located. No building permit shall be issued by Huerfano County unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all construction code provisions and zoning regulations then in effect.

1.02.04 Control Over Use

After the effective date of adoption of these zoning regulations herein, and subject to the appropriate sections of these regulations dealing with nonconforming uses and buildings, such as, any new building or other structure and any tract of land may be used, the use of any existing building, other structure or tract of land may be changed or extended and any existing building or other structure may be enlarged, reconstructed, structurally altered, converted or relocated for any purpose permitted or required by the regulations for the district in which such building or other structure or tract of land is located, and for no other purpose. Such use, change, extension, structural alteration, conversion or relocation shall be subject to all other regulations set forth or referred to in the regulations for that district and to all other applicable regulations contained in or referenced within these regulations.

1.02.05 Incorporation of Maps

The location and boundaries of the districts established herein are shown on the Zoning District Maps of Huerfano County, which are hereby incorporated into these regulations.

1.02.06 Location of the Zoning District Maps of Huerfano County

The Board of County Commissioners shall maintain on file a certified copy of the Zoning District Maps of Huerfano County in the Office of the County Clerk and Recorder, which copy shall be available to the public, and in such other places as designated by the Board of County Commissioners.

1.02.07 Amendments to the Zoning District Maps of Huerfano County

Amendments made to the Zoning District Maps of Huerfano County in accordance with these regulations shall be recorded on the Zoning District Maps on file in the Office of the County Clerk and Recorder within 30 calendar days of the effective date of the adoption of the amendment(s).

1.02.08 Interpretation of District Boundaries

Unless otherwise noted, all district boundary lines shall be construed to lie on the centerline of streets, roads, alleyways and rights-of-way, on lot lines of platted subdivisions, on section lines, on boundaries of the County and of special districts and on the corporate limit lines of incorporated municipalities. Disputes or interpretations regarding the exact location of any district boundary line shall be decided by the Board of Adjustment.

1.03 ZONING DISTRICTS

1.03.01 Establishment of Zoning Districts

In order to carry out the purposes of these regulations and implement the goals, objectives and policies of Huerfano County, as contained herein, the unincorporated area of Huerfano County is hereby divided, or by amendment shall become re-divided, into the following zoning districts:

- A Agricultural District**
- HS Homestead District**
- RR Rural Residential District**
- UR Urbanizing Residential District**
- C Commercial-Service District**
- I Industrial District**
- APO Airport Protection Overlay District**
- WIND Commercial Wind Generation Overlay District**

1.03.02 District Characteristics and Requirements

Minimum dwelling size in all districts shall be 600 square feet. In recognition that smaller dwelling unit sizes may be adequate to meet individual needs and able to meet criteria of adopted building codes, a variance may be requested for proposed dwellings under 600 square feet in accordance with Section 9.02 of this Code. The districts enumerated in Section 1.03.01 shall have the following characteristics and specifications:

A Agricultural District

This district is created for the purpose of protecting the productive agricultural lands of Huerfano County ~~from development~~ and preserving the visual and cultural values, historical and ~~archeological~~archaeological features and critical wildlife habitat associated with the scenic vistas, natural topography and agricultural lifestyles in rural, unincorporated areas of Huerfano County.

Minimum district size: ~~40~~200 acres
Minimum lot area: ~~35~~200 acres
Minimum lot width: 200 feet
Front yard setback: 60 feet
Side yard setback: 25 feet
Rear yard setback: 30 feet

Maximum structure height: Refer to scenic viewshed protection overlays in Comprehensive ~~plan,~~
page 4, "Residential Use" Plan.

Maximum lot coverage: ~~15 percent~~ N/A

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

HS Homestead District

This district is created to accommodate a preponderance of residential uses on large lots (35 or more acres) with a located in predominantly agricultural and rural areas of unincorporated Huerfano County. Development in this district should minimize impact on the visual, scenic and other natural characteristics of the surrounding area and provide as necessary for the protection of critical wildlife habitat. This zone may include small-scale farming or ranching activities and a wide range of home occupations that do not generate significant traffic or noise.

This is a zone intended to give people access to nature and to highlight rural, homestead living. To ensure public access to nature, applications to rezone to Homestead must include public access trail easements that connect to any adjacent public lands and designate easements for an internal trail network with a length of at least one quarter of the road Right-of-Way serving the subdivision.

Minimum District Size: 105 acres

Minimum lot area: 35 acres

Front yard setback: 20 feet

Side yard setback: 20 feet

Rear yard setback: 20 feet

Maximum structure height: 40 feet

Maximum lot coverage: up to two residential structures and four accessory structures

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

RR Rural Residential District

This district is created for the purpose of allowing the establishment of moderate density rural residential development in predominantly agricultural and rural areas of unincorporated Huerfano County without. Rural Residential development districts are primarily residential neighborhoods where home occupations are allowed. The establishment of new RR districts should be in close proximity to Urbanizing Residential or Commercial districts upon which these neighborhoods depend. New Rural Residential districts are encouraged to include community water and wastewater systems.

~~Compromising or otherwise significantly changing the visual, scenic and other natural characteristics of the surrounding area and providing as necessary for the protection of critical wildlife habitat.~~

Minimum district size: 20 acres or five parcels, whichever is less

Maximum district size: 100 acres

Minimum lot area: 2 acres

Maximum lot area: average of up to 10 acres

Minimum lot width: 100 feet

Front yard setback: 20 feet

Side yard setback: 10 feet

Rear yard setback: 20 feet

Maximum structure height: 40 feet (refer to scenic viewshed protection overlays in Comprehensive plan, page 4, "Residential Use")Plan)

Maximum lot coverage: 30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

UR Urbanizing Residential District

This district is created to accommodate the ~~urbanizing areas~~ unincorporated towns and villages of Huerfano County where relatively high density residential and associated commercial and service development has occurred, is occurring or is desired to occur. This district is intended to encourage and support a wide range of small-scale commercial activities. Each parcel within Urbanizing Residential districts must have access to community water and wastewater treatment systems.

Minimum district size: 10 acres
Minimum lot area: ~~1/2 acre~~ 1,400 square feet
Minimum lot width: ~~50~~ 18 feet
Front yard setback: ~~20 feet~~ 5 feet for residential, 0 setback for commercial uses
~~Side yard setback: 10~~
Side yard setback: 0 feet where architecture connects, or is intended to connect, to structures on adjacent property. 4 feet where architecture is intended to be free standing.
Rear yard setback: ~~20~~ 10 feet
Maximum structure height: 40 feet (refer to scenic viewshed protection overlays in Comprehensive plan, page 4, "Residential Use")Plan)
Maximum lot coverage: 30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

C Commercial-Service District

This district is created for the purpose of establishing medium to highly intensive use commercial and service areas at designated locations by major highways or in close proximity to urbanized and urbanizing areas within Huerfano County.

Minimum district size: 5 acres
Minimum lot area: 1/2 acre
Minimum lot width: 50 feet
Front yard setback: 20 feet
Side yard setback: 10 feet
Rear yard setback: 20 feet
Maximum structure height: 40 feet (refer to scenic viewshed protection overlays in Comprehensive plan, page 4, "Residential Use")Plan)
Maximum lot coverage: 30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

I Industrial District

This district is created for the purpose of establishing exclusive areas for the construction, fabrication, assembly, storage, shipping and other general and light industrial processing of goods and the extraction,

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transport and processing of natural resources at appropriate locations within Huerfano County as designated by these regulations.

Minimum district size:	5 acres
Minimum lot area:	½ acre
Minimum lot width:	50 feet
Front yard setback:	20 feet
Side yard setback:	10 feet
Rear yard setback:	20 feet
Maximum building height:	none, except in APO districts
Maximum lot coverage:	30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

APO Airport Protection Overlay District

This overlay district, which is established as a supplemental district superimposed on part or all of an underlying district, is created for the purpose of providing for the safety and convenience of airport users and the general public by preventing the creation of incompatible land uses and the erection of obstructing structures in the vicinity of airports in Huerfano County.

Minimum district size:	none
Minimum lot area:	same as the underlying district
Minimum lot width:	same as the underlying district
Front yard setback:	same as the underlying district
Side yard setback:	same as the underlying district
Rear yard setback:	same as the underlying district
Maximum building height:	in no case may it exceed that of the underlying district
Minimum dwelling size:	same as the underlying district
Maximum lot coverage:	same as the underlying district

See Section 1.15 for additional provisions that apply in this overlay district.

WIND Commercial Wind Generation Overlay District

This overlay district is established as a supplemental district superimposed on part or all of an underlying district. The rationale of the district is to provide for the commercial production of renewable energy without compromising or otherwise significantly changing the visual, scenic and other natural characteristics of Huerfano County's mountainous areas.

Minimum lot area:	same as the underlying district
Minimum lot width:	same as the underlying district
Tower setback:	twice the blade height from project boundaries & County maintained roads
Front yard setback:	same as the underlying district
Side yard setback:	same as the underlying district
Rear yard setback:	same as the underlying district
Maximum building height:	same as the underlying district
Minimum dwelling size:	same as the underlying district
Maximum lot coverage:	same as the underlying district

1.04 RELIEF PROVISIONS REFERENCE

Various types of relief from the provisions of this zoning regulation are available.

1.04.01 Variances

Variances from various provisions of this zoning regulation are heard by and decided by the Board of Adjustment. See Section 9.02

Process Summary

1. Staff reviews application for completeness, notifies relevant referral agencies and prepares staff report
2. Public noticing
3. BOA Public Hearing and decision

1.04.02 Planned Unit Developments (PUDs)

All of the above standard zoning districts may be developed in accordance with planned unit development (PUD) concepts and procedures, which are intended to encourage creative planning, quality design, preservation of scenic vistas, historical and archeological features and critical wildlife habitat and clustering consistent with the goals, objectives, policies and other provisions. The overall density of a PUD may not exceed the density specified in the district(s) in which it is located and variances from the normal zoning and subdivision requirements, such as those governing setbacks, shall be permitted when it can be demonstrated that such waivers would further the purpose of the PUD and be in compliance with the intent of the provisions of these regulations.

In addition, PUD open space requirements may differ from those otherwise required in a given zoning district.

1.05 USES ALLOWED BY RIGHT, CONDITIONAL USES AND PROHIBITED USES IN ZONING DISTRICTS

Regardless of uses allowed by zoning district, the right to develop is conditional upon demonstration of access and availability of potable water as described in 10.05.

Table 1 on the following pages indicates which land uses are allowed by right, which are conditional uses and which are prohibited uses in the zoning districts listed in Section 1.03.01 and described in Section 1.03.02. Uses not listed are considered to be conditional uses. See Section 1.06 on conditional use provisions and Section 1.07 on uses not itemized.

HUERFANO COUNTY ZONING REGULATIONS SECTION 1.05

Table 1

Uses allowed by Right. Conditional Uses and Prohibited Uses by Zoning District

R = Use Allowed by Right

C = Conditional Use

P = Use Prohibited

L=License Required

<i>Zoning District</i>	<i>A</i>	<i><u>HS</u></i>	<i>RR</i>	<i>UR</i>	<i>C</i>	<i>I</i>	<i>Regulatory Reference</i>
<u>0.01</u> Up to two dwelling units on a single parcel of land	R	<u>R</u>	R	R	R	C	1.06 <u>2.04.04</u> <u>10.05</u> <u>10.11.1</u>
<u>0.02</u> Three to six dwelling units on a single, parcel of land.	<u>CP</u>	<u>P</u>	C	R	R	C	1.06 <u>10.05</u>
<u>0.03</u> Over six dwelling units on a single parcel, including: Multiple family dwelling, co-housing facilities, condominiums or employee housing.	<u>CP</u>	<u>P</u>	C	C	R	C	1.06 <u>10.05</u>
<u>0.04</u> (Reserved)							
<u>0.05</u> Unpurged mobile homes built prior to 1976 and non-qualified manufactured homes.	P	<u>P</u>	P	P	P	P	N/A
<u>0.06</u> Manufactured home parks and manufactured home subdivisions (see also Section A 7)	<u>CP</u>	<u>C</u>	C	C	C	P	1.06
<u>0.07</u> Boarding and rooming houses and bed & breakfast establishments	C	<u>C</u>	C	C	<u>CR</u>	P	1.06
<u>0.08</u> Guest ranches and vacation <u>Vacation</u> lodge	C	<u>C</u>	C	C	P	P	1.06
<u>0.09</u> Rest, nursing, convalescent, retirement and assisted living facilities	C	<u>C</u>	C	C	<u>CR</u>	P	1.06
<u>0.10</u> Jails, prisons, correctional institutes and youth facilities and work camps	C	<u>P</u>	P	P	C	C	1.06
<u>0.11</u> Hospitals	C	<u>P</u>	C	C	<u>PR</u>	P	1.06
<u>0.12</u> Hotels and motels	C	<u>C</u>	C	C	R	P	1.06
<u>0.13</u> Restaurants and eating places	C	<u>C</u>	C	<u>CR</u>	R	C	1.06
<u>0.14</u> Public <u>and private</u> schools and educational institutions <u>serving over 50 students</u>	<u>RP</u>	<u>P</u>	<u>RC</u>	R	<u>CR</u>	P	1.06
<u>0.15</u> Private schools, educational <u>Educational</u> institutes, <u>boarding schools</u> and <u>vocational training centers</u> <u>serving fewer than 50 students</u>	C	<u>C</u>	C	C	<u>CR</u>	P	1.06
<u>0.16</u> Day care, child care and nursery schools, and <u>nursing</u> homes	C	<u>R</u>	<u>CR</u>	<u>CR</u>	<u>CR</u>	P	1.06
<u>0.17</u> Churches and religious institutes	<u>RP</u>	<u>C</u>	R	R	C	P	1.06

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	<i>Zoning District</i>	<i>A</i>	<i><u>HS</u></i>	<i>RR</i>	<i>UR</i>	<i>C</i>	<i>I</i>	<i>Regulatory Reference</i>
<u>0.18</u>	Public airport	C	<u>P</u>	P	P	P	C	1.06
<u>0.18</u> A	Private airports and heliports	C	<u>C</u>	C	C	C	C	1.06
<u>0.19</u>	Public cemeteries	C	<u>C</u>	C	C	P	P	1.06
<u>0.20</u>	Parks, playgrounds, golf courses or playing fields	R	<u>R</u>	CR	CR	C	C	1.06
<u>0.21</u>	Essential public and government utility uses, facilities, services and buildings. Note that special H.B. 1041 regulations may also apply.	C	<u>C</u>	C	C	R	R	1.06 Or H.B.1041 Depending on Scale
<u>0.22</u>	Other utility uses, facilities and services including electric transmission lines and pipelines and all appurtenant facilities, uses and structures thereto. Note that special H.B.1041 regulations may also apply.	C	<u>C</u>	C	C	C	C	H.B. 1041
<u>0.23</u>	Commercial radio and television transmitting and receiving stations, dishes and towers including telecommunications, microwave and cellular towers, antennae and dipoles (see height restrictions)	C	<u>C</u>	C	C	C	C	1.06
<u>0.24</u>	Private antennas over 35 feet in height	R	<u>C</u>	P	P	C	C	1.06
<u>0.25</u>	Sewage disposal areas, sludge, septic, landfills for non-hazardous substances and waste water treatment plants	C	<u>C</u>	C	C	C	C	1.06
<u>0.26</u>	Landfills and disposal sites for toxic, radioactive and otherwise hazardous materials	P	<u>P</u>	P	P	P	P	N/A
<u>0.27</u>	Agricultural crop production including orchards and accessory uses and buildings (agricultural property not associated with large lot subdivisions exempt from building permits)	R	<u>R</u>	R	R	R	R	N/A
<u>0.28</u>	Recreational domestic animal husbandry including barns and shelters	R	<u>R</u>	R	C	C	C	1.06
<u>0.29</u>	Animal production, including grazing and accessory uses and buildings but excluding	R	<u>R</u>	R	C	C	C	1.06

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commercial feedlots							
<u>0.30</u> Commercial feedlots			See Item .31 (CAFO's)				
<u>0.31</u> Confined Animal Feeding Operations (CAFO's)	C	<u>P</u>	P	P	P	C	1.06
<u>0.32</u> Stands for the sale of agricultural products	R	<u>R</u>	R	C	R	C	1.06
<u>0.33</u> Commercial riding stables	C	<u>C</u>	C	C	C	P	1.06
<u>0.34</u> Kennels and veterinary clinics <u>animal rescue</u>	C	<u>R</u>	P	P	C	C	1.06
<u>0.35</u> Private and public zoos	C	<u>C</u>	C	C	C	C	1.06
<u>0.36</u> Camping areas and campgrounds	C	<u>C</u>	C	C	C	P	1.06
<u>0.37</u> Ski lifts, <u>golf courses</u> and accessory structures and uses	C	<u>C</u>	C	C	C	P	1.06
<u>0.38</u> Outdoor amusement facilities	C	<u>C</u>	C	C	C	P	1.06
<u>0.39</u> Membership clubs and lodges	C	<u>C</u>	C	C	C	P	1.06
<u>0.40</u> Professional service and business offices for the delivery of health, legal, accounting, travel agencies, real estate, technology, office service and similar services	<u>CP</u>	<u>C</u>	C	<u>ER</u>	R	C	1.06
<u>0.41</u> Personal service outlets such as beauty and barber shops, laundromats, etc.	<u>CP</u>	<u>C</u>	<u>ER</u>	<u>ER</u>	R	C	1.06
<u>0.42</u> Retail sales outlets except convenience outlets serving a neighborhood or local resident clientele, including repair and rental outlets	P	<u>P</u>	P	C	R	C	1.06
<u>0.43</u> Retail convenience outlets serving a neighborhood or local residents	<u>CP</u>	<u>C</u>	C	C	R	P	1.06
<u>0.44</u> Wholesale sales and/or distribution with open storage of goods	<u>CP</u>	<u>P</u>	P	P	C	R	1.06
<u>0.45</u> Wholesale sales and/or distribution without open storage of goods	<u>CP</u>	<u>P</u>	P	C	R	R	1.06
<u>0.46</u> Gasoline service stations	C	<u>P</u>	<u>CP</u>	C	R	<u>ER</u>	1.06
<u>0.47</u> Vehicle repair facilities including storage garages as a principal or an accessory use	<u>CP</u>	<u>C</u>	P	C	R	C	1.06

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<i>Zoning District</i>	<i>A</i>	<i>HS</i>	<i>RR</i>	<i>UR</i>	<i>C</i>	<i>I</i>	<i>Regulatory Reference</i>
<u>0.48</u> Motor vehicle parking lots	C	<u>C</u>	C	C	R	R	1.06
<u>0.49</u> Rental self-and mini-storage lockers	<u>CP</u>	<u>P</u>	C	<u>CP</u>	C	R	1.06
<u>0.50</u> Commercial lumber yards and sawmills (Exemption: Home occupations see Section 1.11)	C	<u>P</u>	P	P	C	R	1.06
<u>0.51</u> Manufacture or storage of gases or above ground storage of flammable liquids such as gasoline for other than residential or agricultural on-site use	C	<u>C</u>	C	C	C	C	1.06
<u>0.52</u> Railroad facilities including repair sheds and switch yards and trucking terminals, excluding trucks	C	<u>C</u>	P	P	C	R	1.06
<u>0.53</u> Junk, wrecking or vehicle storage yards, which shall be surrounded by an eight foot high solid fence or not visible from any public road (excluding agricultural equipment storage)	<u>CP</u>	<u>P</u>	P	P	C	C	1.06
<u>0.54</u> Batch plants and hot mix plants and all appurtenant and accessible uses thereto	C	<u>C</u>	P	P	C	R	1.06
<u>0.55</u> Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise, heat, dust, fumes or other adverse consequences	C	<u>C</u>	P	P	C	R	1.06
<u>0.56</u> Manufacturing, production and other uses not otherwise listed that will cause excess noise, heat, dust, fumes or other adverse consequences	P	<u>P</u>	P	P	P	C	1.06
<u>0.57</u> Rock quarries, sand and gravel excavating pits, pipelines, strip and underground coal mines and all appurtenances and accessory uses thereto,	C	<u>C</u>	P	P	P	C	1.06
<u>0.58</u> Oil and gas wells	C	<u>P</u>	P	P	P	C	Section 6.00
<u>0.59</u> The exploration and mining of uranium or other radioactive substances or the disposal, storage or processing of such substances	C	<u>P</u>	P	P	P	C	
<u>0.60</u> Shipping containers for storage purposes (Staff approval)	C	<u>C</u>	P	P	C	R	Land-use office
<u>0.61</u> (Reserved)							

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P = Use Prohibited

L=License Required

	<i>Zoning District</i>	<i>A</i>	<i><u>HS</u></i>	<i>RR</i>	<i>UR</i>	<i>C</i>	<i>I</i>	<i>Regulatory Reference</i>
<u>0.62</u>	Commercial and medical Marijuana retail stores and dispensaries	L	<u>L</u>	P	L	L	L	Section 18
<u>0.63</u>	Commercial recreational , <u>and/or</u> medical Marijuana cultivation facility	L	<u>P</u>	P	P	L	L	Section 18
<u>0.64</u>	Marijuana Hospitality – on-site consumption	L	<u>P</u>	P	L	L	L	Section 18
<u>0.65</u>	Commercial Marijuana product manufacturing and testing, product infusion facilities	L	<u>P</u>	P	P	L	L	Section 18
<u>0.66</u>	Commercial Marijuana cultivation facility (Reserved)	<u>L</u>		<u>P</u>	<u>P</u>	<u>L</u>	<u>L</u>	Section 18
<u>0.67</u>	Marijuana cultivation for personal use, when growing twelve (12) or less plants on a tract of land, per occupied dwelling, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale.	R	<u>R</u>	R	R	R	C	1.06
<u>0.68</u>	Marijuana cultivation for personal use, when growing thirteen (13) or more plants on a tract of land, per occupied dwelling, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale.	C	<u>C</u>	C	C	C	C	1.06
<u>0.69</u>	<u>Veterinary Clinics</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	
0.69 <u>70</u>	Any use not listed in this table	C	<u>C</u>	C	C	C	C	

SKIP TO NEXT CHANGE

1.06 CONDITIONAL USE APPROVAL AND APPROVAL AMENDMENT PROVISIONS

Conditional uses may be allowed in an eligible zoning district upon review and recommendation by the Planning Commission and favorable action by the Huerfano County Board of County Commissioners. A public hearing may be waived if the Planning Commission determines the proposal would have a minor impact. Granting of a conditional use approval for a conditional use may be subject to such conditions and safeguards as the Board of County Commissioners may impose in order that the conditional use complies with the general intent and specific provisions of these regulations and be in harmony with the character of the surrounding area. Conditional uses shall be permitted for a duration of time, up to indefinite, as specified by the Board of County Commissioners. Specific decision-making criteria on conditional use approvals are contained in Section 1.06.03.

Each conditional land use approval approved by the Board is subject to review at intervals that the Board of County Commissioners deems appropriate and reasonable. In addition, the Board may, at its discretion and for proper cause, revoke an approval for a conditional use.

See also Section 1.06.04 on review and revocation of a conditional use approval.

1.06.01 Submittal Requirements

Application for a conditional use approval for a conditional use shall require submission a) of an application on a form provided by Huerfano County, along with submittal requirements outlined in Section 8.03. These submissions shall be made to the Department and staff shall determine that applications are ready for formal review and processing. In addition to the submittal requirements outlined in Section 8.03, the following shall apply to Conditional Use Permits:

1. In addition to those items listed in Section 8.03 (1), the Letter of Intent shall include the following items:
 1. The current zoning of the property and of adjacent property.
 2. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjacent property.
 3. A description of the proposed conditional use of the property and project activities, including all utility sources and supplies, needed to bring about that use.
 4. A listing of additional local, state or federal permits and approvals required to bring about the proposed land use and notation of which permits have been applied for and which, if any, have been granted.
2. The Site Plan shall include the following items:
 1. A legible sheet or map drawn to an appropriate scale, as accepted by the Planning Commission, showing the location, height and approximate dimensions of each existing and proposed structure in the proposed conditional use area, the uses to be contained within the existing and/or proposed structures.
 2. The existing and proposed building setbacks and the building area with reference to property lines, highway, street or road rights-of-way, watercourses and other natural and historic features of the site.
 3. The location, size, number of spaces and surfacing of any existing or proposed parking and loading areas.
 4. The location of any existing and proposed roads, streets, footpaths, traffic devices, driveways and curb cuts with an indication of how pedestrian and vehicular movement will be controlled.
 5. The dimensions, grade, right-of-way and roadway width of all proposed public and private roads and streets.
 6. The location, if any, and pertinent characteristics of any existing or proposed signs, lighting

- fixtures and landscaping.
- 7. The location of any easements on the property.
- 8. The location of all water, sewage disposal, septic, electrical, telephone and other utilities and facilities needed to develop the proposed conditional use.
- 9. All grading, storm water runoff and re-vegetation plans needed to install the use.
- 10. A notation of the stages, if any, in which the project will be developed.
- 11. A vicinity map locating the proposed conditional use in relationship to the surrounding area within 500 feet of the boundaries of the proposed property and a description of any existing plats and improvements on this adjacent property.

The appropriate filing fees shall accompany the submission of these above materials. The Director may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. The Planning Commission may vote to continue a public hearing in order to permit applicant time to prepare and submit additional information deemed necessary to make a recommendation. The Planning Commission may require additional documentation, including any requirements listed above that were waived by the Director before making a decision.

1.06.02 Procedures for Referral, Review and Action on an Application for a Conditional Use Approval

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. Planning Commission public meeting and recommendation
3. Public noticing as outlined in Section 8.05 and 8.08.
4. Board of County Commissioners public hearing (major impact) or public meeting (significant impact) and decision.

Upon proper and adequate submission of the appropriate application form, fees and other submittal materials as specified in Section 1.06.01, the Planning Commission shall consider at a regular or special public meeting the conditional use application.

1.06.02.01 Modification of a Conditional Use Permit

Recognizing that there are circumstances which may cause the holder of a Conditional Use Permit to make changes to operations, premises and uses over time, the holder of a Conditional Use Permit must modify their permit to reflect those changes that potentially alter the impact on neighbors or infrastructure or represent a change of use in one or more buildings. Modifications could include an expansion of operations, modifications to the site plan, or adding additional, related uses.

Should there be a modification or change in the use granted by a Conditional Use Permit, permit holder shall present a detailed description of the changes to the Planning Department for review. If the Director finds that the change presents minimal or no impact on nearby land owners, infrastructure, services or the community, the CUP will be modified administratively to reflect changes. If the Director finds that changes present the potential to increase impacts on or nuisances to nearby land owners, infrastructure, services or the community, the application to modify the CUP will be presented to the Planning Commission for review. The Planning Commission may recommend to staff whether to approve, approve with conditions or deny the proposed modification.

1.06.03 Criteria for Action on a Conditional Use Application

All actions by the Planning Commission in reviewing and making recommendations on a conditional use application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically on the following criteria:

1. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation.
2. That the proposed conditional use is consistent with the goals, objectives and policies of Huerfano County, as contained in the County comprehensive plan.
3. That the proposed conditional use is ~~consistent~~compatible with and in harmony with neighboring land uses and consistent with future intended land uses in the area.
4. That the proposed conditional land use will not result in overly intensive use of the land relative to current use of the surrounding land.
5. That the proposed conditional use will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic and its roads will meet the requirements of Subdivision County Road Standards and Specifications.
6. That the proposed conditional use not unnecessarily scar the land on which such use would be located and that the proposed use ~~provides~~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 conditional use will not be likely to prove detrimental to the public health, safety or welfare of County residents nor cause hardship for neighboring persons.
8. That an adequate source of potable water can be demonstrated to support the proposed use.
9. For conditional use permits pertaining to development rights see additional criteria in section 10.11.1(C).

1.06.04 Review and Revocation of a Conditional Use Approval

At such intervals as it may have specified in its decision granting a conditional use approval or by its own initiative or upon request by the Planning Commission or the Zoning Enforcement Officer, the Board of County Commissioners shall request the Planning Commission to review the terms, conditions or other provisions of conditional use approvals issued by the Board. Upon review of the approval provisions, the Planning Commission may specify time periods in which any violations of the terms or conditions shall be corrected and request the Zoning Enforcement Officer to report upon the action(s) taken to remedy the specified deficiencies.

If the Planning Commission recommends revocation of the conditional use approval, such recommendation and the reasons for it shall be forwarded to the Huerfano County Board of County Commissioners. Within ten (10) working days of receiving that recommendation the Board of County Commissioners shall schedule a public hearing by the Board, as specified in Section 1.06.02. Following the conduct of the public hearing, as specified in Section 1.06.02, the Board shall act to revoke, not to revoke or to impose additional or amended conditions or sanctions on the conditional use approval holder. Failure of the approval holder to comply within the stipulated time periods with any of the original

conditions under which the permit was issued or to comply with any amended conditional use application provisions shall be adequate reason for revocation of a conditional use permit without additional hearings or administrative remedies.

1.07 ADDITIONS TO USES NOT ITEMIZED

Upon petition by any individual or organization or by its own initiative, the Board of County Commissioners may, by resolution, following review and recommendation by the Planning Commission add to the itemized list of uses in Table 1, Section 1.05, any additional uses which conform to the following criteria:

1. That the use by right or conditional use conforms to the basic characteristics and purposes of the district(s) to which it would be added. Uses not conforming to the basic characteristics and purposes of a district shall be added as prohibited in that zoning district.
2. That if there are zoning districts to which the additional use would be equally or more appropriate, such use shall also be added to those districts. Before adopting any such resolution, the Board of County Commissioners shall hold a public hearing upon the matter, giving at least ten (10) days' notice of the time, place and subject matter of such hearing in a newspaper of general circulation in the County.

1.08 OFF-STREET PARKING AND LOADING REQUIREMENTS

1.08.01 General Requirements for Off-Street Parking

For every building hereafter erected or structurally altered, off-street parking spaces shall be provided. Each space shall measure at least eight (8) feet by eighteen (18) feet and shall be paved or gravel surfaced.

Table 2

Off-Street Parking Requirements

Use	Number of Spaces
1. Single-family dwellings:	2
2. Multiple family dwellings, studio or one bedroom:	1
3. Multiple family dwellings, more than one bedroom:	1
4. Lodgings, space per rental unit:	1
5. Retail and service facilities per thousand square feet of gross leasable area (GLA):	5
6. Shopping centers per thousand square feet of GLA:	5
7. General and professional offices per thousand square feet of GLA:	4
8. Restaurants and taverns per every three persons designed seating capacity, plus employee parking:	1

9. Auditoriums and public assembly facilities, per hundred square feet of floor area used for assembly or seating:	1
10. Bowling alleys, per alley, plus employee parking:	5
11. Industrial facilities per thousand square feet of manufacturing floor area:	1.5
12. Industrial facilities per thousand square feet of floor area for a wholesale establishment, warehouse, or rail or truck terminal:	.5
13. Compliance of handicap accessibility:	ICC/ANSI A117.1

Areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking space requirements. Parking spaces shall be arranged in such a manner that vehicles will not back directly from an off-street parking space into a public right-of-way.

Each off-street parking area containing more than 50 parking spaces shall provide one (1) or more landscaped areas dispersed within the parking area and which shall be a portion of the overall site landscaping requirement and shown on an appropriate landscaping plan.

Residential off-street parking spaces shall be located on the same lot as the dwelling(s) they serve. All other required parking spaces located more than two hundred (200) feet from the building or structure they serve measured in a straight line from the nearest corner of the building must first be approved by the Board of Adjustment as a variance.

Off-street parking in planned unit developments shall comply with the requirements of this section except when a separate development plan incorporating alternate off-street parking provisions reviewed by the Planning Commission and approved by the Board of County Commissioners.

Parking requirements shall apply to all zoning districts. When more than one use is conducted on a single lot or parcel, parking shall be required for all uses, even though one is accessory to another.

1.08.02 Specific Off-Street Parking Space Requirements

The following types of uses shall require the following number of off-street parking spaces, as a minimum requirement, for both principal and accessory uses:

Requirements for types of buildings and uses not specifically enumerated herein shall be determined by the Board of County Commissioners upon review and recommendation from the Planning Commission, based upon the requirements of comparable uses listed above.

In adding to deleting from or otherwise amending the above enumeration of off-street parking space requirements, the Planning Commission and the Board of County Commissioners shall follow the procedures described in Section 1.07, Uses Not Itemized.

1.08.03 Off-street Loading Requirements

For the purpose of providing off-the-street loading and unloading of goods, buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by truck shall provide and maintain off-street loading berths in sufficient number and size to accommodate the needs of the particular use.

The minimum number of berths required, if the gross floor area of the building is less than ten thousand (10,000) square feet, shall be one (1) berth; if greater than ten thousand square feet, the number of berths provided shall be one for each additional fifteen thousand (15,000) square feet, or fraction thereof, of gross floor area over and above the first ten thousand square feet.

A loading berth shall contain, at a minimum, a space ten (10) feet wide, thirty-five (35) feet in length and maintain a vertical clearance of at least fourteen (14) feet. Where vehicles routinely used for loading or unloading exceed these dimensions, the Planning Commission may increase the required size of loading berths correspondingly.

1.09 MAXIMUM BUILDING HEIGHT AND YARD SETBACK REQUIREMENTS

The following uses may be exempted from the maximum height requirements (see Sections 1.03.02 and 1.05, Table 1), provided that written approval is granted by the Board of County Commissioners following a review and recommendation by the Planning Commission. Favorable review and approval shall be granted when it is found that the proposed use would not injure the use of or prevent the proper access of light and air to adjacent properties, nor would be out character with the area's present and intended future uses and is consistent with the purpose, intent and provisions of the comprehensive plan. Uses which may be so treated include public utility poles, towers and wires, church towers, water tanks, elevators and storage facilities, parapets, monuments, wind and solar power generating devices including windmills, and chimneys.

Note, however, that all such over-height structures shall be subject to special review procedures when their proposed location is in an APO zoning district.

In computing the maximum height and minimum yard setback requirements, the following architectural features shall not be considered: unroofed terraces, porches and patios, cornices, sills, cupolas, belt courses, eaves and similar features, open fire escapes projecting up to a distance of four (4) feet from the face of a building, walls, rails or fences up to a height of six (6) feet and temporary awnings and other shade devices. In UR Urbanizing Residential and C Commercial-Service zoning districts, such architectural features shall not, however, encroach upon the five (5) foot side yard setback requirements contained in Section 1.03.02.

1.10 REQUIREMENTS FOR SOLAR ENERGY ACCESS

When considering whether to approve, recommend approval of or issue a permit for the construction, reconstruction or alteration of any structure, the Board of County Commissioners, the Planning Commission and the County Zoning Enforcement Officer shall take into consideration whether the location, height, yard setbacks, bulk or other characteristics of the proposed structure or proposed structural alteration(s) would significantly reduce access to sunlight for any solar energy device installed on or in or under construction on or in any neighboring buildings or other structures. Evidence that the proposed structure or structural alteration would in fact significantly reduce or limit access to sunlight for such solar energy devices is hereby declared to be sufficient reason to disapprove, to recommend the disapproval of or to deny the issuance of a permit for the proposed structure or structural alteration.

No plan, plat, plot map or other instrument requiring a written or graphic description of the location of easements on a given lot, parcel or property shall be submitted to Huerfano County for consideration in any land use changes or other actions enabled by these regulations unless the instrument in question notes the location and terms, conditions, provisions and restrictions of any solar easements established on or adjacent to that lot, parcel or property.

In addition, any covenant, restriction, or condition contained in any deed, contract, security instrument or other instrument affecting the transfer or sale of, or any interest in, real property solely on the basis of aesthetic considerations which effectively prohibits or restricts the installation or use of a solar energy device is hereby declared to be void and unenforceable. However, this provision shall not apply to aesthetic provisions which impose reasonable restrictions on solar energy devices and which do not significantly increase the cost of the device, nor shall this provision be construed as exempting solar energy devices from the requirements and special regulations that apply in an established zoning district.

In determining whether difficulties to, or hardship upon, the owner of a lot, parcel or other property exists, the Board of Adjustment shall properly consider the adequacy of access to sunlight for solar energy devices installed on or after January 1, 1980. See also Section 9.02.02 on the Board of Adjustment. Moreover, the addition of a solar energy device to a building or other structure shall not necessarily be considered a structural alteration for the purpose of determining whether that building or other structure represents a nonconforming use as defined by these regulations. (See also Section 1.16.01 on nonconformance).

1.11 ACCESSORY BUILDINGS AND USES

An accessory building or use is a subordinate use of a building, other structure or tract of land or a subordinate building or other structure a) which is clearly incidental to the use of the principal building, other structure or use of land, b) which is customary in connection with the principal building, other structure or use of land or c) which is ordinarily located on the same lot with the principal building, other structure or use of land. Accessory buildings and uses may include but need not be limited to the following items:

1. Home occupations
2. Outdoor signs
3. Off-street parking areas (see Section 1.08)
4. Controlled burning units.

5. The storage of merchandise in commercial and industrial districts and the storage of maintenance equipment in any district.

The following uses are permitted in the following zoning districts, provided that they are incidental to and on the same premises as a permitted or conditional use:

A Agricultural District

1. Garages for the storage of automobiles and/or commercial vehicles, including the maintenance of those vehicles.
2. Automobile parking and vehicle loading space.
3. Home occupations or professional offices, only when operated by residents living on the premises and not exceeding thirty (30) percent or three hundred (300) square feet of the gross floor area, whichever is greater. Such use shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof nor generate traffic which significantly or adversely affects the residential character of the area. Such uses shall specifically exclude beauty parlors, clinics, nursing and tourist homes, restaurants, welding shops and like uses.
4. Controlled burning unit incidental to residential and agricultural use.

~~5.—5. Additional residential units are permitted only as an accessory to commercial agricultural uses in the Agricultural zone district. The intent of allowing residences as accessory to agriculture is to support the agricultural economy and to protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. To be accessory to agriculture, a residence must be subordinate to and in support of a primary agricultural use of the parcel. Subsistence farming and other marginal commercial uses may be considered an attempt to circumvent the intent of this requirement.~~

6. Accessory buildings, structures or uses normally required in addition to or in conjunction with any use by right or approved conditional use in the district.

RR Rural Residential District

1. Garages for the storage and owner maintenance of automobiles, light trucks and recreational vehicles.
2. Automobile parking and loading space.
3. Home occupations as permitted in Agricultural districts except that in addition there shall be no exterior storage on the premises of material or equipment used as part of the home occupation and there shall be no noise, vibration, smoke, dust, odors, heat, glare or other effects noticeable at or beyond the property line and there shall be no exterior advertising other than identification of the home occupation.
4. Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use.

UR Urbanizing Residential District

1. Garages as allowed in the Rural Residential district.
2. Vehicle parking and loading space.

3. Home occupations as allowed in the Rural Residential district.
4. Any accessory buildings, structures, or uses required in addition to and in conjunction with any use by right or approved conditional use.

C Commercial-Service District

1. Garages for the storage and maintenance of cars, trucks and service vehicles.
2. Vehicle parking and loading.
3. Home occupations as allowed in the Agricultural district
4. Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use.

I Industrial District

1. Garages as allowed in the Commercial-Service district.
2. Vehicle parking and loading.
3. Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use.

1.11.01 General Notes and Statements

No additional accessory uses are permitted in any overlay districts. Household pets, private greenhouses, swimming pools and fallout shelters for personal uses are allowable accessory uses in all zoning districts so long as such accessory uses pose no threat to human health, safety and welfare to owners, users or adjacent residents and so long as they meet all applicable building, electrical and plumbing codes and have received all required local, regional and state permits and related approvals.

Dogs at large are hereby declared not to be a legal accessory use in any zoning district; pursuant to CRS 35-43-126 any dog found running, worrying, or injuring sheep, cattle, or other livestock may be killed, and the owner or harbinger of such dog shall be liable for all damages done by it.

Fences or walls which are not over six (6) feet in height shall be considered permitted accessory uses in all districts. Taller fences are a permitted accessory use upon inspection by the County Zoning Enforcement Officer, who shall issue a permit for such fences upon determination that they would not block light, sun, air, vision or otherwise pose a health or safety hazard or a nuisance. No fence, wall, shrubs, trees, signs or any other obstruction over three (3) feet in height, as measured from the surface of the lowest roadway of the intersection streets or roads, shall be permitted in any setback area if it obstructs the sight of drivers at any intersection.

It is hereby declared to be illegal and not an allowable accessory use to store, keep or maintain on a residential premises any motor vehicle which is unlicensed or is being junked, dismantled or is wrecked, unless such vehicle is located within an enclosed building. However, this regulation does not apply to agricultural vehicles and unlicensed vehicles being actively maintained for racing or competitive purposes.

1.12 TEMPORARY BUILDINGS AND USES

1.12.01 Temporary Building and Uses Approved by Staff

Upon application to the Huerfano County Code Enforcement Officer a temporary use permit may be issued for the following uses, as shown in Table 3, below, in the following zoning districts and for the following periods of time. Such permits shall be valid only for the period of time specified and no more than two renewals of the temporary permit shall be issued by the County Code Enforcement Officer.

Table 3
Temporary Building and Uses

<i>Use</i>	<i>Allowed Districts</i>	<i>Period</i>
1. Residences including mobile homes	A, RR, UR, C and I	12 months
A temporary residence permit shall be issued for utilizing a temporary structure on the premises only after obtaining a building permit for a permanent residence.		
2. Construction office and yards	All districts	9 months
These temporary structures for office space and the storage of construction materials and equipment shall be used for the management of construction projects so long as they are not used for living quarters.		
3. Temporary sales offices	All districts	6 months
Temporary sales offices for the sale of residential, commercial, industrial or other units of space shall be located within the area of a recorded final plat and sales shall be limited to those units within the platted subdivision in which the sales office is located.		
4. Non-commercial batch plants	A, C or I	6 months
5. Carnivals, circuses, bazaars, fairs, concerts, rendezvous and related gatherings (non-public gatherings are exempt)	A, RR, UR and C	2 weeks
6. See also Section 1.16.02 on tents, campers and recreational vehicles as temporary uses.		

1.12.02 General Requirements for a Temporary Use Permit Approved by Staff

Application for a temporary use permit is made to and approved or denied by the County Zoning Enforcement Officer or the Planning Commission for minor or major review. All applications for a temporary use permit shall be accompanied by: (applicable for gatherings of 499 people or less)

1. The appropriate filing fee
2. An application on the appropriate form issued by Huerfano County
3. A plot plan showing at an appropriate scale and in legible fashion:
 - The location of the proposed structure(s) where the temporary use would occur
 - The setbacks from the property lines
 - The owners of the adjacent parcels, existing roadways on and adjacent to the property, when

the proposed temporary use would occur, the zoning district(s) within which the proposed temporary use and adjacent parcels lie

- The current land use(s) on the property in question and adjacent parcels.

All requests for renewal of a temporary use permit shall be submitted in writing to the County Zoning Enforcement Officer at least 10 (ten) working days prior to the expiration date of the permit. The County Zoning Enforcement Officer may, at his discretion.

1.13 TEMPORARY ASSEMBLY PERMITS

1.13.01 Introduction

It is the purpose of this Article to provide easy to understand regulations which encourage social gatherings on private property while protecting the quality of life of surrounding residents, as well as preventing affrays, disturbances and disorderly assemblies in any public or private place, in order to protect the health, safety and welfare of all persons of the County.

1.13.02 Permit Required

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, organize or manage an assembly on public or private lands in any unincorporated areas of this County where it is a reasonably anticipated that attendance will exceed one hundred (100) people, unless a permit to hold such an assembly has first been issued. Assemblies with a maximum attendance of under five hundred (500) will be administratively reviewed by the Land Use Department, assemblies with a maximum attendance of over five hundred (500) people will be reviewed by the Board of County Commissioners. A permit approved by the Land Use Department or Board of County Commissioners to hold an assembly shall allow the applicant, his or her agents and employees to engage in any lawful activity described in the permit. Application for a permit to hold an assembly of one hundred (100) or more persons as heretofore described must be made at least thirty (30) days in advance of the assembly. Application for a permit to hold an assembly of five hundred (500) or more persons as heretofore described must be made at least sixty (60) days in advance of the assembly. Application for a permit to hold and an assembly of one thousand (1000) or more persons as heretofore described must be made at least ninety (90) days in advance of the assembly. Assembly means a company of persons gathered together at any location at any single time for any purpose. Assemblies over four (4) days length, not including set-up and take-down, are prohibited. Assemblies will not occur more than twelve (12) times per calendar year or two (2) times per month on any property.

Table 1: Temporary Assembly Permit (TAP) Review Types

Attendance	Review Type
< 100	No review. Note all state and county regulations must still be adhered to
100 < 500	Administrative review
> 500	Full Board of County Commissioners Review *

* Additional notice required for events of over 1000 people

1. A permit shall allow the assembly of only the maximum number of people stated in the permit. The event operator obtaining such a permit shall not sell tickets to nor permit the assembly for more than the number of persons stated on the permit.
2. The applicant shall not allow the sound of the assembly to carry unreasonably beyond the boundaries of the location of said assembly, or in excess of those limits outlined in CRS 25-12-103 if applicable. For the purposes of this Article, sound created by the assembly which measures

more than fifty-five (55) decibels beyond the boundaries of the place of assembly shall be presumed to be unreasonable. Measurements with sound level meters shall be made when a wind velocity the time and place of such measurement is not more than five (5) miles per hour, or more than twenty-five (25) miles per hour with a windscreen appropriately attached to the microphone.

3. Amplified sound shall not be audible beyond the subject property lines between the hours of 11:00pm and 7:00am the following day Sunday through Thursday, and 12:00am and 8:00am the following day Friday through Saturday. These hours may be varied by action of the Board of County Commissioners.
4. This Article shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, fairgrounds, coliseum, picnic or camping area, sale or auction of agricultural lands or personal property, or other similar permanently established place of assembly, provided that said places are being used for the established and normal use and attendance does not exceed by more than two hundred fifty (250) persons the maximum seating capacity of the structure where the assembly is held.
5. This Article shall not apply to government-sponsored affairs held on regularly established fairgrounds, or public places, nor shall it apply to assemblies required to be licensed by other laws and regulations of the County.
6. This Article shall not apply to a private function of under three hundred (300) persons not exceeding forty-eight (48) hours for which no admission fees or other charges are assessed. Examples of such private functions include but are not limited to weddings, funerals, estate sales/auctions, and family gatherings. The above mentioned functions are still required to comply with the county noise ordinance.
7. The County and the State of Colorado concurrently regulate assemblies. Applicants are advised to familiarize themselves and comply with State regulations as necessary. The more stringent regulations shall apply. At the time of adoption of these regulations, the state regulated assemblies through 6 CCR 1010-10, available from the Secretary of State.

1.13.03 Minimum Conditions

Before a person may be issued a permit, the following must be satisfied:

1. The applicant must state the maximum number of persons who will be assembled or admitted to the location of the assembly. In no case shall the number of persons to be assembled or admitted to the location of the assembly exceed the number which can reasonably assemble within the boundaries of the location of the assembly. In determining the number of people to be allowed to assemble at the permit location, the nature of the assembly, the size of the assembly, the size of the boundaries covered by the permit applied for, the health, water and sewerage facilities to be provided, traffic congestion which may occur at the permit location, the proximity of dwelling units or other structures or land uses which may be adversely affected by such an assembly, as well as any other adverse effects on the health, safety and welfare of persons in the County, may be considered by the Land Use Department and the Board of County Commissioners. Where the assembly is to continue overnight, the maximum number of people to be permitted to assemble shall not exceed the number which can sleep within the boundaries of the location of the assembly in accordance with state and local health standards.
2. The applicant shall provide assurances that the applicant will furnish or cause to be furnished the following before the assembly commences:
 - a) An adequate and safe supply of potable water meeting requirements set forth by the Colorado Department of Health. Where water is not available under pressure and non-water carriage toilets are used, potable water, meeting all federal and state requirements for

- purity, shall be provided for bathing and drinking at the rate of at least three (3) gallons per person per day. Where water is distributed under pressure and flush toilets are used, the water supply system shall deliver water at normal operating pressures twenty (20) pounds per square inch minimum to all fixtures at the rate of at least thirty (30) gallons per person per day. An alternative water plan may be considered in place of these requirements.
- b) Enclosed toilets meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide healthful facilities for the maximum number of people to be assembled as deemed adequate by the local health department. There shall be a minimum of one (1) toilet for every one hundred (100) persons, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with state and local laws and regulations.
 - c) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of persons to be assembled at the rate of at least two and one-half (2.5) pounds of solid waste per ten persons per day, together with a plan for holding and collecting such waste at least once each day of the assembly. The plan shall provide for trash cans, dispersed throughout the area of the assembly which are sufficient to prevent solid wastes from escaping the location of the assembly. The plan must call for sufficient personnel to perform such tasks, and the premises and immediate surrounding properties must be cleaned within forty-eight (48) hours after the event. Should trash cans be impracticable due to wildlife or other concerns, an alternative solid waste disposal plan may be considered in place of these requirements.
 - d) Two (2) persons trained in emergency medical technology for the first five hundred (500) persons and one for every five hundred (500) persons after that, together with at least one (1) emergency ambulance available for use at all times. An enclosed structure where treatment may be rendered shall also be provided.
 - e) A healthcare professional trained in emergency medicine and a nurse licensed to practice in the State for every one thousand (1,000) persons; provided however, that no nurse shall be required for assemblages of less than one thousand (1,000) persons.
 - f) If the assembly is to continue during hours of darkness, illumination sufficient to light in the area of attention (stage, actors, band, etc.) shall be provided at the rate of at least five (5) foot-candles. Such illumination shall not be allowed to shine or reflect unreasonably beyond the boundaries of the location of the assembly.
 - g) A parking area sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons, with a density of no more than one hundred forty-five (145) passenger cars or seventy-five (75) buses per acre. The flow of traffic on County roads shall not be blocked or hindered, and no cars, buses or bicycles shall be allowed to park along the side of or in the County roads. An alternative parking plan using off-site facilities may be considered in place of these requirements.
 - h) Adequate communication with hospital, police and fire services based in the medical station.
 - i) If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements for the maximum number of persons to attend the assembly.
 - j) Adequate security to control any disturbances which might occur. As a minimum requirement, the applicant shall provide security guards at the rate of two (2) for every five hundred (500) persons attending the assembly. For security within and among the

- assembled people, at least five (5) security guards shall be provided, or in the alternative, an adequate plan of peer group control may be used. All security guards shall be off-duty peace officers or private guards licensed by a jurisdiction within the state of Colorado.
- k) Fire protection and Mitigation. A fire truck is required on site for any events that will display fireworks or any other type of pyrotechnics; said fire equipment must be approved by the applicable fire district. Fire mitigated areas shall be provided for cooking and parking. Applicants shall comply with all applicable fire bans, restrictions and regulations.
 - l) If electrical systems are not self-supporting, electrical systems installation and maintenance in compliance with minimum County electrical standards.
 - m) For assemblies over five hundred (500) persons, a bond filed with the Clerk of the Board, either in cash or underwritten by a surety company, licensed to do business in the State, in an amount which is determined by the Board of County Commissioners to be reasonable in relation to the risks and hazards relating to the event. Upon breach by the applicant of any term of the permit, The Board of County Commissioners may undertake to perform such condition or cause such condition to be performed by another and may use the proceeds of such bond to recoup its costs. Proof of bonding shall be provided to the Land Use Office at least fifteen (15) days before the assembly is to commence.
 - n) Insurance, in an amount which is determined by the Board of County Commissioners to be adequate and reasonable in light of the risks and hazards relating to the event. In no event shall such insurance provide aggregate coverage of less than five hundred thousand dollars (\$500,000.00). In addition, the applicant shall indemnify and hold harmless the County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting the permit, and from any cost incurred in cleaning up any waste material produced or left by the assembly. Proof of insurance shall be provided to the Land Use Office at least fifteen (15) days before the assembly is to commence.
 - o) C. The applicant will propose those factors necessary in the design and location of permanent or temporary facilities on the site, and in maintenance of the site, that will insure:
 - 1. That trees, underbrush, large rocks and other natural features shall be left intact and undisturbed.
 - 2. That natural vegetative cover shall be retained, protected and maintained so as to facilitate drainage, prevent erosion and preserve scenic attributes.
 - 3. The site shall be maintained in such a manner so as to abate dust.
 - 4. That property boundaries shall be clearly marked or fenced so as to prevent trespassing on adjacent property owners' land.

1.13.04 Application Requirements

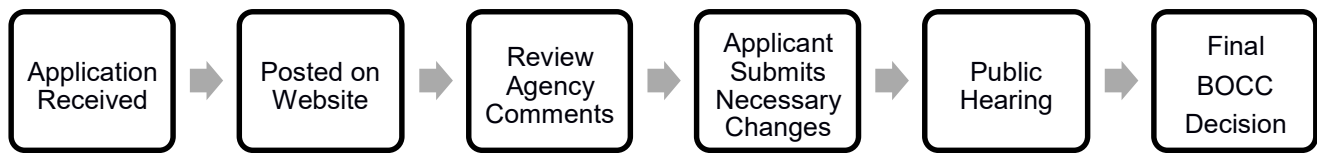
Application for a permit to hold an assembly of five hundred (500) or more persons shall be made in writing to the Board of County Commissioners at least sixty (60) days in advance of such assembly. Application for a permit to hold an assembly of over one hundred (100) persons but less than five hundred (500) persons shall be made in writing to the Land Use Department at least thirty (30) days in advance of such assembly. The application shall contain an affirmation that the statements contained therein are true and correct to the best of the knowledge of the applicant and shall be signed and sworn to or affirmed, by the individual making application in the case of an individual, by all partners in the case of a partnership or by all members of such association, society or group. The application shall contain and disclose:

1. The name, age, residence and mailing address of all persons required to sign the application and,

in the case of a corporation, a certified copy of the articles of incorporation.

2. The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owners of such property.
3. A notarized statement by the record owners of such property consenting to such an assembly.
4. The nature and purpose of the assembly.
5. The dates and hours during which the assembly is to be held.
6. The maximum number of persons which the applicant shall permit to assemble at any time.
7. The maximum number of tickets to be sold, if any.
8. The plans of the applicant to limit the maximum number of people permitted to assemble.
9. The plans for supplying potable water including the source, number of locations, and method of distribution.
10. The plans for holding, collecting and disposing of solid waste material.
11. The plans to provide for medical facilities, including the locations and construction of a structure, the names, addresses and hours of availability of the company or individual medical technologists and nurses providing care, and provisions for emergency ambulance service.
12. The plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps.
13. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots.
14. The plans for communication, including the source, amount and location of communication equipment.
15. The plans for camping facilities, if any.
16. The plans for fire protection.
17. The plans for security, including the number of guards, their deployment and the names, addresses, credentials and hours of availability of the individuals or company providing security; description of peer group control, if any.
18. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
19. If applicable: plans for meeting County health standards for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.
20. The plans, if any, for electrical systems.
21. The plans to insure that trees, underbrush, large rocks and other natural features shall be left intact and undisturbed; that natural vegetative cover shall be retained, protected and maintained so as to facilitate drainage, prevent erosion and preserve the scenic attributes; and that the location of the site be maintained in a manner so as to abate dust.
22. An affidavit from the applicant stating that they intend to comply with all bonding and insurance requirements and deadlines as applicable.
23. The permit fee as outlined in Sec. 11, which shall not be refundable even if the permit is not granted.
24. A legible plot plan at an appropriate scale and level of detail.

Chart 1: General TAP Review Process for Assemblies Over 500 Participants



For assemblies of under five hundred (500) persons, the application shall be reviewed administratively. Land use staff may, require the applicant to follow any of the following steps as staff deems necessary. For assemblies of over five hundred (500) person, the following procedures shall apply:

- Within 5 working days of receiving a complete application, the Land Use department shall post the entire application on its website and notify the following agencies to review the application:
 - Huerfano County Sheriff's Office
 - Local Fire Protection District
 - Local County Health Department
 - Huerfano County Emergency Management Department
 - Colorado Division of Wildlife
 - Huerfano County Building Official
 - Huerfano County Finance Officer
 - Huerfano County Public Works Department
 - Huerfano County Road and Bridge Department
 - Huerfano County Hospital District

The Huerfano County Land Use Department may notify additional agencies to review the application as it deems necessary.

- Within thirty-five (35) days of receiving a complete application, the review agencies shall return the application with comments to the Land Use Department. Receipt of no comments by a review agency shall be considered acquiescence. The thirty-five (35) day review period may be extended by written request from a review agency.
- Within ten (10) working days of receiving comments from the review agencies, the Land Use Department shall notify the applicant in writing of any issues that need to be further addressed. The applicant shall have an opportunity to modify the application to address any concerns from review agencies. If no concerns are identified, the Land Use Department shall forward the application to the Board of County Commissioners for a public hearing.
- The Board of County Commissioners shall hold a public hearing on the application. Such hearing may be held at a regularly scheduled public Board meeting. Legal notice of said hearing shall be published once in the newspaper designated by the Board of County Commissioners for the publication of notices. Said notice shall be published at least seven (7) days prior to the public hearing. The applicant shall also send notice of the public hearing by Certified Mail to the registered owners of all properties within 1200' of the subject property at least ten (10) days in advance of said hearing. The Land Use Department will provide a template for the notification letter. Proof of said mailing shall be provided to the Land Use Department at least twenty-four (24) hours prior to the hearing.
- After a public hearing, the Board of County Commissions may act on the application at a regularly scheduled public Board meeting. In acting on the application, the Board of County

Commissioners shall consider all evidence whether presented orally or in writing and may act by resolution. If the Board of County Commissioners determines that the application is to be approved subject to the applicant fulfilling conditions placed on said approval, the Board shall so indicate by placing such conditions on the permit and endorsing the permit.

- In no event shall the permit be issued prior to the furnishing of the bond, the furnishing of evidence of insurance and the signing of an agreement to indemnify as required by Subsection 1.13.03 B. 13 and 14 above.

1.13.06 Issuance.

The application for a permit shall be processed in a timely fashion from the time of its receipt from the applicant and shall be issued if all conditions and requirements set forth herein are met.

1.13.07 Revocation and Suspension

The permit may be revoked by the Board of County Commissioners or County Administrator at any time if any of the conditions contained in the permit are not complied with, or if any condition previously met ceases to be met. The bond may also be forfeited. In case of emergency, the permit may be suspended or amended by the Land Use Department, County Administrator, or County Emergency Manager.

1.13.08 Penalties

A permit shall be required for any assembly regulated by this Article, and any person, corporation, landowner, promoter, performer or participant holding, permitting or participating in such an assembly without a permit or otherwise violating the Article shall be fined not more than one hundred dollars (\$100.00) for each such violation, or by imprisonment, in the County jail for not more than ten (10) days, or both such fine and imprisonment. No landowner will permit his property to be used in violation of the section. Repeat violations of this Article may be considered grounds for denial of future permits.

1.13.09 Enforcement

Violations of this Article will be enforced by the Code Enforcement Officer and/or Sheriff's office. The Code Enforcement Officer and Sheriff are empowered to take the necessary steps to close down any assembly conducted without complying with this article. If a landowner or promoter or manager of any such assembly fails or refuses to produce an approved permit upon demand by a law enforcement official, there shall be a presumption that said assembly is being conducted unlawfully. The County Attorney and the District Attorney are authorized to prosecute violators of this section. Nothing in the section shall be construed to limit the County Attorney from seeking civil remedies, injunctions, or damages as provided in the Huerfano County Land Development guide or state law in addition to the procedures and penalties herein provided.

1.13.10 Appeals and Variances

Appeals made pursuant to this Article, as well as variances to any part of these regulations except where otherwise noted, may be made as outlined in section 09.02.

1.14 MANUFACTURED HOME AND NON-QUALIFIED MANUFACTURED HOME REQUIREMENTS AND PROVISIONS

1.14.01 Treatment of Non-Qualified Manufactured Homes

Home built prior to 1993 HUD standards are considered non-qualified homes and are prohibited in all zoning districts. Such housing, for habitation or for storage, may not be installed or erected on any land

within unincorporated Huerfano County, including, but not limited to a manufactured home park upon the date of adoption of these regulations. However, non-qualified manufactured homes lawfully located in the County prior to the date of adoption of these regulations shall be treated as legal non-conforming uses under Section 1.16.01.

1.14.02 Treatment of Qualified Manufactured Homes

A qualified manufactured home, as defined in these regulations, is treated as a "single family dwelling" for all purposes. A qualified manufactured home is a permitted use in any zoning district where a single family dwelling is a permitted use. A qualified manufactured home is a prohibited use in those zoning districts in which a single family dwelling is a prohibited use. The placement, erection or installation of a qualified manufactured home requires a conditional use approval in those zone districts where a conditional use approval is required for a single family dwelling. A qualified manufactured home which is placed, erected or installed in the County must comply with all applicable provisions including, but not limited to, applicable HUD or ICC regulations, setback requirements, minimum dwelling size and minimum lot size requirements. All qualified manufactured housing shall be installed according to the Colorado Division of Housing, Manufactured Home Installation Program.

1.15 AIRPORT PROTECTION OVERLAY DISTRICT REQUIREMENTS AND PROVISIONS

1.15.01 Intent

The Airport Protection Overlay District (see Section 1.03.02) is a supplemental district that may overlay any standard zoning district. Any use by right or conditional use approved in the underlying district is also permitted in an APO district so long as that use meets the special conditions required in an APO district.

The APO district is established to minimize exposure of residential and other sensitive land uses to aircraft noise areas, to avoid danger from aircraft accidents, to reduce the possibility of such accidents, to discourage traffic congestion within the area of the district and to restrict non-compatible land uses in proximity to and within airport influence areas.

This zoning district shall be applied in the vicinity of all general aviation airports and public heliports (see, however, Section 1.15.05) which would be significantly affected by air traffic, noise or any hazard related to the establishment, operation or maintenance of an airport or heliport facility.

The degree of protection provided by this overlay district is considered reasonable and prudent for land use regulatory purposes and is based on established parameters of control. Establishment of this district, however, does not imply that areas outside of the district will be totally free from airport and aircraft related hazards nor that all hazards within the district will be completely mitigated. Establishment of this district shall not create a liability on the part of or cause any action against Huerfano County or any officer, employee or contractor thereof for any damages that may result directly or indirectly from reliance on the provisions contained herein.

1.15.02 Permitted uses within an APO District

No building or land shall be used and no building or other structure shall hereafter be erected, converted or structurally altered except as provided for herein and the following use provisions shall apply within an APO district:

1. No use may be made of land within the district in such a manner as to create electrical interference with radio communication between an airport or heliport and aircraft or make it difficult for pilots to distinguish between airport or heliport lights and other lights, cause glare in the eyes of pilots using the airport or heliport, impair visibility in the vicinity of the airport or heliport or otherwise endanger the taking off or the maneuvering of aircraft in the vicinity of the airport or

heliport. Noise attenuation in building design shall be encouraged and may be required for structures to be erected within the district.

2. Nothing contained within this district regulation shall be construed to require the removal, lowering or other change or alteration of any structure or object of natural growth not conforming to the provisions contained herein or otherwise interfere with the continuance of any nonconforming use, except as specifically stated.

3. Nothing contained within this district regulation shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of adoption of these regulations and is diligently prosecuted; provided, however, that when the nonconforming structure or nonconforming use is destroyed or damaged to the extent of over fifty (50) percent of the appraised value of the nonconforming structure or use, any reuse, reconstruction or replacement shall be deemed a new use and shall be subject to the applicable provisions contained herein.

4. The owner of any nonconforming structure or object of natural growth is hereby required to permit the installation, operation or maintenance thereon of such markers or lights as shall be deemed necessary by the Board of County Commissioners by majority vote or any other appropriate authority to indicate to the operators of aircraft in the vicinity of the airport or heliport the presence of such nonconforming structures or objects of natural growth. Such markers and lights shall be installed, operated and maintained at the expense of the owners and/or operators.

Aviation easements may be required, at the discretion of the Board of County Commissioners, within a designated APO district.

1.15.03 Limitations within an APO District

1. Height Limitations

Height limitations within an APO district, except as otherwise provided for herein, are subject to the limitations of the district within which the property is located. No structure or object of natural growth shall be constructed, erected, altered, or allowed to grow or to be maintained in excess of height limits and zones herein established.

A notice and approval from the Federal Aviation Administration shall be required for the construction or alteration of any structure two hundred (200) feet or higher located within twenty thousand (20,000) feet of the end of any runway.

2. Surface Limitations

Surface limitations within an APO district include all land and air space within the district that would be hazardous to air navigation if infringed upon. Surface limitations include areas above imaginary surfaces and in the clear zone and are established to regulate the height of structures and natural objects in the vicinity of an airport or heliport. These surface limitations are set forth by the Federal Aviation Administration in the Federal Aviation Regulations, Part 77, which are hereby adopted by reference.

In addition, before any structure or natural object is permitted to be erected, altered, maintained or allowed to grow above the imaginary surfaces established herein, a Notice of Construction or Alteration shall be filed with the Federal Aviation Administration for a determination of hazardous or non-hazardous conditions and of effect on the airport rules and regulations. The Board of County Commissioners shall not approve any such development until after receiving and considering the Federal Aviation Administration recommendation on the matter.

Airport height zones, as determined by imaginary surfaces, shall include, but need not be limited to the following zones:

01. The utility runway visual approach zone, which slopes upward twenty (20) feet horizontally for

each foot vertically, beginning at the end of and at the same elevation as the primary surface and extends to a horizontal distance of five thousand (5,000) feet along the extended runway centerline, with a lateral width of 1,250 feet.

02. The utility runway non-precision instrument approach zone, which exhibits the same configuration as the zone described immediately above in item 01.

03. The horizontal zone, which extends one hundred and fifty (150) feet above the airport elevation above mean sea level.

04. The Short Take Off and Landing (STOL) approach zone, which slopes upward fifteen (15) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a distance often thousand (10,000) feet along the extended runway centerline.

05. The transitional zone, which slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones and extending to a height one hundred and fifty (150) feet above the airport elevation above mean sea level. In addition, there are hereby established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect with the conical surface.

06. The STOL transitional zone, which slopes upward and outward four (4) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and a portion of the sides of the approach surface and extends to an elevation of one hundred (100) feet above the primary surface.

07. The heliport Visual Flight Rule (VFR) approach zone, which slopes upward eight (8) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a distance of four thousand (4,000) feet along the primary surface centerline.

08. The heliport Instrument Flight (IF) approach zone, which slopes upward fifteen (15) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a distance often thousand (10,000) feet along the primary surface centerline.

09. The heliport VFR transitional zone, which slopes upward and outward two (2) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach surfaces and extending a distance of one hundred and fifty (150) feet measured horizontally from and at ninety (90) degree angles to the primary surface centerline and extended centerline.

3.Land Use Limitations.

Within APO districts in the vicinity of airports and heliports, land use patterns will be encouraged that separate uncontrolled noise sources from residential and other noise-sensitive areas and that avoid danger to public health and safety or to property due to aircraft operations.

In areas subject to flight hazards, uses such as schools, churches, hospitals and libraries are not encouraged. Open space recreational and agricultural uses shall be encouraged and applicants proposing such uses may petition for waiver of the special submittal requirements (see Section 1.15.04). Any other use proposed shall be accompanied by written evidence that the proposed development poses no significant threat to public health and safety or to property. Approval may be contingent on the applicant granting an aviation easement.

1.15.04 Submittal Requirements in an APO District

In addition to the submission requirements otherwise contained within these regulations, the Planning Commission may, at its discretion, require additional materials regarding any proposed land use change or

development project in an APO district. These additional materials may include, but need not be limited to, any or all of the following items:

1. A map or graphic description of existing and proposed airport facilities including towers, lights, terminals, hangers, aprons, parking areas, taxiways and runways.
2. A map showing the height of all existing and proposed structures within the contemplated development and the relationship of these structures to the zones described in Section 1.15.03 and elsewhere in Federal Aviation Rule (FAR) Part 77.
3. Evidence of the elevation and pattern of aircraft flights over the proposed site.
4. Information relating to noise levels on the proposed site and written statements regarding sound mitigation measures, if any, that will be used to attenuate existing or projected noise levels.

1.15.05 Private Landing Strips and Heliports

Compliance with the provisions of an APO district is not required for private noncommercial landing strips and heliports provided that they meet the following provisions and requirements:

1. The applicant shall apply for and be granted a conditional use approval for the proposed use.
2. The applicant shall own a minimum of thirty-five (35) contiguous acres of land on which the landing strip would be located or five (5) contiguous acres of land on which the heliport site would be located.
3. No residential dwelling units, other than one (1) dwelling unit owned by the applicant or an immediate member of the applicant's family, shall be located within one half mile of either end of any runway.
4. Runways will be so oriented that fixed-wing aircraft takeoffs and landings will not pass within one thousand (1,000) feet of any school, dwelling unit or place of public assembly.
5. The applicant shall provide evidence that the Federal Aviation Administration has been sent an application for approval of airspace.
6. The applicant shall, at the discretion of the Board of County Commissioners, grant an aviation easement to Huerfano County or other appropriate public body.

1.16 OTHER ZONING AND RELATED PROVISIONS, REQUIREMENTS AND REGULATIONS

1.16.01 Non-conforming Uses, Lots and Buildings

1. Meaning and Intent.

A non-conforming use, lot or building shall be any use ~~or lot or~~ building that lawfully existed ~~at the~~ dates of [adoption ~~of these zoning regulations~~date], 2025, and has been maintained following such adoption, but is prohibited by the provisions contained within these regulations and not otherwise exempt from non-conforming status. It is the intent of these zoning regulations to allow for the continuation of such non-conforming uses, ~~lots~~ and buildings, so long as they meet the provisions contained herein. But it is not the intent of these regulations to allow their enlargement, nor to allow their continuation should they be discontinued for a period of 180 days or substantially damaged by fire or other cause. The development rights of each parcel are in accordance with the zone district as of [adoption date], 2025; development rights for all parcels created after that date must be created or transferred in accordance with Section 10.11. Rights to exempt domestic wells on parcels created prior to June 1, 1972 are not impacted by the conformity of a lot.

Development rights granted to non-conforming lots by the Board of County Commissioners shall be

recorded on the deed, including the date of the decision by the Board of County Commissioners and the specific development rights conveyed to the property.

Whenever two or more parcels are consolidated through a plat amendment or lot line elimination, the resulting parcel shall have the development rights of a single parcel. Whenever a single parcel is divided into two or more parcels, only one parcel will retain a development right. If one of the resulting parcels has an existing home or structure, the development right will remain with that parcel already developed.

2. Abandonment of Use.

If active and continuous operations are not carried on as a nonconforming use during a continuous period of two (2) years, the building, other structure or land where such non-conforming use previously existed shall thereafter be used and occupied only for conforming uses. A non-conforming use or building or lot, if changed to be a conforming use, building or lot, shall not thereafter be changed back to a non-conforming state.

3. Restoration.

Any non-conforming building or other structure may be restored to the use of such structure unless such non-conforming structure is damaged or destroyed by fire or other cause to the extent of more than fifty (50) percent of its replacement cost at the time of the destruction. In cases, however, where the destruction was due to causes beyond the control of the owner and the destruction was less than total, the Board of Adjustment may by issuance of a variance, allow restoration upon a finding of exceptional and undue hardship.

4. Enlargement of a Non-Conforming Use or Building.

No non-conforming building or use shall be structurally altered or expanded in any way that would increase the degree or area of nonconformance. In matters pertaining to the restoration of non-conforming buildings, the provisions of the Dangerous Buildings Code and other such building, fire, plumbing, mechanical and other codes as Huerfano County has adopted at that time shall apply, in which case the provisions contained herein shall prevail.

5. Alteration of Non-Conforming Buildings.

Non-conforming buildings may be altered. Upon the order of the County Building Inspector or other authorized County official to make that building conform to established safety requirements, maintenance repairs may be undertaken to keep the building in sound condition and alterations are permitted which would reduce the degree of nonconformance or change the use to one of conformance.

6. Structures Under Construction.

Any non-conforming use or structure for which a valid building permit has been issued before the use or structure became non-conforming may be completed and occupied in accordance with the provisions of the building permit that was previously issued, subject to the other provisions of this section and such use or structure shall be deemed to be conforming.

7. Title Default.

If the title to any non-conforming lot or parcel shall change by reason of tax delinquency and such property is not redeemed as provided by law, the future use of such property shall be in conformity with the then adopted and amended zoning regulations of the County.

8. Use of Conforming and Non-Conforming Lots.

01. Lots and parcels of record that were non-conforming prior to the day of adoption of this zoning regulation may be built upon or used provided that: a) the setback, floor area and bulk requirements and other provisions for the zoning district within which the lot is located are adhered to, b) the lot was not

created by private conveyance or in violation of the County subdivision regulations and c) approval in the form of a variance is granted by the Board of Adjustment.

02. Lots and parcels of record that were conforming prior to the day of adoption of this zoning regulation are hereby declared to be conforming and shall henceforth continue to be legal conforming lots and parcels of record.

03. No lot which was conforming in size on the day of adoption of this zoning regulation may be subdivided according to the subdivision procedures contained herein in such a manner that it would become non-conforming nor cause any structure or use to become nonconforming.

9. Upon the adoption of this zoning regulation, no non-conforming structures shall be erected in Huerfano County except upon the issuance of a variance by the Board of Adjustment.

1.16.02 Tents, Camper and Recreational Vehicles as Temporary Residences

Tents, campers and recreational vehicles, when employed as temporary residences for human occupation, are hereby declared to be a temporary use as defined within these regulations. This section shall not apply to parcels with an existing permitted primary use, campgrounds (see Section 1.05.36), and parcels with an active building permit subject to Section 1.12. The foregoing activities by the landowner or someone with the landowner's written permission.

.01 Parcels larger than 2 acres in size in an Agricultural or Rural Residential zoning district for maximum period of up to four (4) months in any one calendar year if the applicant demonstrates to the Land Use Department's satisfaction that sanitary and water provisions have been made along with approval of an application for a camping permit and payment of associated fees. For the purposes of this regulation, septic tanks without a complete septic system and on site dumping are not considered acceptable sanitary provisions. The Land Use Department reserves the right to require County Health Department approval of any permit application as it deems necessary. An up to four (4) month camping permit may be renewed once in a calendar year by the Land Use Department, or may be varied by the Board of County Commissioners on a case by case basis.

.02 Parcels of any size in any zoning district for maximum period of seven (7) consecutive days and a total of thirty (30) days in any one calendar year without a permit.

1.16.03 Shipping Containers

Conditional Use Permits for Shipping Containers may be considered a minor impact and may be processed administratively. An application for a shipping container shall include submittals outlined in Section 8.03, including a letter of intent describing the intended use of the container and any existing uses on adjacent properties.

1.17 RE-HEARINGS IN REZONING AND CONDITIONAL USE APPROVAL CASES

1.17.01 Re-submittal of Denied Application Prohibited: Exception

An application for a rezoning or a conditional use approval which has been denied by the Board of County Commissioners shall not be resubmitted nor accepted for consideration for a period of two (2) years following the date of denial of such application by the Board of County Commissioners; provided, however, that within such two (2) year time period the applicant may petition the Board of County Commissioners for a rehearing.

1.17.02 Petition for Rehearing

1. Within two (2) years of the date of the denial of an application for a rezoning or a conditional use approval the applicant may petition the Board of County Commissioners for a rehearing on its application. Said petition shall consist of (i) a petition signed by the applicant alleging that the amended

application submitted therewith constitutes a substantial change to the application which was denied and specifying what changes have been made from the prior application, (ii) an amended application complete in all respects and containing all information required in connection with the original application, (iii) an updated list of all adjacent property owners as required in connection with the original application and (iv) such other information as the applicant shall desire to have considered by the Board in its determination of the petition. A petition for rehearing shall be both comprehensive and concise in delineating all proposed changes to the application which was denied.

2. In connection with a petition for rehearing the burden of proof shall be on the applicant to demonstrate that there has been a substantial change to the application which was denied. For purposes of this Section the term "substantial change" shall mean a change in the applicant's plans or the conditions of the proposed project as presented in the petition which significantly affects one or more of the reasons for the original denial of the application.

3. Upon receipt of a petition for rehearing the Board of County Commissioners shall review the petition and within sixty (60) days of the Board's receipt of the petition either (i) summarily deny the petition without a hearing if it appears to the Board, based upon the contents of the petition and any accompanying information supplied by the applicant in connection therewith, that the applicant has not carried its burden of demonstrating a substantial change to the application, or (ii) set a substantial change hearing before the Board to consider the petition. If a hearing is set, such hearing shall be conducted within one hundred and twenty (120) days of the Board's receipt of the petition.

4. Notice of a substantial change hearing shall be given by publication one (1) time in a newspaper of general circulation in Huerfano County at least thirty (30) days prior the hearing. Notice of the hearing shall also be mailed at least 15 days prior to the hearing to all listed owners of record of all adjacent property as supplied by the applicant. In addition, the applicant shall cause to have posted on the subject property, in a conspicuous location, a sign supplied by Huerfano County, stating the time, date, location and subject of the hearing. Such sign shall be posted on the subject property at least fifteen (15) days prior to the hearing.

5. The decision whether to grant a petition for rehearing shall be within the sound discretion of the Board; provided, however, that the Board may grant a petition for rehearing only where the Board determines, based upon the petition and evidence presented at the substantial change hearing, that an applicant has demonstrated substantial change. The decision of the Board to deny a petition for rehearing shall be within the sound discretion of the Board; provided, however, that the Board shall deny a petition for rehearing where the Board determines, based upon the petition and evidence presented at the substantial change hearing, that an applicant has failed to demonstrate substantial change.

6. When the Board of County Commissioners grants a petition for rehearing, the amended application submitted with the petition shall be considered as a new application and processed by the Board of County Commissioners and Planning Commission in accordance with the applicable provisions of these regulations. A new submittal fee shall be required in connection with such new application. The decision of the Board to approve, conditionally approve or deny the amended application shall be governed by the standards set forth in these regulations with respect to new applications for a rezoning or a conditional use approval, whichever is applicable.

7. The decision of the Board to grant or deny an application for a petition for rehearing under this Section shall be reviewable only pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

8. No petition for rehearing may be granted during the pendency of any appeal or legal action contesting the decision of the Board of County Commissioners upon the rezoning or conditional use application.

1.18.01 General Information

Applications to rezone or change the zoning classification of a parcel or parcels of land shall be treated as proposed amendments to this zoning regulation and such applications also shall comply with the common procedures described in these regulations. Applications for rezoning shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials and by the necessary filing fees.

Process:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Noticing for public hearing
4. BOCC public hearing and decision.

1.18.02 Special Rezoning Requirements and Provisions

All listed owners of record of adjacent properties shall be notified by certified mail in accordance with noticing guidelines in Section 8.05 and 8.08. Notifications for rezoning shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the proposed land use change along with announcement of the date, time and location of the scheduled hearing.

Rezoning applications may be initiated by any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application.

The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a rezoning.

1.18.03 Submittal Requirements

Applications for rezoning shall include those submittals outlined in Section 8.03. In addition to those submittal requirements, applications for rezoning shall include the following:

Required attachments:

1. The source and quantity of water required for the proposed use(s) within the area to be rezoned.
2. The method of wastewater treatment and anticipated quantity of wastewater generated.
3. When water or wastewater service would be provided by a municipality or a water or sanitation or water and sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question.
4. A description of any natural or man-made hazard within or in the vicinity of the land proposed for rezoning and a statement describing how the anticipated impact of such hazards will be mitigated.
5. A vicinity map showing to scale the proposed area to be rezoned in relationship to the surrounding area within a distance of two (2) miles from the boundaries of the proposed rezoning.
6. A graphic description of all natural and manmade water courses, retention areas, streams, lakes and known one hundred (100) year flood plains on or adjacent to the property along with all areas in the proposed rezoning with a slope of twenty (20) percent or greater.
7. A description of any critical wildlife habitat and migration corridors and unique natural features,

such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.

8. Description of any planned development.

9-9. A description of the change in development rights that will result from the rezoning, and any transferred development rights used to support an increase in development rights.

10. Any additional information requested by staff or Planning Commission.

1.18.04 Reserved

1.18.05 Criteria for Action on a Rezoning Application

All actions by the Planning Commission in reviewing and making recommendations on a rezoning application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically on the following additional criteria:

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan and other adopted planning documents.
2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.
3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.

In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

1.19 VIOLATIONS

Whenever the County Code Enforcement Officer shall find or have personal knowledge of a violation or apparent violation of any of the provisions of these zoning regulations or any other zoning-related provisions of these regulations under his jurisdiction.

1.20 COMPLAINTS

Any person(s) aggrieved by a violation or alleged violation of any provision of this zoning regulation may file a written complaint with the County Code Enforcement Officer, who shall promptly investigate such complaint and take the appropriate administrative and/or legal action.

SKIP TO NEXT CHANGE



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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.

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.



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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 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 and development rights associated with newly created parcels have 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



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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.

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.



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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.

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



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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 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.

2.02.16 Development Rights

The right to develop on any parcel created after [adoption date], 2025 must be established in accordance with Section 10.11 of this Code and recorded with the subdivision plat and on the deeds to each newly created parcel

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



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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.

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-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:



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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 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



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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

A. 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-, and a description of the development rights granted to each parcel in accordance with Section 10.11.
4. Designated county roads may not be included in determining minimum lot sizes in a zoning district.

B. Exempt large lot subdivisions of parcels under 200 acres do not create new development rights. To establish development rights on parcels greater than 35 acres and less than 200 acres, subdivision must be approved through the subdivision process in Section 2.09 et seq., or in accordance with Section 10.11.

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



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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 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.

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.

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



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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.
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.



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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.
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



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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 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.



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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 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



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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.

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



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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.

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.



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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.

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



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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



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hour demands for a period of six (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



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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.

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.



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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 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



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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 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.



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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, 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.

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.

Process Summary:

One public hearing to be held for each phase: Sketch Plan, Preliminary Plan, and Final Plat. For each phase, the following process will be followed:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Public Noticing



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4. BOCC public hearing and decision

Public Notice: Public noticing requirements shall apply separately for each public hearing involved in the subdivision process. At least ten (10) days prior to public hearings for the Sketch Plan, Preliminary Plan and Final Plat, the County shall send notice to property owners by certified mail to properties within 1320 feet of the boundaries of the proposed subdivision where existing zoning is Agricultural, or 500 feet for properties in all other zones; This distance provision may be expanded up to twenty-five hundred (2,500) feet, or to include identified properties that have the potential to be impacted by the proposal by majority vote of the Planning Commission in the case of large subdivisions and when other special circumstances so warrant.

In addition to those submittal requirements outlined in Section 8.03, submittal requirements for each phase of a subdivision proposal are outlined in this section.

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.



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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.
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~~Evidence of access to legal source of potable water.
- ~~17.~~17. The approximate location of land to be reserved and land to be dedicated to the County.
18. A lot and street layout, indicating general scaled dimensions of lots and blocks.
- ~~19.~~19. 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.



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~~1920.~~ 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.

~~2021.~~ A description of the proposed systems for the supply of potable water and the disposal of sewage (see section 2.07.08).

~~2122.~~ Evidence of any drainage, retention or watercourse diversion structures proposed for the site.

~~2223.~~ 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.

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



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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 eighteen (18) months 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 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 within 1320 feet of the boundaries of the proposed subdivision for properties zoned Agricultural, or 500 feet for properties in all other zones. At the Planning Commission's discretion, this can be expanded to 2,500 feet and to include other properties likely to be impacted.



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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.
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 underground 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.



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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.
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



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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.
37. A description of development rights shall be included in the notes on the plat map, to include whether they are transferred or newly created as well as a description of any deed restrictions, deed-restricted affordable units.

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.

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



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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.
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



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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



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permit or other such legal instrument as the Colorado Department of Transportation shall issue must be submitted as a condition for final plat approval.

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.

PROCESSING PROCEDURES FOR SKETCH, PRELIMINARY AND FINAL PLANS



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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.

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



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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.

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.

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.

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 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, create no new dedication of public land or right-of-way, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein. If more than three new lots are created, Staff analysis of impact and recommendation on whether it should be an amendment or subdivision to PC for determination on how to treat the application.

Referral agencies: HOA/POAs, Utilities, Fire Dept, and other agencies reasonably expected to be impacted as determined by staff, Planning Commission or County Commissioners.



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2.14.01 Procedures for Amendment

Process Summary:

1. If more than three new lots are created and no public right of way or other public space is dedicated, PC recommendation on whether to treat application as subdivision or plat amendment.
2. Full application submitted; Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
3. PC public meeting and recommendation
4. BOCC public meeting and decision

Applicants wishing to amend an approved and recorded plat shall submit to the Planning Department 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, 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 Submittal Requirements

Submittal requirements for an application to amend an approved and recorded plat include a completed application, the appropriate filing fees, submittal requirements outlined in Section 8.03 and the following items:

1. A copy of the previously 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
2. A narrative statement as part of the letter of intent 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.



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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 and a statement of the current zoning of all portions of the plat to be amended.

3. 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.

4. 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.

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.

VACATING OF APPROVED AND RECORDED PLATS, ROADS OR EASEMENTS



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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.

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting /public hearing with PC and prepares staff report
2. Public notices and notices to referral agencies
3. PC public hearing and recommendation
4. BOCC public meeting and decision.

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 Section 8.03 and 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 at the Planning Commission's 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 public hearing scheduled before the Planning Commission to consider a vacating application, a notice of the 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 in accordance with notification requirements outlined in Section 8.05 and 8.08, applicants shall be billed directly by the County for costs associated with noticing.

3. Notice: All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones, as well as all identified mineral estate owners identified, shall be notified by certified mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public



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hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

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 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 the owner of record or duly authorized agent of any owner of record of any approved and recorded plat or easement. The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a vacation of land..

5. The vacation of internal lot lines for the purpose of consolidating or merging parcels shall be processed administratively and shall not require a public hearing unless requested by the owner of an affected parcel and subject to procedures outlined in CRS 30-128-139. Any easements along vacated lot lines cannot be vacated administratively.

2.15.02 Submittal Requirements

Submittal requirements for an application to vacate an approved and recorded plat or easement shall include a completed application, submittal requirements listed in Section 8.03, the appropriate filing fees and the following items:

1. 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.
2. A legal description of the land to be vacated and the area, in acreage or square feet.
3. 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



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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 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. The zoning exemptions applied to a PUD shall apply for a period stated on the final subdivision plat of no more than ten years, after which, the subdivision will revert to the base zone.

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



Section 2.00 Subdivision Regulations

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.

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

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.

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.



Section 3.00 Planned Unit Development (PUD) Regulations

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3.01 INTRODUCTION

The authority, purpose and legal standing of these Planned Unit Development (PUD) regulations is contained in Section 24-67-101, et seq., Colorado Revised Statutes.

Users of these regulations should also refer to the appropriate sections on common procedures, application fees, submittal requirements, enforcement provisions and definitions when making use of the PUD regulations contained herein.

3.02 OBJECTIVES OF PUD DEVELOPMENT

These PUD regulations are intended to allow flexibility in the development of medium and large scale sites in a manner varying from the constraints upon innovative design and creative land use that might otherwise be imposed by zoning and subdivision regulations, when narrowly construed. These PUD regulations are provided in order to, a) protect and preserve with adequate mitigation measures critical wildlife habitat and migration corridors, historical and archeological features, scenic views and other aspects of the physical environment of Huerfano County, and b) foster development that groups various land uses in appropriate relationships to each other, to commonly shared open space, recreational, commercial, employment or cultural facilities.

3.03 GENERAL PROVISIONS

3.03.01.1 Title

The title of these Planned Unit Development regulations shall be the Huerfano County Planned Unit Development (PUD) Regulations and may be so cited.

3.03.02 Repeal

All planned unit development regulations, resolutions and amendments to such regulations and resolutions of Huerfano County in effect prior to the adoption of these PUD 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. Nor shall adoption of these regulations or repeal of all prior planned unit development regulations, resolutions and amendments thereto invalidate, modify or otherwise compromise planned unit developments approved by the Board of County Commissioners prior to the adoption of these regulations. Such prior planned unit developments shall be considered to be in conformity and compliance with the provisions of these regulations. Planned unit developments established as PUD zoning districts created before the adoption of these regulations shall be considered to have met the provisions and requirements for the issuance of a PUD approval.

3.03.03 PUD Applications

Applicants wishing to create a PUD shall be required to make an application for PUD approval, for which approval shall be required in addition to any other approvals required herein before a planned unit development may be constructed. Applications for a PUD approval shall be accompanied by

an application on an appropriate form provided by Huerfano County, payment of the required filing fees and submittal of the required information.

3.03.04 Comprehensive Plan Compliance

All planned unit development application materials, site design characteristics and other PUD characteristics shall be in compliance with the goals, objectives and policies of Huerfano County.

3.03.05 Relationship of These Regulations to the Zoning Regulations

Planned unit developments can be approved in any zoning districts established within Huerfano County, and the issuance of a PUD approval shall not change the zoning district(s) within which such PUD is established.

Planned unit developments may include all uses allowed by right and any conditional uses allowed by the zoning regulations in the district(s) in which the PUD would be located. ~~to be valid for a period up to ten years.~~ Approval of a PUD application by the Board of County Commissioners and the granting of a PUD approval shall be considered de facto approval of the proposed conditional uses, and the applicant shall not be required to apply for or receive approval for a conditional use when such use is within the approved PUD proposal.

Upon written request by the applicant, the Planning Commission may recommend to the Board of County Commissioners that specific provisions of the County Zoning Regulations be waived or amended, if determined by majority vote that such waiver or amendment would promote the health, safety, welfare and convenience of the residents of Huerfano County.

PUD zoning regulations shall expire after a period of ten years and the PUD zone will revert to the base zone district or districts. . Upon expiration of a PUD, all permitted and completed developments will be grandfathered in as uses by right and shall be exempt from section 1.16.01(2) Abandonment of Use, and all parcels will be considered conforming or legal nonconforming. The expiration of a PUD shall not affect any easements, conservation easements or open space. Where part of the provisions of a PUD created before [adoption date], 2025 allowed for smaller lot sizes in exchange for conservation of land, conditions imposed by PUD to preserve land shall remain with the land. Such portions of the land that are intended to be conserved shall maintain the PUD zone until or unless conditions of conservation are recorded in the deed.

PUDs older than ten years at the time of amendment of this section shall expire and revert to the zone district in which the PUD is located on January 1, 2026.

3.03.06 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 acceptable to the Board of County Commissioners, or a similar acceptable 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.

3.03.07 Approval of a PUD Application

No PUD application shall be recommended for approval by the Planning Commission or be approved by the Board of County Commissioners unless and until it conforms with the appropriate provisions contained within these Planned Unit Development regulations unless such provisions are explicitly exempted in this PUD regulation.

3.03.08 Building Permits

No building or other structure shall be erected, nor shall a building permit be issued within a Planned Unit Development, until all approvals have been granted by Huerfano County.

3.03.09 Permitted Uses Within a PUD

Any use that is not specifically prohibited within the zoning district(s) in which a PUD is to be located may be an allowed use within a PUD.

3.03.10 Amendments to an Approved PUD

Any change in the size, type, location of uses or other significant characteristics of an approved PUD for which an approval has been issued shall be considered a proposed amendment to the previously approved PUD. Such proposed amendments shall require review and recommendation by the Planning Commission, review at a public hearing and the granting of approval by the Board

of County Commissioners before such change(s) to a previously approved PUD application may be authorized and implemented.

3.04 WAIVER PROVISIONS

Following a recommendation from the Planning Commission, the Board of County Commissioners may authorize waivers of the provisions contained within these PUD regulations.

3.05 PUD DESIGN STANDARDS AND SPECIFICATIONS

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

3.05.01 General Design Standards and Specifications

1. Planned unit developments shall be designed in such manner that wherever possible they protect and enhance the environmental assets of the site and the surrounding area. Such assets shall include but need not be limited to vegetation, wildlife, watercourses, scenic vistas, prominent physical landmarks, historical and archeological features and agricultural production.
2. The design and layout of a PUD shall include adequate, safe and convenient arrangements for pedestrian and vehicular circulation, rights-of-way, roadways, driveways, access for the purposes of egress and ingress, off-street parking and loading space, and related requirements as specified in BOCC Resolution No: 12-20, "Huerfano County Roadway Design and Construction Standards"
3. The PUD design shall bear a carefully thought out relationship to the surrounding area in order to avoid adverse effects to the proposed development caused by natural or man-made conditions.
4. Visual screening and buffers of an appropriate height and construction shall be provided to separate incompatible uses and to block from view unattractive features of the manmade and natural environment.
5. Parking and off-street loading spaces shall be provided in connection with every residential, commercial, recreational, industrial and other use within a PUD concurrent with the completion of said PUD element.
6. 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.

7. 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 Section 19.00 of the Land Use Code, “Huerfano County Roadway Design and Construction Standards”.

3.05.02 Density Requirements

1. Common Open Space

A minimum of Ten (10) percent of the area within a PUD shall be devoted to useable open space, which shall be defined as open areas designed and developed for use by the residents of or visitors to the proposed development or by other persons for uses including but not limited to recreation, parks, gardens, bodies of water, green belts and walkways. The term shall not include private institutional uses nor space devoted to streets, roads, loading areas or land dedicated to the County or other public or quasi-public entities for schools, fire or police facilities or other related institutional needs. Land dedicated for parks, open space, scenic easements and water and erosion control facilities may be used to satisfy this useable open space requirement so long as such lands are so designed and developed that they provide adequate access and adequate opportunity for open space use.

2. Residential Density

The overall net residential density in a PUD shall be the density allowable in the zoning district(s) in which the PUD is to be located, plus an additional Twenty (20) percent density bonus for the establishment of a PUD.

Residential density within a PUD shall be calculated by dividing the number of proposed residential units into the land area of the PUD excluding all property to be used for other than residential uses, as well as all land to be used for streets, rights-of-way, parking and loading facilities and for institutional uses and open space areas associated with nonresidential uses.

3. Density of Other Uses

The overall average net density of that portion of the PUD devoted to uses other than residential shall not be less than a land-to-building perimeter area ratio of two to one (2:1). The land-to-building perimeter area ratio shall be calculated by dividing the proposed footprint of all non-residential uses into the land area of the PUD excluding all property to be used for residential purposes as well as land to be used for streets, rights-of-way and parking and open space areas associated with residential uses.

4. Parking and Loading Requirements

The parking and load space requirements for a PUD shall be the same as those required for various uses under the Zoning Regulations (see Resolution 12-14 section 1.08.(01), (02)).

3.06 MAINTENANCE OF PUBLIC OPEN SPACES AND COMMON AREAS

Public open spaces and common areas, including those spaces used or to be used as public or private recreation sites, shall be protected by adequate covenants or deed restrictions running with the land, or by conveyances, homeowner association provisions or dedications, or other appropriate legal instruments acceptable in form and content to the Board of County Commissioners.

3.06.01 Public Open Space

Public open space proposed to be dedicated to the County or other public or quasi-public entity, and the legal description of the land proposed to be so dedicated shall be described at the final submission state of review on the plat, plan or other PUD drawings submitted by the applicant for consideration of acceptance by the Board of County Commissioners. Such dedication and acceptable provisions on the plat, plan or drawings shall include provision for dedication by the applicant or the applicant's legally appointed representative(s) and acceptance by the Board of County Commissioners.

3.06.02 Common Areas

The applicant for a PUD approval shall provide for and shall establish or provide for the establishment of an organization for the ownership and maintenance of all common open space and the construction of improvements, for the benefit of the residents, occupants and owners of the PUD. Such organization shall not be dissolved and shall not dispose of the common open space without first offering to dedicate the common open space to Huerfano County as public open space.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PUD fail to maintain the common open space or any portion thereof, in reasonable order and condition or fail to establish or maintain said common open space in accordance with the PUD plan or other application materials, the Board of County Commissioners may serve written notice upon such organization or upon the residents or owners of the PUD. Such written notice shall set forth the manner in which the organization has failed to maintain the common open space in reasonable condition or failed to comply with the PUD plan or other application materials.

Said notice shall include a demand that the deficiencies of maintenance or improvements be remedied within Sixty (60) days thereof and shall state the date and place of a public hearing thereon, which shall be held within Ten (10) days of the notice. At such hearing the Board of County Commissioners may, at its discretion, modify the terms of the original notice as to the deficiencies previously described and may grant an extension of time up to an additional One Hundred Twenty (120) days within which time the deficiencies shall be corrected.

If the deficiencies set forth in the original notice or in the modifications thereto are not corrected within the original Sixty (60) day time period or any extensions granted thereto, the Board of County Commissioners or their duly appointed agents, in order to preserve the taxable value of the properties contained within the PUD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space, and maintain it for a period of up to One (1) year or take such measures as are necessary to bring it into compliance with the PUD plan and other submittal materials. Said entry, improvement or maintenance shall not vest in the public any right to use the common open space, except when the common open space has been dedicated to

the public by the owner(s) of the PUD or their duly established association or by the original applicant.

Before the expiration of the One (1) year period, the Board of County Commissioners shall, upon its own initiative or upon the written request of the organization responsible for the maintenance of the common open space, call a public hearing upon Ten (10) days written notice to such organization or to the residents, occupants and owners of the PUD. At this hearing, to be held by the Board of County Commissioners, such organization or the residents and/or owners of the PUD shall show cause as to why such maintenance by Huerfano County shall not, at the discretion of the County, continue for a succeeding year. If the Board of County Commissioners determines that such organization or a successor organization is ready and able to maintain the common open space in reasonable condition, the Board of County Commissioners shall cease to maintain said open space at the end of said year. If the Board of County Commissioners determines that such organization or its successor(s) is not ready and able to maintain said common open space in reasonable condition, the Board of County Commissioners may, at its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

The cost of such maintenance or improvements by Huerfano County shall be assessed ratably against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a tax lien on said properties. The Board of County Commissioners, at the time of entering upon said common open space for the purpose of maintenance or improvements, shall file a notice of such lien in the office of the County Clerk and Recorder upon the properties affected by such lien within the PUD and the lien shall be discharged by the County upon payment, as with other liens.

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

A road created through the PUD process shall have a specified right-of-way width shown on the plat, along with a dedication statement. Acceptance of the plat by Huerfano County constitutes acceptance of the right-of-way, but does not constitute acceptance of the road for maintenance. The road does not become accepted for maintenance and part of the County Road System until it is constructed according to the Huerfano County Roadway design and Construction Standards, with a minimum of a one-year warranty and specifically accepted for maintenance by resolution of the Board of County Commissioners.

Areas other than rights-of-way proposed for reservation and dedication shall be accepted at the discretion of the Board of County Commissioners. 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.

3.07 SUBMITTAL REQUIREMENTS FOR PROPOSED PUDS

Applications for a PUD approval shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. Staff may, at its discretion and

upon written application by an applicant, waive any but not all of these items. The Planning Commission may, by majority vote, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for the issuance of a PUD approval.

3.07.01 Non-Subdivision PUDs/Development Plan

The following development plan submittal requirements shall be required of applicants proposing developments with multi-family dwellings, including condominiums, when no subdivision of the site into individual lots or parcels will take place.

A development plan for a non-subdivision PUD 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 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 PUD 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 proposed residential density, expressed in dwelling units per net acre, within the PUD and the density, expressed as the ratio of building area perimeter to land area, of all non-residential development within the proposed PUD.
8. The location, width, surfacing and other relevant features of all existing and proposed streets, roads, easements and other rights-of-way, including streets and roads to be used for access to and from the proposed PUD.
9. The location, dimensions and size of all proposed off-street parking and loading facilities.
10. A description of the location and characteristics of all land to be used as common open space or publicly dedicated for parks, parkways, recreation areas and common open space with evidence that the land to be set aside for common open space meets or exceeds the common open space provisions contained within this regulation.
11. Copies of all agreements, provisions, covenants, declarations, dedications, deed restrictions and related legal instruments that would be used to govern the use, maintenance, improvement and continued protection of all public sites or private common lands within the PUD.
12. A grading plan, drainage plan, re-vegetation plan, weed control plan erosion and sedimentation control plans, wildlife habitat and migration corridor mitigation measures and a landscaping plan, showing existing and proposed grading, drainage and landscaping and conforming to the requirements for such plans contained within the County Subdivision Regulations, Section 2.07.07. All such plans and all engineering drawings and specifications shall meet the specifications and conditions for final plats and final engineering, as specified in the County Subdivision Regulations, Section 2.09.03.

13. The location, height and dimensions of each proposed non-residential structure within the PUD, with building footprint sites shown on the plan, and drawn to scale.
14. Description of how the structures within the proposed PUD would be provided with potable water supply, sewage collection and treatment in a manner meeting the standards and requirements for water supply and sewage disposal contained within the County Subdivision Regulations, Sections 2.07.09 and 2.07.08 respectively.
15. Description of any additional public improvements to be included within the proposed PUD along with adequate legal description and the provision for the dedication of any or all public rights-of-way to be dedicated to the County.
16. A detailed analysis of the soil types on the site, their characteristics and their development limitations, if any.
17. Drawings to scale of all private signs that would be erected within the development and their proposed location along with the location of public signs.
18. A statement by the landowner(s) whose property is included within the proposed development giving written consent for the development and the names and addresses of all adjoining landowners.
19. Applicants for an approval for a non-subdivision PUD shall be required to provide suitable collateral to ensure the completion of the construction of the proposed public improvements. The procedures and other provisions governing the collection and management of this collateral, in the form of an Improvement Agreement, shall be as specified in Section 3.03.06 of these regulations.
20. All maps provided to meet these development plan submittal requirements shall conform to the Preliminary Plan / General Submission requirements for maps contained in the County Subdivision Regulations.
21. To scale site plans shall be filed with the Office of County Clerk and Recorder within Thirty (30) days of their approval by the Board of County Commissioners. All site plans and other map materials submitted by an applicant shall contain signature approval blocks for the Planning Commission and the Board of County Commissioners. Any proposed changes from a previously approved site plan shall be resubmitted to the Planning Commission for review and recommendation and to the Board of County Commissioners for final action prior to the start of construction.

Compliance with the provisions contained herein does not exempt an applicant from compliance with the provisions of the Colorado Revised Statutes.

3.07.02 PUD Subdivisions / Sketch Plan Requirements

In addition to the submittal requirements for subdivision sketch plans listed in the County Subdivision Regulations, Section 2.09.02, the following additional information shall be submitted at the Sketch Plan / Initial Submission stage for proposed subdivisions that also require a PUD approval:

1. Proposed land uses within the PUD, including the locations, size and densities of areas to be devoted to specific uses.
2. Areas which would be conveyed, dedicated or reserved as common or public open space and as sites for public facilities and services.
3. The internal traffic circulation system, off-street parking and loading areas and points of access to public rights-of-way.
4. The proportion of land to be left in a natural or semi-natural condition as common open space within the various parts of the PUD.
5. Proposed building heights, size and location.
6. A vicinity map and descriptive material showing the relationship of the proposed PUD to the land to be subdivided if the boundaries of the PUD and the proposed subdivision are noncontiguous, and an explanation of the phasing, if any, of the overall PUD design.
7. Any additional information deemed pertinent by the Planning Commission or by the applicant to aid in evaluating the proposed PUD.
8. A statement by the landowner(s) whose property is included within the proposed development, giving written consent for the development and the names and addresses of adjoining landowners.

3.07.03 PUD Subdivisions / Preliminary Plan Requirements

In addition to the submittal requirements for preliminary plans listed in the County Subdivision Regulations, Section 2.09.02, the following additional information shall be submitted at the Preliminary Plan / General Submission stage of review for proposed subdivisions that also require a PUD approval.

1. A description of the objectives to be achieved by the PUD, including descriptions of the buildings and sketches and elevations, as may be required to illustrate how these objectives will be accomplished.
2. A development schedule indicating the approximate date when construction of the PUD or individual phases of the PUD can be expected to start and to be completed.
3. A description of proposed methods of snow removal and disposal or storage of snow accumulated during peak precipitation periods, along with alternate emergency off-street parking provisions for periods of high snowfall.
4. A complete description of the proposed method(s) of providing for the permanent maintenance of all public or common buildings, facilities, areas and thoroughfares.
5. Copies of all special agreements, conveyances, restrictions, declarations, covenants and related legal instruments that will govern the use, maintenance and perpetual protection of the PUD and its common and/or public areas.
6. Building plans including, but not necessarily limited to, general dimensions, floor plans, elevations and general types of construction, including materials and exterior color schemes.

7. Landscape and site improvement plans including, but not necessarily limited to, the location and size of public and private signs, exterior lighting, irrigation systems and recreation and service areas and facilities.
8. Detailed utility plans including, but not necessarily limited to, line location plans, transformer and terminal box locations, sewer profiles, and fire hydrant and manhole locations with the proposed depth of burial of all underground lines.
9. Any additional information deemed pertinent by the Planning Commission or by the applicant to aid in evaluating the proposed PUD.

3.07.04 PUD Subdivisions / Final Plat Requirements

Proposed subdivisions for which a PUD approval has already been granted, or for which a PUD approval is pending, whether for a portion or for all of the subdivision, shall be required to submit the following material in addition to the final plat submittal requirements for proposed subdivisions contained in the County Subdivision Regulations, Section 2.09.03:

1. A notation prominently shown on the cover sheet of the final plat that the proposed subdivision is a PUD subdivision.
2. Inclusion of the approved phasing plan for the construction of improvements.
3. A final draft of the approved legal instruments for the preservation in perpetuity and the maintenance of all common open space, along with the location and a legal description of such public open space shown on the final plat to be dedicated.
4. A description on the final plat of the uses to which each portion or each lot within the PUD will be devoted. This information shall be made a part of the final plat and recorded therewith and may be shown by reference to lot and block numbers or other convenient means.

3.08 PROCESSING PROCEDURES FOR SUBDIVISION AND NON-SUBDIVISION PUDS

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies, schedules public meeting with PC and prepares staff report→
2. PC public meeting and recommendation
3. Schedule and post notices for BOCC public hearing
4. BOCC public hearing and decision

The review and processing procedures for non-subdivision PUD development plans shall be as specified in the County's Common Land-use Procedures and Requirements for Preliminary Submission, of these regulations. In the event that a conflict or inconsistency exists between the procedures and requirements contained the County's Common Land-use Procedures and in these regulations, the procedures contained herein in these PUD regulations shall prevail.

3.09 CRITERIA FOR ACTION ON PUD APPLICATIONS

All actions by the Planning Commission in reviewing and making recommendations on PUD 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:

- That the application conforms to the requirements and provisions of this PUD regulation.
- That the proposed PUD would be consistent with and in harmony with neighboring land uses and future intended land uses in the area.
- That the proposed PUD would not result in overly intensive use of the land relative to current use of the surrounding land.
- That the proposed PUD would not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic.
- That the proposed PUD would not unnecessarily scar the land on which such use would be located and that the proposed use provides 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.
- That the proposed PUD would meet the Objectives of PUD Developments addressed in Section 3.02.
- That the proposed PUD would not be likely to prove detrimental to the public health, safety or welfare of County residents, nor cause undue hardship for neighboring persons.

3.10 PUD DENIAL AND REHEARING PETITION PROCEDURES

Applicants denied approval of a PUD application shall comply with the rehearing petition procedures and provisions for a denial as set forth in County's Common Land-use Procedures.

3.11 VESTING OF PUD APPROVAL 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 the 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.

3.12 COMPLAINTS

Any person(s) aggrieved by a violation or alleged violation of any provision of this PUD regulation may file a written complaint with the County Planner or Code Enforcement Officer, who shall promptly investigate such complaint and report his findings to the Planning Commission and the Board of County Commissioners.



10.00 Building Permit Regulations

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10.01 INTRODUCTION

This Section establishes procedures, requirements and other provisions relating to the construction, alteration, occupancy and use of buildings and other structures in unincorporated Huerfano County, and it establishes a permitting system for the issuance of building permits and related issuances.

10.02 GENERAL PROVISIONS

10.02.01 Permit Requirements

It shall be unlawful to erect, construct, reconstruct, alter or remodel any building, structure or improvements of land within the unincorporated territory of Huerfano County without a building permit, except as allowed for within Section R105 of the International Residential Code and Section 105 of the of the International Building Code, as have been adopted by Huerfano County.

10.02.02 Conditions for Permit Issuance

The County Building Inspector shall approve and issue building permits only if upon review of an application and submittal materials and upon site inspection, as required, the proposed building, structure, foundation or improvements are in full compliance with and not in conflict with or in violation of:

1. All applicable policies, requirements and other provisions contained within these Regulations.
2. The specifications and other provisions of all current Building, Plumbing, Fire and Mechanical codes adopted by the Board of County Commissioners or other governmental organizations authorized to adopt related laws, rules and regulations pertaining to Huerfano County.
3. All other such specifications and codes as are adopted in future by the Board of County Commissioners.

10.02.02.1 Posting of Permit

Upon issuance of a building permit, applicant must post a copy of the permit in a conspicuous location visible from the public right-of-way near the entrance to the property. The permit must remain posted and in such condition that all parts of the permit remain legible as long as the permit is active. Building permit on display must include a permit number, scope of work, expiration date and how to obtain more information.

10.02.03 Relationship of these Regulations to Adopted Codes

In the event of conflicts and inconsistencies between the provisions, requirements and specifications contained within these Regulations and with the provisions, requirements and specifications contained within any building and other codes, code amendments and code supplements adopted by Huerfano County, the more restrictive provision, requirement or provisions shall apply. In the event of dispute or

question concerning which are the more restrictive provisions, requirements or specifications, any discrepancies shall be resolved by the Planning Commission.

10.02.04 Inspection

The County Building Inspector and other such authorized representatives, including its employees and consultants of Huerfano County, as the Board of County Commissioners may appoint, are hereby authorized and empowered to conduct such on-site inspections and tours of sites and facilities and to enter upon and inspect any proposed or actual building or construction site to inspect said site and the construction or maintenance of any improvements, structures or uses thereon to ensure compliance with the provisions of these Regulations and all applicable County codes, stipulations and conditions that Huerfano County has placed on the design, construction and maintenance of such improvements, structures or uses.

10.02.05 Repeal

All prior resolutions and regulations and portions of prior resolutions and regulations adopted by the Board of County Commissioners and inconsistent with the requirements, procedures and other provisions of these Regulations are hereby repealed to the extent of such inconsistencies only. The repeal of any of these resolutions or regulations or parts thereof does not revive any other regulation or resolution or portion thereof, and such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution hereby repealed for an offense committed prior to the repeal.

10.03 CERTIFICATES OF OCCUPANCY

1. No building constructed after April 1, 2000 shall be used for human occupancy without the issuance of a Certificate of Occupancy by the County Building Inspector.
2. Such Certificate of Occupancy shall be issued within ten (10) working days of the time of notification to the County Building Inspector that the structure, building or land improvements are completed and the structure(s) ready for occupancy, provided that the structure, building or land improvements meet the requirements of Section 10.05, Sewage Disposal System Requirements for Building Permits and Certificates of Occupancy.
3. Certificates of Occupancy shall be issued only for buildings or other structures that comply with all the provisions of these Regulations and with all building, plumbing, mechanical, fire and other codes currently adopted by Huerfano County.
4. Buildings and other structures failing to meet these requirements shall be denied a Certificate of Occupancy.
5. A copy of all Certificates of Occupancy shall be filed in the office of the County Building Inspector and shall be available for examination by the public.

10.04 BUILDING PERMIT APPLICATION AND PROCESSING REQUIREMENTS

1. Applications for building permits shall be made to the County Building Inspector on forms provided by Huerfano County. Such applications for a building permit shall include, but not necessarily be limited to, a) drawings to scale or complete design plans showing, at a minimum, plot plan and location, floor plan and the height and size of all proposed buildings, and b) the location and dimensions of all fences, signs, parking and loading and related land improvements. Such applications for building permits shall also comply with all code provisions, as provided in the Huerfano County Subdivision Regulations, and any appropriate resolutions, rules or regulations that apply to required submittal materials for building permit applications.
2. The County Building Inspector or Zoning Enforcement Officer may, at the discretion of said Inspector or Officer, add such additional submittal requirements as are reasonably necessary to process permit applications.

10.05 ADEQUATE WATER, SEWAGE DISPOSAL SYSTEMS AND CERTIFICATES OF OCCUPANCY REQUIREMENTS

1. All occupied dwellings, structures and all other buildings that the Building Inspector determines need an adequate supply of water shall provide proof of water in order to obtain a building permit. Proof of adequate potable water is required for new construction as well as additions that include new bathrooms or kitchens.

If the building is proposed to be supplied water from a central water provider delivered by water lines, proof of water shall consist of a letter of availability or tap receipt from the provider. If the building is proposed to be supplied water from a bulk water provider by way of hauling water to the property, proof of water shall consist of a letter of availability or tap receipt from the provider. Furthermore, the applicant for any development approved to be served by a bulk water provider must sign a waiver acknowledging: "Huerfano County provides no assurance or representation that the use of bulk water and a cistern will be an approved or acceptable long term source of potable water. There is no guarantee that bulk water will always be available for sale and Huerfano County has no authority or jurisdiction whatsoever over water suppliers or their decision to sell water in bulk to the general public." If the building is proposed to be supplied water by a domestic well, the minimum of one gallon per minute is required, as certified by a pump test conducted by a licensed well driller, pump installer, professional engineer or geologist who has constructed, serviced, or tested the well. Not all wells produce potable water. If an addition or additional unit is proposed on a property served by a well, evidence of potability, adequate water rights, and availability to support the project may be required.

2. No building permit shall be issued by Huerfano County or any agent or employee of the County to any person to construct, alter or remodel a habitable building or other structure which is not to be serviced by a sewage treatment works until a permit for an individual sewage disposal system (ISDS) has been issued by the regional health authority or other authorizing agent, as provided for by Section 25-10-111, Colorado Revised Statutes.
3. No Certificate of Occupancy shall be issued by Huerfano County or any agent or employee of the County to any person for the use or occupancy of a building which is not serviced by a sewage treatment works until, a) a final inspection of the individual sewage disposal system (ISDS) has been conducted, b) the installation has received the approval of the regional health authority or other authorizing agent, and c) a final permit has been

issued by the regional health authority or other authorizing agent, as provided for by Section 25-10-111, Colorado Revised Statutes.

10.06 BUILDING PERMITS FOR LARGE LOT DWELLINGS

See the Huerfano County Subdivision Regulations, Section 2.04.04, Large Lot Subdivisions, for the access and easement requirements established as a precondition for the granting of building permits for dwellings and other structures located on lots and tracts of land of thirty-five (35) or more acres, but less than one hundred sixty (160) acres in size.

10.07 FEE STRUCTURE

Fees for the processing of building permit applications and the issuance of said permits shall be in accordance with the Fee Structure currently adopted by Huerfano County.

10.08 COMPLAINTS

Any person(s) aggrieved by a violation or alleged violation of any provision contained within these Regulations may file a written complaint with the County Building Inspector, who shall promptly investigate such complaint and take the appropriate administrative and/or legal action(s).

10.09 NON-LIABILITY

See the Huerfano County Enforcement, Violations, Penalties and Non-Liability Regulations for the non-liability of Huerfano County and county officials and employees regarding this section and other sections of these Regulations.

10.10 ENFORCEMENT, VIOLATION AND PENALTIES

See the Huerfano County Enforcement, Violations, Penalties and Non-Liability Regulations for additional information on enforcement, violation and penalties of these Regulations and other sections of these Regulations.

10.11 RIGHT TO DEVELOP

Purpose: Huerfano County has a vast amount of undeveloped open range and natural landscape that should be preserved and protected for the enjoyment of future generations. The proliferation of large lot subdivisions of 35-acres or more and the vast number of vacant lots that have been created over the years have led to the potential

loss of the natural assets that make Huerfano County a unique and attractive place to live.

10.11.01 DEVELOPMENT RIGHTS

No building permit shall be issued on any parcel created after [adoption date], 2025 that has not been granted a development right as part of a major or minor subdivision or, through the transfer of a development rights approved by the Board of County Commissioners and recorded on the deed to the parcel to include the date of the decision by the Board of County Commissioners and the specific development rights conveyed to the property, or through the development rights dedication process described in 10.11.1(C).

A. Plat Amendments:

Whenever two or more parcels are consolidated, the resulting parcel shall have the development rights of a single parcel. Whenever a single parcel is divided into two or more parcels, only one parcel will retain a development right. If one of the resulting parcels has an existing home or structure, the development right will remain with that parcel already developed or most developed.

B. Transferred rights:

Where sending parcels are smaller than the receiving parcel, development rights from multiple parcels may be combined to equal a single right on a larger parcel. To develop on an agriculturally zoned parcel less than 200 acres, development rights may be removed from sending parcels adding up to an area of 200 acres and sent to the receiving parcel. To transfer development rights to a parcel not in the Agricultural zone, sending parcel or parcels must conserve an amount of land not less than 80% of the land area of the receiving parcel, and be located within three-miles of the receiving parcel.

To ensure that new buyers are aware of the lack of development rights, the deeds to both sending and receiving parcels must record the transfer or receipt of development rights, including the date and resolution number granting the transfer. Sending parcels are encouraged to be placed under the management of a conservation trust or dedicated with conservation easements

C. New Development Rights:

In the approval of subdivisions, the Board of County Commissioners may require any of the conditions below to be met for newly created parcels to be granted development rights in addition to those allowed within the designated zone district. The Board of County Commissioners may require any of these conditions to be met as part of a rezoning to any zone district that allows a greater intensity of development:

1. Development serves a public interest and their creation would contribute to goals articulated in the adopted comprehensive plan. This can include the provision of at least two deed-restricted affordable housing units at 100% AMI, or 15% of units for developments over 20 units.
2. Context and proximity to existing development: If a proposed residence is situated within 1,000 ft. of at least two other residential units or an active commercial use that supports four or more permanent, on-site jobs, it should be considered compatible with context unless there are other

unique circumstances that the Commission finds that make the development incompatible with context.

3. Demonstration of the cost/benefit to the County. If the applicant can show that the benefit to the County, measured in terms of anticipated economic benefit of the development outweighs the cost to the County of providing services, including police, fire, school district, road maintenance and other infrastructure maintenance

D. Water Availability:

As condition for right to develop: Applicant must provide proof of availability and legal access to potable water to support proposed projects. (See Section 10.05)

10.11.02 DEVELOPMENT RIGHTS

Applicant must present petition for development rights before the Huerfano County Planning Commission that provides sufficient evidence that one of the three conditions for approval will be met. The Planning Commission shall make a recommendation and send the case to The Board of County Commissioners, who may grant development rights on parcels lacking such rights, including newly created or non-conforming parcels, under the following conditions:

1. The development rights are removed from an equal or greater number of parcels containing at least 80% of the acreage as those parcels receiving new development rights and recorded on all affected deeds.
2. There is a public interest or mitigating circumstance not considered in the conditional use process in 10.11.1(D), due to which the creation of new development rights contributes to goals articulated in the adopted comprehensive plan.
3. Development rights were denied for lack of available potable water, and a legal source of potable water has been secured.

SKIP TO NEXT CHANGE



Section 17.00 Definitions

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17.01 INTRODUCTION

The following general terms and phrases shall be defined as stated below unless otherwise specifically defined within a regulation. These definitions may be amended periodically by resolution from the Board of County Commissioners, as necessary.

17.02 DEFINITIONS

Abut: To physically touch or border upon or to share one or more common property lines or borders.

Acceleration Lane: A separate speed change lane for the purpose of allowing vehicles entering a highway or other roadway to increase their speed at a rate at which they can safely merge with through traffic.

Accessory building, structure or use: A subordinate building, structure or use customarily incidental and subordinate to the principal building, structure or use and located on the same lot as the principal building, structure or use.

Adjacent: Land, including lots and parcels, that directly abuts other land, including lots and parcels, that would abut any portion of the land in question except for a public or private roadway, right-of-way or easement.

Alley: A public or private street principally designed and constructed to serve as a secondary access to the side or rear of structures whose primary frontage is on another street.

Animal shelter: An open, non-enclosed structure with one to three sides for the sheltering, feeding or protection of domestic animals.

Applicant: Any person making application for a land use change or other action encompassed by these regulations. (See also Person.)

Barn: An enclosed structure with four or more sides and a roof and constructed for the shelter, care, feeding and maintenance of domestic animals but for which no Certificate of Occupancy shall be issued.

Bed and Breakfast Establishment: A facility of residential character which provides sleeping accommodations and breakfast for hire on a day-by-day basis and in which the proprietor normally resides.

Block: An area of land within a subdivision or proposed subdivision and bounded entirely by streets, roads or other thoroughfares, except alleys, or the exterior boundaries of the subdivision.

Board: The Board of County Commissioners of Huerfano County, Colorado.

Building: Any structure with a roof supported by columns and or walls or other structure designed to enclose space.

Building height: The vertical distance as measured from the average finished grade to the point lying one-half the distance between the lowest and highest point on the roof of the building.

Building permit: A permit issued by the County Building Inspector for construction, alteration or reconstruction of a building or other structure upon compliance with these regulations and all other applicable rules and regulations.

Camping unit: Any independent or dependent pick-up camper, motor home, recreational vehicle, travel trailer, tent trailer or similar mobile unit not exceeding either eight (8) feet in body width or forty (40) feet in body length and designed and used specifically for recreational purposes.

Camping unit campground: Any improved property used or to be used for the parking of camping units and also referred to as a campground.

Camping unit space or camping unit site: A plot of ground within a campground designed for the accommodation of one camping unit.

Club: A membership organization, including lodges, catering exclusively to members and their guests and whose facilities are limited to meeting, eating and recreational or related uses and are not conducted principally for monetary gain.

Cluster: A development design technique that concentrates structures on part of the site to allow the remaining land to be used for recreation, common open space and the preservation of environmentally sensitive areas. The protection of critical wildlife habitat and wildlife migration corridors and historical and archeological features.

Collector street: A street of limited continuity serving or intended to serve as a feeder of local traffic into one or more major thoroughfares.

Collector system: A network of pipes and conduits through which sewage flows to a sewage treatment plant.

Commission: The Huerfano County Planning Commission.

Common open space: A parcel of land, an area of water or a combination of land and water within a PUD or a non-PUD subdivision or other development designated and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development. See also Open space.

Comprehensive Plan: A master plan, including the Future Land Use Map, developed by the Planning Commission and all portions of and amendments to such master plan.

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers or owners in a portion of a parcel of real property together with a separate interest in space in a dwelling, whether single or multi-family residential or commercial space. A condominium may include, in addition, a separate interest in other portions of such real property.

The allowable location, type and density of condominiums are determined by the zoning regulations in Section III and the Planned Unit Development regulations in Section V of these regulations.

Confined Animal Feeding Operations (CAFOs): As defined by State of Colorado statute or State of Colorado regulatory agency rules and/or regulations.

County Building Inspector: The County building inspector designated by resolution of the Huerfano County Board of County Commissioners.

County Zoning Enforcement Officer: The County zoning official designated by resolution of the Board of County Commissioners.

Cul-de-sac: A street having one end open to traffic and being terminated at the other end by a vehicular turnabout.

Deceleration Lane: A separate speed change lane designed and constructed for the purpose of allowing vehicles exiting from a highway or other roadway to decrease their speed at a rate at which they can safely exit from through traffic and negotiate a turn or curve.

Development: Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

Distribution system: A network of pipes and conduits through which water is piped to the public for human consumption.

Domestic water and sewage treatment system: A wastewater treatment plant, water treatment plant or water supply system and any system of pipes, structures and facilities through which wastewater is collected for treatment.

Dwelling: See Dwelling Unit

Dwelling unit: A building or portion thereof designed to be used or used as the living quarters for one person, family or housekeeping unit, including modular homes but excluding mobile homes.

Easement: An area which is reserved, conveyed or granted one (1) or more property rights by the property owner to and for the use of the public, a corporation or partnership or other persons for a designated and legally defined portion of the property and for specific or limited purpose(s) without the transfer of fee title.

Evidence: Any map, table, chart, contract or other document or testimony, prepared or certified by a qualified person to attest to a specific claim or condition, which evidence shall be relevant and competent.

Final plat: A map or maps and supporting materials for recording of real estate interests with the office of the County Clerk and Recorder and executed by a registered surveyor, such survey being marked on the ground so that streets, blocks, lots and other divisions thereof can be identified and drawn in accordance with the provisions of these regulations.

Flood hazard area: A flood hazard initial control area, a floodway zone or a low hazard zone

Floodplain: An area in or adjacent to a stream or subject to periodic flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

Floodproofing: A combination of structural provisions, changes or adjustments to land, properties and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures and contents of buildings in a flood hazard area.

Floodway zone: The channel of a stream and those portions of the adjoining floodplain which are reasonably required to carry and discharge the floodwaters of an intermediate regional flood. It is the floodplain less the low hazard zone, if any such low hazard zone has been designated or otherwise regulated herein. If no low hazard zone has been so designated or regulated, then the terms floodplain and floodway zone shall be synonymous.

Floor area: The area included within the surrounding exterior wall surface of a building or portion thereof, exclusive of courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Garage, commercial: Any building or structure where motor vehicles are stored, restored, repaired, painted or serviced for payment.

Golf Course: A regulation nine (9) or eighteen (18) hole course for the game of golf, which may or may not be accompanied by a country club, but not including free-standing miniature courses, putting courses or golf driving ranges.

Grade: The slope of a road, street, highway other vehicular driving surface expressed in terms of percentage (%) and also the average elevation of the area conforming to all setback regulations of a lot, tract or parcel of land.

Gross density: The average number of dwelling units per acre of a development or a proposed development.

Gross floor area: The total floor area of a structure as measured along the outside walls at floor level and including all floors but excluding open balconies and porches or enclosed parking areas and related features.

Ground water: Subsurface water within and below the zone of continuous saturation.

Home occupation: Any use within a dwelling and carried on by the inhabitants, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling.

Hotel, or Motel or Lodge : A building or portion thereof with sleeping rooms used or designed to be used, let or hired for occupancy by persons on a temporary basis and containing at least six (6) such guest rooms.

Impact area: An area surrounding a proposed or existing new community site and which is likely to be effected positively or negatively by development of the community. The boundaries of said impact area are determined by the Planning Commission.

Improvements: Street surfacing, paths, bikeways, sedimentation control facilities, revegetation, curbs, gutters, sidewalks, water mains, sanitary and storm sewers, gas lines, electric and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes and other such items as may be required for or provided in compliance with the provisions of these regulations.

Intermediate regional flood: A type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one (1) percent chance of being equaled or exceeded during any one (1) year. The term is interchangeable with a one (1) percent or one hundred (100) year flood.

Junkyard: A building, structure or parcel of land or combination thereof used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage, salvaging or demolition of vehicles, machinery or other materials and including the sale of whole item or parts thereof.

Kennel: Any building, structure or open space devoted wholly or partially to the raising, boarding or harboring of six or more dogs and cats that are over four (4) months old.

Loading area: A parking space other than a public street or alley for the parking of commercial vehicles for the purpose of loading or unloading materials or merchandise.

Local street: A street serving individual lots within a subdivision.

Lot: A parcel or portion of land separated from other parcels or portions of land by specific description as on a subdivision plat or plan, record of survey or by metes and bounds description and used or intended to be used as a unit for transfer of ownership, record of ownership or for development.

Lot area: The total horizontal area within the lot lines of a lot.

Lot depth: The average distance from a street or road right-of-way to the rear lot line, which is the lot line opposite and most distant from said right-of-way line.

Lot width: The average distance between the side lot lines.

Major extension of an existing domestic water treatment system: The expansion of existing domestic water treatment plants or any extension of existing domestic water service lines to serve an additional population equivalent of twenty-five (25) single family dwellings or the equivalent thereof in other areas.

Major extension of an existing sewage treatment system: Any modification of an existing sewage treatment plant to increase hydraulic capacity or to upgrade treatment capability or any extension of existing main collector sewer lines or any extensions to service a population of twenty (20) or more people or the equivalent thereof in other uses.

Major new domestic sewage treatment system: A new sewage treatment system and collector system capable of treating the wastewater generated by twenty (20) or more people through domestic uses or the equivalent thereof in commercial and/or industrial needs.

Major new domestic water system: A system for provision to the public of piped water for human consumption if such system is proposed to serve a population equivalent of twenty-five (25) or more single family dwelling units or the equivalent thereof in other uses.

Manufactured homes, qualified and non-qualified: A manufactured home or otherwise a non-qualified manufactured home as defined herein.

1. **Qualified manufactured home:** A structure which is designed and used as a single family dwelling, as defined herein, and which is partially or entirely manufactured in a factory, meets all HUD building codes or building codes adopted by the County, is installed on an engineered, permanent perimeter foundation; and was constructed after 1992. A non-qualified manufactured home as defined herein does not meet the requirements of a manufactured home.
2. **Non-qualified manufactured home:** A structure which is designed and used to house a single family, and which is partially or entirely manufactured in a factory, and is not attached to an engineered, permanent foundation or does not meet the requirements of a "qualified manufactured home" as defined herein.
3. **Mobile home:** A non-qualified manufactured home.

Master plan: See Comprehensive plan.

Matter of local concern and state interest: An area or an activity of local concern or state interest or both. The meaning is also identical to "matter of state interest." "area of state interest" and "activity of state interest" as these terms are used in Section 24-65.1-101. et seq.. Colorado Revised Statutes.

New community or new communities:

1. The establishment of urbanized growth centers in the unincorporated territory of Huerfano County.

2. Any activity within the unincorporated territory of Huerfano County which falls within one or more of the following criteria is defined as "site selection and development of new communities" and requires application to the Planning Commission for a permit to conduct such activity:

01. Is planned for a population or work force of five hundred (500) persons or two hundred and fifty (250) dwelling units within five (5) years of implementation of the activity or for an ultimate population or labor force of two thousand five hundred (2,500) persons or one thousand twelve hundred and fifty (1,250) dwelling units.

02. Is planned for or requires the expansion and/or extension of any existing water and/or sewer district or association within any twenty-four (24) month period which is equal to or greater than fifty (50) percent of the population or land area served by the district or association at the beginning of said period.

03. Is planned for or requires a change in existing zoning that provides for a one hundred (100) percent or greater increase in allowable density on more than six hundred and forty (640) acres of land

04. Is planned for or requires an ultimate contiguous zoning district or special use permit for commercial, industrial and/or public use on three hundred and twenty (320) or more acres of land.

Non-conforming building: Any pre-existing building or structure conflicting with one or more provisions of these regulations applicable to the zoning district in which the building is located.

Non-conforming lot: Any lot or parcel of land pre-existing at the time of the adoption of these regulations that is in any respect conflicting with one or more of the Section 1.00 Zoning Provisions of these regulations.

Non-conforming use: Any pre-existing use of a structure, land or premises conflicting with one or more provisions of these regulations.

Open space: An outdoor area for either public or private use and in public or private ownership, designed or designated for passive and/or active outdoor activities, recreation uses, access to public lands, buffering, floodplain protection, view protection, wildlife impact mitigation or similar purposes or combination of purposes. See also Common open space.

Overlay zoning district: A zoning district encompassing one or more underlying zones and that imposes requires in addition to or different than those required in the underlying zoning district.

Parcel: A contiguous area of land in the possession of or owned by or recorded as the real property of the same person, persons, partnership, organization or corporation. Also a tract.

Parking area: An open space or an enclosed structure or building used exclusively or principally for the storage of motor vehicles.

Parking, off-street: Any parking area located within the limits of one or more lots and not situated on a public road, street or other thoroughfare.

Parking space: The part of a parking area, exclusive of drives, turning areas or loading spaces, devoted to parking for one motor vehicle.

Person: Any individual, partnership, corporation, association, company or other public or corporate body including the federal government and any political subdivision, agency, instrumentality or corporation of the state.

Pipeline: Any pipeline and its appurtenant facilities designed for or capable of transporting gases, liquids or slurries in ten (10) inch or larger diameter pipe.

Planned unit development: An area of land, controlled by one or more landowners, to be developed or developed under unified control or a unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not necessarily correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the provisions contained elsewhere in these regulations.

The Planning Commission: The Huerfano County Planning Commission.

Plat: A map and supporting materials of certain described land prepared in accordance with regulations contained in these regulations as an instrument for the receding of real estate interests with the office of the County Clerk and Recorder.

Principal use or building: A building in which is conducted the main or principal use of the lot or land area on which said building is located.

Public building or use: Any building open to general use. participation or enjoyment by the public and owned or leased by a unit of government or by a public utility corporation or similar organization.

Public utility: An electric substation, a gas regulator station, a telephone exchange, a water or sewage pumping station or a water reservoir

Radioactivity: A condition related to various types of radiation emitted by natural radioactive minerals that occur in natural deposits of rock, soil and water or that are emitted from substances either man-made or processed by man.

Referral agency: An agency, organization, unit of government, political subdivision, group of persons or individual to whom submittal materials and related text, map and graphic displays are submitted for review, comment and/or recommendations to be returned to the Planning Commission or the Board of County Commissioners.

Replat: An amendment to or to amend a recorded plat. Definition identical to a plat amendment. Reverse frontage lot: A lot which fronts on one public street and backs on another.

Roadway: That portion of a street right-of-way designed for vehicular traffic.

Rooming or boarding house: A building or portion thereof with sleeping rooms used or designed to be used, let or hired for occupancy by persons on a temporary basis and containing between one (1) and five (5) such guest rooms.

Semi-public building or use: Any building open to the general use. participation or enjoyment of the public and owned or leased by a public agency other than a municipality, county, state or federal government or public utility corporation.

Service building: A building housing toilet and bathing facilities for men and women with laundry facilities and other such facilities as may be required by the mobile home park and campground regulations contained herein.

Setback: The distance required by the provisions of these regulations between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots or curved streets or similar features exist, the setback shall be measured as a mean distance.

Sign: Any structure, poster, banner, insignia, billboard, trademark or other device used to indicate directions, advertise, provide information or announce products, goods or services or attract attention, except that flags and banners of any county, state, municipality or non-profit organization shall be exempt from this definition.

Single family dwelling: A building or structure or portion therein designed to be used as the living quarters for one person, family or housekeeping unit. In accordance with the provisions described in Sections 1.05 and 1.14 of these regulations, the term qualified manufactured home shall meet and qualify for the definition of a "Single family dwelling."

Site Specific Development Plan: A previously approved or conditionally approved and valid non-PUD or PUD final subdivision plat or PUD development plan.

Solar easement: The right of receiving sunlight across real property for any solar energy device. Such a right may be stated in any deed, will or other instrument executed by or on behalf of any owner of land or sky space.

Solar energy device: A solar collector or other device or a structural design feature of a structure which provides for the collection of sunlight and which comprises part of a system for the conversion of the sun's radiant energy into thermal, chemical, mechanical or electrical energy.

Source area: A geographic area or region where moisture falls and drains through natural processes to either streams or lakes or permeates to the groundwater table. The term is analogous to "catchment basin" or "watershed."

Stream: Any natural channel or depression through which water flows either continuously, intermittently or periodically, including any artificial modification of the natural channel or depression.

Street: A way for vehicular traffic, whether designated as or called a street, highway, thoroughfare, road, avenue, parkway or however else designated.

1. Street, arterial: A road or roadway to connect cities, towns and other traffic source generators and may include both paved State roadways constructed to Colorado Department of Transportation standards and non-state arterial streets or roads.

2. Street, collector: A road or roadway to link local roads with arterial streets.

3. Street, local: A road or roadway to provide access between collector or arterial streets and low and medium density residential areas.

Structural alteration: Any addition to or subtraction of parts of a building, including walls, columns, beams, girders, foundations, doors, windows and other, related parts.

Structure: Anything constructed or erected upon the ground except utility poles, flag poles or walls or fences less than six (6) feet high.

Subdivider: Any person, firm, company, partnership, joint venture or other group or association who shall participate as owner, promoter, developer, representative or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision or subdivided land: Any parcel of land in the state which is to be used for condominiums, apartments or any other multiple dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of state of Colorado subdivision law with substantially the same density, or which is divided into two or more parcels, separate interests or interests in common, unless exempted under items 1. 2. or 3. of this definition by the Board of County Commissioners, as provided for in these regulations. As used in this definition and elsewhere in these regulations, "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests.

1. The terms "subdivision" and "subdivided land" shall not apply to any subdivision of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.

2. Unless the method of disposition is adopted for the purpose of evading this definition and state of Colorado subdivision law, the terms "subdivision" and "subdivided land" as defined herein, shall not apply to any division of land:

01. Which creates parcels of land such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest.

02. Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law or by order of any court in this state if the Board of County Commissioners of Huerfano County is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of this definition and state of Colorado subdivision law prior to entry of the court order and, if the Board of County Commissioners does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, such action may proceed before the court.

03. Which is created by a lien, mortgage, deed of trust or any other security interest.

04. Which is created by a security or unit of interest in any investment trust regulated under the laws of the state of Colorado or any other interest in an investment entity.

05. Which creates cemetery lots.

06. Which creates an interest in oil, gas, minerals or water which is severed from the surface ownership of real property.

07. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common and any such interest shall be deemed for the purposes of this definition as only one interest.

08. Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be

allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for the purposes of this item 08.

3. The Board of County Commissioners of Huerfano County may, pursuant to rules and regulations or resolution, exempt from this definition of the terms subdivision and subdivided land any division of land if the Board determines that such division is not within the purposes of these definitions and/or it is not consistent with the intent of these regulations.

See Section 2.00, Subdivision Regulations.

Subdivision improvement agreement: One or more security arrangements which may be accepted by Huerfano County to secure the construction of such public or other improvements as are required by the county subdivision regulations within any subdivision and shall include only payment and performance bonds.

Tract: see Parcel.

Transmission line: Any electric transmission line and its appurtenant facilities which emanate from a power plant or from a substation and terminate at a substation and which are designed for or are capable of the transmission of electricity at 115 kilovolts or more.

Two family dwelling: A dwelling designed or used for occupancy by two families as defined herein

UBC: The Uniform Building Code, as adopted and amended by the Huerfano County Board of County Commissioners.

Uranium: The element uranium and the isotopes uranium-238 and uranium 235, the minerals uraninite and carnotite and any of the radioactive daughter isotopes of uranium-238 to include thorium-234, protactinium-234, uranium-234, thorium-230, radium-226, radon-222, polonium-218, lead-214, bismuth-218, polonium-214, lead-210, bismuth-210 and polonium-210, but specifically excluding lead-206.

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

Vacate, vacating: To make null and void any plat or parcel(s) of land by means of the procedures contained in these regulations.

Vacation lodge: -A building or group of buildings containing individual rooms for sleeping and general occupancy ~~and that include shared common areas, such as a kitchen, that is~~ designed and used or intended to be used ~~or hired~~ for more than ~~short-term occupancy~~ nightly use. A vacation lodge is neither a hotel/motel or a bed and breakfast/rooming house.

A dwelling unit or part of a dwelling unit that is used for accommodations or lodging of the public for a fee for fewer than 30 consecutive days.

Vested property right: The right to undertake and complete development and use of property, under the terms and conditions of a site specific development plan, as defined in Section 24-68-102 (3), Colorado Revised Statutes. See also Site Specific Development Plan.

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

Unless a building envelope is mandated by plat, covenant or otherwise, buildings may be oriented in any location between the setback requirements for a front yard, rear yard and side yard so long as the setback requirements are met.

Matters of interpretation or disagreement regarding the matter of building placement or orientation within a yard, lot or parcel shall resolved by decision of the Board of Adjustment, as provided for in Section 9.02, The Board of Adjustment.

- 1. Yard, front:** That portion of a yard between the major street line and a principal building and between the two side lot lines, the depth of which shall be the least distance between the front lot line and the principal building.
- 2. Yard, rear:** That portion of a yard between a building and the rear lot line and between the two side lot lines, the depth of which shall be the least distance between the building and the rear lot line.
- 3. Yard, side:** All the yard between the front and rear yards, the width of which shall be the least distance between the side lot line and the building.