

## Title 16 SUBDIVISIONS

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**Chapter 16.04 INTRODUCTORY PROVISIONS AND DEFINITIONS**

**16.04.010 Title and short title.**

A. Title: A resolution establishing rules, regulations and standards governing the subdivision of land within the unincorporated area of the County, setting forth the procedure to be followed by the Board of County Commissioners and the Planning Commission in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by the State of Colorado.

B. Short Title. These regulations shall be known and may be cited as "The Pueblo County Subdivision Regulations."

**16.04.020 Authority, jurisdiction, enforcement and penalty.**

A. The County is authorized by law to control the subdivision of all of the unincorporated land within the County limits by virtue of Chapter 28 of Title 30, Colorado Revised Statutes.

B. Colorado Revised Statutes Section 30-28-133. The authority is more specifically defined as follows: 30-28-133, Subdivision regulations. (1) Every county in the State which does not have a county planning commission on July 1, 1971, shall create a county planning commission in accordance with the provisions of Section 30-28-103. Every county planning commission in the State shall develop, and the county commissioners shall adopt and enforce subdivision regulations for all land within the unincorporated areas of the county in accordance with this section not later than September 1, 1972. In the event the county commissioners of any county in the State have not adopted subdivision regulations on September 1, 1972, then and in such event the land use commission may promulgate such subdivision regulations for such areas of the county for which no subdivision regulations exist. Such subdivision regulations shall be in full force and effect, and enforced by the county commissioners. If at any time thereafter the Board of County Commissioners adopts its own subdivision regulations for land within the unincorporated areas of the county, such regulations shall be no less stringent than the regulations promulgated by the Colorado Land Use Commission under this subsection (1). All subdivision regulations, and all amendments thereto, adopted by a board of county commissioners shall be transmitted to the Colorado Land Use Commission.

Any person, partnership or corporation intending to subdivide land as defined in Section 16.04.040 of these regulations shall submit plans and plats as required by and specified in these regulations to the Board of County Commissioners located as:

Pueblo County Courthouse  
215 West 10th Street  
Pueblo, Colorado 81003

for review and approval, as follows:

All plans of streets or highways for public use, and all plans, plats, plots and re-plots of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Board of County Commissioners for review and subsequent approval, conditional approval, or disapproval. It shall not be lawful to record any such plan or plat in any public office unless the same shall bear thereon, by endorsement or otherwise the approval of the board of county commissioners and after review by the appropriate planning commission.

C. Colorado Revised Statutes Section 30-28-110(4)(a) through (e) states:

30-28-110(4)(a) Regional planning commission approval, required when - recording (4)(a) Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the board of county commissioners and recorded or filed in the office of the county clerk and recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars nor less than five hundred dollars for each parcel of or interest in subdivided land which is sold. All fines collected under this paragraph (a) shall be credited to the general fund of the county. No person shall be prosecuted, tried, or punished under this paragraph (a) unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen months after the recordation or filing in the office of the county clerk and recorder of the instrument transferring or selling such subdivided land. The board of county commissioners may provide for the enforcement of subdivision regulations by means of withholding building permits. No plat for subdivided land shall be approved by the board of county commissioners unless at the time of approval of platting the subdivider provides the certification of the county treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.

(b) The board of county commissioners of the county in which the subdivided land is located has the power to bring an action to enjoin any subdivider from selling subdivided land before a final plat for such subdivided land has been approved by the board of county commissioners.

(c) The board of county commissioners shall distribute, or cause to be distributed, the sets of plans or plats submitted to the agencies as referred to in section 30-28-136(1).

(d) Any violation of paragraph (a) of this subsection (4) is prima facie evidence of a fraudulent land transaction and shall be grounds for the purchaser to void the transfer or sale.

(e) This subsection (4) applies only with respect to parcels of land less than thirty-five acres in the area.

#### **16.04.030 Statement of purposes.**

A. To assist orderly, efficient and integrated development of the county;

- B. To promote the health, safety and general welfare of the residents of the county;
- C. To ensure conformance of land subdivision plans with the public improvement plans of the county and its various municipalities;
- D. To ensure coordination of intermunicipal public improvement plans and programs;
- E. To encourage well planned subdivisions by establishing adequate standards for design and improvement;
- F. To improve land survey monuments and records by establishing standards for surveys and plats;
- G. To safeguard the interests of the public, the homeowner, and the subdivider;
- H. To secure equitable handling of all subdivision plans by providing uniform procedures and standards;
- I. To prevent loss and injury from fire in mountainous wooded terrain;
- J. To preserve natural vegetation and cover and promote the natural beauty of the country;
- K. To prevent and control erosion, sedimentation and other pollution of surface and subsurface water;
- L. To prevent flood damage to persons and properties and minimize expenditure for flood relief and flood control projects;
- M. To restrict building on flood lands, shorelands, areas covered by poor soils, or in areas poorly suited for building or construction;
- N. To prevent loss and injury from landslides, mudflows and other geologic hazards;
- O. To provide adequate space for future development of schools and parks to serve the population;
- P. To assure the planning for and provision of an adequate and safe source of water and means of sewage disposal.

#### **16.04.040 Definitions.**

As used in this title:

"**Board**" means the Board of County Commissioners of Pueblo County.

"**Conservation standards**" means guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Pueblo County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

**"Comprehensive plan"** means a comprehensive plan for the future growth, protection and development of the county, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

**"Crosswalk"** or **"walkway"** means a right-of-way dedicated to public use to facilitate pedestrian access through a subdivision block.

**"Disposition"** means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.

**"Dwelling unit"** means any structure or part thereof designed to be occupied as the living quarters of a single family or housekeeping unit.

**"Easement"** means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

**"Evidence"** means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

**"Health Department"** means the Pueblo City-County Health Department.

**"Lateral sewer"** means a sewer which discharges into another sewer and has only building sewers tributary to it.

**"Multi-family dwelling"** means a building providing separate dwelling units for two or more families.

**"Municipality"** means an incorporated city or town.

**"National Cooperative Soil Survey"** means the soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

**"Off-street parking space"** means the space required to park one passenger vehicle which space shall be not less than two hundred (200) square feet in area, exclusive of access drives.

**"Permanent monument"** means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

**"Planned unit development (PUD)"** means an area of land improved as a residential development in which normal restrictions of lot sizes, setbacks, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provisions of open spaces, public facilities, access planning aesthetics, and other considerations deemed important by the local approving agency.

**"Planning Commission"** means the County Planning Commission.

**"Plat"** means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

**"Preliminary plan"** means the map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

**"Resubdivision"** means the changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.

**"Double frontage lots"** means lots which front on one public street and back on another.

**"Roadway"** means that portion of the street right-of-way designed for vehicular traffic.

**"Sketch plan"** means a map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early state in the planning.

**"Street"** means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of these regulations, streets shall be classified as defined and designated in the Pueblo County Roadway Functional Classification Plan.

**"Street right-of-way"** means that portion of land dedicated to public use for street and utility purposes.

**"Subdivider or developer"** means any person, firm partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

**"Subdivision":**

1. **"Subdivision"** or **"subdivided land"** means 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 these regulations with substantially the same density, or which is divided into two or more parcels, separate interest, or interests in common, unless exempted under Section 16.04.040(2), (3), and (4). As used in this section, "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests.

2. The terms **"subdivision"** and **"subdivided land,"** as defined in Section 16.040.040(1) above, shall not apply to any division 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.

3. Unless the method of disposition is adopted for the purpose of evading these regulations, the terms **"subdivision"** and **"subdivided land,"** as defined in Section 16.04.040(1) above, shall not apply to any division of land:

a. 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;

b. Which is 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 Pueblo County in which the property is situated 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 these regulations prior to entry of the court order; and, if the Board does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court;

c. Which is created by a lien, mortgage, deed of trust, or any other security instrument;

d. 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;

e. Which created cemetery lots;

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

g. 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 purposes of this subsection as only one interest;

h. 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 the 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 purposes of this subsection;

i. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to these regulations and any applicable county regulations, the land which he or she is to acquire pursuant to the contract;

j. Which creates a cluster development pursuant to Section 16.72.

4. The Board of County Commissioners 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 of County Commissioners determines that such division is not within the purposes of Part 1, Article 28 of Title 30, C.R.S. or these regulations. The Board, in making such determination, may impose conditions and/or requirements as it deems necessary to protect the public health, safety and welfare and to ensure consistency with this Subsection 4. Such requirements and/or conditions may include, but shall not be limited to:

a. A Subdivision Exemption Plat be prepared to the standards of a Land Survey Plat;

b. Title search not more than thirty (30) days old be submitted;

c. Public improvements and additional public right-of-way be provided as deemed necessary by the Board;

d. Applicable Impact Fees (e.g., fire protection, school site, park site) be paid;

e. Technical reports (e.g., drainage study) as deemed necessary by the Board be submitted;

f. The Subdivision Exemption Plat be recorded in the office of the Pueblo County Clerk and Recorder;

g. The County Treasurer's certifications that all prior years' taxes have been paid shall be submitted a minimum of fifteen (15) days prior to consideration by the Board of County Commissioners (refer to Section 16.20.080);

h. Global Positioning System (refer to Chapter 16.68.010).

5. The term "**subdivision**" includes resubdivision, and where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

"**Subdivision improvements agreement**" means one or more security arrangements which may be accepted by a county to secure the construction of such public improvements as are required by county subdivision regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

**Chapter 16.08 SUBMISSION AND REVIEW OF SKETCH PLAN**

**16.08.010 Submission.**

Subdividers shall submit a sketch plan to the Board prior to the submission of a preliminary plan. Said sketch plan will enable the subdivider and the Board to render an informal preliminary review of the site plan for general scope and conditions which might affect the plan.

**16.08.020 Provision of the procedures and standards for evaluation of sewer and water systems.**

At the time of sketch plan submission, the subdivider will be given materials and information relating to procedures and standards by which the suitability of proposed sewer and water systems may be determined and evaluated, and in the case of on-lot sewer or water facilities, forms to be completed by a professional engineer, licensed in the State of Colorado, for submission with the preliminary plan.

**16.08.030 Review of sketch plan.**

The Board shall turn all sketch plan materials over to the Planning Commission, which shall review them and return them to the Board with its comments, suggestions, and recommendations within thirty-five (35) days. The Board shall then review the materials and the report of the Planning Commission, and communicate its own comments, suggestions and recommendations to the subdivider and to the Planning Commission at the next regular meeting of the Board.

**Chapter 16.12 SUBMISSION AND REVIEW OF PRELIMINARY PLAN**

**16.12.010 Submission.**

Subdividers shall submit required preliminary plan materials and supporting documents of a proposed subdivision at a regular meeting of the Board for approval prior to the submission of a final plat. A receipt shall be issued to the subdivider for the preliminary plan submission.

Approval of the preliminary plan shall be effective for eighteen (18) months. Thereafter, approval of the preliminary plan will have expired unless a final plat has been submitted to the Board within that eighteen (18) months, or a mutually agreed upon extension has been granted by the Board. Whenever, a final plat is submitted for less than the entire area covered by the preliminary plan, approval of the preliminary plan for the remaining unplatted area shall be extended for an additional eighteen (18) months.

**16.12.020 Preliminary plan referral and review.**

A. The Board shall turn all preliminary plan materials over to the Planning Commission. In turn, the Planning Commission shall distribute copies thereof for review and comment, suggestions and recommendations, as follows:

1. To the appropriate school district;
2. To each county or municipality within a two-mile radius of any portion of the proposed subdivision;
3. To any utility, local improvement and service district, or ditch company when applicable;
4. To the Colorado State Forest Service, when applicable;
5. To other planning commissions with jurisdiction over the area;
6. To the local soil conservation district board or boards within the County for explicit review and recommendations regarding soil suitability and flooding problems. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district;
7. When applicable, to the Department of Health, for their review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report of the water quality of the proposed water supply to serve the subdivision;
8. When applicable, to the State Engineer for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with said water supply evidence. The State Engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells;

9. To the Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land;

10. To any other and all other agencies or persons who may, in the opinion of the Board or the Planning Commission, be affected by the proposed subdivision.

B. The agencies named in this section shall make recommendations within twenty-one (21) days after the mailing by Pueblo County or its authorized representatives of such plans unless a necessary extension of not more than thirty (30) days has been consented to by the subdivider and the Pueblo Board of County Commissioners. The failure of any agency to respond within twenty-one (21) days or within the period of an extension shall, for the purpose of the hearing on the plan, be deemed an approval of such plan; except that, where such plan involves twenty (20) or more dwelling units, a school district shall be required to submit within said time limit specific recommendations with respect to the adequacy of school sites and the adequacy of school structures.

C. Upon receipt of response by the agencies, or default by them, the Planning Commission shall review and study as it deems necessary, including the holding of public hearings, to make an informed and reasoned judgment on the preliminary plan.

D. Within thirty-five (35) days of the transmittal of the preliminary plan by the Board to the Planning Commission, or within the period of an extension granted by the Board and agreed to by the subdivider, the Planning Commission shall consider the preliminary plan at a public meeting, and deliver to the Board and to the subdivider its comments, suggestions, and recommendations regarding the preliminary plan.

E. If any of the agencies enumerated in Subsection (A)(1) through (10) of this Section responds after the consideration of the preliminary plan at such a public meeting, the Planning Commission shall notify the Board of such response and shall review the response and shall immediately transmit its comments concerning the review to the Board.

F. The Planning Commission shall only recommend for approval those preliminary plans which it finds to be developed in accordance with the intent, standards, and criteria specified in these regulations.

#### **16.12.030 Board action.**

The Board shall act upon such preliminary plan within thirty-five (35) days after receipt of the recommendation of the Planning Commission at an official meeting of the Board. Failure by the Board to act within thirty-five (35) days shall be deemed a favorable approval of such preliminary plan and a certificate shall be issued immediately thereafter to that effect.

**Chapter 16.16 SUBMISSION AND REVIEW OF FINAL PLAT**

**16.16.010 Submission.**

- A. The final plat may only be submitted for all or a portion of an area within an approved preliminary plan to which it must conform. The final plat shall be submitted by the subdivider at a regular meeting of the Board.
- B. Final plats shall be submitted for approval within eighteen (18) months of the date a preliminary plan has been approved by the Board. No final plat submission will be accepted which has exceeded this time lapse period. An extension of time may be granted by the Board upon written request of the subdivider. Any plat submitted for which preliminary plan approval has been given in excess of eighteen (18) months previous and for which no time extension has been granted shall be considered by the Commission as a new preliminary plan. The final plat shall also contain the refinements required in Section 16.28.020(H).
- C. A receipt shall be issued to the subdivider for the final plat submission.
- D. The Board shall turn all final plat materials over to the Planning Commission.

**16.16.020 Planning Commission review.**

- A. The Planning Commission shall review the final plat submission for completeness pursuant to the requirements of Chapter 16.28.020 and for conformity to the approved preliminary plan and any conditions upon which such approval may have been made.
- B. The Planning Commission shall deliver its comments, suggestions and recommendations regarding the final plat to the Board and to the subdivider.

**16.16.030 Board review.**

- A. After recommendation by the Planning Commission, the subdivider or his agent shall appear at the next regularly scheduled meeting of the Board to request review of the final plat. Failure of the Board to act on the application within thirty-five (35) days of such request shall be deemed a favorable approval of the final plat and a certificate shall be issued immediately thereafter to that effect.
- B. If the Board determines that the final plat submission complies with the applicable requirements of these regulations, they shall endorse on the plat as follows:



DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That       (name)      , a Colorado Corporation, is the owner of that real property situated in Pueblo County, Colorado, and lying within the exterior of (subdivision name). That it has caused said real property to be laid out and surveyed as (subdivision name), a subdivision in the County of Pueblo, State of Colorado, and does hereby accept the responsibility for the completion of required improvements and does hereby dedicate and set apart all of the roads and other public improvements and places as shown on the accompanying plat to the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements for the purpose shown hereon, and does hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

In witness whereof       (corporation name)       has caused its name to be hereunto subscribed by its president and its corporate seal to be affixed, attested by its secretary, this \_\_\_\_\_ day of       (month)      , A.D. 20      .

ATTEST:       (secretary's signature)        
SECRETARY

      (corporation name)      

      (president's signature)        
PRESIDENT



NOTICE

Notice is hereby given that acceptance of this platted subdivision by the County of Pueblo does not constitute an acceptance of the roads and other improvements for maintenance by Pueblo County.

Until such roads and other improvements meet Pueblo County requirements and are specifically accepted by Resolution of the Board of County Commissioners and such Resolution is recorded with the Pueblo County Clerk and Recorder, the maintenance, construction, and all other matters pertaining to or affecting said roads and other improvements and rights-of-way are the sole responsibility of the owners of the land within this subdivision.

SURVEYOR'S CERTIFICATE

I, (surveyor's name), a professional land surveyor registered in the State of Colorado, hereby certify to the Board of County Commissioners of the County of Pueblo and to (subdivider's name) that a survey of the above-described premises was performed by me or under my direct responsibility, supervision, and checking on \_\_\_\_\_, 20\_\_; that this plat of (subdivision name) complies with the minimum standards for Land Surveys and Plats as set forth in Section 38-51-106 et seq., C.R.S. 1994 (as amended).

(surveyor's signature)  
Professional Land Surveyor

(surveyor's name)  
Professional Land Surveyor

Lic. # \_\_\_\_\_

(surveyor's seal shall appear with  
this certificate)

**Chapter 16.20 RELATED PROCEDURES**

**16.20.010 Acceptance of street and other public land dedication.**

Approval of a subdivision shall not constitute an acceptance by the County of the roads, streets, alleys or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted by the County only by specific action of the Board.

**16.20.020 Application for vacation of a public street, alley, easement or public way.**

A. Any person, public or private entity desiring the vacation of any public street, alley, easement or public way shall submit to the County Planning and Development Department a completed application form and the following:

1. A letter of request stating the interest of the applicant, the interest of the person, firm or corporation representing the applicant, and the reasons for the vacation;
2. Letters from the County Director of Public Works, the County Sheriff and all applicable fire departments, school districts, utility companies and special districts which serve the area in or around the property where the vacation is sought. Such letters shall state the position of the respective authorities concerning the proposed vacation;
3. An accurate drawing suitable for recording prepared by a Colorado licensed land surveyor depicting and legally describing the public street, alley, easement or public way to be vacated. The drawing shall also note all reservations, if any;
4. Verified documentation the requested vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established road;
5. A nonrefundable application fee as set by resolution of the Board of County Commissioners.

B. The Pueblo County Planning Commission shall review all applications for the vacation of a public street, alley, easement or public way during a public meeting. The Commission shall send its recommendation and findings to the Board of County Commissioners.

C. The Board shall hear all applications to vacate a public street, alley, easement or public way. After receiving a vacation application, the Board shall set a time and a place for a public hearing and shall cause notice of the hearing to be sent to property owners whose property abuts or is within three hundred (300) feet of the exterior boundaries of the public street, alley, easement or other public way proposed to be vacated. Such notice shall be sent by first class mail with postage prepaid at least fifteen (15) days before the public hearing.

D. Notice shall also be posted in conspicuous places at each end of the public street, alley, easement or public way proposed to be vacated. Such notice shall be posted at least fifteen (15) days before the public hearing.

E. Notice shall also be published in a newspaper of general circulation in the County at least fifteen (15) days before the public hearing.

F. Before granting the vacation of a public street, alley or public way, the Board of County Commissioners shall find the following conditions (1) through (5) exist:

Before granting the vacation of an easement, the Board of County Commissioners shall find the following conditions (4) through (6) exist:

1. The public street, alley or public way to be vacated was created by plat or deed or exists by right of usage if unplatted or undefined.

2. The requested vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established public road.

3. The requested vacation will not adversely affect the transportation needs of Pueblo County.

4. The requested vacation is completely within the boundaries of Pueblo County and is not within the limit of any incorporated city or town.

5. The requested vacation is not a boundary with any other county or incorporated city or town or if it is a boundary, the vacation is approved by joint action of the Board and the duly constituted authority of the other county, city or town.

6. The requested easement vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood.

G. If the vacation is approved, the Board of County Commissioners may reserve rights-of-way or easements for the continued and/or future use of sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

H. Upon approval of the vacation, the affected property owners shall prepare deeds to incorporate the applicable portion of the vacation into their property's description. The deeds shall be submitted to the County Planning and Development Department for recordation with the drawing.

I. Upon approval of the vacation and satisfaction of all conditions imposed on the approval, the accurate drawing and the required deeds shall be recorded with the Pueblo County Clerk and Recorder at the applicant's expense.

## 16.20.030 Resubdivision procedures

A. Resubdivision of land or changes to an approved or recorded plat shall be considered a subdivision, except as otherwise provided in this section, and shall be subject to the provisions of the Pueblo County Subdivision Regulations.

B. If it is discovered that there is a minor survey or drafting error in a recorded final plat, the subdivider shall be required to file with the Board for its approval a corrected final plat with an affidavit regarding the revisions, certified by two Colorado licensed land surveyors. At least one of the surveyors certifying the corrected final plat must be an impartial observer having no personal interest in the subdivision. If, however, the correction of the error results in major alterations, the Board may require full compliance with the County Subdivision Regulations.

C.1. Minor rearrangement of lot lines or alterations may be made to a recorded plat subject to approval of the County Zoning Administrator provided such minor rearrangement or alteration will not:

a. Involve more than five lots;

b. Result in any lot, parcel or portion of the subdivision becoming insufficient in size, area or location to meet the minimum requirements of the zone district within which the property is located;

c. Alter any dedicated easement or area reserved for public use;

d. Alter any street or right-of-way alignment or reduce their dimensions;

e. Necessitate new, or the modification of, public improvements; or

f. Adversely affect the character of the recorded plat.

g. Submittal Requirements. The number of paper copies, as well as electronic submittal requirements for application submittal documents, shall be determined by the Director of the Pueblo County Department of Planning and Development. The Pueblo County Department of Planning and Development's formal application form shall specify the number of paper copies and electronic submittal requirements for application submittal documents.

i. Plat prepared by a Colorado Professional Land Surveyor adhering to the Colorado Revised Statutes for Land Survey Plats, and containing, at a minimum, the following:

(A) Title shall be: LOT LINE REARRANGEMENT NO. \_\_\_\_\_ (number to be assigned by staff upon submittal); Subtitle shall be: A Vacation and Replat of (lot and block number) of (name of recorded subdivision).

(B) Drawing portion:





- v. Recorded deeds showing ownership;
- vi. Boundary and lot closure sheets;
- vii. Lot line rearrangement plats folded no larger than 12" x 9";
- viii. Cross deeds with recording fees;

ix. If the properties to be rearranged are portions of larger lots, e.g., St. Charles Mesa Subdivision, the applicant must submit proof by deeds that the subject properties' current configurations and/or legal descriptions pre-date August 31, 1972 (the adoption of these Subdivision Regulations).

Note: Properties less than thirty-five (35) acres in size subdivided after August 31, 1972 not complying with these Subdivision Regulations cannot be eligible for a lot line rearrangement without first bringing the properties into compliance with said Subdivision Regulations;

- x. Application fee (check made payable to Pueblo County);
- xi. Recording fee for plat (check made payable to Pueblo County Clerk and Recorder).

C.2. Vacation of Interior Platted Lot Lines. Interior lot lines within a recorded plat may be vacated subject to approval of the County Zoning Administrator under the following guidelines:

- a. Involves five (5) lots or less;
- b. Interior lot lines only, no exterior boundary lines of a subdivision;
- c. Lots within a recorded subdivision; the year of recordation is not a factor;
- d. No easements or rights-of-way will be vacated, nor publicly owned land will be adversely affected.
- e. Submittal requirements. The number of paper copies, as well as electronic submittal requirements for application submittal documents, shall be determined by the Director of the Pueblo County Department of Planning and Development. The Pueblo County Department of Planning and Development's formal application shall specify the number of paper copies and electronic submittal requirements for application submittal documents.

i. Drawing prepared by a Colorado Professional Land Surveyor containing, at a minimum, the following:

(A) Title shall be: "LOT LINE VACATION NO. \_\_\_\_" (number to be assigned by staff upon submittal),

(B) Drawing:

**As Platted**

Lot 1	The bearings and distances according to the recorded plat are required to be placed around each lot. Place acreage for each lot, if available, under the lot number.
Lot 2	

**As Vacated**

Parcel A 0.00 acres	The bearings and distances will be required to be placed around Parcel A. Basis for acreage calculation for Parcel A will be submitted to staff.
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(C) Surveyor's certification shall read as follows:

I, (surveyor's name), a Professional Land Surveyor registered in the State of Colorado, hereby certify to (owner(s) name), that this lot line vacation is not based upon an actual field survey conducted by me or under my responsible charge, but was prepared using information shown on the plat of (name of subdivision) recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_ of the records of the Pueblo County Clerk and Recorder. The property within this lot line vacation may or may not be presently monumented, and if it is monumented, I have not confirmed the property pins are accurately located.

\_\_\_\_\_  
PROFESSIONAL LAND SURVEYOR NO. 000000

\_\_\_\_\_  
DATE

Note: If the professional land surveyor actually surveys the property, the appropriate certification is required.

(D) Note: A search for recorded rights-of-way and easements was not done,

(E) Director of Planning and Development Certification shall read as follows:

This is to certify that this vacation of a lot line is approved by the Director of the Department of Planning and Development, County of Pueblo.

\_\_\_\_\_  
(name of director) DIRECTOR

\_\_\_\_\_  
DATE

(F) Owner(s) statement with notary statement shall read as follows:

KNOW ALL MEN BY THESE PRESENTS: that (owner name) being the sole owner of the following described property:

(legal description)



vii. Drawings folded no larger than 12" x 9";

viii. Application fee (check made payable to Pueblo County);

ix. Recording fee (check made payable to Pueblo County Clerk and Recorder).

x. Deed, to combine ownership to applicable Parcel (e.g., A, B) of Lot Line Vacation No. \_\_\_\_, with recording fees.

If the vacation of interior lot lines is for more than five (5) lots WITHOUT the need to vacate right-of-way and/or easement or publicly owned land, the lot line vacation must be approved by the Board of County Commissioners.

If the vacation of interior lot lines is requested WITH the need to vacate right-of-way and/or easement or publicly owned land, the appropriated procedure is by Vacation Plat approved by the Board of County Commissioners.

D. Upon the approval of the Board or the County Zoning Administrator, the revised plat shall be recorded by the County Zoning Administrator with the County Clerk and Recorder at the applicant's expense.

E. The County or its appointed representative shall not issue a building permit for any building site created or modified by an action under this Section, until the revised plat is recorded.

F. The County shall maintain an adequate numbered filing system for all subdivisions, including copies of all maps, data and County actions. It shall also maintain a master location map (or maps) referenced to the filing system for public use and examination.

G. Plats prepared pursuant to this Section may be subject to the Global Positioning System (refer to Chapter 16.68).

#### **16.20.040 Withdrawal of approval.**

The Board may withdraw any recommendation by the Planning Commission or approval by the Board of a plan or plat if and when it is determined that information provided by the subdivider, upon which such decision was based, is false or inaccurate.

#### **16.20.050 Recording final plat.**

A. The Board shall record the final plat with the County Clerk and Recorder within five (5) working days of approval of the final plat by the Board.

B. The County Clerk and Recorder shall furnish the subdivider with a receipt for the final plat upon filing of the final plat.

## **16.20.060 Reserved.**

## **16.20.070 Vacation of plats.**

A. Any plat or any part of any plat that has been duly recorded and approved by the Board may be vacated by the owner of the premises by submitting to the County Zoning Administrator a written application containing the following:

1. The applicant's name, address, and the name and address of any person, firm or corporation represented by such applicant in the application;
2. The interest of the applicant and the interest of the person, firm or corporation represented by the applicant, be it legal, sales, development, operation or other interest;
3. A statement of facts which the applicant believes justifies the vacation, including, but not limited to, a general description of the area surrounding the proposed vacation which will be thereby affected. Such description shall address the environmental, economic and traffic effect of the proposed vacation;
4. A vacation plat prepared by and carrying the seal of a Colorado licensed land surveyor. The vacation plat shall, where applicable, show existing and proposed structures, uses, open spaces, facilities for parking and loading, and arrangement for pedestrian and vehicular circulation;
5. A letter from the fire department, school district, and all applicable utility companies and special districts which serve the area in and around the property whose vacation is being sought, the Public Works Director, the County Zoning Administrator, and the County Sheriff. Such letter shall state the respective authorities' position concerning the proposed vacation;
6. A title insurance commitment or a title policy issued by a title insurance company, or an attorney's title opinion, certified to a date not more than thirty (30) days prior to the submittal of the plat vacation to the Department of Planning and Development, showing the names of the owners of the land and all other persons who have an interest in or an encumbrance on the property described on the vacation plat;
7. The County Treasurer's certification that all prior years' taxes have been paid shall be submitted a minimum of fifteen (15) days prior to consideration by the Board of County Commissioners (refer to Section 16.20.080);

B. The plat vacation application shall be reviewed by the Commission in like manner as plats of subdivisions. The Commission shall cause written notice of a public hearing on any proposed plat vacation to be sent to owners of real property contained in the subdivision or whose property is within three hundred (300) feet of the exterior boundaries of the subdivision. Such notice shall be sent by first class mail with postage prepaid not less than fifteen (15) days prior to the public hearing. Notice shall also be given by one publication in a newspaper of general circulation in the County not less than fifteen (15) days prior to the public hearing. Notice of the hearing shall also be posted in a conspicuous place in the subdivision. Such posted notice shall be not less than eighteen (18) inches by twenty-four (24) inches with letters not less than one

(1) inch in height. The Commission shall forward to the Board its recommendation within thirty (30) days after the hearing is concluded.

The plat vacation application shall then be submitted to the Board for its review and approval, conditional approval, or denial, after notice in like manner as final subdivision plats.

C. The vacation plat, if approved, shall be filed and recorded in the County Clerk and Recorder's Office by the County Zoning Administrator at the applicant's expense. The vacation plat shall divest all public rights in the streets, alleys, and public ways, and in all dedications laid out or described in the subdivision plat except where reservation is made therefrom.

D. Before any action on the application shall be taken as provided herein, the applicant proposing the vacation shall deposit with the County Planning and Development Department a nonrefundable application fee as set forth by the Board by resolution.

#### **16.20.080 Treasurer's certification of taxes paid.**

A. No plat for subdivided land shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides the certification of the County Treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.

B. The ad valorem taxes referenced in the above paragraph shall include:

1. Real property taxes on the land and improvements;
2. Mobile home taxes;
3. Mineral rights taxes; and
4. Special assessments.

C. Treasurer's certifications shall be required for final plats of subdivisions, resubdivisions, subdivision variances, subdivision exemptions, subdivision vacations, lot line rearrangements (minor rearrangements of lot lines) and correction plats.

D. Treasurer's certifications shall be submitted a minimum of fifteen (15) days in advance of the Board of County Commissioners' meeting at which the plat is to be considered. The only exceptions shall be for plats scheduled to be considered by the Board between January 1 and January 15. Treasurer's certifications for plats scheduled during this time period shall be submitted prior to the Board's approval.

E. Treasurer's certifications for plats of lot line rearrangements (minor rearrangement of lot lines) shall be provided with the submittal of the application.

#### **16.20.090 Application for Multi-Family Development Site Plan review.**

A. Criteria for Submittal. Multi-Family Development Site Plans are subject to all requirements of a typical subdivision.

Multi-family development occurring on subdivided lots, platted and recorded with the Pueblo County Clerk and Recorder prior to August 31, 1972, may submit a Multi-Family Development Site Plan application in lieu of a Preliminary Plan and Final Plat application if the proposed development meets the following tests:

1. The proposed development does not require the modification of a previously recorded subdivision plat, which includes but is not limited to lot line vacations, lot line rearrangements, easement vacations, easement dedications, etc; and
2. The proposed development will only occur on subdivided land described by a recorded plat.

B. Notice Requirement. The Board of County Commissioners shall cause written notice of a public meeting on any proposed Multi-Family Development Site Plan be sent to owners of property within three hundred (300) feet of the exterior boundaries of the subject lot(s). Such notices shall be sent by first class mail with postage prepaid not less than fifteen (15) days prior to the public meeting. Notice shall also be given by one publication in a newspaper of general circulation in the County not less than fifteen (15) days prior to the public meeting. Notice of the meeting shall also be posted in a conspicuous place near the property not less than fifteen (15) days prior to the public meeting.

C. Submittal Requirements. The number of paper copies, as well as electronic submittal requirements for application submittal documents, shall be determined by the Director of the Pueblo County Department of Planning and Development. The Pueblo County Department of Planning and Development's formal application form shall specify the number of paper copies and electronic submittal requirements for application submittal documents.

1. Application Form;
2. Letter of Request;
3. Site Plan;

Plan shall be legible scale and to a paper size no larger than 24" x 36" or smaller than 11" x 17". The Plan shall show:

- a. Scale (scale provided must be legible);
- b. A north arrow;
- c. Lot, block, and tract/unit numbers;
- d. Subdivision name--lot dimensions per recorded plat;
- e. Lot area per recorded plat;
- f. All easements per recorded plat--building footprint(s);
- g. Total number of dwelling units;
- h. Total number of structures with footprint and square footage;

- i. Off-Street parking and calculation summary;
  - j. Current zone district;
  - k. Roadway(s) serving the property;
  - l. Soil types and boundaries;
  - m. One (1) foot contours where property is level; two (2) foot contours where slope is one (1) to five (5) percent; five (5) foot contours where slope exceeds five (5) percent;
  - n. If installing fire hydrant(s), show proposed location;
  - o. Trees over six (6) inch diameter at six (6) feet above ground on-site; or outline (if wooded area) showing trees to remain.
4. 8 1/2" x 11" Vicinity Map;
  5. Approximate boundaries of areas subject to inundation of stormwater overflows of intensity estimated to occur with a return frequency of once every one hundred (100) years;
  6. Water courses and proposed stormwater drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas and swamps. Preliminary drainage report shall document the drainage system and that report shall be developed in accordance with the general engineering specifications set forth in Section 16.76.010 of the Subdivision Regulations.
  7. The Pueblo County Department of Public Works shall determine whether the developer will be required to provide Soil Erosion and Sedimentation Control plans and specifications prepared by a registered Professional Engineer or USSCS, using the County Conservation Standards or the Soil and Water Conservation Plan.
  8. If Soil Erosion and Sedimentation Control Plans are required, the site plan will not be considered complete until such plans have been submitted to Public Works.
  9. On-Lot Sewage Treatment Disposal Report;
  10. Water Supply Information Summary Form attached (Office of State Engineer requirement);
  11. The Substance of all Covenants, Grants or Easements or Restrictions Affecting Development (Land, Buildings, and Structures);
  12. Geologic Suitability Report;
  13. Table of Soil Type Interpretations based on NCSS, SCS;
  14. Abstract of Title for Property, or Evidence of a Title Insurance Policy and Related Supporting Materials; cannot be more than thirty (30) days old at time of submittal;
  15. Estimated construction costs and finance method for providing required services and related facilities--street, water, sewage, storm drainage and other utilities;

16. Water Supply Report:

Evidence of water supply in sufficient quality, quantity and dependability including, but not limited to, a letter from central water service provider. Or, if well, the following:

- a. Evidence of Ownership or Right of Use or Acquisition of Existing and Proposed Water Rights;
- b. Historic Use and Estimated Yield of Claimed Right(s);
- c. Amenability of Existing Right to a Change in Use;
- d. Evidence of Potability of Proposed Water Supply.

17. Geologic Report:

On-lot water supply proposals shall submit a Geologic Report (may be incorporated within Geological Suitability Report...see (12)) with a specific section on groundwater geology prepared by a qualified groundwater geologist WHICH INDICATES:

- a. Probability of Success of Wells or On-Site System;
- b. Expected Long-Term Yield;
- c. Expected Depth to Usable Water;
- d. Expected Water Quality;
- e. Expected Supply, Pollution and Maintenance Problems of Wells or Systems.

18. Evidence public or private sewage treatment facilities can and will provide sewage treatment if service provided by existing district;

19. Application fee (payable to Pueblo County);

20. Recordation fee (payable to Pueblo County Clerk and Recorder).

D. Time Limit for Consideration. The Board of County Commissioners shall render a decision within sixty (60) days from receipt of a complete application. Failure to render a decision within the allotted time shall constitute a favorable approval of an application. The review period may be extended upon a mutual agreement between the Board of County Commissioners and the applicant.

E. Recordation. The site plan approved by the Board of County Commissioners shall be recorded with the Pueblo County Clerk and Recorder. An increase in the number of dwelling units and/or structures from that approved by the Board of County Commissioners shall require a new multifamily site plan be submitted for approval.

**Chapter 16.24 SKETCH PLAN REQUIREMENTS**

**16.24.010 Procedures and requirements for submission.**

Subdividers shall submit a sketch plan to the Board for review and discussion on site plan and general scope and conditions. The Board shall transmit such submissions to the Planning Commission for its review.

**16.24.020 Contents of sketch plan applications.**

A sketch plan shall include the following items. The number of paper copies, as well as electronic submittal requirements for application submittal documents, shall be determined by the Director of the Pueblo County Department of Planning and Development. The Pueblo County Department of Planning and Development’s formal application form shall specify the number of paper copies and electronic submittal requirements for application submittal documents.

- A. The name of the subdivision. No subdivision in the County shall bear the same name as another subdivision unless adjoining and using consecutive filing numbers;
- B. The name and address of the owner(s) and of the subdivider(s);
- C. A map or maps (drawn to an appropriate scale) showing the general location of the subdivision and the property boundaries of the subdivision area and True North, and significant natural and man-made features on the site and within one-half mile of any portion of the site;
- D. A map or maps drawn to a scale of 1" = 100'. See Section 16.24.030 showing:
  - 1. A lot and street layout indicating general scaled dimensions of lots to the nearest foot,
  - 2. Existing topographic contours at ten (10) foot intervals drawn from available data, such as United States Geological Survey (USGS) maps,
  - 3. The acreage of the entire tract and the area (to the nearest one-half (1/2) acre and percent of total area to be devoted to streets and to each other type of use);
- E. A map or maps drawn to a scale of 1" = 100'. See Section 16.24.030 showing:
  - 1. A lot and street layout indicating general scaled dimensions of lots to the nearest foot,
  - 2. Soil types and their boundaries, as shown on soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service. (Requests for these maps and tables are to be made to the local Soil Conservation District; the subdivision does not need to be in a soil conservation district to obtain the map and table or have them prepared;)
- F. Reports concerning:

1. Type of water system proposed; also documentation of water rights and of historic water use,
2. Type of sewage disposal system proposed,
3. Stream, lakes, topography and vegetation,
4. Geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision, and
5. In areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.

#### **16.24.030 Drawing requirements.**

A. The scale of the sketch plan shall be not less than one inch (1") equals one hundred feet (100').\* Some variation from this will be acceptable in the case of large subdivisions provided the plans and design are clearly legible. Maps shall include the true north points, name of the subdivision, name of the county, township, range, principal meridian section, and quarter section; block and lot numbers. In the case of large subdivision requiring more than two sheets at such a scale, a total area plan showing the total area on a single sheet at an appropriate scale shall also be submitted.

B. The dimensions of each and every map submitted shall be twenty-four (24) inches by thirty-six (36) inches. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.

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\*Note: A different scale can be used if approved in advance by the Director of the Department of Planning and Development.

**Chapter 16.28 PRELIMINARY PLAN REQUIREMENTS**

**16.28.010 Submission.**

Copies of all required material shall be officially submitted to the Board by the subdivider (or his authorized representative), at an official Board meeting.

**16.28.020 Contents of the preliminary plan application.**

The number of paper copies, as well as electronic submittal requirements for application submittal documents, shall be determined by the Director of the Pueblo County Department of Planning and Development. The Pueblo County Department of Planning and Development's formal application form shall specify the number of paper copies and electronic submittal requirements for application submittal documents.

- A. An application for approval of a preliminary plan;
- B. The name of the subdivision;
- C. The name and address of the owner(s) and subdivider(s) and name of the designer of the preliminary plan. The name and address of the owner(s) of subsurface mineral interests and the name and address of the lessee(s) of any such subsurface mineral interest, if any, shall be included;
- D. If the proposed subdivision is to include more than twenty (20) lots, proof of a developer's license held by the subdivider;
- E. The legal description of the area to be subdivided and its acreage;
- F. A map of the proposed subdivision except in cases where due to certain characteristics of the proposal, the Board or the Planning Commission decrees that additional copies are necessary for adequate referral and review. Such maps shall show the following:
  - 1. A location and vicinity map, drawn at an appropriate scale, showing the following:
    - a. Related existing and planned streets and highway systems,
    - b. Zoning districts, taxing districts, and other special districts, if any,
    - c. Significant vegetation patterns,
  - 2. A map or maps, drawn at an appropriate scale, showing:
    - a. Perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within a one-half (1/2) mile distance of the perimeter of the proposed plat,
    - b. Abutting property lines,

3. A traverse map, drawn at an appropriate scale, of the monumented perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one (1) part in ten thousand (10,000). A survey tie into the State grid or other permanent marker established by the County Surveyor is required if practical. Monuments shall conform to the requirements of Colorado Revised Statutes 136-1-1 et seq.,

4. A map or maps showing the following at the scale of one inch equals one hundred feet (1" = 100'):

a. Lot and street layout including:

- i. Dimensions of all lots to the nearest foot (which may be scaled values),
- ii. Lots and blocks numbered consecutively,
- iii. Location and identification of all existing and proposed public and private easements,
- iv. Existing and proposed street names,
- v. Sites to be reserved or dedicated for parks, playgrounds, schools or other public uses,
- vi. Sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single-family dwellings,
- vii. Location of common open space not reserved or dedicated to public,
- viii. The area, to the nearest-half (1/2) acre and percent of the total area of the subdivision devoted to streets and to each other type of use,

b. Existing buildings, other easements, telephone lines, gas lines, power lines and other features located on the subdivision and within two hundred (200) feet of its boundaries,

c. A composite utilities easement plan showing location, size, and proposed use of all easements. (Subsequently, all utilities must be constructed within approved easements,)

5. A map or maps showing the following at the scale of one inch equals one hundred feet (1" = 100').

a. Lot and street layout as in subdivision (4)(a) of this subsection,

b. Soil types and their boundaries based on the National Cooperative Soil Survey, U.S. Department of Agriculture, Soil Conservation Service, and a table of interpretations for the soil types shown on the soil map,

c. Significant geologic features,

d. General location in the subdivision area of trees over six (6) inches in diameter, measured at six (6) feet above the ground. In cases of heavily wooded areas, indicate the outline of wooded area and location of trees which are to remain. It is the intent of the requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying of the exact tree location,

6. A map or maps showing the following at the scale of one inch equals one hundred feet (1" = 100'):

a. Lot and street layout as in subdivision (4)(a) of this subsection,

b. The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade and five (5) foot contours for predominant ground slopes within the tract over five (5) percent grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of predominately level topography throughout a subdivision, one (1) foot interval contours are required,

c. A generalized grading plan identifying areas of cut and fill and street gradients. Intended contours shall be shown as solid lines at the same interval as required for existing contours, which shall be shown as dashed lines,

d. The approximate boundaries of areas subject to inundation or stormwater overflows of an intensity estimated to occur with a return frequency of once every one hundred (100) years,

e. Water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas and swamps. The drainage system shall be documented by an accompanying Preliminary Drainage Report developed in accordance with the General Engineering Specifications for Drainage as set forth in Section 16.76.010 of these regulations. (Note: Detail design of drainage structures not required for preliminary report;)

G. Provide a digital file of the project in .DWG format;

H. The Planning Commission shall determine from a review of the preliminary plan whether the soil slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth moving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, the Commission shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a registered professional engineer, or the U.S. Soil Conservation Service, using the County conservation standards or the soil and water conservation plan.

In the event that soil erosion and sediment control plans are required, the preliminary plan submission shall not be considered complete until such plans have been submitted to the Board, or its designated agent, who shall furnish the subdivider with a receipt and transmit the plans to the Planning Commission for review of the preliminary plan.

### **16.28.030 Drawing requirements.**

A. The prints of the map shall be black on white or blue on white, and reproduction shall be clear and crisp.

B. The accuracy of location of alignments, boundaries and monuments shall be certified by a registered land surveyor, licensed to do such work in the State of Colorado. A workmanlike

execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for its rejection.

The plan shall be drawn to a scale not less than one (1) inch equals one hundred (100) feet\*, and shall indicate the basis of bearings, astronomic north arrow, name of subdivision, name of municipality; township, range, principal meridian section and quarter section; block and lot number (of the property under consideration).

\*Note: A different scale can be used if approved in advance by the Director of the Department of Planning and Development.

#### **16.28.040 Text.**

An identical number of copies of textual materials shall be submitted as follows:

- A. Total acreage of entire proposed subdivision;
- B. Function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use;
- C. Sewage disposal report where on-lot sewage treatment is proposed;
- D. The substance of all covenants, grants of easements or restrictions to be imposed upon the use of land, buildings and structures;
- E. Geologic investigation reports regarding areas' suitability for the proposed development including any geologic characteristics of the area significantly affecting the land use, such as landslides, mudflows, rock falls, snow avalanches, possible mine or ground subsidence, unstable slopes, seismic effects, expansive soils and rocks, shallow water table, open quarries, mineral resources, floodplains, debris fans, possible wildfires, radioactivity, and polluted or nonpotable water supply;
- F. Tables of soil type interpretations, as prepared for the sketch plan submission, based on the National Cooperative Soils Survey, U. S. Department of Agriculture, Soil Conservation Service, provided by the Soil Conservation District, where such tables were incomplete in the sketch plan submission;
- G. Copies of all monument records required pursuant to Colorado Revised Statutes 38-53-103. In addition survey notes of the subdivision perimeter survey may be required by the Department of Planning and Development;
- H. An abstract of title for the property, or evidence of a title insurance policy for the land to be subdivided and related supporting materials as needed;
- I. Total number of proposed dwelling units;
- J. Total number of square feet of proposed non-residential floor space;
- K. Total number of proposed off-street parking spaces, excluding those associated with single-family residential development;

L. Estimated total number of gallons per day of water system requirements;

M. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed;

N. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the developer by the County;

O. Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:

1. Evidence of ownership or right of acquisition of or use of existing and proposed water rights,
2. Historic use and estimated yield of claimed water rights,
3. Amenability of existing rights to a change in use,
4. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area,
5. Evidence concerning the potability of the proposed water supply for the subdivision.

Where individual on-lot water supply systems are proposed, a geologic report shall be submitted and shall contain a specific section on groundwater geology prepared by a qualified groundwater geologist, which indicates:

- a. The probability of success of wells or on-site supply systems throughout the proposed subdivision,
- b. The expected long-term yield of such wells or systems,
- c. The expected depth to usable water,
- d. The expected quality of the anticipated water,
- e. Any expected significant problems of long-term supply, pollution or long-term maintenance of such wells or systems;

P. Evidence that public or private sewage treatment facilities can and will provide adequate sewage treatment for the proposed subdivision if such service is to be provided by an existing district;

Q. The owner and/or subdivider shall provide evidence to the Planning Commission and, thereafter, to the Board of County Commissioners, that notice of the time and place and subject matter of the hearing before the Pueblo County Planning Commission and the hearing before the Board of County Commissioners on the preliminary plan application has been sent to all owners of subsurface mineral interests and to lessees of subsurface mineral interests, if any, by

registered mail, not less than five (5) days before the date fixed for each of said hearings. Neither the Planning Commission or the Board of County Commissioners shall act upon a request for preliminary plan review and approval until such time as proof of the notice required herein has been offered to and accepted by each respective body.

## **Chapter 16.32 FINAL PLAT REQUIREMENTS**

### **16.32.010 Submission.**

The final plat shall be submitted at an official meeting of the Board by the subdivider or his or her authorized representative.

### **16.32.020 Conformance with preliminary plan.**

The number of paper copies, as well as electronic submittal requirements for application submittal documents, shall be determined by the Director of the Pueblo County Department of Planning and Development. The Pueblo County Department of Planning and Development's formal application form shall specify the number of paper copies and electronic submittal requirements for application submittal documents.

A. A final plat may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases submission shall include a map, indicating the sections designated for the entire tract, and each sheet numbered accordingly and include title legend, matchlines, and other appropriate information.

B. The final plat submission shall conform in all major respects to the preliminary plan as previously reviewed and approved by the Commission and shall incorporate all modifications required in its review. The Commission, however, may approve a final plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the preliminary plan review and approval.

C. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment.

### **16.32.030 Revision of a final plat.**

If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

### **16.32.040 Final plat information.**

The final plat shall show the following at the scale of one inch equals one hundred feet (1" = 100'):

A. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys or excepted parcels.

B. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

C. On curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves:

1. Radius of curve;
2. Central angle;
3. Tangent;
4. Arc length;
5. Notation of non-tangent curves.

D. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.

E. All dimensions of irregularly shaped lots shall be indicated in each lot.

F. Bearings and lengths shall be given for all lot lines except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

G. All easements shall be designated as such and bearings and dimensions given.

H. All blocks, and all lots within each block, shall be consecutively numbered.

I. Excepted parcels shall be marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the boundary completely indicated by bearings and distances.

J. All streets, walkways and alleys shall be designated as such and streets shall be named; bearings and dimensions must be given.

K. The information on the plat shall also include:

1. Name of subdivision, astronomic north arrow, basis of bearings, and date;
2. Name and address of owner or owners of record. The name and address of owner(s) of subsurface mineral interests and the name and address of the lessee(s) of any such subsurface mineral interest, if any, shall be included, as of the date of the recording of the final plat;
3. Total acreage of subdivision, acreage of each lot to the nearest one thousandth of an acre, and the total number of lots;
4. The number of acres, to the nearest one-half (1/2) acre, and the percent of total area of the subdivision in streets and each other type of use proposed for the subdivision;
5. Township, range, principal meridian section (and quarter section(s) if portion of a section), block and lot number, and subdivision name;

6. Graphic scale.

L. Monumentation.

1. All subdivision boundary monuments, block corners and lot corners shall be established pursuant to Colorado Revised Statutes, 38-51-105. In addition, the following monuments shall be required:

a. All monuments that mark the boundaries of the property, both found and set, and all control monuments that were used in conducting the survey shall be clearly shown and described. Survey monuments for external boundaries of all platted subdivisions shall be set not more than 1,400 feet apart along any straight boundary line, at all angle points, at the beginning, end, and all points of change of direction or change of radius of any curved boundaries defined by circular arcs, at the beginning and end of any spiral curve, and at all public land corners.

b. Permanent internal subdivision survey monuments shall be established at all road centerline intersections, the center of radius for cul-de-sacs, the road centerline PC's and PT's of curves, or the PI's of curves, and at the end of the centerline for dead-end streets. GPS coordinates shall be clearly shown for each internal subdivision survey monument in NAD83 State Plan Colorado South (US Feet) North American Datum of 1992 coordinates. The center point of the permanent marker must be horizontally accurate to within not more than 0.02 feet.

c. Proper monuments shall be set at section, quarter, or sixteenth corners, if applicable, and proper records filed in accordance with Section 38-53-014, C.R.S. The physical monument marking the locations shall conform to the Physical Standards of Monumentation set forth by the most recent revisions to the Bylaws and Rules of Procedure and Rules of Professional Conduct of the State Board of Registration for Professional Engineers and Professional Land Surveyors.

i. Monument Boxes. All such monuments referred to in (1)(b) of this subsection shall be placed within a monument box whenever the driving surface is asphalt, concrete or other pavement. Boxes shall comply with Colorado Department of Highways' requirements for roadway installation of Type 1A, 2A, or 3A monuments. The monument, monument box, and installation shall be included in the subdivision improvements agreement or other guarantee of improvements.

2. Any monuments set or found, including control corners, shall be clearly described on the plat. The description shall include size, material, and any markings, which appear thereon, including the Professional Land Surveyor's registration number if so marked.

3. At least one permanent benchmark will be established in all new or replatted subdivisions in Pueblo County. The benchmarks will be domed brass cap firmly affixed to a permanent structure, such as a concrete bridge headwall or wingwall. concrete irrigation structures or other sizeable concrete masses. The cap may also be set in a solid rock formation or in the ground in a six (6) inch diameter, thirty-six (36) inch deep concrete monument, provided that the cap is not to be set in sidewalks curbs, driveways, street, utility poles or trees. Each benchmark will be located with at least two (2) horizontal ties shown on the plat refer to Chapter 16.68 of Title 16. GPS coordinates will be clearly shown for benchmark survey monuments as NAD83 State Plan Colorado South (US Feet), North American Datum of 1992 coordinates, and must be horizontally accurate to within not more than 0.02 feet. The elevation datum of the benchmark will be surveyed to within not more than 0.02 feet (GRS 1980 spheroid), and elevation for each monument will be clearly shown and described.

M. Global Positioning System (refer to Chapter 16.68).

### **16.32.050 Drawing requirements.**

The final plat drawing shall comply with the following standards:

A. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State of Colorado. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.

B. The plat shall be delineated in drawing ink, at a scale of 1" = 100' , on waterproof tracing cloth or mylar, in the following size:

Twenty-four (24) inches high by thirty-six (36) inches wide.

C. The surveyor making a plat shall certify on the plat that it conforms to these regulations and to all applicable State laws and that the monuments described in it have been placed as described. He or she shall affix his or her name and seal.

### **16.32.060 Supporting documents.**

The number of paper copies, as well as electronic submittal requirements for application submittal documents, shall be determined by the Director of the Pueblo County Department of Planning and Development. The Pueblo County Department of Planning and Development's formal application form shall specify the number of paper copies and electronic submittal requirements for application submittal documents.

The following documents shall be submitted with the final plat drawing and be considered a part of the final plat submission.

A. An application form for review of a final plat and all supporting documents;

B. Provide a digital file of the project in .DWG format, positioned correctly in Modified State Plan grid coordinates, with all bearings relative to the State Plan grid Basis of Bearing;

C. Drawing showing layout, profile, and detail design of the following:

1. All utilities, easements, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that service will be provided to the development,

2. Plan, profile and typical cross section drawings of roads, bridges, culverts, and other drainage structures. The drawings shall comply with the requirements of the Pueblo County Roadway Design and Construction Standards,

3. Grading and drainage plan. The proposed grading plan shall be indicated by solid line contours superimposed on dashed line contours of existing topography for the area of the final plat. Such contours shall be at two (2) foot intervals for predominant ground slopes within the

tract over five (5) percent grade. In case of predominantly level topography throughout a subdivision, one (1) foot contour intervals may be required,

4. Erosion control plan, when required for preliminary plan review (Section 16.28.020(H)) or required as a result of such review;

D. A guarantee of public improvements (see Section 16.04.040(5));

E. A title insurance commitment or a title policy issued by a title insurance company, or any attorney's title opinion, certified to a date not more than thirty (30) days prior to the submittal of the final plat to the Department of Planning and Development, showing the names of the owner(s) of the land and all other persons who have an interest in, or an encumbrance on, the property described on the final plat. Upon request of the Planning Commission, the subdivider shall cause to be joined on the final plat those parties necessary to give unencumbered fee simple title to all public rights-of-way dedicated therein. As an alternative, such other parties who have an interest in the property may subordinate their interest to the dedication of public rights-of-way by a written and acknowledged agreement.

Where dedication of land for school or park sites is required, a partial release of interest shall be obtained from all lienholders and said releases shall accompany any deed to the School District or the Board.

**Chapter 16.38 CONFORMANCE WITH EXISTING LAWS**

**16.38.010 Plan conformance.**

Land being subdivided shall conform with the Comprehensive Plan, Title 17 of the Pueblo County Code, and other resolutions and regulations in effect in the County. (See Section 16.58.020)

**16.38.020 Notice of inspection.**

An inspection by the Pueblo County Public Works Department must be requested by the subdivider or his designated agent in accordance with the requirements of the Pueblo County Roadway Design and Construction Standards. Inspections during construction shall be made by the Public Works Department to insure that work is progressing in compliance with the Subdivision Regulations. Deviation from these regulations and their requirements will be sufficient reason to issue stop and desist orders by the County until such time as proper corrections or adjustments have been made to the satisfaction of the Public Works Director. Upon completion of all work, a final inspection shall be made, and if it is determined by the Public Works Director that the roads have been built according to County specifications and the approved construction plans, the subdivider may then apply for release of the collateral provided under the terms of the subdivision improvements agreement. Request may also then be made to the Board of County Commissioners to accept the subdivision's roads by resolution for maintenance.

**Chapter 16.42 DESIGN STANDARDS**

**16.42.010 Design standards.**

All subdivisions approved by the Board must comply with the following standards.

**16.42.020 General standards.**

A. The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, and trees.

B. Land subject to hazardous conditions such as landslides, mudflows, rock falls, snow avalanches, possible mine or ground subsidence, unstable slopes, seismic effects, expansive soils and rocks, shallow water table, open quarries, mineral resources, floodplains, debris fans, possible wildfires, radioactivity, and polluted or nonpotable water supply shall be identified and shall not be subdivided until: (1) the hazards have been eliminated or will be eliminated by subdivision and construction plans; and (2) a permit under Chapter 17.148, Areas and Activities of State and Local Interest, has been issued.

C. Lots.

- 1. No single lot shall be divided by a municipal or County boundary line.
- 2. A lot shall not be divided by a road, alley or other lot.
- 3. Wedge-Shaped Lots. In the case of wedge-shaped lots, no lot shall be less than zone provisions in which located.
- 4. Lot Lines. Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be indicated.
- 5. Front on Public Street. No requirement.
- 6. Double-Frontage Lots. Double frontage lots shall not be permitted.

**16.42.030 Streets.**

The design and construction of all new roads and streets shall be in accordance with the Pueblo County Roadway Design and Construction Standards.

A. Street Names. Streets shall have the names of existing streets, which are in alignment in the County or in an adjoining county or municipality. There shall be no duplication of street names within the area.

B. Frontage of Major Highways. Where a residential subdivision abuts a major highway, service roads may be required.

#### **16.42.040 Sidewalks, and curb and gutter.**

Requirement for sidewalk and curb and gutter shall be pursuant to the Pueblo County Roadway Design and Construction Standards.

#### **16.42.050 Block standards and walks.**

A. Block Standards. Block lengths shall be reasonable in length and the total design provide for convenient access and circulation for emergency vehicles.

B. Pedestrian Walks. Where blocks exceed one thousand (1,000) feet in length, pedestrian rights-of-way of not less than ten (10) feet in width shall be provided through blocks where needed for adequate pedestrian circulation. Improved walks of not less than five (5) feet in width shall be placed within the rights-of-way.

#### **16.42.060 Easement standards.**

Easements where deemed necessary and requested by appropriate entities such as utility companies, Pueblo County Public Works, Colorado Department of Transportation, ditch companies, and other public and quasi-public entities shall be a minimum of ten (10) feet in width or such greater width as may be requested by one or more of the aforementioned entities.

#### **16.42.070 Driveways.**

Driveways shall be permitted to have direct access to major highways, as approved by local State Division of Highways.

#### **16.42.080 Sanitary sewage disposal.**

A. General Requirements. In all new subdivisions all lots or parcels which cannot be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of, or use of buildings constructed thereon. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits will be submitted along with the results of percolation tests. The results of these data will be reviewed by the Board and by the Department of Health, to determine the general suitability of the soil for on-lot disposal systems.

1. Lands made, altered or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.

2. Each lot shall have fifty (50) percent of its minimum required lot area or twenty thousand (20,000) square feet, whichever is less, in slopes of less than fifteen (15) percent.

3. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight (8) feet from the surface of the ground to impermeable bedrock, and a minimum depth of eight

(8) feet from the surface of the ground to the groundwater surface (based on annual high water level).

Each site must also be at least one hundred (100) feet from any water supply well, at least fifty (50) feet from any stream or water course, and at least ten (10) feet from any dwelling or property line.

4. Soils having a percolation rate slower than sixty (60) minutes per inch shall not be divided into building sites to be served by soil absorption sewage disposal systems.

5. Land rated as having severe limitations for septic tank absorption fields as defined by the (county soil survey) U.S. Department of Agriculture, Soil Conservation Service, shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless such building sites contain not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.

6. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall: have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet the Health Department regulations. In addition, the Sanitary Inspector shall find that the proposed corrective measures have overcome the severe soil limitations.

7. Other applicable standards adopted by the Board or the Health Department: An applicant desiring to install soil absorption sewage disposal facilities on soils having severe limitations shall have an opportunity to present evidence contesting such classification and analysis, if he or she so desires. Thereafter, the Board may affirm, modify or change the classification.

B. Sanitary Sewer Mains, Laterals and House Connections. Where local, County and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Board may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems. Responsibility for the design and supervision of installation of all capped sewers, laterals, and house connections shall be that of the county involved. Whenever individual on-lot sanitary sewage disposal systems are proposed the subdivider shall either install such facilities, or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of the lot at the time that the principal building is constructed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

C. Test Procedures. Test procedures shall be conducted in accordance with U.S. Public Health Service Publication Number 526, 1963 Edition, and other County requirements.

#### **16.42.090 Water supply.**

The subdivider shall construct or cause to be constructed a complete water distribution system (unless such subdivider proposes individual "on lot" water supply system) in accordance with

the specifications of the local health authority who shall enforce the regulations of the State of Colorado health authority, and such water distribution system shall include and provide for the installation of fire hydrants, pursuant to the "fire protection" requirements of these Subdivision Regulations.

#### **16.42.100 Storm drainage and floodplains.**

A. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in section, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each section shall be indicated.

B. The drainage and floodplain systems shall be designed:

1. To permit the unimpeded flow of natural water courses;
2. To ensure adequate drainage of all low points;
3. To ensure the applications of the following regulations regarding development in designated floodplains.

a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred (100) year storm.

b. Building construction may occur in that portion of the designated floodplain where the return frequency is between a one hundred (100) year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.

c. Where floodway velocities are generally determined to be under five (5) feet per second and maximum floor depth will not exceed three (3) feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities, and accessory parking may be permitted.

d. Any use of land is prohibited where flooding would create a public health problem. This includes shallow wells, uncased deep wells, sanitary land fills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.

e. Trailer parks, mobile homes and similar uses shall not be permitted in any designated floodway.

f. Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before it is undertaken. Any construction, dumping and filling operations in a designated floodway constitutes an encroachment.

g. Floodlands. All lots containing land which is less than two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood of record, must have adequate building sites

documented with consideration to the location of the building and, where applicable, of wells and septic tanks.

C. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.

D. All proposed surface-drainage structures shall be indicated.

E. All appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

#### **16.42.110 Subdividing or planning of parcel.**

Where an entire parcel is not subdivided, the subdivider must indicate his or her intended plans for disposition of the remainder of the parcel.

#### **16.42.120 Public sites and open spaces.**

A. Definitions. For the purpose of this section, certain words are defined as follows, unless context clearly indicates otherwise:

1. District Park. A district park usually provides such specialized facilities as a swimming pool, tennis complex, recreation center, regulation size playing fields, an outdoor theater, restrooms, large grass and tree areas, and off-street parking. The park should be located within ten (10) minutes' driving time of all residents within the area intended to be served.

2. Neighborhood Park. A neighborhood park provides the primary source of recreational open space for the residents of its service area. The neighborhood park usually provides such facilities as structured and unstructured play areas, paved multipurpose area, playing field, open grassed area, picnic facilities, shaded sitting area, and a shelter. The park should be located within one-half mile or less of walking distance from any point in its service area.

B. Dedication of Park Sites and School Sites. The regulations of this section shall not apply to subdivisions which are completely nonresidential. In the event of subsequent application for a change of zoning or other regulations, which change shall permit the use of all or a portion of such subdivision for residential purposes, then the approval of such change, if granted, shall be made contingent upon the applicant satisfying the requirements of this Section for residential subdivisions.

Each subdivision for residential purposes in the county of Pueblo shall pay a fee-in-lieu of conveyance or shall convey land for the purpose of providing park sites and school sites to serve the future residents of the subdivision. The conveyance of land may occur upon the recommendation of the appropriate School Board and the County Planning Commission.

For all such conveyed land, the criteria to be considered in determining whether or not to accept land in lieu of the fees described below shall be:

1. That it be adequate in size, shape and access for the use intended;

2. That from considerations of topography, condition of soil, drainage, location and availability of water, it be suitable for any building purposes contemplated;
3. That it be consistent with the regional plans;
4. That protection of natural and historical features, scenic vistas, watersheds, timber and wildlife be assured.

**Minimum Land Requirements or Fees Per Dwelling Unit**

<b>Type Unit</b>	<b>Park</b>		<b>School</b>	
	<b>Acres</b>	<b>Fees</b>	<b>Acres</b>	<b>Fees</b>
Single-family	0.025	\$76.00	0.019	\$95.00
Multi-family	0.021	\$63.00	0.010	\$50.00
Mobile home	0.019	\$56.00	0.007	\$35.00

This fee schedule may hereafter be reviewed and amended.

The owner, for final plat approval, shall designate in the form of an agreement the number of dwelling units proposed for each lot in the subdivision. The required conveyance of land or fees shall be based upon the type and total number of dwelling units set forth in this agreement. This agreement shall be known as a "density agreement" and shall be recorded with the subdivision. This agreement shall run with the land and shall be enforceable by the County. The agreement may be subsequently amended upon the concurrence of the Board and the owner. Additional subdivision of a lot or lots for which conveyance has been made or fees have been paid shall provide the owner with "credit" for park site and school site requirements equal to the number of dwelling units previously provided for in the agreement then in force.

Example: Lot X is ten (10) acres in size and has met the park and school site requirements for one (1) single-family dwelling unit; Lot X is being subdivided into five (5) two-acre lots, each to have a single-family dwelling unit; the owner must meet the requirements for only four (4) additional dwelling units.

Conversion from the multi-family requirements to the single-family requirements shall be on a pro rata basis.

The requirements of school sites and park sites are separate for the purpose of conveyance or fees. Conveyance may be made to satisfy one and fees to satisfy the other. A combination of partial conveyance and partial fees may be made to meet the requirements of either park sites or school sites.

The site to be conveyed need not be located within the proposed subdivision, provided it will serve the residents of said subdivision.

Conveyance of land shall occur by deed at the time of final plat approval.

Payment of fees shall occur within one hundred and eighty (180) days from the date of final plat approval. If fees are not paid at the time of final plat approval, then a performance bond equal to all outstanding fees-in-lieu of conveyance shall be obtained by the owner. The bond shall be payable in full to the County if fees are not paid within one hundred and eighty (180) days.

C. Site Standards. The following standards shall govern the conveyance of sites for park and school purposes:

Type	Minimum Site Size	Population Served
Neighborhood Park	5 acres	2.5 acres/1,000 population
District Park	20 acres	5.0 acres/1,000 population
Elementary School	10 acres	400 students
Junior High School	20 acres	800 students
Senior High School	30 acres	1,200 students

The site shall be accepted for the purpose of meeting the requirements of this Section only if it meets the minimum size for such site or enlarges an existing deficient site.

D. Private Parks. The Board may approve private parks as meeting all or part of the park conveyance requirements of this Section, provided:

1. All standards contained in Subsection C of this Section are met;
2. Development, use and maintenance are guaranteed, with the County having full authority to enforce such guarantees;
3. The private park will serve the residents of the subdivision without discrimination; and
4. The uses provided for shall not be so specialized as to inhibit enjoyment thereof by all residents of the subdivision.

E. Lease, Trade or Sale. The Board may lease any conveyed or acquired site for an interim use (e.g., crop production, grazing, mineral extraction) provided:

1. Such use will not be detrimental to adjacent property; and
2. Such use will not impede the development of such site for its intended use.

Proceeds of any such lease may be transferred to the County General Fund, or be expended to improve the site, or be used to repay a "Dwelling Unit Conveyance Advance."

The Board may trade a deeded or acquired site, provided the site to be received will serve the residents of the conveying subdivision for the purpose intended.

The Board may sell a deeded or acquired site, provided all monies received from such sale shall be used to acquire a site to serve the residents of the conveying subdivision for the purpose intended, or to repay a "Dwelling Unit Conveyance Advance."

F. Disposition of Site and Fees. The Board shall accept conveyance of all approved sites and shall retain ownership until requested by the appropriate school district or recreation district to transfer such sites. Transfer of such sites shall be made upon demonstration of need and ability to develop such sites.

The Board shall accept all fees paid in lieu of conveyance and shall deposit same in separate interest-bearing accounts. The Board may transfer fees upon request to the appropriate school district or recreation district for the acquisition of sites which serve the subdivisions having paid said fees. Transfer shall be made upon demonstration of need and ability to develop the site to be acquired.

In addition to site acquisition, fees may be expended on such incidental and related expenses and public notices, legal fees, survey fees, appraisal fees, planning fees, engineering fees, the extension of utilities to the site, and rough fill and grading of the site reasonably necessary to meet the requirements and intent of this Section. Fees may also be expended to repay a "Dwelling Unit Conveyance Advance."

G. Dwelling Unit Conveyance Advance. The Board, appropriate school district, or recreation district may advance monies to the fees-in-lieu conveyance fund in the form of a "Dwelling Unit Conveyance Advance" when:

1. There exists a need to acquire a site; and
2. Subdivisions within the proposed site's service area have provided insufficient fees to acquire such site.

The "Dwelling Unit Conveyance Advance" shall set forth the number of additional dwelling units for which monies are being advanced, and shall establish the precise boundaries of the area intended to be served by the proposed site.

Fees from future subdivisions occurring within the boundaries of a site acquired using Advances may be disbursed without condition by the Board, appropriate school district, or recreation district as payment upon the "Dwelling Unit Conveyance Advance." Payment shall be computed on a dwelling unit for dwelling unit basis, not dollar for dollar.

Park site fees may not be used as payment upon an advance for a school site, nor may school site fees be used as payment upon an Advance for a park site.

H. Review Procedures. All sites proposed for conveyance shall be shown on the preliminary plat as required and shall be reviewed in accordance with procedures established by the Subdivision Regulations.

The appropriate school district shall review the physical properties and shall evaluate the need for the proposed school site to be conveyed, reserved or acquired, and shall make recommendations to the Board.

Prior to the lease, trade, sale, acquisition or transfer of any site; or transfer of fees, amendment of a "Density Agreement, or approval of a "Dwelling Unit Conveyance Advance" obtained under provisions of this Section, the Board may obtain recommendations from the County Planning Commission and appropriate school district or recreation district.

I. Reservation of Sites. The Board may reserve at the time of final plat approval any lot or lots in a subdivision platted after August 7, 1975 for the purpose of future park sites and school sites. Any lot so reserved shall be identified on the plat as "Reserved School Site" or "Reserved Park Site." No use or development shall be permitted on such a reserved site which will impede the acquisition or development of the site for the purpose reserved.

The owner may have the reservation removed by filing written notice with the Board of his or her intent to develop the site in a manner not permitted under the reservation. The Board must enter into negotiation for acquisition of the site within one hundred and eighty (180) days from receipt of the owner's notice and must acquire said site within one (1) year, or the Board shall remove the reservation from the plat at County expense.

### **16.42.130 Fire protection.**

A. Applicability. These fire protection standards shall be applied to subdivisions, which shall be deemed to include resubdivisions and subdivision exemptions within fire service areas.

Fire service areas are defined to be any of the following:

1. Fire protection district;
2. Metropolitan district authorized to provide fire protection;
3. Contract for fire protection;
4. Extraterritorial fire service agreement area;
5. Water district area covered by mutual aid agreements where a water district exists; or
6. Volunteer fire protection district.

B. Fire Protection Impact Fee and Fire Protection Service Plan.

1.a. For agricultural, one-family residential, and duplex residential uses, a fire protection impact fee shall be paid on the basis of \$750 per lot. Exceptions are for those lots within the Metropolitan Districts in Pueblo County being Pueblo West Metropolitan District and Colorado City Metropolitan District. These Districts shall be allowed to have the authority to reduce, waive, modify, or adjust the fee, not to exceed the \$750 per lot fee. The Subdivider/Developer shall submit a letter from the respective Metropolitan District stating the requirements for fire protection, such as payment of a fee, not to exceed \$750 per lot, installation of a fire hydrant(s), combination thereof, or no requirement. The letter shall be a requirement of the final plat subdivision application and shall be due at time of the subdivision application submittal. If fees are required, the payment method would be the same as if payments were made outside the Metropolitan District: one-half of the required fee per lot shall be paid by the Subdivider/Developer prior to recordation of the final plat, the requirement of the plat notation of

the fire impact fee assessment of the remaining one-half of the fee per lot due at time of zoning authorization for a building permit, and the requirement of the fire impact fee statement letter being recorded concurrently with the final plat. If a fire hydrant(s) is required by the Metropolitan District, the cost of the fire hydrant(s) shall be part of a Subdivision Improvements Agreement, or payment of the fire hydrant(s) shall be made to the Department of Planning and Development (payment shall be deposited to the Metropolitan District's fire impact fee account) prior to recordation of the subdivision final plat or the fire hydrant(s) shall be installed prior to recordation of the subdivision final plat.

b. For Public, Commercial, Industrial, and Multi-Family (above duplexes) uses, a Fire Protection Service Plan based on standards per the applicable fire code shall be submitted.

Exempt from the fee shall be a lot or parcel within the proposed subdivision, which is improved with a habitable residence in standard condition.

2. Fee usage is intended to provide fire protection within the fire service area in which the property that paid the fee is located. Within those fire service areas where a water distribution system exists or is planned for extension, the fees are to be used for the purchase and associated installation costs of fire hydrants. The fees are not to be used for the extension of water lines, nor hydrant operation, maintenance and repair costs.

Within fire service areas where no water distribution system exists nor is planned to be extended, the fees may be used to purchase fire pumper and tanker trucks, and equipment that meets the applicable National Fire Protection Association (NFPA) standards.

3. One-half of the fire impact fee of \$375 per lot shall be paid prior to recordation of the subdivision final plat. The remaining one-half of the fee of \$375 shall be paid at the time of zoning authorization for a building permit for each lot in the subdivision. A Notice of Fire Impact Fee statement indicating that a \$375 per lot Fire Impact Fee shall be due at time of zoning authorization for a building permit and collected by the Department of Planning and Development shall be placed on the final plat. A Notice of Fire Impact Fee statement letter for the subdivision stating a \$375 per lot Fire Impact Fee shall be due at time of zoning authorization for a building permit and collected by the Department of Planning and Development, shall be recorded concurrently with the subdivision final plat.

Fees are to be deposited to the fire protection fee impact account.

4. Disbursement of fire protection impact fees will be made by the Board. The Board may disburse fees upon written request to the appropriate fire district, metropolitan district, water district, or entity providing fire protection by contract or agreement.

If the fees are to be used for fire hydrants, the request shall include:

a. Map showing the location of existing hydrants and the location of hydrants proposed to be provided by the fees;

b. The purchase and installation costs of the proposed hydrants;

c. Time schedule for installation; and

d. Letter committing such additional funds as may be necessary to insure the completion of the project.

If the fees are to be used for a fire pumper, tanker truck, or NFPA equipment the request shall include:

- a. The make, model and year of the pumper or tanker truck;
- b. The source of such additional funds as may be necessary to insure the purchase of the pumper or tanker truck;
- c. A listing of the specific NFPA equipment to be purchased.

The Board may disburse only those fees collected from properties that can reasonably be served by the proposed fire hydrant or truck.

The Department shall maintain a record, which may be in the form of a map, which provides the location of properties paying fees, fee amount paid, date of subdivision approval, and date of fee disbursement.

## **Chapter 16.50 UTILITIES AND IMPROVEMENTS**

### **16.50.010 General requirements.**

The following improvements shall be constructed at the expense of the subdivider as stipulated in the subdivision improvements agreement (Appendix C) in a manner approved by the Board which is consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of these Regulations, they shall apply:

- A. Road, grading and surfacing;
- B. Curbs, if required;
- C. Sidewalks, if required;
- D. Sanitary sewer laterals and mains where required;
- E. Storm sewers or storm drainage system, as required;
- F. Water distribution system, where applicable;
- G. Street signs at all street intersections;
- H. Permanent reference monuments and monument boxes;
- I. Other facilities as may be specified or required in these regulations by the Planning Commission;
- J. All utilities, except major power transmission lines, shall be underground, unless specifically exempted by the Board, who shall grant such exemption only in cases of extreme difficulty.

## **Chapter 16.54 GUARANTEE OF PUBLIC IMPROVEMENTS**

### **16.54.010 Guarantees.**

No final plat shall be approved or recorded until the subdivider has submitted and the Board has approved, one or a combination of, the following:

A. Subdivision improvements agreement guaranteeing to construct any required public improvements shown in the final plat documents, together with collateral which is sufficient, in the judgment of the Board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications;

B. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgment of the Board, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

### **16.54.020 Use of guarantees, return thereof.**

As improvements are completed, the subdivider may apply to the Board for a release of part or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board determines that the subdivider will not construction any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with specifications.

### **16.54.030 Engineer's certification ("as built").**

A certification signed by a registered professional engineer that all improvements have been built in accordance with the final plat (or noting modifications) shall be required before the subdivider's obligations are fulfilled and the improvements guarantee is released. Any such noted modifications shall be approved by the Public Works Director, County Road Superintendent, or their designee prior to any release of funds or obligation. The subdivider may phase improvements and request a release from an appropriate portion of the obligations and improvements guarantee as such improvements are built, provided a certification is submitted for such improvements. The certification shall be in the following format:

**"As Built" Engineer's Certification**

I, (Engineer's Name), a Registered Professional Engineer in the State of Colorado, have reviewed the Final Plat of (Subdivision's Name) and related relevant drainage plans, street plans and profiles, design and construction plans, and other improvement plans. I do hereby certify that I have made an inspection of those improvements described herein and find same to be built in accordance with the Final Plat except for the modifications specifically noted. I have attached hereto reasons for the modifications and relevant "as built" plans detailing the modifications. (List improvements certified, noting modifications.)

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature)

P.E. No. \_\_\_\_\_

(SEAL)

**Chapter 16.58 VARIANCES**

**16.58.010 Hardship.**

Should the subdivider clearly demonstrate that, because of peculiar physical conditions pertaining to his or her land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the Board may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by these Regulations.

**16.58.020 Waiver or modification requests.**

The Board of County Commissioners may, pursuant to a written request submitted by the subdivider, waive or modify any one or more of the requirements of these subdivision regulations in a specific instance, where the Board of County Commissioners, in its sole discretion, determines that strict compliance with the regulation that is the subject of the request would not serve and/or further the purposes of subdivision regulation as set forth in Section 16.04.030 of Title 16 and C.R.S., 1973, as amended, Section 30-28-101, et. seq.

**16.58.030 Public hearings.**

Before approving any subdivision variance, the Board of County Commissioners shall hold a public hearing thereon. Notice of such hearing shall be mailed, posted and published in a newspaper of general circulation in the County at least thirty (30) days in advance of the public hearing. Notice of such hearing shall be posted on the property for which the variance is sought and shall be mailed to the owner of such property and to the owners of real property lying within three hundred (300) feet of the exterior boundaries of such property by first class mail, with postage prepaid. The word "owner," as used in this Section, shall be construed to mean persons who are shown to be the record owners of the property upon the records of the Pueblo County Assessor. The purchaser under a bona fide recorded contract of purchase shall be considered the owner for the purposes hereof. Proof of compliance with this Section shall be the written statement of the County Zoning Administrator giving the names and addresses of the persons to whom the notice was mailed and the date of mailing, a statement that the required sign was posted upon such property, and the publisher's affidavit of publication. Such proof shall be filed with and shall become a part of the record of action taken by the Board of County Commissioners.

## ***Chapter 16.62 VALIDITY***

### **16.62.010 Validity.**

If any section, subsection, paragraph, clause, phrase or provision of these Regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these Regulations as a whole or any part or provision hereof, other than the part so adjudged to be invalid or unconstitutional.

## ***Chapter 16.64 FEES***

### **16.64.010 Fees.**

To defray a portion of the expense of subdivision review and notice, each application shall be accompanied by a fee as set forth by the Board by Resolution. Fees to be made payable to the County of Pueblo. Under no circumstances shall such sum or any part thereof be refunded.

## **Chapter 16.68 GLOBAL POSITIONING SYSTEM**

### **16.68.010 Global positioning system (GPS).**

A. All final plats (includes lot line rearrangement, re-plat, re-subdivision, subdivision exemption, corrected plat) which are approved by Pueblo County shall be based on a land survey which is tied to the Global Positioning System (GPS).

B. Plats shall contain at a minimum the following GPS information:

1. Distances shall be expressed on the plat drawing and in the legal description of the new lots or parcels, should the surveyor choose to write legal descriptions for said new lots or parcels as ground.

All distances shall be shown in Modified State Plane measurements (in U.S. survey feet to the hundredth of a foot). Plats shall be prepared using State Plane grid distances modified to a mean project elevation above sea level and a mean scale factor for the project. Only one combination factor shall be used for the entire survey. All of the line distances shown on the plat shall be dimensioned using the above-mentioned mean factor (said Modified State Plane Distances).

The legal description referenced above does not refer to that description of the property which is set forth in the dedication section of the plat. The property described in the dedication section is commonly the deed description or derivative thereof in order to maintain the chain-of-title to the extent possible.

2. The plat drawing shall show the two GPS stations used for control and for the basis of bearings, and the Modified State Plane bearing ground distance tying one of the subdivision's boundary corners to one GPS station.

3. The combination factor (shown to 8 decimal places) to convert ground distance to grid distance shall be referenced on the plat with the following note:

Note: Distances shown hereon, except as noted, are ground distances. The combination factor for this plat is \_\_\_\_\_. The ground distance when divided by the combination factor will provide the grid distance and the ground coordinates when divided by the combination factor will provide the grid coordinates based on the Colorado State Plane Coordinate System of 1983 South Zone on the North American Datum of 1992.

4. Ties shall be shown as dashed lines with bearings and Modified State Plane distances to the following:

a. Two (2) corner points of this plat to 2 GIS Land Positions (provided by the Pueblo County Global Positioning System's network monumentation information).

b. One (1) corner point of this plat to the Public Land Survey System (PLSS) monument if used in this survey.

5. Latitude/Longitude labels (to the ten thousandths of a second), Modified State Plane grid coordinates (in U.S. survey feet to the hundredth of a foot), and State Plane grid coordinates (in U.S. survey feet to the hundredth of a foot) Colorado Southern Zone (0503) State Plane (NAD 83/92) at:

- a. The above-mentioned two (2) corner points of the plat;
- b. The above-mentioned two (2) GIS Land Position(s) used; and
- c. The above-mentioned PLSS monument if used.

6. Plats shall also include a statement describing the standard of accuracy, as defined by the National Ocean Survey/National Geodetic Survey, maintained in developing the coordinates shown therein, per C.R.S. 38-52-106.

The Colorado Coordinate System hereon shown is defined as \_\_\_\_\_ order, Class \_\_\_\_\_, 1: \_\_\_\_\_, 000 as described in the "Geometric Geodetic Accuracy Standards and Specifications for using GPS relative positioning techniques and/or Standards and Specifications for Geodetic Control Networks" by the Federal Geodetic Control Committee.

## **Chapter 16.72 CLUSTER DEVELOPMENT**

### **16.72.010 Declaration.**

A. It is in the public interest to encourage clustering of residential dwellings on tracts of land that are exempt from subdivision regulation by County government pursuant to Sections 16.04.010 - 16.04-030 and Section 16.04.040(3)(j), thereby providing a means of preserving common open space, of reducing the extension of roads and utilities to serve the residential space, or reducing the extension of roads and utilities to serve the residential development, and of allowing landowners to implement smart growth on land that is exempt from Subdivision Regulations.

B. Landowners should have the option to consider cluster development when subdividing land into parcels in a manner that constitutes an alternative to the traditional thirty-five (35) acre interests described in Section 16.04.010 - 16.04-030, and 16.04.040(3)(a).

C. A process should be available for the development of parcels of land for residential purposes that will authorize the use of clustering, water augmentation, density bonuses, not to exceed one (1) unit for each seventeen and one-half (17 1/2) increment, or other incentives, and fulfill the goals of the County to preserve open space, protect wildlife habitat and critical areas, and enhance and maintain the rural character of lands with contiguity to agricultural lands suitable for long-range farming and ranching operations.

### **16.72.020 Definition.**

As used in this Chapter for Cluster Development, unless the context otherwise requires, "rural land use process" means a planning process duly enacted and adopted by Pueblo County which is designed to offer a land use option for single-family residential purposes that differs from traditional thirty-five (35) acre divisions of land, as described in Sections 16.04.010 - 16.04.030 and Section 16-04.040(3)(a).

### **16.72.030 Cluster development.**

A. A cluster development is any division of land that creates parcels containing less than thirty-five (35) acres each, for single-family residential purposes only, where the tract is being divided pursuant to a rural land use process and reserves at least two-thirds of the total area of the tract for preservation of open space. No rural land use process as authorized by this Section shall approve a cluster development that would exceed one (1) residential unit for each seventeen and one-half (17 1/2) acre increment.

B. As a condition of approving a cluster development, a rural land use process shall require that the cluster development plan to set aside land to preserve open space or to protect wildlife or critical areas not permit development of such land for perpetuity from the date the plan is approved.

### **16.72.030 Cluster development.**

A. In an effort to preserve open space and water resources, a cluster development may contain only one well permit for each single-family residential lot pursuant to Sections 37-90-105 and 37-92-602, C.R.S., subject to the provisions of Section 16.04.040(2) of this Title.

B. Except in areas of the State where unappropriated water is available for withdrawal and the vested water rights of others will not be materially injured and except inside designated ground water basins, a water court-approved rural land use plan for augmentation shall be required and shall accompany any county-approved rural land use plan when the water usage in the cluster development would exceed an annual withdrawal rate of one acre-foot for each thirty-five (35) acres within the cluster development. Nothing in this Section shall be construed to preclude the use of treated domestic water provided by any public or private entity.

C. No later than ten (10) days after approval of a cluster development pursuant to a County's rural land use process, the Board of County Commissioners shall notify the State Engineer of such approval and shall provide the State Engineer a copy of the approved rural land use plan that includes the cluster development.

## **Chapter 16.76 GENERAL ENGINEERING SPECIFICATIONS**

### **16.76.010 Drainage.**

A. Drainage Criteria. The Pueblo County Drainage Criteria Manual will use a storm duration of six hours for hydrologic computations. A return frequency of five years will be used for determining runoff for minor collection systems (drainage areas less than four hundred (400) acres and peak flows less than five hundred (500) cfs). A return frequency of one hundred (100) years will be used for determining runoff for major collection systems (drainage areas four hundred (400) acres and larger and for all peak flows equal to or exceeding five hundred (500) cfs).

B. Drainage Control. Each development shall provide for the on-site or off-site detention of excess stormwater runoff from that development and ensure that:

1. All stormwater storage facilities shall be designed with sufficient capacity to accommodate all runoff caused by the development in excess of the runoff which would have resulted from the site if left in its natural, existing or undeveloped condition;

2. No development shall cause downstream property owners, water courses, channels or conduits to receive stormwater runoff from proposed developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of proposed development with the land in its existing, natural or undeveloped condition;

3. The development will not prevent the unimpeded flow of natural water courses;

4. All low points within the development area are ensured adequate drainage;

5. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the proposed development area, but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream;

6. In areas in which calculations have been developed, by the U.S. Geological Survey, Soil Conservation Service, or County studies or reports, those figures shall be used for purposes of calculation. All proposed surface-drainage structures shall be indicated.

All appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

C. Detention Storage. All development must restore runoff characteristics to at least natural conditions. The following formula is an example to calculate the volume of detention required:

$$V = R_d - R_n - R_{os} - S - GW$$

V = the change in volume (in cubic feet per second) from the site. This is the base volume of excess stormwater flows that would result from the development.

Rd = the volume of stormwater runoff (in cubic feet per second) flowing from the site after its development. This determination shall include runoff from pervious and impervious surfaces, changes in areas of forest, changes in soils due to compaction, and changes in the time of concentration, for a one hundred (100) year storm of twenty-four (24) hour duration.

Rn = the volume of stormwater runoff (in cubic feet per second) flowing from the site in its natural state. This determination shall include runoff from the site with its natural cover, grassland, or woodland for a one hundred (100) year storm of twenty-four (24) hour duration. Farm fields shall be calculated as grassland.

Ros = the volume of stormwater runoff (in cubic feet per second) flowing onto the site from upstream properties in their present state of development for a one hundred (100) year storm of twenty-four (24) hour duration.

S = the change in capacity (in cubic feet per second) of the natural on-site detention areas of the site. This indicates any drainageways, small depressional areas, or other areas which would naturally retain water during a one hundred (100) year storm of twenty-four (24) hour duration.

(This calculation may carry either a plus or minus value.)

GW = the change in subsurface flows due to dewatering techniques which would add to the total surface water runoff during a one hundred (100) year storm of twenty-four (24) hour duration. Included here are dewatering devices such as drain tiles, curtain drains, or sump pumps. (This calculation may carry either a plus or minus value.)

A detention storage typical is presented following these Regulations.

### **16.76.020 Floodplain.**

A. Definition. A floodplain is an area of special flood hazard subject to a one percent or greater chance of flooding in any given year (commonly known as the one hundred (100) year flood) as designated by the Federal Emergency Management Agency.

B. Subdivision.

1. Subdivision applications, including subdivision variance, incorporating land within a floodplain shall be accompanied by a floodplain hydrology report prepared by a registered professional engineer which establishes the water surface elevation of a flood with a one percent chance of occurring in any given year.

2. The subdivision plat shall show the contour and elevation of the floodplain which shall be identified as the "Special Flood Hazard Area--100 Year Floodplain" or similar informational notation. A plat note shall also appear on the plat which advises that "A Hazard Area Development Permit and/ or compliance with additional floodplain regulations may be required prior to development in the Flood Hazard Area" or similar informational notation.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or infiltration of floodwaters into the system;

2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate of floodwaters into the systems and from the system into floodwaters; and

3. On-site disposal systems shall be located to avoid impairment to them or contamination to them during flooding, as determined by the City-County Health Department and/or other agencies having jurisdiction.

#### **16.76.030 Erosion.**

A. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land shall be provided.

Specifically, the design and implementation of the proposed measures shall ensure:

1. That any development is designed and executed in a manner which will save and protect as much of the desirable native vegetation as possible;

2. That a reclamation plan for revegetation on all disturbed areas be guaranteed;

3. That all cuts and fills are adequately designed and engineered to prevent detachment and transportation of soil particles from slope.

When possible, developments should consider fitting the buildings and streets to the natural topography. Slopes greater than 3:1 are undesirable, while slopes of 6:1 are the most desirable.

Developers are required to consult the Soil Conservation Service regarding soil limitations for the intended land use and may request assistance in preparing conservation plans for developing areas.

B. Tables are presented following these regulations as a graphic summary of erosion and sedimentation control measures. Asterisk(s) identify measures which may effectively control the problem area.

#### **16.76.040 Mineral resource area.**

Pursuant to the Master Plan for extraction, Pueblo County shall reserve the right to require the extraction of commercial mineral deposits prior to development of designated mineral resource areas.

It is the purpose of these regulations to regulate development in mineral resource areas in order to minimize significant hazards to public health and safety, and to insure the availability to the public of necessary and useful minerals.

#### **16.76.050 Geologic reports.**

Each report should include definite statements concerning the following matters:

- A. Location and size of subject area and its general setting with respect to major geographic and geologic features;
- B. Author or entity who did the geologic mapping upon which the report is based and when the mapping was done;
- C. Any other types of investigations made by the geologist and, where pertinent, reasons for doing such work;
- D. Topography and drainage in subject area;
- E. Abundance, distribution and general nature of exposures of earth materials within the area;
- F. Location and description of any geologic hazards with the area. Geologic hazards include, but are not limited to: avalanches, landslides, rock falls, mudflows, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence, expansive soils and rocks accelerated erosion areas, and high groundwater areas;
- G. The location of test holes and other specific sources of subsurface information;
- H. Deposits related to recent floods (e.g., talus aprons, debris ridges, canyon-bottom trash);
- I. Percolation rates (when applicable) present and expected;
- J. Recommended building foundation types for proposed use;
- K. Recommended drainage structures;
- L. Justification of methodology.
- M. The Geologic Report shall be prepared by a Professional Geologist, according to the Colorado Revised Statutes (CRS) Section 34-1-201. Definitions (3) "Professional Geologist" and Section 34-1-202, Reports Containing Geologic Information.