

CHAPTER 7 RULES GOVERNING DIVISIONS OF LAND

7.1. GENERAL

7.1.1. Purpose

The purpose of this Chapter is to establish the rules governing the division of land in El Paso County in accordance with C.R.S. §§ 30-28-101 et seq., and to provide clear criteria the County will use in processing and approving divisions of land. It is hereby declared that the standards contained in this Chapter are necessary for the protection and preservation of the public health, safety and general welfare. It is intended that the implementation of these standards accomplish the following objectives:

- Provide efficient and effective review, determination, and compliance procedures;
- Ensure proper legal description, identification, monumentation, and recording of property boundaries;
- Ensure adequate access;
- Prevent the haphazard division of land and the inadequate provision of physical improvements;
- Ensure that a division of land complies with other rules and regulations, such as zoning and environmental regulations, pertinent to the development;
- Ensure safe and convenient traffic control;
- Prevent flooding within developments by providing adequate flood control and drainage facilities;
- Ensure the installation of necessary and adequate roads, water, wastewater, and sidewalk facilities; and
- Ensure compliance with C.R.S. §§30-21-101 et seq., and the Master Plan C.R.S. §30-28-106.

7.1.2. Applicability

Any subdivision, subdivision exemption, or other action that creates or modifies property boundaries or interests in property, as defined by this Code, shall conform to the requirements of this Chapter.

7.1.3. Requirement to File Plat for Recording

The filing for recording with the Clerk and Recorder of an approved plat is required for all subdivisions, subdivision exemptions, or other actions that create or modify property boundaries or interests in property except as otherwise provided by this Code.

An approved plat shall be filed for recording with the Clerk and Recorder within one year of receiving final approval from the approving authority. If the approved plat is not filed within one year of receiving final approval from the approving authority, the approval shall be void and the plat shall not be filed for recording until a new approval is granted by the applicable approving authority in accordance with the requirements of this Code and the Procedures Manual.

7.1.4. Compliance with Regulations

(A) No Unusable Lots, Tracts or Parcels

No lot, tract, or parcel of land shall be created, either by inclusion within or exclusion from a subdivision, subdivision exemption or other action that creates or modifies property boundaries or interests in property, as defined by this Code, which will result in a lot, tract, or parcel of land that cannot be used for an allowed use under the existing zoning district standards including all applicable dimensional standards.

(B) Approval of Action Does Not Abrogate Responsibility to Comply with Other Regulations

The approval of a subdivision, subdivision exemption or other action that creates or modifies property boundaries or interests in property, as defined by this Code, does not abrogate any legal requirement to comply with the rules and regulations of any other governmental agency, local, state, or federal, which may have jurisdiction over the proposed activity.

7.1.5. Taxes Paid

No plat of a subdivision, subdivision exemption or other action that creates or modifies property boundaries or interests in property, as defined by this Code, shall be filed for recording with the Clerk and Recorder until all taxes have been paid on the land.

7.1.6. Design Objectives

A division of land should be designed to create a functional and attractive environment, minimize adverse impacts, provide maximum livability, provide safe and efficient access and circulation, and generally be an asset to a community. The approval authority may, in the application of this Code, exercise design discretion to achieve the intent and purpose of this Code. All divisions of land shall comply with the design standards in Chapter 8 unless otherwise specifically provided.

7.1.7. Review Procedures

The DSD Director shall coordinate the formal technical review of all divisions of land to ensure the plats are prepared in accordance with all applicable codes, ordinances, and development standards. The DSD Director shall prepare and implement detailed procedures and standards for document preparation, submittal, and review to carry out the intent of this Code for subdivisions, subdivision exemptions, or other action that creates or modifies property boundaries or interests in property, as defined by this Code. The procedures and standards shall be incorporated into the Procedures Manual by the DSD Director. The DSD Director has the discretionary authority to modify the review procedures from time-to-time to meet the intent and purpose of this Code and pursuant to C.R.S. §30-28-133.5.

7.1.8. Vesting

The recording of the approved plat is considered a site specific development plan for the purposes of establishing vested rights. No additional vesting procedure is required.

7.2. SUBDIVISIONS, SUBDIVISION EXEMPTIONS, AND OTHER ACTIONS THAT CREATE OR MODIFY PROPERTY BOUNDARIES OR INTERESTS IN PROPERTY

7.2.1. Subdivisions

(A) Purpose

The purpose of this Section is to identify the types of subdivisions that are recognized by El Paso County and the criteria by which their conformance with this Code and C.R.S. §§30-28-133 through 139, will be established.

(B) Applicability

This Section shall apply to all divisions of land that meet the statutory definition of subdivision and are not otherwise exempted from the term “subdivision” by the BoCC.

(C) Type of Subdivisions

(1) Minor Subdivision

(a) Purpose

The purpose of establishing the minor subdivision is to provide a simplified review process which combines preliminary plan and final plat for subdivision of limited impact and complexity.

(b) Applicability

A minor subdivision is a division of land that results in the creation of 4 or fewer lots that do not discernibly impact surrounding properties, environmental resources or public facilities.

(c) Applicable Minor Subdivision Criteria for Approval

A minor subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval, except to the extent that those requirements are modified by this Code or the Procedures Manual.

(d) Completed Action

A minor subdivision shall be considered completed and in effect when an approved final plat is filed for recording with the Clerk and Recorder.

(e) Circumvention of Process

If it is determined that the applicant is using the minor subdivision process to circumvent the subdivision process such as the submittal of adjoining multiple minor subdivisions or multiple replats of the same property, the applicant shall be required to comply with the preliminary plan and final plat process.

(2) Major Subdivision

(a) Purpose

The purpose of establishing the major subdivision is to provide a detailed and intensive review process for a complex subdivision which may have significant impacts on a neighborhood, water resources, the environment, and community facilities and services.

(b) Applicability

A major subdivision is a division of land that results in the creation of 5 or more lots in accordance with C.R.S. §30-28-101(10) (d).

(c) Applicable Major Subdivision Criteria for Approval

A major subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval. A sketch plan may be required where the DSD Director determines a sketch plan is necessary to support the efficient and comprehensive review of a major subdivision.

(d) Completed Action

A major subdivision shall be considered completed and in effect when an approved final plat is filed for recording with the Clerk and Recorder.

(D) Subdivision Approval Process and Criteria for Approval

The subdivision approval process is usually a three step process. The steps can occur concurrently in cases where the size and complexity of the subdivision are limited.

(1) Sketch Plan

(a) Description of Sketch Plan

The sketch plan is the first step of the approval process for larger or more complex divisions of land. The sketch plan process reviews, at a conceptual level, the feasibility and design characteristics of the proposal based on the standards set forth in this Code. Minor subdivisions are not subject to the sketch plan process. The review examines the feasibility of the division of land including review of the schematic design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, source of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, evaluation of wildfire hazards and conformance with the requirements of this Code and Master Plan. During this step, public hearings are held before the Planning Commission and the BoCC.

(b) Applicability

The determination of whether a sketch plan is required is made by the DSD Director.

(i) Sketch Plan Required

A sketch plan is generally required in the following instances:

- When the development is to be staged over an extended time, with multiple phases;
- When a variety of different land uses are proposed.

(ii) Sketch Plan Optional

A sketch plan may be used by the applicant or requested by the DSD Director when consistency of a proposed subdivision with the Master Plan is unclear, or subject to dispute.

(iii) Concurrent Review and Approval

A new sketch plan may be reviewed and approved concurrently with a zoning and concept plan or development plan for a PUD. A sketch plan amendment may be reviewed and approved concurrently with any zoning and platting actions.

(c) Criteria for Approval

In approving a sketch plan, the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The proposed subdivision is in conformance with the requirements of this Code;
- The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the sketch plan area;
- The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies;
- Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities;
- The soil is suitable for the subdivision;
- The geologic hazards do not prohibit the subdivision, or can be mitigated;

- The subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. §§34-1-302(1), et seq.];
- The design of the subdivision protects the natural resources or unique landforms;
- The proposed methods for fire protection are adequate to serve the subdivision; and
- The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.

(2) Preliminary Plan

(a) Description of Preliminary Plan

The preliminary plan is generally the second step of the approval process for a large or complex division of land or the first step in the process for simpler divisions of land. The preliminary plan process will review the feasibility and design characteristics of the proposed division of land based on the standards in this Code. The preliminary plan process will also evaluate preliminary engineering design.

The purpose of the preliminary plan is to provide an in-depth analysis of the proposed division of land including a refinement of the design considering the geologic hazards, environmentally sensitive areas, source of required services, vehicular and pedestrian circulation, and relationship to surrounding land uses. The preliminary plan and reports shall meet the statutory requirements as contained in C.R.S. §30-28-133, as amended. During this step public hearings will be held before the Planning Commission and the BoCC.

(b) Applicability

The preliminary plan applies to all subdivisions except those that can be classified as minor subdivisions.

(c) Concurrent Review of Preliminary and Final Plat

The preliminary plan may be submitted concurrently with the final plat if the proposed division of land and development of the lots does not require extensive engineering. The DSD Director shall determine whether a particular subdivision may combine processes. The preliminary plan may also be submitted in conjunction with a PUD rezoning application and serve as the development plan, as long as all applicable requirements for both applications are met.

(d) Preliminary Plan Approval Required

Preliminary plan approval or conditional approval is required in order to proceed to the final plat.

(e) Criteria for Approval

In approving a preliminary plan, the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services

consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

(3) Final Plat

(a) Description of Final Plat

The final plat is the last step in the approval process for a division of land. The final plat process will review the final engineering plans, the SIA, financial assurance, CC&Rs (if applicable), the plat, and any other documents, reports, or studies as necessary; and may also review issues such as building height, landscaping, and building envelopes which have been deferred.

The purpose of this Section is to detail the approval review and approval criteria for a final plat, engineering plans, SIA, and other legal requirements for platting a division of land. During this step, there will be public hearings before the Planning Commission and BoCC.

(b) Applicability

A final plat shall be required for all subdivisions.

(c) Concurrent Review of Preliminary Plan and Final Plat

The final plat of the division of land may be processed concurrently with the preliminary plan of the proposed division of land; however, design modifications associated with the preliminary plan review may result in modifications to the final plat and delay the public hearing.

(d) Final Plat Requires Preliminary Plan Approval

Where a preliminary plan is required, a final plat may only be submitted if a preliminary plan for the subject property has been approved and the final approved version of the preliminary plan, incorporating any changes or conditions of approval, has been provided to the DSD. However, in the case of concurrent submittal of a preliminary plan and final plat, the final plat may only be filed for recording if the final approved version of the preliminary plan, incorporating any changes or conditions of approval, has been provided to the DSD.

(e) Final Plat for Portion of Preliminary Plat Area

The final plat may be for a distinct portion of preliminary plan area to provide for phased development.

(f) Criteria for Approval

In approving a final plat, the BoCC shall find that,

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;

- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.]

7.2.2. Subdivision Exemptions

(A) Purpose

The purpose of establishing standards for exemptions is to provide framework whereby the BoCC may grant exemptions from the definition of the term subdivision for any division of land the BoCC determines is not within the purpose of C.R.S. §30-28-101.

(B) Applicability

The BoCC may, pursuant to this Code, exempt from the definition of "subdivision" any division of land the BoCC determines is not within the purposes of the definition of "subdivision". The BoCC has exempted certain divisions of land from the definition of "subdivision" as set forth in C.R.S. §30-28-101, as amended through the adoption of this Code.

(1) Highway Rights-of-Way Exemptions

Any parcel created by the division of a parcel of land which is the direct result of the acquisition, by condemnation or otherwise, of the state or County highway rights-of-way, and any parcel created by the right-of-way taken or acquired by federal, state or local government, shall be considered an exemption provided that the parcel being divided was not created illegally.

(2) Utilities Exemptions

Any parcel of land divided into two or more separate interests, one being the interest of the fee owner of the parcel and the other being easements or land granted for purposes of public or private utility lines entering or crossing the parcel, shall be exempt from the definition of the terms "subdivision", except when a division of land of this nature is made to avoid compliance with the provisions of C.R.S. §30-28-101, as amended.

(3) Open Space Exemptions

Any parcel created by the division of a parcel of land which is the direct result of an acquisition by federal, state or local government for open space or park land shall be exempt from the definition of the term "subdivision", provided that the resulting parcel is in conformance with the minimum lot area requirements for the proposed use in the zone district in which said property is located and provided that the parcel being divided was not created illegally;

(4) Boundary-Line Adjustments or Combination of Contiguous Parcels Exemptions

The combination of contiguous unplatted parcels by the removal of a parcel boundary line or the reconfiguration of 2 unplatted parcels shall be exempt from the definition of the term "subdivision".

(5) Condominiums and Townhome Exemptions

A conversion of existing multiple units to condominium or townhome units as defined by C.R.S. §38-33-103, as amended, where there is no increase in density from what was originally approved, shall be exempt from the definition of the term "subdivision".

(6) Merger Exemptions

Property held in single and separate ownership on or before July 17, 1972 which would otherwise be subject to the provisions of C.R.S. §30-28-101, as amended, and the LDC, due to merger by contiguity into common ownership with adjacent property shall be exempt from the definition of the term "subdivision".

(7) Rural Land Use Plan Exemptions

A clustered 35-acre development, which is approved through the Rural Land Use Process, and where the density does not exceed one residence per 35 acres and individual lots are smaller than 35 acres, shall be exempt from the definition of the term "subdivision".

(C) Exemption Lot and Parcel Design Standards

(1) Comply with LDC

The resulting lots or parcels shall comply with the LDC unless: (1) a waiver or variance of one or more of the provisions of the LDC has been approved; or (2) the lots or parcels are for community facilities including utilities.

(2) Comply with Master Plan

The resulting lots or parcels shall conform to the Master Plan and any applicable intergovernmental agreement concerning land use or development.

(3) Avoids Hazards

The resulting lots or parcels will not result in development on a topographic or geologic hazard or within the 100-year floodplain, unless it is determined by the Floodplain Administrator that all proposed uses are capable of receiving a floodplain development permit.

(D) Exemption Not Subject to Certain Subdivision Standards

Subdivision standards and requirements regarding water supply and subdivision exactions including drainage fees, park fees, and school fees shall not be applicable to an exemption.

(E) Standards and Criteria for Specific Exemptions

(1) Condominium and Townhome Plats

(a) Purpose

The purpose of this Section is to provide standards and criteria for approving an exemption plat for the creation of condominium units in existing buildings, townhomes on owned lots, and for new construction where the intent to create condominium units or townhome units was established with the approval of the final plat.

(b) Applicability

A condominium map or townhome plat may be approved where a condominium or townhome is proposed to be established on land that was platted in a manner intended for condominium or townhome uses at the density proposed, where the proposal involves:

- The conversion of an existing building to condominium units;
- The construction of a building in order to establish condominium; or
- The establishment of townhome units, where land ownership is conveyed to the homeowner.

(c) Approval Criteria

The DSD Director, in approving a condominium map or townhome plat, shall find:

- The proposed uses in the condominium units or townhome units are consistent with existing zoning of the site;

- The site complies with the approved Site Development Plan, where applicable;
- The condominium map or townhome plat is consistent with the intent of the original subdivision of the property and does not result in an increase in density;
- The condominium map or townhome plat complies with the monumentation and plat preparation standards required by State Statute;
- Access and utility connections as appropriate are provided for any subsequent phases of the project;
- Homeowners' association documents or their equivalent address the unit owners' rights and responsibilities with respect to parking, loading and access facilities, landscaping, utilities and any other common areas and facilities on the site; and
- Perpetual maintenance of common facilities by property owners is provided for by the homeowners' association documents and allow for the option of County to take over maintenance and charge the cost to the property owners until property owners demonstrate they can adequately maintain the property if the property owners fail to adequately maintain the common facilities.

(d) Completed Action

An action establishing a condominium or townhome shall be considered completed and in effect when an approved condominium map or townhome plat is filed for recording with the Clerk and Recorder.

(2) RLUP Exemption Plat

(a) Purpose

The purpose of this Section is to provide criteria for approving an exemption plat establishing lots conforming to an approved RLUP.

(b) Applicability

A RLUP exemption plat may be approved where an RLUP has been approved.

(c) Approval Criteria

The DSD Director, in approving an RLUP exemption plat, shall find that:

- The proposed RLUP exemption plat conforms to the approved RLUP and this Code;
- The RLUP exemption plat implements the Master Plan, including the parks, trails and open space element, if applicable;

- The RLUP exemption plat accomplishes one or more of the following: (1) preserves open space; (2) preserves wildlife habitat and movement corridors; (3) preserves scenic rural landscapes through sensitive design of roads, structures, and fences; (4) preserves key environmental resources and site attributes; (5) reduces environmental impacts by minimizing tree, vegetation, and soil disturbance; (6) preserves significant natural, historical, or archaeological features; (7) offers amenities that enhance the proposed development and benefit the residents of El Paso County as a whole.

(d) Completed Action

An RLUP exemption shall be considered completed and in effect when an approved exemption plat is filed for recording with the Clerk and Recorder.

(3) Merger by Contiguity

(a) Purpose

The purpose of this Section is to establish standards whereby nonconforming substandard-sized lots or parcels can be combined to create a lot or parcel that more closely approximates the lot size requirements of the applicable zoning district to provide for building permit issuance for new construction or habitable additions, without necessitating a replat or variance.

(b) Applicability

The merger by continuity may be applied to any contiguous nonconforming lots or parcels of land where:

- Not more than one residential dwelling is located on the lots or parcels to be combined;
- The lots or parcels to be combined are located within the same zoning district; and
- The lots or parcels are owned in common ownership by the same person, persons or entity.

(c) Interpretation of Contiguity

(i) Common Boundary

Lots or parcels shall be regarded as contiguous when not less than one-sixth of the perimeter of either lot or parcel is shared by both lots or parcels or if the lots or parcels share a common boundary of at least 50 feet, whichever is less.

(ii) Severance of Contiguity

The contiguity of lots or parcels shall not be considered severed by the existence, along their common

boundaries, of a private road, road easement, driveway or alley; a public or private transportation or utility easement or utility easement; a river, creek, stream, or other natural or artificial waterway; geologic condition that naturally or artificially divides property; or an intersecting mining claim.

(d) Effect of Merger

The following provisions shall be applied as a result of merger to the merged lots or parcels:

- The merged lots or parcels shall be considered as one lot or parcel of land for the purposes of application of this Code;
- The merged lots or parcels shall have setbacks applied only along the exterior boundaries of the merged properties;
- Lot frontage requirements shall not apply to merged lots or parcels; and
- The merged lots or parcels shall be considered a zoning lot.

(e) No Guarantee of Merger Results in Buildable Parcel

Merger does not guarantee that the resulting lot or parcel will meet the zoning district standards and be considered buildable, but shall establish the legality of the lot or parcel for zoning purposes.

(f) Approval Criteria

The DSD Director, in approving a merger by contiguity, shall find:

- The lots or parcels being merged are legal lots or parcels;
- The merger will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area;
- The merger will not result in a nonconformity not otherwise existing prior to the merger;
- The merger is necessary to achieve compliance with the nonconforming lot or record provisions of this Code, or will accomplish a similar purpose;
- All separation distances for an OWTS can be met; and
- The extraction of areas designated as 100 year floodplain, major drainageways and slopes in excess of 30 percent leaves a single buildable area of at least 30 percent of the lot or parcel's total net area.

(g) Completed Action

These actions shall be considered completed and in effect when an approved merger agreement is filed for recording with the Clerk and Recorder.

(4) Combination of Contiguous Lots or Parcels

(a) Purpose

The purpose of this Section is to establish standards whereby lots or parcels that are conforming with respect to lot area may be combined to create a zoning lot to provide for building permit issuance for new construction or habitable additions, without necessitating a replat or variance; or an illegal parcel may be joined to a legal lot.

(b) Applicability

The combination by contiguity may be applied to any contiguous lots or parcels of land where:

- Not more than one residential dwelling is located on the lots or parcels to be combined;
- The lots or parcels to be combined are located within the same zoning district; and
- The lots or parcels are owned in common ownership by the same person, persons or entity.

(c) Interpretation of Contiguity

(i) Common Boundary

Lots or parcels shall be regarded as contiguous when not less than one-sixth of the perimeter of either lot or parcel is shared by both lots or parcels or if the lots or parcels share a common boundary of at least 50 feet, whichever is less.

(ii) Severance of Contiguity

The contiguity of lots or parcels shall not be considered severed by the existence, along their common boundaries, of a private road, road easement, driveway or alley; a public or private transportation or utility easement or utility easement; a river, creek, stream, or other natural or artificial waterway; a geologic condition that naturally or artificially divides property; or an intersecting mining claim.

(d) Effect of Combination

The following provisions shall be applied to the combined lots or parcels as a result of a combination agreement:

- The combined lots or parcels shall be considered as one lot or parcel of land for the purposes of application of this Code (i.e., zoning lot);
- The combined lots or parcels shall have setbacks applied only along the exterior boundaries of the combined properties; and
- The combined lots or parcels shall be considered a zoning lot.

(e) No Guarantee of Buildable Lot or Parcel

Combination of lots does not guarantee that the resulting lot or parcel will meet the zoning district standards and be considered buildable.

(f) Criteria for Approval

The DSD Director, in approving a combination of contiguous parcels, shall find:

- The lots or parcels being combined are legal lots, except that an illegally-created lot or parcel may be combined with one or more existing legal lots if the DSD Director determines the resultant lot or parcel are consistent with the intent and purpose of this Code;
- The combination agreement will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area;
- The combination agreement will not result in establishing a nonconformity; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions that the establishment of a zoning lot will not result in a conflict with the CC&Rs or other restrictions.

(g) Completed Action

A combination of contiguous lots or parcels shall be considered completed and in effect when an approved combination agreement is filed for recording with the Clerk and Recorder.

(5) Boundary Line Adjustment between Unplatted Parcels

(a) Purpose

The purpose of this Section is to establish standards whereby the boundaries of contiguous unplatted parcels may be modified by deed in order to accommodate property transfers where no additional lots are created, without necessitating the need to file a plat.

(b) Applicability

A boundary line adjustment is applicable where it is necessary or desired to transfer a portion of land from one parcel to another contiguous parcel in order to increase the desirability of the parcels for development or use or eliminate an existing or potential non-conformity.

(c) Criteria for Approval

The DSD Director, in approving a boundary line adjustment, shall find:

- The parcels subject to the boundary line adjustment were legally created;
- No additional parcels will result from the action;
- The boundary line adjustment will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area;
- The boundary line adjustment will not result in creating a nonconformity;
- The boundary line adjustment will not result in a change in the water supply for either lot;
- The resultant parcels will meet the required minimum lot size and lot width standards of the applicable zoning district or where one or both lots are nonconforming with respect to minimum lot size or lot width, the boundary line adjustment does not increase the nonconformity; and
- The deeds to be recorded will serve the purpose of both transfer of title and recombination of land to result in a legal parcel.

(d) Completed Action

A boundary line adjustment shall be considered completed and in effect when approved deeds are filed for recording with the Clerk and Recorder.

(6) Right-of-Way, Utility, and Open Space Exemptions

(a) Purpose

The purpose of this Section is to establish a process for the DSD acknowledgement that the proposed or actual acquisition or conveyance action is in conformance with these regulations and to document the changes to the affected parcels to ensure that any resulting nonconformities are recognized and that the development rights of the lot or parcel owner is documented.

(b) Applicability

The acknowledgement provided by this Section shall be applicable to the division of a lot or parcel of land which is the direct result of the acquisition by condemnation or otherwise, of any federal, State or local government road rights-of-way, acquisition by federal, state, or local government of land for open space or parks, and any parcel of land divided into two or more separate interests, one being the interest of the fee owner of the parcel and the other being easements or land granted for purposes of public or private utility lines entering or crossing the parcel.

(c) Criteria for Approval

The DSD Director, in approving a right-of-way, utility or open space exemption, shall find:

- The request serves a legitimate government or utility purpose; and
- There will be no impact on the status of the lot or parcel as a conforming lot or parcel, and if a nonconformity will result that the nonconforming lot or parcel will be deemed conforming with respect to lot size and will be eligible to apply for a variance in the event they do meet the development standards of the applicable zone district.

(d) Completed Action

The establishment of right-of-way, utilities easements, or open space parcels shall be considered completed and in effect when an approved deed or exemption plat, and any nonconforming lot determination necessary to document the rights associated with any nonconforming lot or parcel created are formally accepted by the BoCC. The documents shall be filed for recording with the Clerk and Recorder.

(7) Other Subdivision Exemptions Approved by BoCC

(a) Purpose

The purpose of this Section is to provide criteria and standards whereby the BoCC may grant exemptions from the definition of the term "subdivision" for any division of land the BoCC determines is not within the purpose of C.R.S. §§30-28-101, et seq., and that have not otherwise been identified by the BoCC within this Code as exempt.

(b) Applicability

The BoCC, may pursuant to this Code, exempt from the definition of "subdivision" any division of land the BoCC

determines is not within the purposes of the definition of "subdivision". Generally, an exemption shall be consistent with one of the following criteria in order to receive an exemption from the definition of the term "subdivision:"

- The division of land creates parcels for public or quasi-public use where no dwelling units are allowed, including but not limited to: utility facility, park, open space, fire station, sheriff substation, library, metro district office, and water/sewage facility; or
- The division of land is effected by a deed recorded in the Clerk and Recorder that the BoCC determines is not within the purposes of the definition of subdivision.

(c) Approval of Exemptions

An exemption, not otherwise previously established by this Code as an exemption by the BoCC, is required to obtain a release from the requirements of subdivision platting, by resolution of the BoCC.

(d) Criteria for Approval

The BoCC, in approving an exemption, shall find:

- The exemption is consistent with and conforms to this Code and the Master Plan;
- The exemption is a division of land determined not to be within the purpose of C.R.S. §§30-28-101, et seq.;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The size, location, and availability of services to the proposed lots or parcels are reasonable, appropriate, and customary for the proposed use; and
- No beneficial purpose would be served by requiring the platting of the subject property.

(e) Completed Action

An exemption shall be considered completed and in effect when an approved exemption plat or other document approved by the BoCC creating an exemption is filed for recording with the Clerk and Recorder.

7.2.3. Actions Vacating or Altering a Recorded Plat

The purpose of this Section is to establish standards for obtaining approval to correct a recorded plat; replat a lot, easement or building envelope; vacate a recorded plat, right-of-way or easement; or replat a subdivision to ensure that the intent of the recorded plat is not substantially altered.

(A) Vacations of Recorded Plats

(1) Vacations of Interior Lot Lines

(a) Purpose

The purpose of establishing standards for the vacation of platted lot lines is to allow for the removal of a lot line that will not substantially modify the originally platted subdivision.

(b) Applicability

Interior lot lines on a recorded plat may be vacated under the lot line vacation process where the:

- Vacation does not result in the combination of more than 10 lots;
- Vacation does not result in a violation or require a waiver of any provision of this Code or violate any condition or requirement of the original approval of the recorded plat; or
- Vacation is being conducted to create lots that conform with the minimum lot area requirements resulting from a rezoning of the property except where the rezoning was from one agricultural or residential classification to another.

(c) Approval Criteria

The DSD Director, in approving the vacation of interior lot lines, shall find:

- The lot line is no longer necessary for original purposes for which it was established or needed by those who have a right to it;
- The resolution of approval or the vacation plat adequately renames or renumbers the lot;
- The vacation of the lot line will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the removal of the lot line has been resolved.

(d) Completed Action

A vacation of interior lot lines shall be considered completed and in effect when an approved plat and correction deeds or other document approved by the DSD Director vacating the lot line is filed for recording with the Clerk and Recorder.

(2) Vacations of Utility or Drainage Easements

(a) Purpose

The purpose of establishing standards for the vacation of platted utility or drainage easements is to allow for the removal of a utility or drainage easement where the vacation will not substantially modify the originally platted subdivision.

(b) Applicability

Any utility or drainage easements as identified on the subdivision plat may be vacated by administrative action of the DSD Director or approval of a vacation plat provided any individual or entity using the easement in question or holding rights to use agrees, in writing, to the proposed vacation.

(c) Approval Criteria

The DSD Director, in approving the vacation of a utility or drainage easement, shall find:

- Vacation of the easement will not leave any lots or parcels without adequate utility or drainage easements;
- Vacation of the easement will not inhibit the provision of adequate public facilities or services to other property as required by this Code;
- Vacation of the easement will not adversely affect the public health, safety, and welfare;
- Vacation of the platted easement for utilities or drainage purposes has been approved by any individual or entity using the easement in question or holding rights to use the easement where a specific entity has been identified as holding the associated rights; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the removal of the easement has been resolved.

(d) Completed Action

A vacation of utility or drainage easement shall be considered completed and in effect when an approved plat and correction deeds, or other document approved by the DSD Director vacating the utility or drainage easement, is filed for recording with the Clerk and Recorder.

(3) Vacation of a Plat with No Rights-of-Way

(a) Purpose

The purpose of establishing standards for the vacation of a recorded plat with no rights-of-way is to allow a recorded plat to be vacated if no development has occurred.

(b) Applicability

The owner of all lots shown on a recorded plat of record may request the lots be vacated resulting in a single, unplatted parcel.

(c) Approval Criteria

The DSD Director, in approving the plat vacation, shall find:

- Vacation of the recorded plat will not leave any lots or parcels without adequate utility or drainage easements;
- Vacation of the recorded plat will not vacate road rights-of-way or access easements needed to access other property;
- Vacation of the recorded plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code;
- Vacation of the recorded plat is consistent with the Master Plan;
- Vacation of the recorded plat will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.

(d) Completed Action

A vacation of a plat shall be considered completed and in effect when an approved plat and correction deeds or other document approved by the DSD Director vacating the plat is filed for recording with the Clerk and Recorder.

(4) Vacation of a Plat with Rights-of-Way

(a) Purpose

The purpose of establishing standards for the vacation of a recorded plat that has associated public infrastructure or dedication is to ensure the vacation of the plat will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties, utility services or other improvements; and that the vacation of the plat will not be contrary to the Master Plan, this Code, or State Statutes.

(b) Applicability

An approved vacation resolution and vacation map or plat shall be required to vacate any recorded plat that has associated public infrastructure or dedication, and right-of-way that was established by the plat. The vacation shall be pursuant to C.R.S. §§43-2-301, et seq.

(c) Approval Criteria

The BoCC, in approving a plat vacation that includes right-of-way, shall find:

- The plat vacation complies with this Code and the original conditions of approval of the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The action does not fall within the intent and purpose of the subdivision regulations;
- The approval will not adversely affect the public health, safety, and welfare;
- No land is left, by reason of this vacation, without an established public right-of-way or private access easement connecting the land with an established public road;
- A dedication or intent to dedicate has been established, where necessary; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.

(d) Completed Action

A vacation of a plat shall be considered completed and in effect when an approved plat and correction deeds or other document approved by the BoCC vacating the plat is filed for recording with the Clerk and Recorder.

(e) Vesting of Title

Vesting of title upon vacation of right-of-way shall be in accordance with C.R.S. §43-2-302 as amended.

(B) Alterations to Recorded Plats

(1) Lot Line/Building Envelope Adjustment

(a) Purpose

The purpose of this Section is to provide for a realignment of a lot line or building envelope, or replatting of several lots (e.g., 3 lots into 2 lots), in which the original subdivision is not substantially modified and additional lots are not created; however, tracts may be created provided the declared use of the tract does not include a structure.

(b) Applicability

An approved lot line/building envelope adjustment plat or map and any correction deeds shall be required to realign any lot

lines or adjust a building envelope on a recorded subdivision plat.

(c) Approval Criteria

The DSD Director, in approving a lot line/building envelope adjustment, shall find:

- The lot line/building envelope adjustment and any resultant lots comply with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of nonconforming lots, the nonconformity is not increased;
- The lot line/building envelope adjustment is in keeping with the purpose and intent of this Code;
- The lot line/building envelope adjustment will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the lot line/building envelope adjustment has been resolved.

(d) Completed Action

A lot line or building envelope adjustment shall be considered completed and in effect when an approved amended plat and correction deeds or other document approved by the DSD Director amending the plat is filed for recording with the Clerk and Recorder.

(2) Plat Amendment

(a) Purpose

The purpose of establishing standards for plat amendment is to provide for a change to a recorded plat that is deemed insubstantial, the modification or deletion of a plat note, or modification to or deletion of a plat restriction.

(b) Applicability

A plat amendment may be applicable in the following circumstances:

- To implement an amendment to a recorded plat that is deemed insubstantial by the DSD Director based on, but not limited to, the following factors: design, size, number of lots, public concern, public facilities, services, access, and transportation network;
- To modify, delete, or replace a specific plat note which appears on the face of a plat based upon a determination that conditions requiring the plat note have been satisfied or are no longer applicable; or

- To modify, delete, or replace a specific restriction which appears on the face of the plat based upon a determination that the conditions leading to the restriction have been satisfied or are no longer applicable.

(c) Approval Criteria

The DSD Director, in approving the plat amendment, shall find:

- The plat amendment complies with this Code, and the original conditions of approval associated with the recorded plat;
- The changes to the recorded plat are insubstantial, or the plat amendment is necessary to reflect the current circumstances or restrictions;
- The plat amendment is in keeping with the purpose and intent of this Code;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the plat amendment has been resolved.

(d) Completed Action

A plat amendment shall be considered completed and in effect when an approved amended plat, correction deeds, or other document approved by the DSD Director amending the plat is filed for recording with the Clerk and Recorder.

(3) Plat Correction

(a) Purpose

The purpose of establishing standards for plat corrections is to provide for making changes to recorded plats, due to errors or omissions, i.e. dimensions, road names, addresses and plat notes, or to correct one or more technical errors in an approved plat when the correction plat is consistent with the approved plat.

(b) Applicability

An approved plat correction certificate or correction plat shall be required to effect any change to correct errors and omissions to a recorded approved plat.

(c) Approval Criteria

The DSD Director, in approving a plat correction, shall find:

- The correction complies with this Code, and the original conditions of approval;

- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The correction is in keeping with the purpose and intent of this Code;
- The approval will not adversely affect the public health, safety, and welfare;
- The correction certificate or plat complies with all provisions and requirements of this Code, explains the relationship between the correction plat or certificate and the approved plat, and provides a full description of all matters corrected; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the plat correction has been resolved.

(d) Completed Action

A correction of a plat shall be considered completed and in effect when a correction certificate or correction plat is filed for recording with the Clerk and Recorder. A correction plat is most appropriately utilized when it is necessary to graphically depict the proposed changes on a plat, rather than to describe the changes in a text document.

(C) Replat

(1) Purpose

The purpose of this Section is to provide for replatting a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots, are created.

Generally, a replat involves two actions, the vacation of the portion of the subdivision plat where the change is proposed or a vacation of the entire subdivision plat where all or a majority of lot lines will be changed on the recorded plat, and approval of a new subdivision plat. These actions can be taken concurrently.

(2) Applicability

A replat shall be required in order to substantially alter an existing recorded subdivision plat or where the standards for a lot line adjustment are exceeded.

(3) Determination of Plat Amendment or Minor/Major Subdivision

The DSD Director shall determine whether the proposed replat is substantial or insubstantial based on, but not limited to, the following factors: design, size, number of lots, public concern, public facilities, water supply (with recommendation from OCA) services, access, and

transportation network. If the DSD Director determines the subdivision replat is insubstantial, the replat may be processed as an alteration to a recorded plat.

If the replat is determined to be substantial, the replat may be considered a major or a minor subdivision depending on the number of lots affected by the proposed changes and the impact to public facilities. The DSD Director shall determine whether the platting action is a replat or whether it is a major or minor subdivision.

(4) Criteria for Approval

The BoCC, in approving a replat of a minor or major subdivision, shall find:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

(5) Completed Action

A replat shall be considered completed and in effect when a final plat is filed for recording with the Clerk and Recorder.

7.2.4. Other Actions Altering Property Boundaries and Interests in Property

(A) Real Estate Interest Disclaimer

(1) Purpose

The purpose of this Section is to establish standards to allow the BoCC to disclaim or quitclaim any interest in real estate that may not have been properly conveyed to, vested in, accepted by, or no longer of any interest to, the County. Public record may indicate that the real estate is owned by or under the authority and control of the County including a real estate interest which may have been established by a recorded document other than a subdivision plat where the County does not claim an interest in the real estate.

(2) Applicability

BoCC may disclaim a real estate interest or to approve the conveyance of a real estate interest from the County to the requestor for any real estate interest that may not have been properly conveyed to, vested in, accepted by, or no longer any interest to the County, but which may appear in the public record to be owned by or under the authority and control of the County where:

- A Section line resolution affects the property, where the resolution may or may not apply, and where a determination has been made that a public road will not be needed at that location;
- An easement or right-of-way granted to El Paso County by deed or other instrument, and is determined to no longer be needed; or
- An easement or right-of-way granted to El Paso County by deed or other instrument not accepted by the County, where the County was not party to the transaction creating the interest, or when the deed or other instrument does not sufficiently express the requisite intent or formalities to create the interest to the County.

(3) Exceptions

A real estate disclaimer of interest shall not apply where:

- The interest in the land has been used as public right-of-way;
- The interest was granted by recorded plat with a dedication statement;
- The deed or other instrument does sufficiently express the requisite intent or formalities to create the interest in the County; or
- Utilities have been installed in the area to be disclaimed or conveyed by quitclaim deed and it is necessary to retain easements for those utilities.

(4) Criteria for Approval

The BoCC shall approve or deny the disclaimer or quitclaim deed based on consideration of the staff report, the evidence from the public hearing, and compliance with the criteria for approval. The BoCC shall exclusively determine such matters in its legislative capacity. Therefore, the determination to approve the request for disclaimer or quitclaim deed shall be made in the sole and exclusive discretion of the BoCC.

The BoCC, in approving a disclaimer, shall find:

- The disclaimer or quitclaim deed complies with this Code;
- The real estate interest to be disclaimed or conveyed by quitclaim deed has not been implemented for public use, or is no longer intended for public use;

- The approval and subsequent relinquishment of County interest will not adversely affect the public health, safety, and welfare;
- Adjoining properties will not be negatively affected by the disclaimer or quitclaim deed;
- The requestor has been advised that the action by the County may not result in clear title to the property;
- Utilities are not installed in the area to be disclaimed or conveyed; and
- A recommendation has been received from the DSD, the EPCPSD, and the OCA.

(5) Completed Action

A real estate disclaimer shall be considered completed and in effect when the real estate disclaimer is filed for recording with the Clerk and Recorder.

(B) Vacation of Rights-of-Way

(1) Purpose

The purpose of this Section is to provide for vacation of right-of-way that was acquired by plat dedication or by deed, or has associated public infrastructure.

(2) Applicability

An approved vacation resolution or vacation plat shall be required to vacate any road right-of-way. The vacation shall be pursuant to C.R.S. §§43-2-301, et seq.

(3) Approval Criteria

The BoCC, in approving a vacation of right-of-way, shall find:

- The right-of-way vacation complies with this Code and applicable State law;
- The approval will not adversely affect the public health, safety, and welfare;
- No land, by reason of this vacation, is left without an established public right-of-way or private access easement connecting said land with an established public road; and
- Right-of-ways and easements are reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines appurtenances.

(4) Completed Action

A vacation of right-of-way shall be considered completed and in effect when a vacation plat or vacation resolution is filed for recording with the Clerk and Recorder. If a road has been established as a County road,

the road and any associated right-of-way shall not be vacated except by a resolution approved by the BoCC.

(5) Vesting of Title

Vesting of title upon vacation shall be in accordance with C.R.S. §43-2-302 as amended.

7.2.5. Plat Naming and Number Conventions and Standards

All plats or documents filed for the purposes of compliance with this Chapter shall meet the following naming and numbering conventions:

(A) Plat Naming

Plats including preliminary plans and final plats shall be named in accordance with the following naming conventions. Deviations from the plat naming convention shall be approved by the DSD Director.

(1) First Application Filed Entitled to Name

The first application which utilizes a specific name is exclusively entitled to use that name throughout the platting process. Plat names for final plats shall follow the name established by the preliminary plan or PUD. Changes to a plat name after initial approval of the plat or PUD may require that a name change fee be paid to cover the cost of changing County records. Changes to the proposed plat name after development application submittal, unless requested by County staff, shall be approved by the DSD Director.

(2) No Duplication

No plat shall receive approval if the name duplicates or could be confused with the name of a subdivision of record within any jurisdiction located in El Paso County on file with the Clerk and Recorder.

(3) Geographic Names Limited to Geographic Areas of the County

Plat names using a geographical description of a recognizable area of the County should be located within that recognized area.

(4) Filing Designators Contiguous to Original Filing

Plat names with filing designators shall be contiguous and in the geographic area of the County as the original filing.

(5) Multiple Filings within Same Preliminary Plan or PUD

Multiple plat filings within the same preliminary plan or PUD area shall utilize sequential filing or phase numbers consistent with the name of the preliminary plan or PUD, unless they represent distinctly separate land uses (e.g., residential and commercial).

(6) Replat

Replat names shall be consistent with the name of the original plat filing unless the land includes more than one plat name, and characterized by

an alphabetic descriptor after the filing number, and shall reflect consistency with the order of the original filing.

(B) Road Naming

(1) Approval Required

Road names shall be subject to the approval of the El Paso Teller E9-1-1 Authority, in coordination with the DSD, EPCPSD, and the Building Official.

(2) Road May Be Required

The Building Official shall have the authority to require a road and road name when there are not enough numeric addresses available on an adjacent road such that numeric addresses can be assigned in accordance with the Building Code.

(3) Road Name Changes

Applications for road name changes shall be submitted to the EPCPSD in accordance with the requirements of the EPCPSD.

(4) Temporary Access

Temporary access to a lot, tract or parcel shall not be construed as a guarantee of continued usage of a numeric address or road name assigned at the time of approval.

(C) Lot Numbering

(1) Sequential Numbering

The numbering of lots shall follow a sequential numbering pattern.

(2) Lot Numbers Not Repeated in Same Block

Lot numbers shall not be repeated within the same block.

(3) Lot Numbering in Case of Vacation or Replat

A vacation or a replat of lots or tracts shall conform to the following lot number conventions:

(a) Vacating Common Lot Line

When vacating a common lot line between two lots, the original lot number followed by the letter "A" shall be used to number the new lots (e.g., when vacating the common lot line between lot 1 and lot 2, the newly created lot shall be renumbered lot 1A).

(b) Replatting with Fewer Lots

When replatting 3 lots into 2 lots, the original lot numbers followed by the letter "A" shall be used to number the new lots (e.g., when replatting lots 3, 4, & 5, into two lots, the new lots should be numbered lot 3A and 4A).

(c) Adjustment to Common Lot Line

When adjusting the common lot line between two lots, the original lot numbers followed by the letter "A" shall be used to number the new lots (e.g., when realigning the common lot line between lots 7 and 8, the new lots should be numbered 7A and 8A).

(d) Replatting Entire Subdivision Filing

When replatting an entire subdivision filing, the lots shall be numbered consecutively starting with the number "1".

(4) Common Area Tracts Labeled

Tracts that are common open space for the subdivision shall be labeled "Common Area Tract" followed by a consecutive letter designation beginning with "A". Common area tracts shall be further identified by one of the following applicable designations that shall be placed in parentheses after the common area tract label:

- "Buildable/Support Buildings Only" for those common area tracts that may be occupied by buildings or structures that are intended for use by the lot owners within the subdivision;
- "Non-Buildable" for those common area tracts that are not intended to be occupied by buildings or structures.

(D) Addressing

(1) Assignment of Addresses

Assignment of numeric addresses is the responsibility of the Building Official, in accordance with the Building Code.

(2) Address Correction

Corrections to addresses shown on a final plat may be accomplished by an Affidavit of Correction, Plat Correction, Amended Plat or a Replat, or other method approved by the Building Official.

(E) Requirements for Phased Platting

The following requirements apply to phase platting:

(1) Phasing Schedule

The phasing schedule shall be noted on the PUD Plan, preliminary plan, and in the SIA or development agreement.

(2) Phasing to Accommodate Interim Conditions

The phasing schedule shall accommodate proper drainage, secondary access, water and sewer systems, open space and listed threatened or endangered species during construction of a phased subdivision.

(3) Phasing of Through Roads

Phasing a road connection eliminates the need to obtain a waiver of requirements for connection of through roads if appropriate notes are

placed on the preliminary plan and final plat, financial assurance is provided for the road connection, or a deviation is granted by the ECM Administrator.

7.2.6. Survey and Monumentation Standards

(A) Survey Closure Requirements

An accurate and complete boundary survey shall be made of the land to be divided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground must close within a limit of one foot to 10,000 feet of perimeter. Boundaries shall be clearly indicated on the plat.

(B) Lot Dimensions and Distances

Bearings and angles and lengths shall be given for all lot lines. In cases where a lot line is a common line only one set of figures, adjacent to the line described, need be given if the lot descriptions are given to the same bearing, not a reverse bearing. If table data is used, each individual lot shall be separately described giving all bearings and angles and lengths making each lot close by data provided and a table shall be included on the same page as the plat. Should the plat drawing be of such a size as to preclude the data table then the drawing shall be developed in such a manner as to show a portion of the plat and its pertinent table on each sheet as required. All bearings and lengths on the plat shall close to within plus or minus 0 degrees, 01 minute.

(C) Curved Boundaries

On curved boundaries and all curves on the plat sufficient data shall be given to enable the reestablishment of curves on the ground. Curve data shall include: (1) central angle; (2) radius; and (3) arc length.

(D) Monuments

Permanent reference monuments and block and lot monuments shall be set on the external boundary of the subdivision pursuant to C.R.S. §§38-51-101 et seq. Subdivisions will be tied by angles and distances to the nearest accepted monuments. All monuments shall be located and described. Information adequate to locate and trace all monuments shall be noted on the plat.

(E) Supplemental Information to Submit with the Plat

Closure sheets (DMD or equivalent) for the external boundary and blocks of the subdivision, including the computed acreages for the entire subdivision, shall be submitted to DSD for review and approval prior to recording the plat.

7.3. WAIVERS

7.3.1. Purpose

The purpose of this Section is to provide for flexibility in the application of this Code when a subdivision design standard is inapplicable or inappropriate to a specific subdivision design.

7.3.2. Authorization to Grant Waivers

(A) Planning Commission Recommendation

The Planning Commission, as part of the hearing on a specific application, will hear the request for a waiver from the standards and make recommendations to the BoCC.

(B) BoCC Authorized to Grant Waivers

After receiving a recommendation from the Planning Commission, the BoCC may approve a waiver from any of the subdivision design standards and requirements of this Code in association with a development application.

7.3.3. Criteria for Approval of Waivers

A waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- The waiver does not have the effect of nullifying the intent and purpose of this Code;
- The waiver will not result in the need for additional subsequent waivers;
- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;
- A particular non-economical hardship to the owner would result from a strict application of this Code;
- The waiver will not in any manner vary the zoning provisions of this Code; and
- The proposed waiver is not contrary to any provision of the Master Plan.

7.3.4. Timing of Waiver Request

A written waiver request shall be submitted no later than at the time of the preliminary plan application in the case of a major subdivision. The waiver request may be a separate request, or requested in conjunction with an application. If the waiver request substantially alters the design, location, anticipated construction, phasing, impacts on adjacent properties or roads, impacts on designated protected areas, or other special circumstances as were reviewed during the previous application review, the applicant shall submit a revised plan including the waiver. The Planning Commission shall review the revised plan and provide a recommendation to the BoCC.

7.3.5. Waiver Application Requirements

The written request for a waiver shall state in detail the extent of the waiver, the grounds for the requested waiver and all of the facts relied upon by the applicant. The applicant shall

have the burden of providing both the justification for their waiver requests and sufficient documentation to allow DSD to properly evaluate the engineering and planning impacts of the requested waiver.