

COSTILLA COUNTY LAND USE CODE

ARTICLE 1 TITLE, PURPOSE AUTHORITY AND INTERPRETATION

DIVISION 1 GENERAL

Section 1.100 Title and Short Title

These regulations, and all future amendments, shall be known as the Costilla County Land Use Code.

Section 1.110 Purpose

A. General Purposes. The general purposes of this Land Use Code are:

1. Protect Quality of Life. To provide for protection of the public health, safety and welfare of the residents of the County and to protect the environment; to protect and preserve the history and traditions of Costilla County.
2. Provide for Orderly Development of the County. To provide for balanced, orderly growth patterns and to provide efficient, phased government services to accommodate existing and future residents.
3. Preserve Property Values. To preserve and promote the value of property, to protect the tax base of the County and to respect the property rights of citizens.
4. Protect and Enhance Agriculture. To protect and enhance agricultural uses, traditional agricultural practices, and the rural characteristics of the County.

Section 1.120 Authority and Jurisdiction

A. Authority. It is the intention of the Board of County Commissioners in adopting this Land Use Code to fully exercise all relevant powers conferred by the laws of the State of Colorado, including but not limited to:

1. Colorado Constitution. All of the powers reserved to the County by the Colorado Constitution.
2. State Enabling Legislation. All of the powers granted to the County by:
 - a. Title 30, Article 28, C.R.S. The provisions of the County Planning Act.
 - b. Title 29, Article 20, C.R.S. The provisions of the Local Government Land Use Control Enabling Act of 1974.
 - c. Title 24, Article 65.1, C.R.S. The provisions of the Areas and Activities of State Interest Act.

d. Title 24, Article 67, C.R.S. The provisions of the Planned Unit Development Act of 1972.

e. Title 24, Article 68, C.R.S. The provisions of the Vested Property Rights Act.

3. All Other Powers Authorized. All other powers authorized by statute or by common law for the regulation of land uses, land development and the power to abate nuisances.

B. Jurisdiction. This Land Use Code shall apply to all land within the unincorporated areas of Costilla County. No land shall be offered for sale, exchange, lease or development, and no building, structure or land shall be used or occupied except in conformance with this Land Use Code. Structures and uses existing on the effective date of this Code shall be permitted to continue, subject to the provisions of Article 6, Nonconformities.

Section 1.130 Permit Required

A. Land Use Permits. Any change in land use, unless expressly exempt from permit requirements in Section 1.130.D, shall obtain a Land Use Permit before commencing the development or activity associated with the land use change.

B Levels of Permit Review. Land Use Permits may be subject to one of the following levels of review.

1. Administrative Zoning Review. Certain land use changes require a minimal level of review and can be reviewed administratively as a zoning review in accordance with Section 3.300.

2. Limited Impact Review. Certain land use changes, because of their nature or location, will have the potential to cause impacts that warrant review by the Planning Commission in accordance with Section 3.410.

3 Special Use Review. Certain land use changes, because of their intensity or location, will have the potential to cause significant impacts that warrant review by the Board of County Commissioners in accordance with Section 3.420.

C. Permits Run with the Land. Any Land Use Permit shall be binding upon and run with the land.

D. Exemptions from Land Use Permit Requirements. The following uses and activities are exempt from the requirement to obtain a Land Use Permit if the use or activity is proposed for areas of the County that are zoned Agricultural.

1. Agricultural operations that do not require a Land Use Permit include:

a. Production, cultivation, growing, and harvesting of crops and plants, but not including forestry or timbering.

b. Raising and breeding livestock, but not including confined animal feedlot operations.

c. Harvesting, storage, grading, packaging, processing, distribution, and sale of

agricultural commodities occurring at the point of production.

d. Construction of sheds, outbuildings and other accessory structures smaller than 120 square feet in size that are necessary to agricultural operations.

2. Excavations of less than 100 cubic yards of material that are not located within the Watershed Overlay District do not require a Land Use Permit.

3. One single-family dwelling unit associated with an Agricultural operation that is established in compliance with this Land Use Code does not require a Land Use Permit.

4. Accessory Structures smaller than 120 sq. ft. in size that are associated with the exempt uses and activities herein do not require a Land Use Permit.

E. Violation. Failure to obtain a Land Use Permit shall be a violation of the Costilla Land Use Code subject to the enforcement provisions in Article 12.

Section 1.140 Repealer; Re-Enactment; Effective Date

A. Repeal of County's Prior Land Use Regulations. The 1998 Costilla County Land Use Code is hereby repealed on the date of the County's adoption of these land use regulations.

B. Enactment. This Land Use Code shall be enacted upon its approval by the Board of County Commissioners, after review and recommendation by the Costilla County Planning Commission, following public hearings.

C. Effective Date. This Land Use Code shall become effective thirty (30) days following the date of its adoption by the Board of County Commissioners unless adopted as an emergency ordinance necessary for the immediate preservation of public health, safety and welfare.

Section 1.150 Severability

A. Provision Declared Invalid. If any provision of this Land Use Code is declared invalid by a decision of any court of competent jurisdiction then the effect of such decision shall be limited to that provision which is expressly declared invalid and shall not affect any other provision of this Land Use Code.

B. Application to Tract of Land Invalid. If the application of this Land Use Code to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, then the effect of such decision shall be limited to the tract of land involved. Such decision shall not affect this Land Use Code or the application of any provision thereof to any other tract of land.

Section 1.160 Interpretation and Construction

A. Minimum Required. The provisions of this Land Use Code shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.

B. Liberal Construction. This Land Use Code shall be liberally construed to further

its underlying purposes.

C. Conflict. If a conflict occurs between this Code and a state statute or other applicable codes and regulations, the more restrictive provision controls unless otherwise specified in this Code. If this Code imposes a greater restriction than that imposed by a private easement, covenant, agreement, deed restriction, recorded plat or other restrictive covenant, this Code controls.

Section 1.170 Incorporation and Interpretation of Maps

A. Official Zoning District Maps. The location and boundaries of the zoning districts established by this Code are established pursuant to the plat maps of the Costilla County Assessor to be noted on the map entitled Official Zoning District Plan of Costilla County, Colorado dated May 10, 1996.

B. County Road Map. The Costilla County Road inventory and inventory map, as amended, is adopted as the County's official county road map. The County Road map together with the state's public highway system shall constitute the county public streets, roads and access rights-of-way.

C. District Boundaries. The location of the zoning district boundary line shall be determined by the Administrator in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first stated and applicable provision shall prevail over all other provisions:

1. Where a zoning district boundary line is given a position within or abutting a highway, road, street or alley right-of-way which does not appear to be located within any zoning district (other than an overlay zoning district), the zoning district boundary line shall be deemed to be in the center of such right-of-way.
2. Where a zoning district boundary line is shown as closely and approximately following subdivision plat lot lines, municipal boundary or county boundary lines, the zoning district boundary line shall be deemed to coincide with such known boundaries.
3. Where a parcel within a zoning district has a boundary line shown by a specific dimension, that dimension shall control.

Section 1.180 Vested Property Rights.

A. Purpose. The purpose of this Section is to establish a system of vested property rights for this Code as authorized by Article 68 of Title 24. C.R.S, as amended.

B. Establishment.

1. General. Pursuant to this Code, a vested property right shall be deemed established for a Land Use Permit for a period of three years with the approval of a Site Specific Development Plan. When a Land Use Permit is approved for a Site Specific Development Plan the permit shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the Site Specific Development Plan for a period of three years from the date of its approval.

2. Site Specific Development Plan. For the purposes of this Section, Site Specific Development Plan shall only mean:

a. A Land Use Permit.

b. A Preliminary Plan for PUD.

c. A Final Plat for Subdivision or a Cluster Subdivision.

C. Development Agreements. The Board of County Commissioners may enter into a development agreement with the landowner for the extension of vested property rights where, in the discretion of the Board, an extension is warranted due to project size and/or phasing of the development. The Board may also consider an extension of Vested Property Rights for economic cycles and/or market conditions.

D. Approval and Effective Date. A Site Specific Development Plan shall be deemed approved upon the effective date of the Board of County Commissioners' approval action relating thereto, following a public hearing conducted in accordance with Section 3.240. The Board may approve a Site Specific Development Plan upon such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare. The approval shall result in a vested property right, although failure to abide by such terms and conditions will result in forfeiture of the vested property right.

E. Subsequent Review and Approval. Following approval or conditional approval of a Site Specific Development Plan, the Site Specific Development Plan shall be subject to subsequent reviews by the County to ensure compliance with the terms and conditions of the original approval, if such reviews and approvals are not inconsistent with the terms and conditions of the original approval.

F. Exceptions. A vested property right once established pursuant to this Section, precludes any zoning or land use action by the County for a period of three years from the date of approval of the Site Specific Development Plan that would alter, impair, prevent, diminish, or otherwise delay the development or use of the land subject to the Site Specific Development Plan consistent with the terms and conditions of the Site Specific Development Plan, except:

1. Landowner's Consent. With the consent of the affected landowner.

2. Hazards. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the approval of the Site Specific Development Plan, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare.

3. Just Compensation Paid to Landowner. To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, including but not limited to all fees paid in consideration for financing, and all architectural, planning, marketing, legal and other consultants' fees incurred after approval by the governmental entity, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.

G. Applicability of General Ordinances and Regulations. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulations by the County, including but not limited to building, fire, plumbing, electrical and mechanical codes.

ARTICLE 2 DEFINITIONS

DIVISION 1 GENERAL

Section 2.100___ Definition of Words and Phrases

A. For the purposes of this Land Use Code, the following words and phrases are defined as follows:

Abatement. To remove the rubbish, junk, weeds and brush, or unsafe structure as prescribed in the notice of violation.

Accessory Agricultural Retail Sales. A location for the retail sale or wholesale of agricultural or horticultural products which are grown on site.

Accessory Dwelling. A dwelling unit for use as a complete independent living facility on the same parcel as a permitted principal use. Accessory dwellings do not include dwellings which this Code specifically designates as being part of an allowed principal use and therefore allowed as a use by right.

Accessory Outside Storage. The outside placement, for a period of more than twenty-four 24 hours, of items which are customary and incidental to the principal use of the property.

Accessory Structure. A subordinate structure located on the same lot as the principal structure, the use of which is incidental and accessory to the principal use. Unless otherwise specified in this Code, any accessory structure is subject to the minimum requirements of the zoning district in which it is located.

Accessory Use. An Accessory Use must be a use customarily incidental to and on the same parcel as the principal use. Except as provided in this Code, an Accessory Use must comply with all regulations applicable to the principal use.

Acequia. An irrigation ditch or canal.

Administrative Zoning Review. The Land Use Permit application and review process described in Article 3, Section 3.300 of this Code. Uses subject to Administrative Zoning Review have little or no impact and are permitted through review and action by the Administrator.

Administrator. The Land Use Administrator of Costilla County.

Agriculture. The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided

however, that the operation of any such Accessory Uses shall be secondary to that of normal agricultural activities and provided further that these uses shall not include uses that are Concentrated, Confined Animal Feeding Operations.

Agricultural Products Processing and Storage. The processing and storage of agricultural products brought to the site, including but not limited to cleaning, sorting, grading, packaging milling, or storing of products which are intended for direct human or animal consumption or use.

Agricultural Products Retail Outlet. A location for the retail sale of agricultural products, a majority of which are not grown on site, and are intended for direct human or animal consumption or use.

Alteration (Structural). A change or rearrangement in the structural parts or in the existing facilities of a building or structure, or an enlargement whether by extending on a side or increasing in height, or the moving from one location or position to another.

Alterations. As applied to a building structure, a change or rearrangement of the supporting members, or an enlargement, or moving from one location or position to another.

Animal Unit. A unit of measure to determine a comparable number of animals. For purposes of these regulations, an animal unit shall mean one animal, or one female animal and its offspring until weaned.

Appeal. The process set forth in Article 3 by which:

1. A party aggrieved by an interpretation of the Administrator may request Board of Adjustment review of the interpretation (Section 3.610).
2. A party aggrieved by an Administrative Zoning Review permit decision by the Administrator may request review of the permit decision by the Board of County Commissioners (Section 3.310).
3. A party aggrieved by a Limited Review Use permit decision by the Planning Commission may request review of the permit decision by the Board (Section 3.410).

Applicant. The owner or duly designated representative of land for which a Land Use Permit has been requested.

Archeological Resource, Cultural Resource, or Historical Resource. Those resources that have been designated by the County or are recognized or historically known to the County; that are on the National Register of Historic Places (National Register); and/or that may be considered under the National Historic Preservation Act. A site may also be so identified by the Colorado State Historic Preservation Officer.

Bed and Breakfast. An owner-occupied dwelling unit offering transient lodging accommodations where meals may be provided.

Board of Adjustment. The Board of Adjustment of Costilla County.

Board or Board of County Commissioners. The Board of County Commissioners of

Costilla County.

Boarding House. A building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such a building.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property., excluding fences.

Building Contracting Shop. A facility providing for general building repair, service, and maintenance including installation of plumbing, roofing, signs, electrical, air conditioning, and heating.

Campground. A land parcel in single ownership that has been developed for occupancy by tents and recreational vehicles on a temporary basis for recreational purposes.

Car Wash. An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.

Central Office Building of a Telecommunication Company. An above ground structure which is in excess of eight feet in height that shelters telecommunications facilities required as an operating unit, including but not limited to the switch or other facilities used to establish connections between customer lines or between lines and trunk or toll lines to other central offices.

Church. A facility principally used for people to gather together for public worship, religious training, or other religious activities. Facility does not include overnight accommodations.

Cluster, Cluster Development. The concentration of development, including buildings, driveways, and water supply and wastewater treatment facilities on one or more compact areas of a development parcel, preserving the remainder as productive agricultural land or undeveloped open space, and avoiding impacting areas of identified value for wildlife habitat, scenic features of a rural landscape, historical agricultural uses, and significant environmental features. Clustering allows flexibility in layout and protection of identified valuable characteristics of a development parcel.

Commercial Nursery. A use, wholly or partially contained within one or more greenhouses, where trees, shrubs, flowers or vegetable plants are grown and sold either wholesale or retail.

Commercial Use or Activity. Any use or activity primarily devoted to business purposes such as the purchase, sale, lease or exchange of goods and/or the provision of services.

Commission. The Costilla County Planning Commission

Compatible. Consistent with, harmonious with, similar and complementary to the use and/or function of natural systems and/or existing land uses in an area.

Comprehensive Plan. A plan, or any portion thereof, adopted by the Costilla County Board of County Commissioners establishing the goals, objectives and policies of the County.

Concentrated, Confined Animal Feeding Operations. Any animal feeding operation where animals are fed at the place of confinement for forty-five (45) days or longer in any twelve (12) month period, and crop or forage growth in production is not sustained in the area of confinement, and the number of animals exceeds 999.

Convenience Store. Any retail establishment selling consumer products including primarily prepackaged food and household items, having a gross floor area of less than 5,000 square feet. A convenience store may also have associated retail sale of gasoline and other petroleum products.

County. The County of Costilla, State of Colorado.

Day Care Center. A facility which provides less than 24-hour care or supervision for nine or more persons who are not related by blood, marriage, or adoption to the owner, operator, or manager, whether such facility operates at day or night, with or without compensation for such care, and with or without stated educational purpose.

Density. A unit of measurement; the number of dwelling units per acre of land.

Development. Any construction or activity which changes the basic character or the use of the land. Any activity or construction, excluding normal agricultural activities, that changes the basic character or use of the land.

Dwelling Unit. One or more rooms designed to accommodate one family and containing only one kitchen plus living, sanitary and sleeping facilities.

Educational Facility. Buildings and uses for educational or research activities associated with an academic institution which has curriculum for technical or vocational training, kindergarten, elementary, secondary, or higher education, including residential facilities for faculty, staff, and students.

Emergency Care Facility. A health care facility, providing primarily outpatient emergency care for the diagnosis and treatment of individuals.

Equestrian Center. An establishment where fifteen (15) or more different people per month, other than the owner or manager of the property, are, for a fee, trained or instructed in riding, driving, or showing horses.

Excavation of more than 100 Cubic Yards. Movement of more than 100 cubic yards of material, with the following exceptions:

1. Normal excavation or grading activity associated with agriculture, allowed mining activity, or foundation construction.
2. Normal excavation or grading activity associated with trail or road construction by a governmental entity on publicly acquired open space land in accordance with an open space management plan approved by the Board of County Commissioners.

FAA (Federal Aviation Administration). The federal agency responsible for aircraft safety.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of watercourses, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Plain. An area adjacent to the stream, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. Mainstream floodplains;
2. Debris-fan floodplains; and
3. Dry wash channels and dry wash floodplains.

Floodproofing. Any combination of provisions, changes, or adjustments to structures, moveable objects, or properties for the purpose of the reduction or elimination of the potential for flood damage from the base flood.

Floodway. Those portions of the Floodplain Overlay required for the passage or conveyance of the base flood in which waters will flow at significant depths or with significant velocities. It includes the channel of a river or creek and any adjacent floodplain areas that must be kept free of development and other encroachments so the base flood can be conveyed without substantial increase in flood height. Specifically, the floodway is defined according to the following criteria:

1. Those portions of the Floodplain Overlay that must be kept free of development and other encroachments so the base flood is conveyed with no more than a one foot increase in the water surface elevations.
2. Where the floodway has not been so identified, it is those portions of the Floodplain Overlay where floodwater from the base flood is eighteen (18) inches or greater in depth.
3. The floodway shall not extend less than twenty-five (25) feet from the banks of the river or creek, unless such bank consists of an impervious natural rock wall or cliff which is higher than the flood elevation.

Forest Management Plan. An agreement which includes a plan to aid the owner of forest land in increasing the health, vigor, and beauty of forest land through use of forest management practices; which has either been executed between the owner of forest land and the Colorado State Forest Service, or executed between the owner of forest land and a professional forester and has been reviewed and has received a favorable recommendation from the Colorado State Forest Service; and which has been determined to be complied with through the required annual reports from the State Forest Service to the County Assessor pursuant to Section 39-1-102(4.4), C.R.S., as amended.

Forestry. Cultivating and maintaining forests and managing forest land, including

the selling of firewood produced on the parcel.

Geologic Hazard. A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
2. Seismic effects;
3. Radioactivity; and
4. Ground subsidence.

Geologic Hazard Area. An area that contains or is directly affected by a geologic hazard.

Hazard. A significant source of risk, danger or peril resulting from natural phenomena or conditions including those precipitated or caused by activities of man.

Height of Building. The vertical distance from the "grade" to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average heights of the highest gable of a pitch or hip roof.

Historical. See "Archeological Resource, Cultural Resource, or Historical Resource."

Home Occupation. An occupation carried on within a dwelling or accessory building by members of the family occupying the dwelling with no servant, employee or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Hospital. An institution where people are given medical attention and treatment, including related facilities such as laboratories, outpatient clinics, and staff offices.

Impact. The direct or indirect effect or consequence resulting from a development upon land, the environment, the community or any part or segment thereof. The term shall include, but not be limited to, physical, environmental, economic, visual, auditory or social consequences or effects.

Improvements. Street grading and surfacing, curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, general landscaping, electrical transmission facilities, natural gas or telephone lines, or such other installations as may be designated by the Board.

Industrial. Any manufacturing operation or industrial use.

Industrial Use or Activity. Manufacturing, fabrication storage, processing and

shipping facilities; mineral extraction and production or processing; auto body repair and maintenance shops; truck stops; facilities of public utilities; solid and hazardous waste disposal sites; airports and similar activities or uses commonly known as industrial in nature.

Intensive Agricultural Uses. Agricultural uses where the principal nonresidential use of the property is contained within one or more structures, including but not limited to agricultural storage facilities, accessory greenhouses and storage for accessory sales of agricultural or horticultural products.

ISDS System. An individual sewage disposal system as defined by the State of Colorado and the County ISDS regulations.

Junk. Any manufactured good, appliance, fixture, furniture, machinery and machinery parts, motor vehicle, motor vehicle parts and used tires, trailer, or mobile home that is abandoned, unlicensed, inoperable, discarded, demolished or dismantled or that is so worn, deteriorated or in such condition as to be unusable or that is not safe or fit for human habitation in the existing state.

Kennel. A lot or building in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation, or sale.

Land Use Permit or LUP. A permit issued by the County required for any land use activity subject to these Regulations.

Limited Impact Open Mining. The extraction of earth materials by mining directly from the exposed deposits or other materials where mining operations affect less than ten acres of land within a parcel and extract less than 70,000 tons of earth materials, and which 1) proposes to export material in excess of 500 cubic yards off the parcel on which the mining occurs, 2) has operations that exceed five consecutive days or 14 days total, and/or 3) utilizes blasting. Exceptions to this use include: the removal of decorative building materials naturally exposed at the surface of the earth; the extraction of sandstone where such extraction does not exceed a total of 3600 tons in any 12 month period; excavations below finished grade for basements and footings of a building, retaining wall or other structures authorized by a valid building permit, or authorized by a grading permit. The term limited impact open mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying and dredging. This use shall also be granted and maintain all applicable local, state, and federal permits.

Limited Impact Use. A shortened Land Use Permit application and review process, set forth in Article 3, Section 3.400 and Section 3.410, by which the Planning Commission approves permits for uses being allowed on the basis of their limited impact with regard to compatibility with the site and surrounding land and uses, and the adequacy of required services.

Livestock. Domestic animals that are used for food for human or animal consumption, breeding, draft or profit.

Lot. A parcel, plot or tract of land which is the subject of a Land Use Permit application, land use activity proposal, or which is occupied by a structure, together with the yards and other open spaces required by these regulations.

Major Facility of a Public Utility. Any electric transmission lines, power plants, or substations of electric utilities; major gas regulator stations, transmission and gathering pipelines, and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities.

Major Electrical or Natural Gas Facilities. Major electrical or natural gas facilities include one or more of the following:

1. Electrical generating facilities.
2. Substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity.
3. Transmission lines operated at a nominal voltage of sixty-nine thousand volts or above.
4. Structures and equipment associated with such electrical generating facilities, substations, or transmission lines.
5. Structures and equipment utilized for the local distribution of natural gas service including, but not limited to, compressors, gas mains, and gas laterals.

Manufactured Home. A detached single family dwelling that:

1. Is partially or entirely manufactured in a factory; and
2. Is not less than 24 feet in width and 36 feet in length; and
3. Is installed on an engineered permanent foundation; and
4. Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof, and,
5. Is certified pursuant to the "National Manufactured Standards Act of 1974," 42 U.S.C. 5401 et seq. as amended.

Mineral Resource (Other than Natural Gas or Oil). An inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. For the purpose of this resolution, this definition does not include water, geothermal resources, or natural gas or oil.

Mine, Mining. Any area of land from which minerals are extracted in nonliquid form or are extracted in a liquid form while workers are underground; private ways and roads appurtenant to such area; and lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property, including impoundments, retention dams, and tailing ponds, on the surface or underground, used in, or to be used in, or resulting from the work of extracting such minerals from their natural deposits in nonliquid form or, if in liquid form, used by workers underground or used or to be used in the milling of such minerals or the work of preparing coal or other minerals. "Mine" does not include earthen dams, sand and gravel pits, clay pits, or rock and stone

quarries, including surface limestone and dolomite quarries.

Mobile Home. A transportable single-family dwelling unit which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling without permanent foundation when connected to required utilities, and which includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Mobile Home Lot. A plot of ground within a mobile home park legally established under this Code, designed for the accommodation of one mobile home to be installed for the purpose of single-family dwelling in compliance with the provisions of this Code.

Mobile Home Park. Any site or tract of land under single ownership upon which two or more mobile homes, occupied or intended to be occupied for single-family dwelling purposes, are located in compliance with the provisions of this Code. A mobile home park does not include the use of land for the display and sale of mobile homes or for seasonal recreational use.

Machine Shop. A facility where material is processed or treated by machining, cutting, grinding, welding, or similar processes.

Natural Hazards. Mudslides, subsidence areas, floodplains, seismic faults, rockslides, erosion and other naturally occurring phenomena that can pose hazards to life or property.

Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this resolution and which does not conform to the regulations of the district or zone in which it is situated.

Nursing, Convalescent, or Residential Care Facility. A facility which provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility, and who do not meet the definition of family under this Code. A Nursing, Convalescent, or Residential Care Facility provides some level of skilled nursing or medical service to the residents.

Open Agricultural Uses. Agricultural uses which do not have structures, other than accessory structures, associated with their operation, including but not limited to the grazing, keeping and use of livestock, the production of agricultural or horticultural products, and accessory storage.

Open Mining. The extraction of earth materials by mining directly from the exposed deposits or other materials. Exceptions to this use include those operations which fit the definition of limited impact open mining and excavations below finished grade for basements and footings of a building, retaining wall or other structures authorized by a valid building permit. The term open mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying and dredging.

Outside Storage. The outside placement of items, including but not limited to vehicles that are inoperable, and mobile homes not connected to utilities not on a permanent foundation, for a period of more than twenty-four hours.

Overnight Lodging. A facility offering transient lodging accommodations on a daily basis to the general public, and in which no provision is made for cooking in any individual room or suite. The Overnight Lodging facility may also include incidental business uses commonly associated with the main lodging use.

Professional Office. An office for professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who, through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. This use includes medical and dental clinics.

Parcel. See Lot.

Pipeline. Any conduit or pipe and appurtenant facilities especially designed for, or capable of, transporting water, or gas or other petroleum derivatives.

Principal Use. The primary purpose or function for which a parcel or structure is used.

Public Hearing. A meeting called by a public body, for which public notice has been given in compliance with the provisions of this Code and which is held in a place where the general public may attend, with the principal purpose of receiving testimony or public comment on a specific application or issue.

Public Meeting. Any meeting open to the public that meets the requirements of C.R.S. 24-6-401, et seq.

Ranch. A parcel of land which is used for grazing livestock for the primary purpose of obtaining a monetary profit.

Recreational Vehicle (RV). A transportable structure or self-propelled vehicle with or without flexible, removal, or collapsible walls and partitions, designed to be used as a temporary dwelling for travel, recreation or vacation uses. The term "recreational vehicle" shall include motor home, camper bus and travel trailer, but shall not include pickup trucks with camper shells that extend one foot or less above the cab of the truck.

Recycling Collection Center. A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing or composting facility.

Recycling Processing Facility. A facility where recyclable and organic materials are collected and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

Repeater, Low Power Mobile Radio Service Telecommunications Facility. A telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

Resort Lodge, Conference Center, or Guest Ranch. A facility, including either a single building or resort cabins, which serves as a destination point for visitors, and generally has accessory recreational facilities for the use of guests.

Restaurant. A commercial establishment designed primarily to serve food to customers to be eaten within the interior of the premises and which has interior seating arrangements.

Retail or Personal Service Facility. An establishment for the retail sale of merchandise or the provision of personal services, including drive through service. A retail facility includes but is not limited to antique or art shops, clothing department, drug, dry good, florist, furniture, gift, grocery, hardware, hobby, office supply, package liquor, paint, pet, shoe, sporting, or toy stores. A personal service facility includes but is not limited to barber or beauty shop, dry cleaners, optometrist shop, photographic studio, or travel bureau.

Riparian/Riparian Areas. Related to, living or located on the bank of a natural watercourse or lake. Riparian areas include groups of plants, animals and aquatic communities whose presence is either directly or indirectly attributed to water-influenced or water-related factors. Areas exempt from this definition are manmade agricultural structures and devices including irrigation ditches, sprinklers and artificial ponds.

Road. See Street.

Rubbish. Garbage and trash, including but not limited to: unwanted or discarded household items; waste from building construction, remodeling and repair including used lumber and building materials; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; newspapers, magazines, packaging materials, waste paper or cardboard, boxes and crates, rags; dead animal carcasses; and any other unsightly or discarded material including scrap metal, scrap material, bottles and tin cans, which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.

Rural. The character of an area that is primarily agricultural, low-density residential, unimproved and open.

Saw Mill. A facility for the storage, sales, and milling of forest products, not including the cutting of firewood.

Significantly Degrade. To lower in grade or desirability to a significant, as opposed to a trifling, degree.

Single Family Dwelling. A detached building which is occupied or which is arranged, designed, and intended to be occupied, by one family and containing only one kitchen plus living, sanitary and sleeping facilities, but not including hotels, motels, tents, seasonal vacation cabins, camper trailers, or other structures designed or used primarily for temporary occupancy. A single-family dwelling shall also include a mobile home as defined herein, that is installed and has received permits in accordance with the provisions of this Code, and a manufactured home as defined herein, erected in conformance with manufacturer's guidelines and state and local regulations. A single-family dwelling must have indoor plumbing and be serviced by adequate water, sewer and public utility systems.

Solid Waste Disposal Site and Facility. The location and facility at which the

collection, storage, treatment, utilization, processing, or final disposal of solid wastes occur.

Solid Waste Transfer Facility. A facility at which wastes, awaiting transportation to a disposal site and facility, are transferred from one collection vehicle to another.

Special Districts. Quasi-municipal corporations established under state statute to provide public facilities or services.

Special Review. The Land Use Permit application and review process, set forth in Section 3.400 and Section 3.420, by which the Planning Commission reviews and the Board approves permits for uses which may have an impact upon the site, surrounding land and uses, the environment, and public services and infrastructure, and which may require mitigation measures to comply with the criteria for permit approval under these regulations.

Street. A county road, state highway, public road, street or alley, or private thoroughfare which affords primary access to abutting property.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; any substantial change in the roof or in the exterior walls, excepting from this definition such alterations as may be required for the safety of the building.

Structure. Anything constructed or erected which requires location on the ground or attachment of something having a location on the ground. "Structure" shall include immobilized mobile homes and swimming pools.

Telecommunications Facilities. Includes but is not limited to facilities associated with the following types of telecommunications: cellular telecommunications, low power mobile radio service telecommunications facility.

Unsafe Structure. A structure or building which, in the determination of the Administrator is:

1. In a condition presenting a substantial danger or hazard to public health, safety, or welfare.
2. Is a dilapidated building which is unused by the owner or uninhabited because of deterioration or decay, and constitutes a fire hazard or subjects adjoining properties to a danger of damage by storm, soil erosion, or rodent infestation, or is a place frequented by trespassers and transients seeking a temporary shelter or hideout.

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

Variance. Deviation from the requirements of this Code as approved in Article 3, Section 3.600 by the Board of Adjustment.

Vacate or Vacation. The procedure set forth in Article 3 Division 7 by which the County may legally void or vacate dedicated roadways, rights-of way and easements determined to be no longer necessary for public purposes.

Vehicle Service Center. A facility for the retail sale of gasoline and other petroleum products and/or where light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

Water and Sewage Treatment Facility. Any sewage treatment plant, sewage treatment works, sewage disposal facilities, pumping and ventilating plants or stations, compensating reservoirs or other plants, structures, facilities, equipment and appurtenances useful or convenient for the interception, transportation, treatment, purification or disposal of sewage, liquid wastes, solid wastes, or industrial wastes.

Weeds and Brush. Any underbrush, brush, shrub or plant material greater than twelve (12) inches in height which:

1. Ordinarily grows without cultivation; not in planting beds or otherwise in a controlled manner; or not for the purpose of food production; and
2. Is allowed to grow in such a manner or extent that it causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics; and
3. Is not an undesirable plant designated under the County's Noxious Weed Management Plan, pursuant to the "Colorado Noxious Weed Act" the removal of which shall be governed by that Plan and not this Article.

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

ARTICLE 3 ADMINISTRATION

DIVISION 1 DUTIES AND RESPONSIBILITIES OF DECISION-MAKING, ADMINISTRATIVE AND ADVISORY BODIES

The following decision-making, administrative and advisory bodies shall have the following duties and responsibilities in the administration of these land use regulations.

Section 3.100 Costilla County Board of County Commissioners

A. Powers and duties. In addition to any authority granted to the Board of County Commissioners by general or special law, the Board of County Commissioners shall have the following powers and duties under the provisions of this Land Use Code, including but not limited to:

1. Amendment to text of this Land Use Code. To initiate, hear, consider and approve or disapprove applications to amend the text of these regulations.
2. Amendment to Official Zone District Map/Rezoning. To initiate, hear, review, consider and approve or disapprove applications for amendment to the Official Zone District Map/Rezoning.

3. PUD. To hear, review, consider and approve or disapprove applications for Planned Unit Development (PUD) District.
4. Exemptions from Subdivision and Subdivisions. To hear, review, consider and approve or disapprove applications for Subdivision Exemptions.
5. Subdivision. To hear, review, consider and approve, approve with conditions, or disapprove applications for Sketch Plan/Preliminary Plan and Final Plat for Subdivision.
6. Uses by Special Review. To hear, review, consider and approve, approve with conditions or disapprove Special Use Permits.
7. Appeals of Administrative Zoning Permits and Limited Impact Review. To hear, review, consider and approve, approve with conditions or disapprove appeals of a decision by the Land Use Administrator to issue an Administrative Zoning Permit and decisions of the Planning Commission to issue a Land Use Permit for Limited Impact Uses.
8. Public Way Vacations. To hear, review, consider and approve, approve with conditions or disapprove vacations of public ways and easements.
9. Other Action. To take such other action not delegated to the Planning Commission, the Board of Adjustment, or Hearing Officers or Land Use Administrator, as the Board of County commissioners may deem desirable and necessary to implement the provisions of the Comprehensive Plan and this Code.

Section 3.110 Costilla County Planning Commission.

A. Powers and Duties. The Costilla County Planning Commission shall have the following powers and duties under the provisions of these land use regulations for all matters within the unincorporated portions of Costilla County.

1. Prepare/Amend Comprehensive Plan. To prepare, adopt and amend the Costilla County Comprehensive Plan.
2. Recommend Amendments to Text of this Land Use Code. To initiate, hear, review, consider, and make recommendations to the Board of County Commissioners to approve or disapprove applications to amend the text of this Land Use Code.
3. Recommend Amendments to the Official Zone District Map. To initiate, hear, review, consider and make recommendations to the Board of County Commissioners to approve or disapprove amendments to the Official Zone District Map of this Land Use Code.
4. Recommend Planned Unit Development (PUD) District. To hear, review, consider and make recommendations to the Board of County Commissioners to approve or disapprove applications for a Sketch Plan/Preliminary Plan for a Planned Unit Development District.
5. Special Review Uses. To hear, review, consider and make recommendations to the Board of County Commissioners to approve, approve with conditions, or

disapprove Special Review Uses and Limited Review Uses.

6. Subdivision. To hear, review, consider and make recommendations to the Board of County Commissioners to approve, approve with conditions or disapprove applications for development permit for Sketch Plan/Preliminary Plans for Subdivisions.

B. Planning Commission Membership.

1. Qualifications. Members of the Planning Commission shall be residents of Costilla County prior to appointment, and registered voters. No member of the Board of County Commissioners shall serve on the Costilla County Planning Commission. .

2. Appointment. The Costilla County Planning Commission shall be composed of seven (7) voting members appointed by a majority vote of the Board of County Commissioners by Resolution.

C. Terms of Office. All members serving on the Planning Commission on the effective date of this Land Use Code shall complete their terms according to their prior appointments. The term of office of each member appointed shall be for three (3) years

D. Removal from Office. Any member of the Costilla County Planning Commission may be removed for cause (misconduct or nonperformance of duty) by the Board of County Commissioners

E. Vacancy. Whenever a vacancy occurs on the Costilla County Planning Commission, the member's or associate member's position shall remain vacant until a new member or associate member can be appointed by the Board of County Commissioners.

F. Rules of Conduct and Procedure. The Planning Commission shall adopt rules to govern the appointment and terms of officers, voting rights and other procedural matters.

G. Compensation. The members of the Costilla County Planning Commission shall serve without compensation, but may be reimbursed for such travel, mileage and continuing education expenses as may be authorized by the Board of County Commissioners.

Section 3.120 Costilla County Board of Adjustment

A. Powers and Duties. The Board of Adjustment shall have the following powers and duties under the provisions of this Land Use Code.

1. Variance. To hear, review and approve, approve with conditions, or disapprove applications for variances from zone district standards

2. Appeal Decision/Interpretation of Land Use Administrator. To hear, review, consider and affirm, modify, or reverse appeals of interpretations of these regulations made by the Land Use Administrator

B. Board of Adjustment Membership.

1. Qualifications. Members of the Board of Adjustment shall be residents of the County prior to appointment, and registered voters. No member of the Board of County Commissioners shall serve on the Board of Adjustment.

2. Appointment. The Board of Adjustment shall be composed of three (3) members, to be appointed by a majority vote of the Board of County Commissioners by Resolution.

C. Terms of Office. All members serving on the Board of adjustment on the effective date of this Land Use Code shall complete their terms according to their prior appointments. The term of office for each member shall be two (2) years.

D. Removal from Office. Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners.

E. Vacancy. Whenever a vacancy occurs on the Board of Adjustment, the member's position shall remain vacant until a new member can be appointed by the Board of County Commissioners.

F. Compensation. The members of the Board of Adjustment shall serve without compensation, but may be reimbursed for such travel, mileage and continuing education expenses as may be authorized by the Board of County Commissioners.

Section 3.130 Land Use Administrator

A. Duties and Responsibilities. The Land Use Administrator or his designated representatives is responsible for the administration and or enforcement of all ordinances and regulations, requirements and provisions of this Code. In order to carry out these responsibilities the Land Use Administrator fulfills the roles of the Zoning Administrator and Secretary to the Planning Commission, the Board of Adjustments, and the Board of County Commissioners when acting upon land use issues. The Land Use Administrator is responsible for issuing Land Use Permits and for the administrative zoning review and approval of Land Use Permit applications subject to the administrative zoning review process under Section 3.300.

DIVISION 2 GENERAL APPLICATION AND REVIEW PROCEDURES

Section 3.200 Pre-application Conference

A. Pre-application Conference Required. Unless expressly provided otherwise in this Code, a pre-application conference is required for all applicants for all requested actions under this Code.

1. Participating Parties. The pre-application conference shall be held between the applicant and the Land Use Administrator or staff.

2. Purpose. This meeting is intended to provide an understanding of the applicable review procedures, requirements and standards, and to provide information pertinent to the site and the proposal. The Administrator will explain the application procedures and the materials required for submittal.

3. Materials. The applicant shall bring a conceptual site plan to the pre-application conference showing in sufficient detail the location, parcel size, and basic concept of the proposed land use.

B. Optional Report. Within five business days after the pre-application conference, the Administrator may, at his discretion, prepare and mail to the applicant a written report regarding any concerns or conflicts raised by the applicant's proposal.

C. Determination of Level of Review. The Administrator will determine the appropriate type of review process for the land use change that is being sought.

Section 3.210 Submit Application

Applications for Land Use Permits shall be submitted to the Land Use Administrator by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.

A. Application. The following basic materials are required for all applications for a Land Use Permit. For certain types of land use applications there are additional application submittal requirements and procedures. The Land Use Administrator will determine the number of copies of the materials that will be required. The Administrator may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

1. Application Form. Application forms for Land Use Permits shall be obtained from the Land Use Administrator. The application shall include the name of the proposed development or use, and the total number of acres. Completed application forms and accompanying materials shall be submitted to the Land Use Administrator by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent

a. Applicant is not the owner. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.

b. Applicant is not the sole owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners or an association representing the owners consenting to or joining in the application for development permit

2. Vicinity Map. An 8 ½ x 11 vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, and all property within a three-mile radius of the subject property.

3. Site Plan. A site plan prepared at a scale acceptable to the Land Use Administrator, which best conveys the conceptual aspects of the plan and for effective public presentation. The site plan must have the following elements:

a. The name, address and telephone number of the property owner, applicant if not the owner, and the person(s) who prepared the submittal.

- b. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north).
 - c. A complete legal description of the property, including the total size of the parcel.
 - d. Clearly identified boundary lines, corner pins, dimensions of the subject property, and distance of structures from property lines.
 - e. Location, dimension of all structures, existing and proposed.
 - f. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turn-arounds, sidewalks and paths, with locations and dimensions including all proposed grading for the property.
 - g. Existing and proposed roads, railroad tracks, irrigation ditches, fences, existing and proposed utility lines, and easements and rights-of-ways on or adjacent to the parcel, shown by location and dimension.
 - h. Significant on-site features including, but not limited to: natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with flooding limits based on information available through the County) and aquatic habitat; geologic features and hazards, including slopes, alluvial fans, areas of subsidence, rock outcrops and, rockfall areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.
 - i. Description of the proposed wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities to serve the proposed use.
 - j. Description of the source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use.
 - k. Elevation drawings showing existing grade, finished grade, and height of the proposed structure above existing grade. The location and dimensions of all windows must also be included on each of the elevations.
 - l. Verification that the site is a legal building lot under this Code and that legal access from a public road has been obtained.
 - m. Additional information that may be requested by the Land Use Administrator.
- B. Fees. Any application for a Land Use Permit must be accompanied by the appropriate fees. A schedule of fees is available through the Planning Department
- C. Plans and Specifications Approved by Certified Subdivision. The plans and specifications for a single family dwelling approved by a Certified Subdivision may be submitted lieu of the Vicinity Map and Site Plan required in sections 3.210(A)(2) and 3.210(A)(3).

Section 3.220_____ Review of Application by the Land Use Administrator.

The Land Use Administrator shall review the Land Use Application as follows:

A. Completeness Determination. Within fifteen (15) days of receipt of the application, the Administrator shall determine whether the application is complete.

1. Application is Not Complete. If the application is not complete, the Administrator shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn and returned to the applicant.

2. Application is Complete. If the application is complete, the Administrator shall certify it as complete and stamp it with the date of the application acceptance.

B. Evaluation. The Land Use Administrator shall review the application to determine whether it complies with applicable standards.

Section 3.230 _____ Notice of Public Hearing.

Certain Land Use Permits will require a public hearing. When a public hearing is required, the following public notice shall be required unless otherwise specified.

A. Manner and Type of Notice

1. Notice by Publication. At least fourteen (14) days prior to the day of the scheduled public hearing before the Planning Commission, and at least thirty (30) days prior to the day of the scheduled public hearing before the Board of County Commissioners, a notice of public hearing shall be published in a newspaper of general circulation in Costilla County. Publication of said notice shall follow a form prescribed by the County.

2. Notice to Adjacent Property Owners. At least thirty (30) days prior to day of the scheduled public hearing by the Planning Commission, the applicant shall mail a written notice of the public hearing by registered mail, return receipt requested, to the owners of record of all property adjacent to the property. The notice shall include a vicinity map, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing.

3. Posting of Notice. At least fourteen (14) days prior to the day of the scheduled public hearing before the Planning Commission, the applicant shall post notice of the public hearing on the property. Such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right-of-way, located within ten (10) feet of the property line and located so as to be fully visible from the right-of-way. Such signs shall measure at least 3 feet by four feet, the size of all letters shall be at least two inches high and the signs shall be erected on posts no less than four feet nor more than six feet above ground level.

B. Responsibility for Notice. Public notification of the hearing is the responsibility of the applicant, and the applicant shall provide at the public hearing proof of publication, proof of payment of publication and proof of notification of adjacent property owners.

Section 3.240 Conduct of Public Hearing.

Certain approvals will require a public hearing. When a public hearing is required under this Land Use Code it shall be conducted in accordance with the following procedures:

A. Hearing Process. A public hearing shall be conducted in accordance with the following process upon public notification pursuant to the provisions of Section 3.230:

1. Rights of All Persons. Any person may appear at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment may also be submitted in written form before or during the hearing, or within a period of time after the hearing has closed as designated by the review body chairperson.

2. Order of Proceedings. The order of the proceedings shall be as follows:

a. Staff Report. Five (5) days prior to the date of the public hearing, the Planning Department shall submit a staff report to the review body. A copy of the Staff Report shall be provided to the Applicant prior to the public hearing. A copy of the Staff Report shall also be available for public review.

b. Confirmation of adequate public notice. The Administrator shall report whether or not adequate notice has been accomplished pursuant to Section 3.230.

c. Land Use Administrator Presentation and Analysis. The Land Use Administrator shall describe the applicant's proposed project, identify the standards of this Code that apply to the proposed project and provide an analysis to establish whether the application meets those standards.

d Applicant's Presentation. The applicant shall make an oral presentation on behalf of the application.

e. Questions by Review Body. The review body may ask questions of the Land Use Administrator, the applicant, or members of the public in attendance.

f. Public Comments. Public comments shall be heard. Written comments that have been received before the hearing shall be reported by the Land Use Administrator and acknowledged to be part of the hearing record.

g. Applicant Response. The applicant may respond to any comments made by the public, the Land Use Administrator, or the review body.

h. Land Use Administrator Response. The Land Use Administrator may respond to any statement made by the applicant, the public, or the review body.

3. Ex Parte Communications. Members of decision-making bodies shall not engage in communications with the applicants and their agents and applicants and their agents shall not engage in communications with the Planning Commission, Board, or other decision making body about applications under review or reasonably anticipated to come under review. If an ex parte communication is attempted by telephone, in person, by telefax or other means outside of a regularly scheduled public meeting, the member of the decision-making body involved shall first attempt to stop the party from the prohibited behavior, then document the

communication and notify the Land Use Administrator by telephone or in written form. The Administrator shall then enter that documentation into the public file. The Administrator shall report that documentation at the next meeting or hearing on the subject application. No ex parte communication shall be considered by a decision-making body, or any of its members, in making a decision on a land use permit matter.

4. Time Limits for Testimony. The chairperson conducting the public hearing shall set reasonable time limits for testimony or presentation of evidence. If any testimony or evidence is so limited, the person offering that testimony or evidence shall have an opportunity to enter it into the record in writing at the public hearing.

5. Continuance of Public Hearing. At the conclusion of the hearing, the body conducting it may continue the public hearing to a fixed date and time acceptable to the applicant.

6. Close of Public Hearing . If the hearing is not continued, it shall be closed. At the close of the hearing, the chairperson of the body conducting the hearing may leave the record open for a defined period of time during which only written comment will continue to be accepted. If no such time period is defined, no further written comment shall be accepted beyond the time the hearing is closed.

7. Deliberation and Decision. At the close of public hearing and the record, the review body conducting the hearing shall proceed with deliberations and a decision regarding the application.

8. Record of Public Hearing. The body conducting the public hearing shall record the public hearing by any appropriate means, including audiotape or videotape, and written minutes.

9. Record of Decision. The record of decision includes: the written and taped record of oral proceedings, including testimony and statements of personal opinions; the minutes of the hearing and other meetings of the review body; all applications, exhibits, letters and papers submitted by any person to the County regarding the application; the Planning Department's Report; referral agency reports and the decisions of the recommending and decision-making bodies. Those materials, on presentation to the County, shall become the public property of the County and shall not be removed without proper authorization.

DIVISION 3 APPLICATION AND REVIEW PROCEDURES FOR LAND USE PERMITS SUBJECT TO ADMINISTRATIVE ZONING APPROVAL

Section 3.300 Application Submittal Requirements and Review Procedures for Administrative Zoning Review

A. Application. An applicant for a Land Use Permit requiring Administrative Zoning Review shall submit the application materials required under Section 3.210.

B. Review Procedures.

1. Review of Application Materials by Land Use Administrator. The Administrator shall review the application for determination of completeness in accordance with

the provisions of Section 3.220.A.

2. Evaluation. Upon determination of completeness, the Administrator shall review the application for compliance with the General Approval Standards set forth in Section 5.100. The Administrator's review of the application may include comment by referral agencies and adjacent property owners.

a. Review by Referral Agencies. The Administrator at his discretion may submit the application materials to referral agencies for comment as the administrator deems appropriate and necessary. The referral review and comment period shall be for a period of time up to thirty (30) days from the date that the application is deemed complete.

b. Notice to Adjacent Property Owners. Notice to adjacent property owners shall not be required unless the Administrator determines that the proposed use is likely to affect adjacent property owners. If notification is required, the notice shall be made by the applicant pursuant to the provisions of Section 3.230.A.2.

C. Land Use Administrator Decision. The Administrator may approve, approve with conditions or deny the application for a Land Use Permit subject to Administrative Zoning Review, based upon compliance of the proposed use with the General Approval Standards set forth in Section 5.100. The Administrator shall inform the applicant of the approval, conditions of approval or basis for denial in writing within five (5) days of the decision.

Section 3.310 Appeal of Administrative Zoning Review Decision.

A. Request for Review by Board. An applicant may request review by the Board of County Commissioners of the Administrative Zoning Decision by filing a written request for appeal within ten (10) days of notice of the decision.

B. Consideration of Applicants Request for Review by the Board of County Commissioners. Upon receiving the applicant's request for appeal, the Administrator shall schedule a hearing before the Board of County Commissioners at a regular meeting, not more than forty-five (45) days from the receipt of the applicant's request for appeal. Upon proper notice, in accordance with Section 3.230, the Board shall conduct a hearing in accordance with the provisions of Section 3.240. The Board shall either uphold the Administrator's decision, modify the decision, or reverse the decision.

DIVISION 4 APPLICATION AND REVIEW PROCEDURES FOR LAND USE PERMITS SUBJECT TO LIMITED IMPACT USE AND SPECIAL REVIEW.

Section 3.400 Application Submittal Requirements for Land Use Permits Subject to Limited Impact Uses and Special Review.

A. Application. An applicant for a Land Use Permit to conduct a use subject to Limited Impact Review or Special Review shall submit the following.

1. Application Materials. The application materials required in Section 3.210
2. Additional Site Plan Detail. Additional detail on the Site Plan may be required by

the Land Use Administrator including but not limited to:

- a. Topographic Contours. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development, drainage and grading plans.
 - b. Identification of Archaeological, Cultural and Historical Resources. A letter of verification of a search of Inventory of Cultural Resources from the State Historical Society; a report defining the archaeological or historical resources on the site based on information available from the State Historic Preservation Officer; or the appropriate archeological field survey report.
3. Wildfire Mitigation Plan. A wildfire mitigation plan shall be submitted by the applicant.
4. Control Plan for Undesirable Plants. A control plan for undesirable plants shall be submitted by the applicant.
5. Impact Analysis. A description of the impacts that the proposed use may cause, described in terms of the standards that apply to Limited Impact Uses in Section 5.100, and a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied.

B. Additional Materials - Watershed Protection Overlay. For uses located in a Watershed Protection Overlay, the following additional site plan detail and information is required.

1. Vegetative Cover. A general description of the type and density of vegetation including i) deciduous trees, ii) coniferous trees, iii) high shrubs, and iv) sage, grassland, and agricultural crops. The county may require a more detailed tree/vegetation survey if the site has unusually significant vegetative cover as defined in this Land Use Code.
2. Wetlands. Identification of all wetlands areas in excess of three acres using the Federal Manual for Identification and Delineation of Jurisdictional Wetlands. Applications for minor activities may meet this requirement by a visual identification of wetlands.
3. Water Bodies. A description of all lakes, streams, ditches and other water bodies and their classifications and standards adopted by the Colorado Water Quality Control Commission. A summary of the existing water quality data, if any, collected by government agencies, for such water bodies.

C. Additional Materials - Floodplain Overlay. For uses located in a Floodplain Overlay, the following additional materials are required.

1. Floodplain and Floodway Plan. Plans prepared by a qualified engineer and drawn to an appropriate scale which show the floodplain and floodways and overall site affected, the proposed improvements or development, the elevations of the area in question, any existing or proposed structures, fill, storage of materials, drainage facilities and the location of each.
 - a. Elevation of Grades and Lowest Floor. The plans should indicate at 2' intervals

the mean sea level elevation of all existing and finished grades and of the lowest floor (including the basement) of all new and substantially improved structures and the mean sea level elevation to which any structure or use is flood proofed.

b. Flood Proofing Methods. The plans shall be certified by a registered professional engineer that the flood proofing methods meet flood proofing criteria provided by the County, district or agency involved in the review procedure.

c. Alterations to Watercourse. The plans should provide a description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Permits. Copies of all necessary permits from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments, 33 USC 1334.

D. Additional Materials - Single-Family Dwellings in Certified Subdivisions. In lieu of the additional application submittal requirements under Section 3.400, the Administrator may accept the application materials submitted for approval of the proposed development by the Certified Subdivision. The application materials must be sufficient for the Administrator to determine that the proposed Land Use Change complies with the County's development standards. Additional information may be requested by the Administrator.

Section 3.410 Review Procedures Applicable to Limited Impact Uses.

A. Pre-application Conference. A pre-application conference shall be held in accordance with Section 3.200.

B. Review Procedures.

1. Review of Application Materials by Land Use Administrator. The Land Use Administrator shall review and prepare a report on the application for a Land Use Permit subject to Limited Impact Use review in accordance with the provisions of Section 3.220. Upon a determination of completeness, the Administrator shall schedule the application for review by the Planning Commission.

a. Public hearing by the Planning Commission shall be scheduled within forty-five (45) calendar days of the date of completeness determination.

b. Public notice of the hearing shall be made in conformance with Section 3.230 and shall be the responsibility of the applicant.

2. Referral Agency Review. When in the judgment of the Administrator, a Land Use Permit application subject to Limited Impact Use review requires referral review and comment by any agency, organization, governmental entity or person or persons, the Administrator may so cause the application materials or any portion thereof to be submitted for referral review and comment. The referral review and comment period shall be for a period of time up to thirty (30) days from the date that the application is deemed complete.

3. Review and Action by Planning Commission. The Land Use Permit application subject to Limited Impact Use review shall be considered by the Planning

Commission at a public hearing, after proper notice, in accordance with Section 3.240.

a. The Planning Commission shall approve, approve with conditions or deny the application for Limited Impact Use based on the standards set forth in Section 5.100.

b. If the application fails to satisfy all of the applicable standards the application shall be denied.

4. Appeal to the Board of County Commissioners of Planning Commission Decision. Any person aggrieved by the decision of the Planning Commission on a Land Use Permit application subject to Limited Impact Use review may appeal the Planning Commission's decision to the Board of County Commissioners.

a. A written notice of appeal setting forth the reasons why the Board of County Commissioners should revise or reverse the decision of the Planning Commission must be submitted to the Land Use Administrator within five (5) days of the decision by the Planning Commission on the Limited Impact Use.

b. The Land Use Administrator shall schedule a hearing for the Board of County Commissioners to hear the appeal within forty-five (45) days of receipt of the notice of appeal.

c. Public notice of the hearing shall be made by publication and notice to adjacent property owners in accordance with the procedures set forth in Section 3.230, except that it is not necessary to post a notice of the hearing on the property, and written notice to adjacent property owner shall be mailed at least twenty (20) days prior to the hearing , and public notice shall be the responsibility of the County.

d. Following a properly noticed public hearing, the Board of County Commissioners shall either uphold the decision of the Planning Commission, reverse the decision of the Planning Commission, or revise the decision of the Planning Commission on the Limited Impact Use.

Section 3.420 Review Procedures Applicable to Uses Subject to Special Review

A. Pre-application Conference. A pre-application conference shall be held in accordance with Section 3.200.

B. Review Procedures.

1. Review of Application Materials by Land Use Administrator. The Land Use Administrator shall review and prepare a report on the application for a Land Use Permit for a Special Review in accordance with the provisions of Section 3.220. Upon a determination of completeness, the Administrator shall schedule the application for review and recommendation by the Planning Commission.

a. Public hearing by the Planning Commission shall be scheduled within forty-five (45) calendar days of the date of completeness determination.

b. Public notice of the hearing shall be made in conformance with Section 3.230 and shall be the responsibility of the applicant.

2. Referral Agency Review. The Administrator shall cause the application materials or any portion thereof to be submitted for referral review and comment. The referral review and comment period shall be for a period of time up to 30 days from the date that the application is deemed complete.

3. Review and Recommendation by Planning Commission. The Special Review application shall be considered by the Planning Commission at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Planning Commission shall recommend approval, approval with conditions or denial of the Special Review application based on the approval standards set forth in Section 5.100.

4. Public Hearing and Action by Board of County Commissioners. The final decision to approve, approve with conditions or deny the application for a use by Special Review shall be made by the Board of County Commissioners at a public hearing.

a. Public hearing by the Board of County Commissioners shall be scheduled within forty-five (45) calendar days of the Planning Commission recommendation.

b. Public notice of the Board of County Commissioners hearing shall be in conformance with Section 3.230 and shall be the responsibility of the applicant

c. Following the public hearing, conducted pursuant to Section 3.240, the Board of County Commissioners shall either approve, approve with conditions or deny the application for a Land Use Permit to conduct the use by Special Review, based on the approval standards in Section 5.100. If the application fails to satisfy any one of the applicable standards set forth in Section 5.100 the application shall be denied.

DIVISION 5 APPLICATION AND REVIEW PROCEDURES FOR REZONING AND TEXT AMENDMENTS.

Section 3.500____ Rezoning.

A. Initiation. Rezoning may be initiated by the Board of County Commissioners, the Planning Commission, the Land Use Administrator, or the legal owner of any property in Costilla County or their authorized agent. No rezoning request shall be processed unless it is accompanied by a request to conduct a specific land use.

B. Application. An Application for rezoning shall be submitted to the Administrator, and shall contain the materials specified in Section 3.210, with the following additional submittal requirements.

1. Additional Elements of the Written Description. The Written Description shall include:

a. A description of the existing uses of the subject property and of the adjacent properties within 500' of the subject property.

b. A description of the proposed use, density and the timing for its development.

2. Survey. The application shall include a survey and legal description prepared by a

Colorado Registered Surveyor, which accurately describes the dimensions of the subject property, including its size in square feet or acres.

3. Compliance with Rezoning Standards. A report that explains how the rezoning would satisfy the approval standards for a Rezoning set forth in Section 5.100.

4. Preliminary Plan Application. When a rezoning is necessary to conduct a land use that requires subdivision, then the applicant shall submit the subdivision Preliminary Plan application along with the rezoning request.

5. Land Use Permit Application Materials. Any other materials required as part of the Land Use Permit Application for the use that will be conducted if the Rezoning is approved

6. Impact Analysis. A description of the impacts that the rezoning may cause, and a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied.

C. Review and Approval Procedure for Rezoning

1. Pre-application Conference. A pre-application conference shall be held in accordance with Section 3.200.

2. Review of Application Materials by Land Use Administrator. The Administrator shall review and prepare a report on the application for a Rezoning in accordance with the provisions of Section 3.220. Upon a determination of completeness, the Administrator shall schedule the application for review and approval by the Planning Commission.

a. Public hearing by the Planning Commission shall be scheduled within forty-five (45) calendar days of the date of completeness determination

b. Public notice of the hearing shall be made in conformance with Section 3.230 and shall be the responsibility of the applicant.

3. Referral Agency Review. The Administrator shall cause the application materials or any portion thereof to be submitted for referral review and comment. The referral review and comment period shall be for a period of time up to thirty (30) days from the date that the application is deemed complete.

4. Review and Recommendation by Planning Commission. The Rezoning application shall be considered by the Planning Commission at a public hearing, after proper notice, in accordance with the provisions of Section 3.240, together with the Land Use Permit or Preliminary Plan accompanying the Rezoning request. The Planning Commission shall recommend approval, approval with conditions or denial of the Rezoning based on the approval standards set forth in Section 5.100.

5. Public Hearing and Action by Board of County Commissioners. The final decision to approve, approve with conditions or deny the application for a Rezoning shall be made by the Board of County Commissioners at a public hearing.

a. Public hearing by the Board of County Commissioners shall be scheduled within forty-five (45) calendar days of the Planning Commission recommendation.

b. Public notice of the hearing shall be made in conformance with Section 3.230 and shall be the responsibility of the applicant.

Section 3.510 Amendment to the Text of this Land Use Code

A. Initiation. Text amendments to this Land Use Code shall be initiated by the Board of County Commissioners, the Planning Commission, or the Land Use Administrator.

B. Proposed Amendment. A proposal for text amendment shall state the precise wording of the proposed text amendment, and the reason for the proposed amendment.

C. Public Review. Copies of the proposed text amendment shall be available at the County offices for review by the public.

D. Review and Recommendation of Planning Commission. Following the publication of notice of the proposed text amendment published at least fourteen (14) days prior to the public hearing, the Planning Commission shall conduct a public hearing. The Planning Commission may make modifications to the proposed amendment and transmit its recommendations on the proposed text to Board of County Commissioners.

E. Action by Board of County Commissioners. After receipt of the recommendation from the Planning Commission and upon publication of a public notice of the proposed text amendment published at least thirty (30) days prior to the public hearing, the Board of County Commissioners shall determine whether the text should be amended and direct the Administrator to make any such amendments to the official Land Use Code.

DIVISION 6 VARIANCES AND APPEALS OF ADMINISTRATIVE INTERPRETATIONS

Section 3.600 Variances

Variances are deviations from the terms of this Code that would not be contrary to the public interest when, owing to special circumstances or conditions like exceptional topographic conditions, narrowness, shallowness or the shape of a specific piece of property, the literal enforcement of the provisions of this Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property.

A. Initiation. Applications for a Variance may be submitted by the owner or the owners authorized agent.

B. Application Submittal and Review Procedures Applicable to Applications for Variance

1. Pre-application Conference. A pre-application conference shall be held in accordance with Section 3.200.

2. Application. The applicant for a variance shall submit to the Land Use

Administrator an application that includes the following materials. Additional materials may be required by the Land Use Administrator.

- a. Site Plan. A site plan for the property at which the variance is being requested,
- b. Written Narrative. A written narrative explaining the standards from which a variance is being sought, and the reasons why a variance is necessary.

3. Review of Application Materials by Land Use Administrator.

a. Review. The Administrator shall review the application for completeness, in accordance with the provisions of Section 3.220. Upon a determination of completeness, the Administrator shall schedule the application for review and approval by the Board of Adjustment.

(1) Public hearing by the Board of Adjustment shall be scheduled within forty-five (45) calendar days of the date of completeness determination.

(2) Public notice of the hearing shall be the responsibility of the applicant, made in conformance with Section 3.230, with publication of hearing notice and notice to adjacent property owners no less than thirty (30) days prior to the hearing, and posting of the property no less than fourteen (14) days prior to the hearing.

b. Staff Report. The Administrator shall prepare and submit a report to the Board of Adjustments regarding the proposed variance.

4. Review and Action by Board of Adjustment. The application for variance shall be considered by the Board of Adjustment at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Board of Adjustment shall approve, approve with conditions or deny the application for Variance based on the approval standards set forth in Section 3.600.C.

C. Standards for Approval of a Request for Variance. The Board of Adjustment must find that all of the following standards are met before a variance can be granted.

1. Special Circumstances Exist. One of the follow circumstances or conditions exist with respect to the specific piece of property:

a. Exceptional narrowness, shallowness or shape of the property at the time of the enactment of the regulation in question.

b. Exceptional topographic conditions of the property.

c. Other extraordinary and exceptional situation or condition of the property.

2. Not a Result of the Actions of Applicant. The special circumstances and conditions have not resulted from any act of the applicant.

3. Strict Application Consequence. Because of the special circumstances and conditions found pursuant to Section 3.600.C.1, the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship on, the owner of the property.

4. Variance is Necessary for Relief. The granting of the variance from the strict application of the provisions set forth in this Code is necessary to relieve the owner of the peculiar and exceptional practical difficulties or exceptional and undue hardship.

5. Not Detrimental to the Public Good. Granting the variance will not cause substantial detriment to the public good.

6. Variance will not impair the County's Zoning Plans. Granting the variance will not substantially impair the intent and purpose of the County's zone plan and the zoning resolutions adopted.

Section 3.610 Appeal Process for Administrative Interpretation of These Regulations.

An appeal may be taken to the Board of Adjustment by any person aggrieved by a final interpretation by the Administrator of this Land Use Code.

A. Initiation. The appeal shall be filed with the Administrator within thirty (30) calendar days of the date of the interpretation of the Administrator.

B. Statement of Appeal and Review Procedures.

1. Statement of Appeal. The appellant shall submit a written statement of the Administrator's interpretation to be appealed, the date of that interpretation and the reasons why the appellant believes that the interpretation of the Administrator is incorrect, including any materials or evidence to support the appeal.

2. Public Hearing. Public hearing by the Board of Adjustment shall be scheduled within forty-five (45) calendar days of the date the appeal was filed with the Administrator. Notice of the hearing shall be published no less than thirty (30) days prior to the hearing, pursuant to the provisions of Section 3.230. It is not necessary to post a notice of the hearing on the property or to mail notice of the hearing to adjacent property owners, and public notice shall be the responsibility of the County.

3. Review and Action by the Board of Adjustment. The Board of Adjustment shall review the Statement of Appeal and testimony by the Administrator at the Public Hearing. The Board of Adjustment shall determine the proper interpretation of the provision of the Land Use Code being appealed.

4. Review Criteria for Appeal of Administrative Interpretation. The Board of Adjustment shall consider the following criteria in hearing an appeal of an administrative interpretation.

a. The technical meaning of the provision being appealed.

b. Evidence as to the past interpretation of the provision.

c. The effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan.

DIVISION 7 VACATION OF ROADWAYS, RIGHTS-OF-WAY AND

EASEMENTS

Section 3.700 Purpose

The purpose of this Section is to provide for the vacation of roadways, rights-of-way and easements dedicated to Costilla County that have been determined to be no longer necessary.

Section 3.710 Applicability

This process may be used to vacate any dedicated roadway, right-of-way or easement of record in unincorporated Costilla County.

Section 3.720 Process

A. Application and Review Process.

1. Pre-Application Conference. All applications for vacations require a Pre-Application Conference to be held in accordance with Section 3.200. In addition, the applicant must consult with the appropriate utilities or other agencies that use the roadway, right-of-way or easement to be vacated prior to formal application.

2. Application Materials.

a. Map. A map prepared by appropriately qualified persons such as a surveyor or engineer, in a clear and legible manner acceptable to the Land Use Administrator at a scale of one (1) inch to one hundred (100) or two hundred (200) feet. The map shall include the following information.

(1) The name, address and telephone number of each property owner and of the applicant(s) if other than the owner(s) and the name of the individual preparing the submittal.

(2) Legal description of the property upon which the roadway, right-of-way or easement to be vacated is located.

(3) Location of utilities to be vacated, within the property and on abutting properties.

(4) All roadways, alleys, and transportation facilities abutting or servicing the properties affected by the vacation.

(5) Other information deemed necessary by the County for a complete depiction of the proposed vacation.

b. Survey. A survey and legal description of the roadway, right-of-way or easement to be vacated, prepared by a Colorado Registered Surveyor.

c. Approval from Users of Roadway, Right-of-Way and Easement. Documentation that the utilities or other persons that may use the roadway, right-of-way or easement have no objection to the vacation.

d. Resubdivision Plat. If the roadway, right-of-way or easement to be vacated is within the boundaries of a subdivision, the applicant must submit a resubdivision plat, eliminating the vacated roadway, right of way or easement and showing the lot configurations that will change as a result of the vacation. The resubdivision plat shall be prepared by a surveyor or engineer, in a clear and legible manner acceptable to the Land Use Administrator at a scale of one (1) inch to one hundred (100) or two hundred (200) feet.

3. Notice.

a. Written Notice to Affected Parties and Adjacent Property Owners. At least ten (10) days before the date that the Board of County Commissioners will consider the vacation request, the applicant shall send a written notice of the proposed vacation to all affected parties, including but not limited to the owners of record of all property abutting the proposed vacation, and any utilities or other potential users of the roadway, right-of-way or easement proposed to be vacated. The notice shall describe the roadway, right-of-way or easement proposed to be vacated and shall indicate the time and place of the Board meeting at which the proposed vacation will be considered.

b. Notice by Publication. At least fourteen (14) days prior to the day of the scheduled Board meeting, the County shall publish a notice regarding the proposed vacation in a newspaper of general circulation in Costilla County. The notice shall describe the roadway, right-of-way or easement proposed to be vacated and shall indicate the time and place of the Board meeting at which the proposed vacation will be considered.

4. Review and Approval Procedure for Vacations.

a. Review of Application Materials by Land Use Administrator. The Administrator shall review and prepare a report on the application to vacate a roadway, right-of-way or easement in accordance with the provisions of Section 3.220. Upon a determination of completeness, the Administrator shall schedule the application for review and action by the Board of County Commissioners.

b. Schedule of Meeting with Board of County Commissioners. The proposed vacation shall be scheduled for review and action by the Board within forty-five (45) calendar days of the date of completeness determination.

5. Action by Board of County Commissioners. The Board of County Commissioners shall consider the application for vacation at a public meeting noticed in compliance with paragraph 3 of this Section 3.720. The Board may approve the vacation by resolution if it satisfies the approval standards in paragraph 6 of this Section 3.720. If a roadway constitutes the boundary line between Costilla County and an adjacent County or a city or town, it may be vacated only by joint action by the County and the adjacent entity.

6. Approval Standards. To approve a roadway, right-of-way or easement vacation the Board of County Commissioners must find the following conditions exist.

a. The roadway, right-of-way or easement proposed to be vacated is not located within the limits of any city or town.

b. If the roadway, right-of-way or easement proposed to be vacated constitutes the boundary line between Costilla County and an adjacent County or a city or town, the adjacent entity has vacated or will vacate the roadway, right-of-way or easement in a joint action with the County.

c. The proposed vacation will not leave any adjoining land without an established public road or private access easement connecting the land with another established public road.

d. The vacation of a roadway established as a County road at any time requires a resolution approved by the Board at a public meeting for which proper notice has been completed as set forth in paragraph 3 of this Section 3.720.

e. The vacation of a roadway that has been established as a state highway requires a resolution approved by the transportation commission, pursuant to C.R.S. 43-1-106 (11).

f. The proposed vacation will not result in any significant negative impacts on utility and drainage services, transportation facilities, surrounding properties or the natural environment.

g. The proposed vacation will not adversely affect property values in the surrounding area.

h. The proposed vacation is compatible with existing and proposed development in the surrounding area, and does not conflict with the Comprehensive Plan.

i. The roadway, right-of-way or easement proposed to be vacated is no longer needed for the purpose for which it was dedicated, and the proposed vacation would be in the best interest of the residents of Costilla County.

j. All affected persons and agencies have been notified of the proposed vacation and none have objected.

6. Recordation and Vesting of Title.

a. Upon vacation of a roadway or right-of-way associated with a roadway, title to the lands included within such roadway or associated right-of-way, or so much thereof as may be vacated, shall vest subject to the same encumbrances, liens, limitations, and restrictions as the land to which it accrues, as follows:

(1) In the event that a roadway which constitutes the exterior boundary of a subdivision or other tract of land is vacated, title to said roadway shall vest in the owners of the land abutting the vacated roadway to the same extent that the land included within the roadway, at the time the roadway was acquired for public use, was a part of the subdivided land or was a part of the adjacent land.

(2) In the event that less than the entire width of a roadway or easement is vacated, title to the vacated portion shall vest in the owners of the land abutting such vacated portion.

(3) In the event that a roadway bounded by straight lines is vacated, title to the vacated roadway or associated right-of-way shall vest in the owners of the abutting

land, each abutting owner taking to the center of the roadway, except as provided in paragraphs (1) and (2) above. In the event that the boundary lines of abutting lands do not intersect said roadway at a right angle, the land included within such roadway shall vest as provided in paragraph (4) below.

(4) In all instances not specifically provided for, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking that portion of the vacated roadway to which his land, or any part thereof, is nearest in proximity.

(5) No portion of a roadway upon vacation shall accrue to an abutting roadway.

b. Within thirty (30) days following approval of a vacation, the resolution and maps or amended plats documenting the vacation shall be recorded in the office of the clerk and recorder.

ARTICLE 4 ZONING DISTRICTS

DIVISION 1 GENERAL

Section 4.100 Establishment of Zone Districts

A. Zone Districts Established. The following zone districts are established. The Use Tables set forth in Section 4.200 explain which uses are allowed in each zone district and the type of review that is required for different uses.

1 Agricultural District (A). The purpose of the Agricultural District is to preserve and protect rural areas of the County where the conservation of agricultural resources and agricultural production is of major importance and where uses must be protected from uncontrolled and unmitigated residential, commercial and industrial uses.

2. Rural Residential District (RR). The purpose of the Rural Residential District is to protect rural agricultural areas, while allowing for residential areas developed at a density and character compatible with agricultural uses. All unincorporated areas of the County which are recognized as within subdivisions by the County Assessor as of the enactment of this code and which subdivisions are predominantly Lots of 35 acres or more are Rural Residential.

3. Estate Residential (ER). The purpose of the Estate Residential District is to provide areas where management and maintenance of agricultural resources is of incidental value, allowing for residential areas developed at a higher density. All unincorporated areas of the County which are recognized as within subdivisions by the County Assessor as of the enactment of this code and which subdivisions are predominately lots of less than 35 acres are Estate Residential.

4. Industrial (I). The purpose of the Industrial zone district is to provide appropriate areas for industrial and service businesses, in locations where conflicts with residential, commercial and other land uses can be minimized.

Section 4.110 Establishment of Zone District Overlays

A. Zone District Overlays Established. Overlay districts are superimposed over the existing zone district, and the overlay district regulations are in addition to those of the underlying zone district. Uses permitted in the underlying zone district are permitted in the overlay district if the proposed use conforms with the applicable standards for the zone district and the additional standards and restrictions of the overlay district. The following overlay districts are established: i) Watershed Protection Overlay District, ii) Floodplain Overlay District, and iii) Community/Townsite Overlay District.

B. Special Review Use. All uses in Overlay Districts shall be subject to the application and review procedures for Special Review set forth in Section 3.400 and Section 3.420.

C. Watershed Protection Overlay District. The boundaries of the Watershed Protection overlay zone district shall be established by Resolution of the Board of County Commissioners. The purpose of the Watershed Protection Overlay District is to:

1. Prohibit Significant Degradation to Environment. Prohibit certain uses that because of their intensity or nature cause significant degradation to the watershed environment.
2. Protect Watershed from Pollution. Regulate development so that the watershed is protected from erosion, contamination, sedimentation and other point or non-point sources of pollution.
3. Maintain Harmony with Wildlife Habitat. Ensure that development is planned and designed to be harmonious with wildlife habitat.
4. Preserve Resources and Aesthetics of the Environment. Preserve the natural environment, historical and cultural resources, and aesthetics of the watershed to the greatest extent possible.
5. Ensure Compatibility. Ensure compatibility between a proposed land use activity and natural constraints by requiring well-engineered solutions to those constraints.

D. Floodplain Overlay District.

1. Boundaries and Jurisdiction. These floodplain regulations shall be applied: i) on existing zoned areas containing flood hazard areas, ii) lands within the Designated Floodplain District (DFD) and the Flood Prone District (FPD) which is the 100-year floodplain as mapped on the Flood Insurance Rate Maps (FIRM), and iii) all lands adjacent to any water course within the unincorporated area of Costilla County which could be inundated by a 100-year flood for that water course.

2. Purpose. The purpose of the Floodplain Overlay District is to:

- a. Flood-carrying Capacity. Minimize or prevent adverse affects of proposed development on the flood-carrying capacity of flood hazard areas.
- b. Minimize Flood Loss. Minimize flood losses by restricting or prohibiting uses which are dangerous to public health, safety and property in times of flood or which cause increased flood heights or velocities within the 100-year floodplain.

b. Regulate Development in Flood-prone Areas. To take necessary steps which are particular to flood-prone areas and land use proposals, specifically those which alter the existing character of the land and lie within known or designated 100-year floodplains and can affect drainage patterns and flood-carrying capacities of the known watercourses within these flood-prone areas. Any proposed development which would alter or increase the potential damage or impacts of a major storm or alter the floodplain impacts on other tracts of land shall require this review prior to permit approval.

E. Community/Townsite Overlay District. The Board of County Commissioners may by Resolution designate an area to be a Community/Townsite Overlay District. Each such Resolution shall designate a Community Overlay District to the existing zoning, shall include a description of the characteristics of the district that justify its designation, provide a review process and standards for development located in such district, and shall identify the location and boundaries of the district. The purpose of the Community Overlay District is:

1B. Identify Established Areas of Urban Densities and Uses. To acknowledge and identify County areas where urban densities and uses exist and are appropriate when consistent with this Code[Article], and to establish development standards that promote compatible compatible land use and growth within these areas.

2. Provide for Land Use Permit Application Procedures and Review Standards. To provide consistent application procedures and review standards for proposed land use in existing unincorporated communities.is [Article].

3. Promote Compatible Development. To facilitate development activity compatible with existing land use and small lot development of unincorporated communities within the County.

Section 4.120 Levels of Review for Applications for Land Use Permits for Uses Allowed in Zoning Districts.

There are three levels of review that might apply to the issuance of a Land Use Permit for uses allowed in zoning districts. These are Zoning Review ("Z"), Limited Impact Use Review ("L") and Special Review ("S"). The Use Tables in Section 4.200 indicate the level of review that will be required for different types of uses each zoning district.

A. Administrative Zoning Review ("Z"). Administrative Zoning Review consists of review of an application by the Land Use Administrator. The application and review procedure for Administrative Zoning Review is found at Section 3.300.

B. Limited Impact Review ("L"). Limited Impact Review consists of review by the Land Use Administrator and review and decision by the Planning Commission. The application procedure for Limited Impact Uses is found at Section 3.400, and the review procedure for Limited Impact Uses is found at Section 3.410.

C. Special Review ("S"). Special Review consists of review by the Land Use Administrator and the Planning Commission, and review and decision by the Board of County Commissioners. The application procedure for uses requiring Special Review is found at Section 3.400 and the review procedure is found at Section 3.420.

1. Review of Uses in Overlay Districts. Uses in Overlay Districts shall be subject to the application and review procedures for Special Review.

DIVISION 2 ZONE DISTRICT REGULATIONS

Section 4.200 Use Tables

Z Use requiring Administrative Zoning Review

L Use requiring Limited Impact Review

S Use requiring Special Review

M Use requiring application of Mobile Home/Mobile Home Park Regulations, Article 8

E Use Exempt from Permit Requirement

All uses in Floodplain and Watershed Protection Overlay Districts are subject to Special Use Review.

USES ZONE DISTRICTS

Agricultural Rural

Residential Estate

Residential

Industrial

Accessory Agricultural Retail Sales E S S

Accessory Concrete or Asphalt Batch Plant S Z

Accessory Dwelling Z Z Z Z

Accessory Outside Storage Z Z Z Z

Accessory Structures 120 sq. ft. or larger Z Z Z Z

Accessory Structures smaller

than 120 sq. ft. E E Z Z

Accessory Structures Necessary to Agricultural Operations, smaller than 120 sq. ft. E E

USES ZONE DISTRICTS

Agricultural Rural

Residential Estate

Residential

Industrial

Agricultural Products

Processing, Storage, Distribution and Sale Off-Site S Z

Agricultural Products

Processing, Storage,

Distribution and Sale at Point

of Production E L

Agricultural Products

Retail Outlet S S Z

Bakery, Commercial S S S Z

Bank S S

Bed and Breakfast Z L L

Boarding House S

Building Contracting Shop L S S Z

Building Material or Garden Store S S S

Campground S S

Carpentry, Woodworking or

Furniture Making Facility L L S Z

Car Wash S S S L

Cemetery L L L

Church L L L

Convenience Store S S S L

Crop Production, Cultivation, Harvesting E L

Custom Meat or Poultry Processing Facility S S

Day Care Center L L L

Educational Facility L L L

Emergency Care Facility L S S

Equestrian Center Z L S

Excavations of Less than 100 Cubic Yards Unrelated to Mining E E E E

Excavations of 100 Cubic Yards or More Unrelated to Mining L L L L

USES ZONE DISTRICTS

Agricultural Rural

Residential Estate

Residential

Industrial

Feed Yard, Commercial S S

Fire Station S S S Z

Forestry L S L

Golf course S L L

Group Care or Foster Home L L L

Home Occupation Z Z Z Z

Hospital S S S L

Indoor Recreation S S L

Industrial S L

Keeping of Non Domestic Animals S S S Z

Kennel L S Z

Laundry and Dry Cleaning, Commercial S S S L

Livery or Horse Rental Operation S L

Livestock & Animal Husbandry E Z Z

Machine Shop S S Z

Mining S L

Mobile Home Park S, M S, M

Mobile Home - Single Family Dwelling Outside of Mobile Home Park M M M

Mortuary S

Multi-Family Dwelling S S

Nursery, Commercial L S S Z
Nursing, Convalescent or Residential Care Home Facility S S S

Overnight Lodging S S
Oil & Gas Drilling or Production S L

USES ZONE DISTRICTS

Agricultural Rural
Residential Estate
Residential
Industrial
Park or Playfield L L L
Printing or Publishing Establishment S S Z
Professional Office S S S
Public Recreation Center S L L
Public Utility Facility, Major Facility S S S Z

Reception Halls and Community Meeting Facilities S S S
Recreational Vehicle Park/Campground S S
Recycling Collection Center L
Recycling Collection Center, Small Z
Recycling Processing Facility L
Resort Lodge, Conference Center or Guest Ranch S S
Restaurant, with Drive-thru Service S
Restaurant or Bar, without Drive-thru Service S S S
Retail or Personal Service Facility S S S

Saw Mill S L
Sewage Treatment Facility L L L L
Sewage or Water Transmission Lines L L L L
Single Family Dwelling Z Z Z
Single Family Dwelling Associated with Exempt Agricultural Operation E
Solar Energy System Z Z Z Z
Solid Waste Disposal Site and Facility S
Solid Waste Transfer Facility L
Storage - Outside, Unrelated to Agricultural Use L
Storage Facility, Personal Storage S Z

USES ZONE DISTRICTS

Agricultural Rural
Residential Estate
Residential
Industrial
Telecommunication Company Central Office S S Z
Telecommunication Facility, Public Safety S S S Z
Telecommunication Facility S Z
Theater, Indoor S S

Utility Service Facility S S S Z

Vehicle Service Center Z
Vehicle Sales and Rental Lots Z
Veterinary Clinic S S L

Warehouse & Distribution Center Z
Water Reservoir S L S S
Water Treatment Facility S S S S
Wind Powered Electric Generator S S S S

TEMPORARY USES ZONE DISTRICTS

Agricultural Rural
Residential Estate
Residential
Industrial

Temporary Batch Plant Z Z Z Z

Temporary Construction or Sales Office Z Z Z Z

Temporary Fireworks Stands & Christmas Tree Lots Z Z Z Z

Section 4.210 Minimum Setback Requirements

A. Minimum Setbacks, Agricultural District. All buildings shall be located at least fifty (50) feet from the property line and thirty-five (35) feet from the edge of the road easement right-of-way on the side of the property facing a county road.

B. Minimum Setback Requirements, Rural Residential District. All buildings shall be located at least twenty-five (25) feet from the property line.

C. Minimum Setback Requirements, Estate Residential District.

1. (1)Front yard setback:

a. (i) arterial 20 feet

b. (ii)major collector 20 feet

c. (iii)local 20 feet

2. S(2) side yard setback: 5 feet

3. (3) Rear yard setback:

a. (i) principal uses 25 feet

b. (ii) accessory uses 5 feet

ARTICLE 5 LAND USE PERMIT AND REZONING APPROVAL STANDARDS

DIVISION 1 GENERAL STANDARDS

Section 5.100 Approval Standards for Land Use Permits and Rezonings

This Article includes the approval standards that will be applied by the County in its decisions to approve, approve with conditions or deny requests for Land Use Permits and Rezonings. Refer to Article 3 for the review and approval procedures that apply to Land Use Permit and Rezoning requests.

A. General Approval Standards. The following general approval standards shall apply to all uses that require a Land Use Permit except uses subject to review and approval under Community Overlay District standards.

1. Property rights. The applicant can and will obtain all necessary property rights, permits and approvals necessary to conduct the activity.
2. Comprehensive Plan and Intergovernmental Agreements. The use is consistent with relevant provisions of the Costilla County Comprehensive Plan and any intergovernmental agreement between the County and a municipality that applies to the area where the use will occur.
3. Mobile Home.
 - a. Mobile Homes manufactured prior to 1976 are prohibited in unincorporated Costilla County.
 - b. Applicant has applied for a Hook-up Permit in compliance with the provisions of Section 8.300.
 - c. Mobile Home will be located in compliance with the provisions of this Code.
4. Manufactured Home. Construction shall be in compliance with applicable industry standards and the structure will be safe and habitable.
3. Water and Wastewater. The use shall be served by water and wastewater systems that have been deemed adequate to serve the activity by the Colorado Department of Public Health and the Environment.
 - a. Central water and sewer will be required for residential developments consisting of twenty (20) or more dwelling units.
 - b. Individual sewage disposal systems (e.g. septic systems) will not be allowed on parcels less than one acre in size.
4. Risk from Natural Hazards. The use is not subject to significant risk from natural hazards.
5. Utilities. Public utilities shall be available to serve the use.

6. Access and Roadways. Access to and from the use shall be safe and in conformance with applicable County access standards. Roads serving the proposed use have the capacity to accept the additional traffic generated by the use safely and efficiently.

7. Compatibility. The nature, scale, and intensity of the use are compatible with adjacent land uses and will not result in an adverse impact to adjacent land. The County is authorized to impose conditions on any land use permit that are necessary to mitigate potential adverse impacts to adjacent uses.

8. Water Quality Protection. The use shall not cause significant degradation of the quality of surface or groundwater resources.

9. Visual Impacts. The use shall preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design of the activity shall be compatible with the surrounding natural environment.

10. Wildlife. The use shall not be located in significant wildlife habitat areas as defined by the Colorado Division of Wildlife unless the applicant demonstrates that there is no viable alternative location. Where the activity must be located in significant wild life habitat areas, the applicant shall implement all mitigation recommended by the Division of Wildlife and the County.

B. Limited Impact Use and Special Review Use Standards. In addition to the General Approval Standards in Section 5.100A, the following standards shall apply to all uses subject to Limited Impact Review and Special Review.

1. Service Delivery System Capacity. The use shall not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

2. Air Quality. The use shall not cause air quality to be reduced below levels established by the Colorado Air Pollution Control Division.

3. Nuisances. The use shall not cause a nuisance as defined within this Code.

4. Important Areas. The use shall not significantly degrade areas of paleontological, historic, or archaeological importance.

5. Recreation Impacts. The use shall not have a significant adverse effect on the quality or quantity of recreational opportunities and experience within the County, including but not limited to hunting, fishing, hiking, and similar recreational activities.

6. Traffic. The use shall not cause traffic congestion or unsafe traffic conditions and all impacts to the roadway system shall be mitigated through roadway improvements or impact fees, or both.

7. Erosion. Erosion and sedimentation control measures shall be implemented that ensure that disturbed areas and soil stockpiles are stabilized. Disturbed areas must be revegetated within one growing season pursuant to an approved vegetation plan.

8. Stormwater Run-off. Run-off shall be kept on the site in a stormwater detention system approved by the County, and waters in excess of historic run-off shall be prevented from leaving the site during construction and after site development.

C. Rezoning Standards. In addition to the General Approval Standards set forth in Section 5.100A, the following additional standards shall apply to rezoning requests.

1. No Spot Zoning. The proposed rezoning would result in a logical and orderly development pattern and not constitute spot zoning.

2. Change in area. The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.

3. Demonstrated community need. The proposed rezoning addresses a demonstrated community need with respect to facilities, services or housing.

D. Standards for Single Family Dwellings in Certified Subdivisions. A single family dwelling to be constructed on an established lot in a Certified Subdivision shall be presumed to have complied with the standards set forth in Section 5.100 if it complies with approval criteria established by a Certified Subdivision.

Section 5.110 Additional Standards for Certain Types of Uses

A. Additional Standards Applicable to Commercial and Industrial Uses. In addition to the General Approval Standards set forth in Section 5.100A and relevant Limited Impact/Special Review Standards set forth in Section 5.100B, the following additional standards shall apply to Commercial and Industrial Uses.

1. Storage areas. Storage areas shall be screened from view by fencing or landscaping.

2. Objectionable Emissions. Dust, odors, gas, fumes, and glare shall not be emitted at levels that are objectionable to adjacent property.

3. Noise. Noise as measured at the property boundary shall not exceed state noise standards and shall be buffered by landscaping or other screening devices.

4. Lighting. Exterior lighting shall be designed in compliance with the general lighting standards adopted by the County.

5. Hours of operation. Hours of operation shall be established to minimize impacts to adjacent land uses.

6. Roadway System. Impacts to the County roadway system associated with hauling, truck traffic and equipment use shall be mitigated through roadway improvements or impact fees, or both.

B. Additional Standards Applicable to Mining Uses. In addition to the General Approval Standards set forth in Section 5.100.A, relevant Limited Impact/Special Review Standards set forth in Section 5.100.B, and Commercial/Industrial Use Standards set forth in Section 5.110, the following additional standards shall apply

to Mining Uses.

1. Reclamation Plan. Applicant shall demonstrate compliance with the plan of reclamation approved by the Colorado Mined Land Reclamation Board.
2. Compliance with Regulations. The proposed mining activity shall be designed and operated in compliance with all applicable laws, regulations and permit requirements of the County, state and federal governments.
3. Haul Roads. Location and timing of use of haul roads shall avoid residential areas and environmentally sensitive areas to the extent practicable.
4. Impact on Population Centers. The proposed mining activity shall not be located within one-half (1/2) mile of any existing residential structures or in an area of proposed or planned future population growth.
5. Emergency Preparedness. The site operator shall notify the County Sheriff's Department of any emergency situation within one hour of its occurrence and provide a written report on the occurrence with one day of its inception.
6. Waterbody, Setbacks. The mining activity shall be set back five hundred (500) feet from any stream or waterbody. A waiver of this requirement may be granted by the Board of County Commissioners if the applicant can demonstrate that a lesser setback will not cause any degradation of water quality and if a monitoring plan for water quality is put in place. Any identification of degradation of water quality shall be deemed a violation of the Land Use Permit and shall result in immediate suspension of the permit.
7. Odor and Dust. Odor and dust shall be mitigated so that there is no adverse impact to adjacent property.
8. Use of Cyanide Ore-processing Reagents Prohibited. Open mining, including open-cut and open-pit mining, for gold and silver utilizing heap or vat leaching with cyanide ore-processing reagents is prohibited.

C. Additional Standards Applicable to Public Utilities. In addition to the General Approval Standards set forth in Section 5.100.A, and relevant limited Impact/Special Review Standards set forth in Section 5.100.B, the following additional standards shall apply to facilities of a Public Utility:

1. Major Electric or Natural Gas Facility Special Requirements. The following special requirements are imposed by state law, and shall apply to applications for a Land Use Permit for a Major Electrical or Natural Gas Facility.
 - a. Notice. A public utility or power authority shall notify the Land Use Administrator of its plans to site a Major Electrical or Natural Gas Facility prior to submitting the permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or the filing of any annual filing with the public utilities commission that proposes or recognizes the need for construction of a new facility or the extension of an existing facility. If a public utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or file annually with the public utilities commission to notify the public utilities commission of proposed construction of a new facility or the extension of an existing facility, then the public utility or power authority shall notify the County

of its intention to site a Major Electrical or Natural Gas Facility when such utility or authority determines that it intends to proceed to permit and construct the facility. During the pre-application meeting, the public utility or power authority shall consult with the Land Use Administrator to identify the specific routes or geographic locations under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.

b. Alternatives Analysis. In addition to the alternative described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives to the local government or explain why no reasonable alternatives are available.

c. Action on Application for Major Electrical and Natural Gas Facilities. Within ninety (90) days after submission of a completed application for a Major Electrical or Natural Gas, the County shall decide whether to approve, approve with conditions or deny the application. If the County does not take final action within such time, the application shall be deemed approved. Nothing in these provisions shall be construed to supersede any timeline set by agreement between the County and a public utility or power authority applying for a Land Use Permit for Major Electrical or Natural Gas Facilities.

d. Appeal of Denial of Application for Major Electrical or Natural Gas Facility. If the County denies a permit or application of a public utility or power authority that relates to the location, construction, or improvement of Major Electrical or Natural Gas Facilities, or if the County imposes requirements or conditions upon such permit or application that will unreasonably impair the ability of the public utility or power authority to provide safe, reliable, and economical service to the public, the public utility or power authority may appeal the County action to the public utilities commission for a determination under Section 40-4-102, C.R.S., so long as one or more of the following conditions exist:

(1) The public utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the public utilities commission pursuant to Section 40-5-101, C.R.S., to construct the major electrical or natural gas facility that is the subject of the local government action;

(2) A certificate of public convenience and necessity is not required for the public utility or power authority to construct the major electrical or natural gas facility that is the subject of the local government action; or

(3) The public utilities commission has previously entered an order pursuant Section 40-4-102, C.R.S., that conflicts with the local government action.

2. Disruption of Services Avoided. Areas around facilities of a public utility shall be administered so as to minimize disruption of the service provided by the public utility.

3. Community Patterns. Areas around major facilities of a public utility shall be administered so as to preserve desirable existing community patterns.

4. Comprehensive Plans. Where feasible, major facilities of a public utility shall be located so as to avoid direct conflict with adopted local, state and regional master plans.

5. Underground location. Utilities shall be located underground unless geologic conditions prevent underground installation. Where utilities are installed underground, they shall be located in the right-of-way at a depth of at least twenty-four (24) inches.

6. Restoration. Any disturbed portion of the right of way shall be restored as nearly

as possible to the condition as existing immediately prior to the Company's installation. Back filling shall be made in six-inch lifts, mechanically tamped and packed, and the last twelve (12) inches shall be crushed rock or gravel. Trench shall be left open until the Road Supervisor and/or Code Enforcement Officer inspect installation.

7. Safety. Safety measures shall be implemented in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location or relocation.

8. Roadway crossing. When the installation exceeds three inches in diameter and crosses a roadway, it shall be located as perpendicular to the roadway as physically possible and installed by boring or jacking beneath the road surface.

9. Cuts. Open cuts across a roadway will be allowed, subject to conditions imposed by the County, only if in the opinion of the County, boring is not possible. Where a cut is allowed, it shall be filled with gravel compacted in 5-inch lifts to a density of ninety-five (95) percent of surrounding soils. Any compaction tests shall be conducted by the County at the expense of the applicant.

10. As-built drawings. As-built drawings shall be provided to the County once the installation has been completed.

11. Notice to Proceed. No work associated with the installation of utilities shall commence until a permit and notice to proceed with installation have been granted by the County.

D. Additional Standards Applicable to Telecommunications Facilities. In addition to the General Approval Standards set forth in Section 5.100.A and relevant Limited Impact/Special Review Standards set forth in Section 5.100.B, the following standards shall apply to Telecommunications Facilities.

1. Telecommunications Act. All telecommunications facilities shall comply with the standards of this Code, all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the Federal Aviation Administration (FAA).

2. Residential Setbacks. Telecommunications facilities and towers shall be set back from all residentially zoned or used property by a minimum of two hundred (200) feet, or two hundred (200) percent of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the telecommunications facilities or tower higher than ten (10) feet, to any portion of the other property. If notice to the affected property owner is given, the County may reduce any such setback by up to twenty-five (25) percent only if such reduction is necessary to reduce the visual impact of the tower.

3. Setback from the property line. All telecommunication facilities and transmission towers shall be set back a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio (two (2) feet of setback for every foot of tower height from the property boundary of the facility) which ever is greater.

4. Monopole Tower Separation. Monopole tower structures shall be separated from

all other transmission towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred and fifty (750) feet.

5. Telecommunications Facility Support Structures. Telecommunications facility support structures shall not exceed the minimum height necessary to ensure effective telecommunications service within the relevant market area. All telecommunications facility support structures shall be screened or painted to minimize their visibility.

6. Self-supporting Latticed or Guyed Transmission Towers. Self-supporting lattice or guyed transmission towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.

7. Shared Facilities. Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own shall be utilized wherever possible.

8. New Towers and Facilities. No new transmission tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the County that no existing tower, structure or utility facility can be used by the applicant. To gain approval to construct a new transmission tower or facility, the applicant must demonstrate that:

a. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements; or

b. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment; or

c. The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or the antennas of existing transmission towers, facilities or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible; or

d. No owner of existing towers, structures or utility structures, within a distance that meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon.

9. Structural and Engineering Standards. The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.

10. Interference. Every transmission tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

11. Health Standards. Transmission towers and telecommunication facilities shall meet applicable health and safety standards for electromagnetic field (EMF)

emissions as established by the FCC and/or any other federal or state agency having jurisdiction.

12 Public and Utility Structures. Transmission towers or telecommunication facilities mounted on existing structures of public utilities that have a franchise or other written permission from the County and use concealed transmission towers and telecommunication facilities are permitted in all non-residential zoning districts, unless otherwise specified by this Code. The County may approve the placement, extension or replacement of a transmission tower or telecommunication facility on an existing public utility structure up to fifty (50) feet above the highest point on the same; the County may waive public notice and other submittal requirement if the Land Use Administrator believes that the public interest will not be harmed by such a waiver

13 Design, Materials and Color. Transmission towers and telecommunication facilities shall be designed and maintained to minimize visual impact; carry gravity and wind loads required by law; and shall use concealment or stealth methods, such as camouflaging transmission Towers to look like light poles or trees. At a minimum, the transmission towers and facilities shall meet the following design standards:

- a. Architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape.
- b. Located on existing vertical infrastructure such as utility poles and public building or utility structures.
- c. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building.
- d. Equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building unless expressly approved by the County.
- e. Located in areas where the existing topography, vegetation, buildings or other structures provide screening.

14. Landscaping and Screening. The property on which a telecommunication facility or tower is located shall be landscaped and screened, in accordance with the following standards:

- a. A free-standing transmission tower or telecommunication facility shall include landscaping planted and maintained according to a landscaping plan approved by the County.
- b. A freestanding transmission tower or telecommunication facility shall be surrounded by a six (6) foot high wall or fence or other suitable buffer yard. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.

15. Lighting and Signage. Only lighting required by a federal agency is allowed. The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way. Only signage that is required by state or federal

law is allowed. No advertising shall be permitted.

16. Exterior Transmission Tower or Telecommunication Facility Equipment Building(s) or Cabinet(s). Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than four hundred (400) square feet of gross floor area, shall not be more than twelve (12) feet in height, and shall maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.

17. Modification or Demolition. Any transmission tower or telecommunications facility being modified, demolished or rebuilt shall be brought into compliance with the standards adopted in this Code.

18. Maintenance. Every owner of a transmission tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.

19. Review. Each new tower or facility will be subject to a two (2)-year review by the Land Use Administrator. The review will determine whether or not the originally approved number of antenna and design are still appropriate and necessary to provide adequate communications services.

20. Abandonment. The wireless telecommunication facility owner shall remove all wireless telecommunications facilities which are not in use for any six (6)-month period, within three (3) months of the end of such six (6) month abandonment. As a part of such removal, the owner shall re-vegetate the site so that it is compatible with the neighborhood. The Board of County Commissioners shall only determine abandonment after the owner has had notice and an opportunity to be heard.

21. Federal Aviation Agency ("FAA") Form. The applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, except that such form shall not be required for the following:

a. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae.

b. Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of this Code.

c. Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities.

d. Any antennae used for Federal Communications Commission (FCC) licensees engaged in AM, FM or television broadcasting.

E. Additional Criteria Applicable to Solid Waste Disposal Sites. In addition to the General Approval Standards set forth in Section 5.100.A, relevant Limited

Impact/Special Review Standards set forth in Section 5.100.B, and Commercial/Industrial Standards set forth in Section 5.110, the following additional standards shall apply to solid waste disposal sites:

1. Recycling and Conservation. Solid waste disposal sites shall be developed in accordance with sound conservation practices and shall emphasize, where feasible, the recycling of waste materials.
2. Certificate of Designation. Solid waste disposal sites shall comply with state laws and regulations applicable to Solid Waste Disposal Sites and shall receive a Certificate of Designation from the County in accordance with state requirements.

F. Additional Standards Applicable to Major Timbering. In addition to the General Approval Standards set forth in Section 5.100.A, and relevant Limited Impact/Special Review Standards that are set forth in Section 5.100.B, the following additional criteria shall apply to major timbering activities.

1. Timbering Management Plan. Tree removal and restoration shall be in accordance with a timbering management plan approved by the County. At a minimum, implementation of the timbering management plan shall ensure that areas are revegetated, mature seed trees are left in all timbered areas, wind and erosion are mitigated, remaining trees are not destabilized and that the timbering conforms to general standards of sound silviculture such as those employed by the U.S.D.A. or other state or federal agencies with specific expertise in forestry management.
2. Setbacks. No timbering shall be allowed within 1000 feet of any public park, public building or area of historic or archaeological significance.
3. Hours. Hours of timbering and timber hauling on County roads shall be 7:00 A.M. until 7:00 P.M. unless other hours are approved by the County after determining that such other hours shall comply with the intent of this Land Use Code.
4. Road location. Road building shall be prohibited in areas of greater than 3:1 slope or unstable soils.

Section 5.120 Standards Within Overlay Districts

A. Additional Standards Applicable Within Watershed Protection Overlay. In addition to any other relevant standards that may apply, the following standards shall apply to all uses in the Watershed Protection Overlay District.

1. Performance Guaranty. In addition to any other security that may be required, a performance guaranty letter of credit or other security in a form acceptable to the permit authority shall be posted before any permit is issued in an amount sufficient to cover the full cost of restoring or mitigating any negative impacts to the watershed or aquatic environment caused during construction. The security shall be released upon a finding by the permit authority that: (i) construction is completed; and, (ii) the post-construction watershed or aquatic environment is restored to the same quality as pre-construction conditions.
2. Increase in Pollution Prohibited. All non-point and point sources of pollutants caused or associated with the activity shall not result in any measurable increase in

pollution, as measured at the point of compliance established by the County, over the existing water quality in any waterbody affected by the activity.

3. Drainage Alterations. Any alteration to water drainage courses shall be prohibited that increases or decreases rates of stream flow, increases sediment deposition, causes erosion to stream banks, result in increases or decreases of temperature, or otherwise causes injury to the aquatic environment. Impervious areas are prohibited within seventy-five (75) feet of intermittent streams and one hundred (100) feet of perennial streams.

4. Timbering. Any timber harvesting, other than to clear trees for structures, roads or driveways, or to protect the health of the forest ecosystem, shall be prohibited.

5. Damage to Waterworks Prohibited. Any activity causing impairment or damage to publicly-owned waterworks shall be prohibited.

6. Construction in Waterbodies Prohibited. Construction, other than permitted streambank reinforcement or repair, water diversion placement or repair, or stream crossings, within any waters in the watershed district shall be prohibited.

7. Storage of Hazardous Materials Prohibited. No pesticides, petroleum products, or other substances that have the potential to degrade water quality, shall be stored within one hundred (100) horizontal feet of any waterbody. No sand and salt for road de-icing shall be stored within one hundred (100) horizontal feet of any waterbody. Open storage of fertilizers within one hundred (100) horizontal feet of the waterbody is also prohibited.

B. Additional Standards Applicable Within Floodplain Overlay. In addition to any other relevant standards that may apply, the following standards shall apply to all uses in the Floodplain Overlay District.

1. Water Supply Systems. New and replacement water supply systems within floodplain overlay areas shall be designed to minimize or eliminate infiltration of flood waters into the systems.

2. Sanitary Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; on-site sanitary waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

3. Service Facilities. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Minimize Flood Damage. All new construction and improvements shall be constructed by methods and practices that minimize flood damage, and using materials and utility equipment resistant to flood damage.

5. New Construction Anchored. All new construction and improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and be

capable of resisting the hydrostatic and hydrodynamic loads.

6. Cumulative Effect. The cumulative effect of any proposed development, when combined with all other existing and anticipated development shall not increase the water surface elevation of the base flood more than one foot at any point.

7. Uses Prohibited in Floodway. Storage or processing of materials that may create a hazard during a flood, solid waste disposal sites, wastewater treatment systems, and residential development of any kind shall be prohibited within the floodway.

8. Design Standards. New construction and improvements of any residential structure shall have the lowest floor, including basement, two (2) feet above the base flood elevation. New construction and improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities shall:

a. Be flood-proofed so that below the base flood elevation the structure is water tight with walls impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Administrator.

9. No Danger. The proposed development shall not cause danger to persons upstream, downstream and in the immediate vicinity.

10. No Change in Flood-Carrying Capacity. Maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

ARTICLE 6 NONCONFORMING USES

DIVISION 1 GENERAL

Section 6.100 General

A nonconforming use is any existing use that does not conform to the use regulations of this Code for the zoning district in which such nonconforming use is located, as a result of either the adoption or amendment of this Code, or a final administrative or judicial decision precluding the County from enforcing this Code specific to a use on the basis of estoppel, laches, or waiver.

A. Uses are not considered nonconforming due to inadequate parking.

B. Uses which are nonconforming shall not be eligible to apply for a special use

permit for a use of community significance.

C. Except as otherwise provided in this Section, a nonconforming use may be continued and normal or routine maintenance of a structure containing a nonconforming use shall be permitted.

Section 6.110 Enlargement or Alteration of a Nonconforming Use

A. No Enlargement or Alteration of Nonconforming Use. The right to continue a nonconforming use terminates immediately when the nonconforming use is enlarged, expanded, extended, or altered in any of the following ways, and the property owner does not successfully pursue any of the options specified in these regulations within thirty (30) calendar days after the Land Use Administrator provides written notification of an alleged illegal enlargement or alteration to the owner.

1. The addition of a new structure containing, or accessory to, the nonconforming use.
2. Enlargement or alteration of a structure containing, or accessory to, the nonconforming use including but not necessarily limited to an increase in floor area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the structure.
3. Enlargement or alteration in the land area occupied by the nonconforming use, unless the basic nature of the use, at the time it became nonconforming, clearly indicated or contemplated such an increase or alteration.
4. Any other enlargement or alteration of the nonconforming use which has the effect or threatened effect of creating a hazard or nuisance on or off the property, of adversely affecting the character of the neighborhood, or of intensifying the use of the land or its need for services.
5. Removal or replacement of any structural member in a use for which the County is precluded from enforcing this Code specific to use on the basis of estoppel, laches, or waiver.
6. The following shall not be considered prohibited enlargement or alteration:
 - a. A change of ownership of the property.
 - b. An alteration or expansion which the Land Use Administrator determines is necessary to rectify a hazardous health or safety situation or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure.
 - c. An extension of the nonconforming use within the structure containing the use, provided that such extension is not accompanied by an alteration of the structure falling within category (b), above.
 - d. The addition of a solar energy device to a structure containing a nonconforming use.

e. Any replacement or upgrading of outmoded or worn equipment or supplies.

B. Nonconforming Agricultural Uses. Owners of legal building lots containing agricultural uses which have become nonconforming as a result of adoption or amendment of this Code may restore, modify, and maintain the existing structures, and may construct new conforming structures, provided such structures are directly related to the agricultural use, and provided the use is not enlarged or altered in any other way.

Section 6.120 Change of a Nonconforming Use

A. Change to Conforming Use. A nonconforming use may be changed only to a use which is conforming in the zoning district in which the use is located.

B. Termination of Nonconforming Use. Any change of a nonconforming use to any other use shall immediately terminate the right to continue the nonconforming use. Thereafter, the property shall be used only in conformity with the use provisions of its zoning district.

Section 6.130 Destruction of a Structure Containing a Nonconforming Use

A. Structure Deemed Destroyed. A structure containing a nonconforming use shall be deemed destroyed when either greater than fifty (50) percent of its floor area, or greater than fifty (50) percent of its actual value (as determined by the Costilla County Assessor) is destroyed.

B. Termination of Nonconforming Use. The right to continue a nonconforming use terminates immediately when the structure containing that use is destroyed by an intentional act of the property or structure owner or their agent.

C. Restoration of Structure. In all other cases, when a structure containing a nonconforming use is destroyed, the structure may be restored, and the nonconforming use may be reestablished.

1. Restoration of the structure must be commenced within six (6) months after the date on which the nonconforming structure was destroyed and completed within one year after the date on which the restoration was commenced.

2. These times may be extended for a reasonable period, if approved by the County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.

Section 6.140 Abandonment of a Nonconforming Use

A. Termination of Nonconforming Use. The right to continue a nonconforming use terminates as soon as the use is abandoned through the discontinuance of the use for an uninterrupted period of six (6) months or more, as a result of causes within the control of the property owner or their agent.

B. Termination of Seasonal Nonconforming Use. If the nonconforming use is a seasonal use, the use shall be terminated if it is discontinued for an entire single season based upon the history and nature of the use.

C. Abandonment of Seasonal Nonconforming Use. Any nonconforming use may be abandoned in less than six (6) months or a season, as applicable, if the property owner expressly states an intent to abandon the use, or engages in action which unambiguously expresses an intent to abandon.

Section 6.150 Notice of Termination in the Event of Unlawful Enlargement or Alteration of a Nonconforming Use, Change of Use, Abandonment of a Nonconforming Use, or Destruction or Damage to a Structure Containing a Nonconforming Use

A. Written Notification. In the event that the Land Use Administrator receives information that the right to continue a nonconforming use has been or may have been terminated, the Director shall provide a written notification of this determination by first class mail to the property owner, and to the parcel address, all as shown on the records of the County Assessor. The property owner shall have thirty (30) calendar days after the date of the notification within which to provide evidence satisfactory to the Administrator to show that the determination is in error, to abate the illegal enlargement or alteration, or to file an appeal of the Administrator's determination to the Board of County Commissioners. In any appeal, the property owner shall have the burden to show that the right to continue the nonconforming use was not terminated according to the applicable provisions of this Article, when judged in light of the history and nature of the use and the circumstances of the alleged termination.

B. Right to Bring Enforcement Action. Nothing in these regulations shall alter or diminish the County's right to take enforcement action against the unlawful continuation of a nonconforming use. Except in the case of an illegal enlargement or alteration for which the owner shall be provided with a thirty (30) day opportunity to abate, any failure by the Administrator to provide a notification of a determination of termination as provided for in this regulation shall in no way entitle the property owner to continue or resume a nonconforming use terminated under provisions of these regulations.

ARTICLE 7 PLANNED UNIT DEVELOPMENTS

DIVISION 1 GENERAL

Section 7.100 General Provisions of the Planned Unit Development

A. Purposes. A Planned Unit Development (PUD) is a customized zoning designation. The purpose of a PUD is to permit and encourage greater flexibility and innovation so that the development is compatible with the site's physical and environmental characteristics. The PUD provides an opportunity for a mixture of uses and housing types in a coordinated manner that may not be possible in a traditional zoning district.

B. Conformity with the County Comprehensive Plan. No PUD shall be approved unless it is found by the Board of County Commissioners to conform to the County's Comprehensive Plan. When appropriate, an application for an amendment to the Costilla County Comprehensive Plan may be made as part of a PUD application. Any application for Comprehensive Plan amendment must be approved by the

Planning Commission, prior to its recommendation on the PUD application, and may occur at the same meeting. Applications for Comprehensive Plan amendment shall include justification for the amendment based upon criteria for establishing land use designations contained in the County Comprehensive Plan.

C. Relationship to Zoning and Subdivision

1. The PUD is a type of customized zoning district. The PUD application submittal requirements, review procedures and approval standards are set forth below, and shall apply to any PUD rezoning instead of the requirements and standards applicable to rezoning.
2. The Board of County Commissioners may, at the time of zoning as a PUD, waive or modify specifications, standards and requirements such as density, set backs, height restrictions, land dedications, improvement standards and related requirements that would be otherwise applicable to a particular land use, if such waiver or modification furthers the objectives of these regulations.
3. Where individual lots will be created within the boundaries of a PUD zone, the Subdivision Regulations at Article 9 of this Land Use Code shall apply, and the PUD shall be reviewed together with the preliminary plat for the subdivision.
4. All uses that are permitted in the underlying zone district where the PUD is located and any other uses that are consistent with the County Comprehensive Plan may be permitted in a PUD.

Section 7.110 Application Submittal Requirements and Review Procedures for Planned Unit Development

A. Pre-application Meeting and PUD Concept. Applicants shall schedule and attend a Pre-application Meeting before filing an application for a Preliminary or Final PUD Review. The applicant shall present a Concept Narrative of the proposed PUD at the time of the meeting, in a format established by the Land Use Administrator.

1. Concept Narrative Requirements. The Concept Narrative shall discuss the proposed PUD in sufficient detail to accurately convey the general concept of the proposal. Detail should include:

a. Concept Description. Location of property; existing zoning, use and applicable information regarding density; proposed zoning, use, densities and lot sizes as applicable to proposal; existing zoning and use of surrounding property, including applicable information regarding densities; existing and proposed access; existing and proposed source of water; existing and proposed wastewater treatment system; phasing if entire project is not being done at one time; unique features on the site which might enhance the site and proposed use; a discussion of the anticipated impacts and proposed mitigation.

b. Additional Information Required. At the request of the Administrator, the applicant shall provide any reasonable additional conceptual information as needed to help clarify the proposal being made.

B. PUD Preliminary Plan Application and Review. Following the pre-application

meeting, the Applicant shall submit the PUD Preliminary Plan. The following application submittal requirements and review procedures shall apply to the PUD Preliminary Review.

1. Application Submittal Requirements. In addition to the submittal requirements provided for in Section 3.500, Rezoning, the following information shall be submitted to the Land Use Administrator with any application for Preliminary Review of a PUD, except for items waived by the Land Use Administrator.

a. Site Plan. The site plan shall conform with the requirements of a site plan set forth in Section 3.210.A.3, and the following:

- (1) Shall be prepared on a standard 24 x 36 sheets
- (2) Shall show all adjacent land owned by the applicant that is not part of the proposed request and indicate the current and intended use of the land.
- (3) The topography on the site at ten-foot contours, with delineation of areas having slopes twenty percent or more and other significant topographic conditions at more defined contours.
- (4) Show public access to site, and internal circulation, not limited to vehicular. The widths, lines, and names of all existing and proposed streets, drives alleys and roads on or affecting the site, and names of existing streets and alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown.
- (5) Existing land uses and zoning on adjoining properties.
- (6) All public or private sources of utility services and facilities.
- (7) Delineation of the existing easements on the site, their use, whether they are to remain on site, and who holds or own easements. Delineation of all easements adjoining the property and setbacks.
- (8) The proposed setbacks from all property lines, required off-street parking, areas for landscaping, proposed use, gross square footage of structures and anticipated number of employees if commercial or industrial uses.
- (9) The unique features on the site (historical, landforms, views, etc.) which might enhance the site and proposed use.
- (10) The specific location of all land uses and proposed densities where applicable.
- (11) Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known one hundred year flood plains affecting the property shall also be delineated as per the national Flood Plain Insurance Map or those maps provided by the US Army Corps of Engineers or another recognized source.
- (12) Designate land to be held in common, open space devoted to community use, and land to be dedicated to County. The amount of open space required shall be determined on a case by case basis. An open space buffer is encouraged. If a request for payment of cash in-lieu of land dedication is to be proposed, a discussion of the

cash-in-lieu proposal shall be included in the Written Description.

(13) An environmental impact study and assessment including, but not be limited to, drainage studies, wildlife habitats, soils, economic views, vegetation and slope analysis, County services, town services, transportation, schools, climate, air quality, geology and minerals, paleontology, topography, water, recreation, visual resources, economics and sociology, cultural and noise.

(14) Provisions of an acceptable water plan approved by the State Division of Water Resources, shall be considered a primary requisite for approval of any proposed zone within the PUD. The applicant shall make every reasonable documented effort to connect to adjoining water and sanitation districts.

(15) Building envelopes, where applicable, in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff

(16) Signature block

b. Written Description. A written description of the proposal shall include the following information.

(1) The names and addresses of owner, applicant and representative.

(2) General project concept and purpose of the request.

(3) Relationship of the proposed PUD development to the existing land uses and adjacent property land uses

(4) The staging and timing for the proposed development.

(5) Compliance with the Costilla County Comprehensive Plan.

(6) Source of and legal right to water.

(7) Method of wastewater treatment and disposal.

(8) Written confirmation of service availability from a water and sanitation district if the property lies within the boundaries of said district.

(9) Type or method of fire protection.

(10) The names and addresses of mineral rights owners on the affected property and mineral rights lessees; names and addresses of water rights owners.

(11) Description of natural and manmade hazards

(12) Discussion of impacts on County services, schools, town services and any other unique operation that may be pertinent to a review of the proposed zone change

(13) Discussion of impacts on existing flora and fauna, air quality, wildlife, historical lands or sites, drainage or mineral extraction

c. Development Guide. Any PUD must submit a Development Guide prior to approval of the PUD rezoning.

(1) Provisions established by the Development Guide shall comply with goals and policies of the Comprehensive Plan, and with the zoning regulations and amendments of this Code at the time of adoption of the Development Guide.

(2) The Development guide shall contain landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways and all other land held in common.

(3) The Development Guide shall propose reasonable standards, variations and requirements for development which are divergent from the standards and practices outlined by these regulations. The Development Guide will be evaluated as to the appropriateness of each proposed variation during the approval process. Only those proposed variations which are deemed appropriate by the County shall become a part of the approved Development Guide. Appropriateness of variations shall be judged on the basis of the environmental and impact assessment, referral agency response, professional and academic reports and studies, adjacent land uses and natural environment, locations and other information available to the County. The current and future owners and their assigns shall be required to develop the proposed project in accordance with the approved and recorded development plan. The County zoning regulations shall be applicable to any conditions not provided for by the approved Development Guide.

2. Land Use Administrator Review of Preliminary Plan. Upon receipt of the required Preliminary Plan information, the Land Use Administrator shall review the submittal for accuracy, completeness and compliance with the County Comprehensive Plan and these PUD Regulations. When the Land Use Administrator is satisfied that all necessary information has been submitted, it shall refer the Preliminary Plan to the Planning Commission and to the appropriate review agencies and shall schedule a public hearing by the Planning Commission.

3. Notice of Planning Commission Public Hearing. The applicant shall provide public notice of the Planning Commission hearing in accordance with Section 3.230.

4. Planning Commission Public Hearing. The Planning Commission shall hold a public hearing on the proposed preliminary PUD and, at the close of the public hearing, recommend to the Board of County Commissioners that the PUD be approved, approved with conditions or denied based on the PUD Approval Standards of Section 7.120.

C. Final PUD Plan Application and Review. The following application submittal requirements and review procedures shall apply to the PUD Final Plan Review. The PUD Preliminary Plan may be submitted at the same time for review and approval.

1. Application Submittal Requirements. The following information shall be submitted to the Land Use Administrator with any application for final plan review of a PUD, except for items waived by the Land Use Administrator. Unless otherwise indicated, 2 copies of each document shall be submitted.

a. Site Plan. The PUD Final Plan shall be in substantial conformance with the PUD Preliminary Plan as approved, and shall include:

(1) The drawing shall be done at a scale of 1 inch equals 100 feet or a scale approved by the Administrator which clearly shows the entire proposal. Photo Mylar shall be used with outer dimensions of 24 x 36. Multiple sheets may be utilized with a cover sheet referencing and indexing all required graphic information. The drawings shall conform to the standards established by the County. Plats not found acceptable by the Planning Department shall be returned to the applicant for resubmission. The original and two photo mylar copies shall be submitted to the Planning Department only after the Planning Department determines the Final Plat to be adequate for scheduling before the Planning Commission.

(2) Title, scale, north arrow, and preparation date.

(3) Legal description of the proposed development, together with complete reference to the Book and Page of Records with the County.

(4) Primary control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

(5) Location and description of monuments.

(6) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radius, arcs, and central angles of all curves.

(7) Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility.

(8) Location, dimensions, purposes, and the owner/holder of any easements.

(9) Statement by owner dedicating streets, rights-of-way, and any sites for public use.

(10) Number to identify each lot or site, such as lot and block numbers.

(11) Purposes of sites other than residential lots that are dedicated or reserved.

(12) Location or vicinity map to scale.

(13) Individual gross and net acreage calculated to two decimal places.

(14) Designation of lots where special studies are required prior to obtaining a building and/or driveway permit.

(15) Delineation of any flood plains and building envelopes for affected properties within the PUD.

(16) Certification of title showing the applicant is the land owner or option-holder.

(17) Statement of attorney for the owner attesting to accuracy and appropriateness of the proposal and title.

(18) Comments and recommendations regarding legal, planning, or engineering matters from a qualified person as plat notes approved by the Planning Commission.

(19) Certification by the project surveyor certifying to the accuracy of the survey and plat.

(20) Certification of Planning Department.

(21) Certification for approval of the Board of County Commissioners.

(22) Certification for the County Clerk and Recorder.

b. Additional Materials.

(1) Streets/roads plans and profiles.

(2) Covenants, Conditions, Restrictions.

(3) Estimated construction costs 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 applicant by the County.

(4) Disclosure letter if applicable.

(5) Written Description of proposal.

(6) Development Guide

(7) Erosion control and drainage report.

(8) Description and documentation of mechanism for maintaining and preserving open space and common areas.

(9) Developed Lot Valuation from a qualified appraiser. Valuation and appraiser will be approved by the County Assessor.

(10) Certification of taxes paid.

2. Land Use Administrator Review. Upon receipt of the required PUD Final Plan materials and determination of completeness, the Administrator shall refer the PUD Final Plan and the recommendation of the Planning Commission to the Board of County Commissioners, and schedule a Public Hearing with the Board of County Commissioners. The Land Use Administrator shall review the submittal for accuracy and for compliance with the County Comprehensive Plan, any conditions that the Planning Commission recommended in its preliminary review, and the approval criteria set forth in these PUD Regulations.

3. Notice of Planning Commission Public Hearing. The applicant shall provide public notice of the Board of County Commissioners Hearing in conformance with Section 3.230.

4. Board of County Commissioners Hearing and Decision. The County Commissioners shall hold a public hearing on the proposed PUD Final Plan and, at the close of the public hearing, approve, approve with conditions or deny the PUD Final Plan based on the PUD Approval Standards of Section 7.120.

5. Revisions to Zoning District Maps. Approval of a PUD Final Plan shall be recorded on the Official Zoning Maps filed in the Planning Department as soon as practicable after the PUD becomes effective.

Section 7.120 PUD Approval Standards.

In addition to the approval standards for Rezoning at Section 5.100, the following standards shall apply to PUD requests.

A. PUD Approval Standards

1. Consistent with Comprehensive Plan. The location, character and intent of the PUD are consistent with the County Comprehensive Plan.

2. Consistent with Land Use Code. The PUD is consistent with the purpose and intent of this Land Use Code.

3. Complies with Rezoning Standards. The PUD complies with the Rezoning Standards in Section 5.100.

4. Relationship to Surrounding Area. The PUD is compatible with the scale, intensity and type of uses located on adjacent property.

5. Adequate Water and Wastewater Systems. The PUD shall be served by water and wastewater systems that have the legal and physical capacity to serve the proposed PUD in compliance with state and federal laws.

6. Street Circulation System. The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained. Bicycle traffic shall be provided for when the site is used for residential purposes.

7. Open Space. The PUD shall preserve at least fifty (50) percent of the area as open space.

8. Housing Variety. The PUD shall provide for variety in housing types, price and ownership forms.

9. Pedestrian Circulation. The PUD shall provide pedestrian ways throughout the PUD that allow residents to walk safely and conveniently among areas of the PUD.

10. Protection of the Environment. The design and layout of the PUD will protect unique natural features and will not cause significant degradation of the environment.

11. Service Delivery System Capacity. The PUD shall not have a significant adverse effect on the capability of local government to provide services or exceed the

capacity of service delivery systems.

12. Visual Impacts. The layout and design of the PUD shall preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design of the activity shall be compatible with the surrounding natural environment.

13. Wildlife. Uses and improvements within the PUD shall not be located in significant wildlife habitat areas as defined by the Colorado Division of Wildlife unless the applicant demonstrates that there is no viable alternative location. Where a use or improvement must be located in significant wild life habitat areas, the applicant shall implement all mitigation recommended by the Division of Wildlife and the County.

14. Important Areas. Uses and improvements within the PUD will not interfere with areas of paleontological, historic, or archaeological importance.

15. Recreation Amenities. The PUD shall provide recreational opportunities and amenities to residents of the PUD.

16. Areas Within the PUD. Each area within a PUD shall be planned so that failure to proceed to the next area of the will not have a significant adverse impact on the PUD or its surroundings

ARTICLE 8 MOBILE HOME, MOBILE HOME PARK AND RV PARK REGULATIONS

DIVISION 1 GENERAL

Section 8.100 Permit Required

A. Mobile Home Park and RV Park/Campground. A Land Use Permit is required to establish a mobile home park or recreational vehicle park/campground, or for additions to existing parks and campgrounds.

1. Construction and Development Prohibited Without Permit. No person shall engage in the construction or development or alteration of a mobile home park or recreational vehicle park/campground without an approved Land Use Permit, issued in compliance with this Land Use Code.

2. Use Subject to Special Review. A mobile home park or recreational vehicle park/campground is a use subject to Special Review. To establish a mobile home park or recreational vehicle park or for additions to existing parks, the provisions set forth in this Article are in addition to the Special Review application, review and approval procedures.

B. Mobile Homes.

1. An individual mobile home to be occupied as a single-family dwelling and not located in a mobile home park is a use subject to Administrative Zoning Review in

the Agricultural, Rural Residential and Estate Residential zone districts. The provisions set forth in this Article are in addition to the Administrative Zoning Review application, review and approval procedures.

2. All mobile homes require application for a hook-up permit, in compliance with the provisions of Section 8.300, prior to being located on the property.

3. All mobile homes require issuance of the hook-up permit, in compliance with the provisions of Section 8.300, prior to being occupied.

Section 8.110 Occupancy

A. Hook-up Permit Required.

1. Permit Required to Occupy - Mobile Home. No person shall occupy a mobile home in unincorporated Costilla County unless a valid hook-up permit has been issued for the mobile home in compliance with Section 8.300.

2. Permit Required to Occupy - Recreational Vehicle Park. No Recreational Vehicle Park/Campground spaces shall be occupied if the space has not received the appropriate hook-up permits issued in compliance with Section 8.310.

3. Permit Required to Move. It shall be unlawful for any mobile home to be moved onto a lot, or into a mobile home park space or to be moved from one space to another within the mobile home park without first applying for a hook-up permit.

B. Restricted Use.

1. Mobile Home Use Restricted to Single-Family Dwelling. The sole use of a mobile home shall be for the purpose of a single-family dwelling. Use of a mobile home as an accessory structure or temporary structure for the purpose of storage is prohibited.

2. Recreational Vehicle Use Restricted. Use of a recreational vehicle for storage purposes, as an accessory structure, or as a dwelling space for any purpose other than temporary dwelling for travel, recreation or vacation use is prohibited.

DIVISION 2 APPLICATION, REVIEW PROCEDURES AND STANDARDS FOR LAND USE PERMITS FOR MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS/CAMPGROUNDS

Section 8.200 Application and Review Procedures for Land Use Permit for Mobile Home Park

A. Application Submittal Requirements. In addition to the relevant application requirements for a use subject to Special Review set forth in Section 3.400, the following submittal requirements shall apply to a Land Use Permit application for mobile home park.

1. Plot Plans. Typical plot plans for individual mobile home spaces at a scale of 1 inch equals 10 feet.

2. Typical Sections. Typical street and walkway sections.

3. Size and Density. The number, location and size of all mobile home spaces and the gross density of such spaces.

4. Roadway and Walkway Detail. The location, surfacing and width of roadways, sidewalks, pathways.

B. Review Procedures for Land Use Permit for Mobile Home Park. An application for Land Use Permit for a Mobile Home Park is reviewed as a use subject to Special Review. In addition to the procedures at Section 3.420, the approval standards for a Mobile Home Parks set forth in Section 8.220 shall apply.

Section 8.210 Application and Review Procedures for Land Use Permit for Recreational Vehicle Parks/Campgrounds and Additions to Existing Parks/Campgrounds

A. Application Submittal Requirements. In addition to the relevant application requirements for a use subject to Special Review set forth in Section 3.400, the following submittal requirements shall apply to a Land Use Permit application for recreational vehicle park/campground or additions to existing park/campground.

1. Plot Plans. Typical plot plans for individual recreational vehicle spaces and campsites at a scale of 1 inch equals 10 feet.

2. Typical Sections. Typical street and walkway sections.

3. Size and Density. The number, location and size of all recreational vehicle spaces and camp sites, and the gross density of such spaces and camp sites.

4. Roadway and Walkway Detail. The location, surfacing and width of roadways, sidewalks, pathways.

B. Review Procedures Applicable to Recreational Vehicle Park/Campground and Additions to Existing Recreational Vehicle Park/Campground. An application for Land Use Permit for recreational vehicle park/campground or additions to existing park/campground is reviewed as a use subject to Special Review. In addition to the procedures at Section 3.420, the approval standards for recreational vehicle park/campground, set forth in Section 8.230 shall apply.

Section 8.220 Standards Applicable to Mobile Home Park.

No Land Use Permit for a Mobile Home Park shall be approved unless the Mobile Home Park satisfies the following standards. Although mobile home parks are subject to Special Review, these standards shall be applied instead of the standards for approval of Land Use Permits subject to Special Review.

A. Site Improvement Standards.

1. Access. The park shall have safe access to a public road that accommodates all traffic generated by the Mobile Home Park and emergency vehicles.

2. Drainage. The park shall be located on a well-drained site, that is graded or drained and is free from stagnant pools of water.

3. Landscaping. A minimum two hundred fifty (250) foot landscaped buffer is required adjacent to private lands.

4. Minimum Setbacks.

a. Mobile Home Space. The minimum setbacks for manufactured home units for each space line shall be:

(1) Front. Twenty feet from the front space line.

(2) Side. Twenty feet between units.

(3) Rear. Five feet from the rear space line.

b. Mobile Home Park Boundaries. The mobile home park boundaries shall comply with the following setbacks:

(1) Front Yard. The mobile home park shall be set back a minimum of fifty feet from an arterial or collector road or twenty-five feet from a local or mountain road.

(2) Side or Rear Property Line. The mobile home park shall be set back a minimum of twenty feet from any side or rear property line.

c. Fire Protection. Each mobile home shall be located at least twenty feet from any other mobile home for fire protection.

5. Density Provisions. The gross density of a manufactured home park shall not exceed six (6) manufactured home units per acre.

6. Mobile Home Spaces, General. Each mobile home space shall contain a minimum of three thousand eight hundred square feet of area per single-wide unit and five thousand square feet for a double- or multi-wide unit, exclusive of park driveways. The area in which the mobile home is placed shall be graded for drainage and improved to prevent shifting or settling of the mobile home.

7. Obstruction of Roadways and Walkways Prohibited. Mobile home units shall not be installed or parked in any manner that any part of the unit would obstruct or block any portion of a roadway or walkway.

8. Parking. Each mobile home space shall contain a minimum of two paved off-street parking spaces.

9. Driveways. All mobile home spaces shall abut upon an appropriate surfaced driveway that provides unobstructed access to a public street or highway. The minimum unobstructed width of such driveways shall be twenty-five feet. All driveways within the park shall be sufficiently illuminated to ensure safety for park residents.

10. Interior Roadways. Interior roadways shall conform, at a minimum, to the Costilla County standards and specifications for local, collector and arterial streets,

and all other applicable roadway and right-of-way requirements. All surfacing shall meet the road construction standards adopted by or in prevailing use by Costilla County.

11. Walkways. All walkways and bicycle paths shall paved with asphalt or concrete. Walkway widths shall not be less than five (5) feet wide and all walkways and bicycle paths shall be provided with illumination of not less than 25 watt lamps at intervals of not more than 100 feet.

12. Easements, Rights-of-Way, Public Open Space and Common Areas.

a. Mobile home parks shall provide public open space or common areas in an amount of at least ten percent of the total area of the mobile home park. Maintenance of private common areas within a mobile home park shall be the responsibility of the owner or operator.

b. Applicants shall submit a warranty deed or file a plat of the site to assure the dedication of all easements and public lands prior to the approval of the Land Use Permit application. All lands, including easements and rights-of-way to be dedicated shall be accompanied by full legal descriptions prepared by a Colorado licensed or registered professional land surveyor.

c. Land to be provided for public and/or private recreational use and/or open space shall not include any area dedicated as a roadway, mobile home, storage area or any area required for setbacks.

13. Maintenance. All mobile home lots and stands shall be maintained in a clean and sanitary condition, free from hazardous and noxious materials, weeds and refuse, in compliance with Article 11 of this Code. The unit owner shall be responsible for ensuring compliance.

B. Site Selection Criteria

1. Vegetation. Mobile home parks shall be located in sparsely to moderately wooded sites providing shade trees and natural buffering from the environment and from public views.

2. Topography. The topography of the proposed site shall be free from natural hazards and subject to ready access and ease of maintenance.

3. Protection of Natural Environment, and Historical and Archeological Features. Existing streams and other natural amenities shall be preserved. Adequate mitigation measures shall be provided for wildfire hazard mitigation, the protection of critical wildlife habitat, wildlife migration corridors and the preservation of historical and archeological features.

5. Hazards. Mobile home parks shall not be sited in areas subject to flooding, fire or other natural hazards nor shall they be located in proximity to chronic nuisances such as noise, smoke fumes or odors.

6. Comprehensive Plan Compliance. The mobile home park shall be in compliance with the Comprehensive Plan.

C. Water Supply and Distribution.

1. Comply with Standards. A domestic water supply that is in compliance with the drinking water standards of the Colorado Department of Health shall be provided with a water supply adequate to serve the mobile home park. The determination of adequacy of the water supply shall be based on a report submitted by the applicant prepared by a certified professional engineer. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and it shall be the exclusive supply used.
2. Located to Avoid Contamination. Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
3. Treatment. The treatment of a private water supply shall be in accordance with applicable state and local laws and regulations.
4. Minimum Supply. The water source shall be capable of supplying a minimum of four hundred-fifty gallons per day per mobile home.
5. Connection. The water supply system shall be connected by pipes to all mobile homes, buildings and other facilities requiring water.
6. Equipment. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the Colorado Department of Public Health and Environment.
7. Pressure. The system shall be so designed and maintained as to provide a pressure of not less than twenty nor more than eighty psi, under normal operating conditions at service buildings and other locations requiring potable water supply.
8. Minimum Horizontal Separation. A minimum horizontal separation of ten feet shall be maintained between all domestic water lines and sewer lines.
9. Underground Valves. Underground stop and waste valves shall not be installed on any water service.
10. Water-Riser Pipes. Water-riser pipes shall extend a minimum of four inches above ground elevation unless recessed in a box or sleeve. The pipe shall be a minimum of three-quarter inch. The water outlet shall be capped when a mobile home does not occupy the lot.
11. Prevent Freezing. Adequate provisions shall be made to prevent freezing of main service lines, valves and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
12. Shutoff Valve. A shutoff valve below the frost line shall be provided near the water-riser pipe on each mobile home lot.

D. Sewage Disposal

1. Adequate System Required. An adequate sewage system shall be provided in each mobile home park for the purpose of conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.

2. Sewer Lines. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall maintain a minimum horizontal separation of ten feet from all domestic water lines. Sewers shall be at a grade that will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials that comply with state or local laws and shall meet the Colorado Department of Public Health and Environment design criteria.

3. Sewage Treatment and/or Discharge. Where the sewer lines of the park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Colorado Department of Public Health and Environment prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the state, except with prior approval of the Colorado Department of Public Health and Environment.

4. Sewer Riser Pipe. Each mobile home stand shall be provided with a minimum four inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home system outlet will approximate a vertical position.

a. Minimum Dimensions. The sewer connection shall have a nominal inside diameter of a minimum of three inches and the slope of any portion thereof shall be minimum of one-eighth inch per foot. The sewer connection shall consist of one pipe line only, with no more than one stand served by one individual sewer connection. Underground branch fittings of four inch lines shall not be permitted. All joints shall be watertight.

b. Materials. All materials used for sewer connections shall be rigid or semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

c. Plugging. Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. The rim of the riser pipe shall extend a minimum of four inches above ground elevation, unless such riser pipe is protected within a recessed box or sleeve.

E. Fire Protection. Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards.

F. Service Buildings.

1. Applicability. These requirements shall apply to service buildings, recreation buildings and other community service facilities such as management offices, repair shops and storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants.

2. Structural Requirements for Buildings.

a. Protection. All portions of the structure shall be properly protected from damage

by ordinary uses and by decay, corrosion, termites, and destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

b. Sanitary or Laundry Facilities. All rooms containing sanitary or laundry facilities shall:

(1) Walls. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent waterproof material or be covered with moisture resistant material.

(2) Windows. Have a minimum of one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall not be less than ten percent of the floor area served by them. A minimum of one window shall be capable of being easily opened, or the room shall have a mechanical device that will adequately ventilate the room.

(3) Toilets. Have toilets locked in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

(4) Illumination. Have illumination levels maintained as follows:

(a) Five foot candles for general seeing tasks.

(b) Forty foot candles for laundry room work area and toilet room in front of mirrors.

(5) Hot and Cold Water. Have hot and cold water furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water furnished to every water closet and urinal.

G. Supervision.

1. Attendant. The duly authorized attendant or caretaker shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.

2. Owner Answerable. The park owner shall be answerable for the violation of any provision of these regulations, except those that expressly involve unit owners or tenants.

3. Refuse Handling. The storage, collection and disposal of refuse in a mobile home park shall be so arranged as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be disposed of at either a municipal or County designated landfill site, at a minimum once per week.

4. Pest Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the County and

the Colorado Department of Public Health and Environment.

5. Pet Control. The owners or managers of a mobile home park, or the owners or persons in charge of any dog, cat, or other pet animal shall keep such animal on a leash, not exceeding ten feet, or shall confine such animals within the unit space or designated areas within the park, and shall not permit such animal to commit any nuisance. Animals are restricted to household pets only.

H. Electrical Distribution and Communication Wiring.

1. Distribution System. Each mobile home park shall contain an electrical distribution system to each lot or site, consisting of wiring, fixtures, equipment and appurtenances thereto, which shall be installed and maintained in accordance with state and County regulations. Telephone and cable TV systems may be installed and maintained.

2. Approval by Utility. All plans for the above services shall have the approval of the responsible utility prior to County approval of mobile home park plans.

Section 8.230 Standards for New Recreational Vehicle Park/Campground and Additions to an Existing Park/Campground.

No Land Use Permit for a Recreational Vehicle Park/Campground shall be approved unless the Recreational Vehicle Park/Campground satisfies the following standards. Although Recreational Vehicle Parks/Campgrounds are subject to Special Review, these standards shall be applied instead of the standards for approval of Land Use Permits subject to Special Review.

A. Site Improvements.

1. Access. The park shall have access to a public road.

2. Drainage. The park shall be located on a well-drained site that is graded or drained and is free from stagnant pools of water.

3. Landscaping. The site plan shall include a landscape plan that provides for adequate landscaping to provide buffering from adjacent uses and roadways and to prevent erosion.

4. Minimum Area. A recreational vehicle park shall contain a minimum of five acres.

5. Minimum Setbacks.

a. Vehicles. Recreational vehicles and/or tents shall be set back a minimum of twenty feet from each other.

b. Boundaries. The recreational vehicle park shall comply with the following minimum setbacks:

(1) Front Yard. The recreational vehicle park shall be set back a minimum of fifty feet from an arterial or collector road or twenty-five feet from a local or mountain road.

(2) Side or Rear Property Line. The recreational vehicle park shall be set back a minimum of twenty feet from any side or rear property line.

6. Obstruction of Roadways or Walkways Prohibited. Camping units shall not be installed or parked in any manner that any part of the unit would obstruct or block any portion of a roadway or walkway.

7. Minimum Facilities for Recreational Vehicle Spaces. The area devoted to each recreational vehicle space shall be adequate to accommodate the following facilities:

a. Picnic Facilities. Each space shall be provided with a fireplace or fire circle, a picnic table and well-drained, level site.

b. Parking Space. Each space shall provide one graveled parking space.

c. Vehicle Barriers. Adequate barriers shall be provided to confine vehicles to driveways and parking spaces.

8. Easements, Rights-of-Way, Public Open Space and Common Areas

a. Open Space and Common Areas. Recreational vehicle parks/campgrounds shall provide public open space or common areas in an amount of at least ten percent of the total area of the park or campground. Maintenance of private common areas within a park or campground shall be the responsibility of the owner or operator.

b. Dedication of Easements, Rights-of-Way, and Public Lands. Applicants shall submit a warranty deed or file a plat of the site to assure the dedication of all easements and public lands prior to the approval of the Land Use Permit application. All lands, including easements and rights-of-way to be dedicated shall be accompanied by full legal descriptions prepared by a Colorado licensed or registered professional land surveyor.

c. Restrictions. Land to be provided for public and/or private recreational use and/or open space shall not include any area dedicated as a roadway, campsite or RV space, storage area or any area required for setbacks.

9. Driveways. All recreational vehicle spaces shall abut upon a driveway, graded for drainage and maintained in a rut and dust free condition, which provides unobstructed access to a public street or highway. The minimum unobstructed width of such driveways shall be fifteen feet for one-way traffic or twenty-five feet for two-way traffic. No parking shall be permitted on the driveways.

10. Walkways. All park and campground walkways and bicycle paths shall be gravel or hard surfaced. Walkway widths shall not be less than five (5) feet wide and all roadways, walkways and bicycle paths shall be provided with illumination of not less than 25 watt lamps at intervals of not more than 100 feet.

11. Maintenance. All RV spaces and campsites shall be maintained in a clean and sanitary condition, free from hazardous and noxious materials, weeds and refuse, in compliance with Article 11 of this Code. The park/campground owner shall be responsible for ensuring compliance.

B. Water Supply and Distribution.

1. Comply with Standards. A domestic water supply that is in compliance with the drinking water standards of the Colorado Department of Public Health and Environment shall be provided in each recreational vehicle park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and it shall be the exclusive supply used. When such a public water supply is not available, a central water supply system may be developed and used if it meets standards of the Colorado Department of Public Health and Environment.

2. Located to Avoid Contamination. Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

3. Treatment. The treatment of a private water supply shall be in accordance with applicable state and local laws and regulations.

4. Connection. The park's water supply system shall be connected by pipes to all recreational vehicles, buildings, and other facilities requiring water.

5. Equipment. All water piping, fixtures and other equipment shall be located, constructed and maintained in accordance with state and County regulations and requirements.

6. Pressure. The system shall be so designed and maintained as to provide a pressure of not less than twenty nor more than eighty psi, under normal operating conditions at service buildings and other locations requiring portable water supply.

7. Separation. A minimum horizontal separation of ten feet shall be maintained between all domestic water lines and sewer lines.

8. Underground Valves. Underground stop and waste valves shall not be installed on any water service.

9. Supply. The water supply shall be capable of supplying fifty gallons per space per day for all spaces lacking individual water connections and one hundred gallons per space per day for all spaces provided with individual water connections.

10. Individual Water Service Connections. If facilities for individual water service connections are provided, the following requirements shall apply.

a. Riser Pipes. Riser pipes provided for individual water service connections shall be so located and constructed that they will not be damaged by the parking of recreational vehicles. Water riser pipes shall extend a minimum of four inches above ground elevation unless recessed in a box or sleeve. The pipe size shall be three-quarter inch.

b. Prevent Freezing. Adequate provisions shall be made to prevent freezing of main service lines, valves and riser pipes.

c. Valves. Valves shall be provided near the outlet of each water service connection. They shall be turned off and outlets capped or plugged when not in use.

d. Connection. The park's water supply system shall be connected by pipes to all recreational vehicles, buildings and other facilities requiring water.

11. Water Stations.

a. Stations for Recreational Vehicle Area. Each recreational vehicle parking area shall be provided with one or more easily accessible watering stations for filling water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of back flow and back siphonage.

b. Stations for Tent Camping Area. Each tent camping area shall be provided with at least one individual watering station no more than two hundred feet from any tent camping space. Riser height shall be between thirty inches and thirty two inches and a splash pad shall be installed around the base.

C. Sewage Disposal. An adequate sewage system shall be provided in each recreational vehicle park for the purpose of conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.

1. Sewer Line. All sewer liens shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall maintain a minimum horizontal separation of ten feet from all domestic water lines. Sewers shall be at a grade that will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials that comply with state or County regulations and with Colorado Department of Public Health and Environment design criteria.

2. Sewage treatment and/or discharge. Where the sewer lines of the park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of the Colorado Department of Public Health and Environment.

3. Individual Sewer Connections. If facilities for individual sewer connections are provided, the following requirements shall apply:

a. Sewer Riser Pipe. The sewer riser pipe shall be a minimum of four inches in diameter, shall be trapped below the ground surface end shall be so located on the trailer space that the sewer connection to the trailer system will approximate a vertical position.

b. Sewer Connection. The sewer connection shall have a nominal inside diameter of a minimum of three inches and the slope of any portion thereof shall be minimum of one-eighth inch per foot. All joints shall be watertight.

c. Materials. All materials used for sewer connections shall be corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

d. Plugging. Provisions shall be made for plugging the sewer riser pipe when a trailer does not occupy the space. Surface drainage shall be diverted away from the riser.

4. Solid Wastes. No liquid wastes from sinks shall be discharged into or allowed to accumulate on the ground surface. The owner shall provide for trash removal on a regular basis.

5. Sewage Treatment and/or Discharge. Where the sewer lines of the travel trailer parking area are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Colorado Department of Public Health and Environment prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of the Colorado Department of Public Health and Environment.

D. Fire Protection. Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards. All campgrounds shall be equipped at all times with fire extinguishing equipment in good working order and of such type, size and number and so located as prescribed by the authorizing local fire suppression organization.

E. Electrical Distribution and Communication Wiring.

1. Electrical Distribution System. Each recreational vehicle park shall contain an electrical distribution system to each lot or site, consisting of wiring, fixtures, equipment and appurtenances thereto which shall be installed and maintained in accordance with state and County regulations. Telephone and cable TV systems may be installed and maintained.

2. Approval by Utility. All plans for the above services shall have the approval of the responsible utility prior to County approval of park plans.

F. Service Building.

1. Applicability. The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as management offices, repair shops and storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants.

2. Structural Requirements for Buildings.

a. Protection. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

b. Sanitary or Laundry Facilities. All rooms containing sanitary or laundry facilities shall:

(1) Walls. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent waterproof material or be covered with moisture resistant material.

(2) Windows. Have a minimum of one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room

shall not be less than ten percent of the floor area served by them. A minimum of one window shall be able to be easily opened, or the room shall have a mechanical device that will adequately ventilate the room.

(3) Toilets. Have toilets locked in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

(4) Illumination. Have illumination levels maintained as follows:

(a) Five foot candles for general seeing tasks.

(b) Forty foot candles for laundry room work area and toilet room in front of mirrors.

(5) Hot and Cold Water. Have hot and cold water furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water furnished to every water closet and urinal.

3. Required Community Sanitary Facilities.

a. Central Service Building. A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle parking areas that provide spaces for vehicles and for tent camping areas. Service buildings shall be conveniently located within a radius of approximately three hundred feet to the spaces served.

(1) Exception. When a recreational park is designed for and exclusively limited to use by self-contained vehicles, no public sanitary facilities shall be required.

b. Sanitary Facilities for Women. Sanitary facilities for women shall include a minimum of one and one-half flush toilet, one lavatory and one shower for each fifteen recreational vehicle or tent spaces or fractional number thereof.

c. Sanitary Facilities for Men. Sanitary facilities for men shall include a minimum of one flush toilet, one urinal, one lavatory and one shower for each fifteen recreational vehicle or tent spaces or fractional number thereof.

d. Recreation Vehicle Park Connected to Resort. When a recreational vehicle park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule of recreational vehicle spaces and shall be based on the maximum number of people allowed to use such facilities.

G. Supervision.

1. Attendant. The attendant or caretaker shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.

2. Owner Answerable. The owner shall be answerable for the violation of any provision of these regulations.

3. Refuse Handling. The storage, collection and disposal of refuse in a recreational

vehicle park shall be so arranged as to not create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be disposed of at either a municipal or County designated landfill site, at minimum once per week.

4. Pest Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with County regulations and requirements of the Colorado Department of Public Health and Environment.

5. Pet Control. The owners or managers of a recreational vehicle park, or all owners or persons in charge of any dog, cat or other pest animal shall have such animal on a leash, not exceeding ten feet or shall confine such animals within the space or designated areas within the park and shall not permit such animal to commit any nuisance. Animals are restricted to household pets only.

DIVISION 3 APPLICATION AND ISSUANCE OF HOOK-UP PERMITS

Section 8.300 Application, Review, Inspection, and Issuance of Hook-up Permit - Mobile Home.

A. Application for Permit. Applications for a hook-up permit for a mobile home shall be submitted to the Land Use Administrator and shall contain the following information:

1. Applicant Identification. The name, physical address, mailing address and telephone number of the applicant. If the applicant is not the owner of the mobile home unit for which a permit is being sought, the applicant shall also include the name of the owner of the unit and documentation of the authority and/or legal relationship allowing him to apply for the hook-up permit and to occupy the mobile home unit.
2. Property Description. If mobile home is not to be located in a mobile home park, the legal description of the property upon which the mobile home is to be located, and physical address.
3. Park Manager Identification. The name, mailing address and telephone number of the mobile home park manager.
4. Mobile Home Park Identification. The name, property description and physical address of the mobile home park in which the applicant's unit is located, and the specific location of the unit within the park and the unit's physical address, if applicable.
5. Manufacturer Identification. The mobile home manufacturer's identification number.
6. Site Plan. A site plan that locates the mobile home on the lot and the utilities, water and sewer servicing the lot. The site plan shall also show all adjoining structures and roads.
7. Inspection Fee. An inspection fee in the amount established by the County.

B. Review of Application and Issuance of Hook-up Permit.

1. **Determination of Completeness.** The Administrator shall review the application for completeness. If the application is determined to be incomplete, the Administrator shall provide the applicant with written notification regarding the deficiencies within five (5) working days after the date the application is deemed incomplete.
2. **Inspection.** Following receipt of a complete application, the Administrator shall inspect the mobile home to determine if the mobile home and the proposed hook-up comply with the Standards for Approval of Hook-up Permit, set forth in Section 8.320.
3. **Review of Application and Decision on Hook-up Permit.** The Land Use Administrator shall issue a hook-up permit if the mobile home and the proposed hook-up comply with the approval standards set forth in Section 8.320. If the mobile home and the hook-up do not comply, no hook-up permit shall be issued and the mobile home shall not be occupied until the deficiencies are corrected and a hook-up permit is issued.

Section 8.310 Application, Review, Inspection, and Issuance of Hook-up Permit - Recreational Vehicle Park/Campground.

A. **Application for Permit.** Owners of recreational vehicle parks/campgrounds are required to obtain Hook-up Permits for recreational vehicle space hook-ups prior to offering the space for occupancy. Applications shall be submitted to the Land Use Administrator and shall contain the following information:

1. **Applicant Identification.** The name, physical address, mailing address and telephone number of the applicant. If the applicant is not the owner of the recreational vehicle park/campground, the applicant shall also include the name of the owner and documentation of the authority and/or legal relationship allowing him to apply for the hook-up permit.
2. **Park Manager Identification.** The name, mailing address and telephone number of the park manager.
3. **Park/Campground Identification.** The name and legal property description of the recreational vehicle park/campground, and the physical address.
4. **Site Plan.** A site plan that includes:
 - a. Location and dimension of each recreational vehicle space and campsite.
 - b. Location of proposed recreational vehicle hook-ups and the location of utility, water and sewer service to the site.
5. **Inspection Fee.** An inspection fee in the amount established by the County.

B. Review of Application, Inspection and Issuance of Hook-up Permit.

1. **Determination of Completeness.** The Administrator shall review the application for completeness. If the application is determined to be incomplete, the

Administrator shall provide the applicant with written notification regarding the deficiencies within five (5) working days after the date the application is deemed incomplete.

2. Inspection. Following receipt of a complete application, the Administrator shall inspect the recreational vehicle park/campground and the proposed hook-ups for compliance with the approval standards set forth in Section 8.330.

3. Review of Application and Decision on Hook-up Permit. The Land Use Administrator shall issue a hook-up permit if the Recreational Vehicle Park/Campground and the proposed hook-ups comply with the standards for approval set forth in Section 8.330. If the Recreational Vehicle Park/Campground and/or the hook-ups do not comply, no hook-up permit shall be issued and the spaces shall not be occupied until the deficiencies are corrected and a hook-up permit is issued.

Section 8.320 Standards for Approval of Hook-up Permit - Mobile Home.

The Administrator may issue a hook-up permit for a mobile home if it complies with all of the following standards:

A. Approved Land Use Permit - Mobile Home Park. The mobile home park has received permit approval through the Land Use Permit process provided for in this Code and is in compliance with the Land Use Permit.

B. Approved Land Use Permit - Mobile Home. - The mobile home has received permit approval under the Administrative Zoning Review process provided for in this Code and required for mobile homes not located in a mobile home park, and is in compliance with the Land Use Permit.

C. Installation of Mobile Home Unit Complies with Tie Down and Skirting Standards. The proposed blocking and tie down will be adequate and safe.

1. All double-wide mobile homes shall be installed and secured in accordance with applicable state and County regulations and manufacturer requirements.

2. All single-wide mobile homes shall be installed and secured in accordance with applicable state and County regulations and manufacturer requirements.

3. Single-wide and double-wide mobile homes shall be equipped with skirting of a rigid material, which shall be installed within thirty (30) days after the mobile home has been moved to its site.

D. Utility Connections. The proposed connections for water supply, sewage disposal, electricity and gas will be adequate and safe.

E. Address. The street address, or space numbers or letters, will be visible from the access street both during the day and at night.

F. Steps. There will be safe and approved steps, landings, handrails and guardrails.

Section 8.330 Standards for Approval of Hook-up Permit - Recreational Vehicle Parks/Campgrounds. .

The Administrator may issue a hook-up permit if it complies with the following standards.

A. Approved Land Use Permit. The recreational vehicle park/campground has received permit approval through the Land Use Permit process provided for in this Code.

B. Recreational Vehicle Space and Utility Connections. The recreational vehicle space/campsite is adequate and in compliance with the requirements of the Land Use Permit issued. The proposed connections for water supply, sewage disposal, electricity and gas will be adequate and safe.

C. Address. The street address, or space numbers or letters, will be visible from the access street both during the day and at night.

ARTICLE 9 SUBDIVISION REGULATIONS

DIVISION 1 GENERAL

The subdivision regulations establish rules, regulations, procedures, criteria and design standards governing the subdivision, platting, replatting and plat vacation of land in the unincorporated area of Costilla County.

Section 9.100 General Provisions

A. Subdivision Plat Approval Required. The division of land into two or more parcels is a subdivision and requires approval by the Board of County Commissioners under this Code. The term "subdivision" does not apply to any division of land that creates parcels of land where each parcel is 35 acres or more in size or a division of land that is approved as a Subdivision Exemption.

B. Sales Prohibited Prior to Platting. No person with any interest in land located within a subdivision or proposed subdivision, shall transfer or agree to sell or offer to sell or sell any land before the plat for the subdivision has been approved by the Board of County Commissioners and recorded or filed in the Office of the County Clerk and Recorder.

C. Subdivision Improvements Agreement.

1. No Final Plat shall be approved by the Board of County Commissioners until the applicant has submitted a Subdivision Improvements Agreement or similar contract setting forth the plan, parties responsible and method for the construction of all required public improvements shown on the Final Plat documents. The agreement or contract shall adhere to design standards of the County or prevailing engineering practices. The agreement shall, in the judgment of the Board of County Commissioners make reasonable provision for completion of the specified improvements in a specified time period, with appropriate phasing, as a condition of acceptance by the Board. Suitable collateral in an amount stipulated in the Subdivision Improvements Agreement shall accompany the Final Plat submission to ensure completion of the public improvements according to design and time

specifications. Such collateral shall be in the form of a payment and performance bond.

2. If the improvements requiring installation are not constructed in accordance with the required specifications, the County shall notify the applicant of the noncompliance and establish schedules for the correction of the noncompliance. If the Board of County Commissioners determines that any or all of the improvements will not be constructed in accordance with the specifications, the county shall have the power to annul the Subdivision Improvements Agreement, either fully or in part, and withdraw from the deposit of collateral such funds as are necessary to construct the improvements in accordance with the specifications previously established. Should an applicant not provide suitable collateral to insure completion of the required public improvements, the Final Plat shall not be accepted by the Office of the County Clerk and Recorder until said improvements are constructed and approved by the Board of County Commissioners. As the required public improvements in a subdivision are completed, the applicant may apply in writing to the Board of County Commissioners for a partial or full release of the collateral. Upon receipt of such requests, the Board of County Commissioners or its appointed agent shall inspect the public improvements that have been completed. If the Board determines from such inspection that the improvements have been made in accordance with the Final Plat and the Subdivision Improvements Agreement, a portion of the collateral shall be released, provided that the Board of County Commissioners retains sufficient collateral to cover the cost of the uncompleted improvements.

D. Subdivision Certification.

1. Application. Any subdivision which believes it meets the certification requirements set forth in Section 3.250(A)(5), Criteria for Subdivision Certification, may apply to the Planning Commission for certification.

2. Certification. If the Planning Commission finds that the subdivision's restrictive covenants and internal review process satisfy the Criteria for Subdivision Certification set forth in Section 3.250(A)(5), the Planning Commission may issue a Letter of Certification. In addition to the approval criteria established under the restrictive covenants, the Planning Commission may establish additional approval criteria as terms of the subdivision's certification to ensure that development approved by the subdivision's governing body is in compliance the County's development standards.

3. Certification Valid for Five Years. The subdivision's certification shall be valid for five years and may be extended by the Planning Commission for successive five-year periods.

4. Inspection. The subdivision's certification does not limit the County's authority to inspect improvements in the subdivision to ensure compliance with these Regulations.

5. Criteria for Subdivision Certification. A subdivision may be certified pursuant to Section 3.250 if it meets the following criteria.

a. Covenants are Sufficient to Establish Review and Approval by the Subdivision Prior to Construction. The restrictive covenants for the subdivision establish a

governing body and require that the subdivision's governing body approve the plans and specifications for development of single-family dwellings located on established lots within the subdivision prior to construction.

b. Covenants Establish Approval Standards that are Sufficient to Ensure Development in Compliance with this Code. The restrictive covenants for the subdivision establish development approval standards that are sufficient to reasonably ensure development in compliance with the County's development standards established by this Code.

c. Covenants are Recorded and Enforced. The restrictive covenants for the subdivision are recorded and are enforced by the subdivision's governing body.

6. Revocation of Subdivision Certification. Upon proper notice and a hearing by the Planning Commission, if the Planning Commission finds that a Certified Subdivision no longer meets the criteria for certification set forth in these Regulations or the terms of its certification, the Planning Commission shall revoke certification. The revocation shall be effective until the subdivision is recertified under the provisions of these Regulations.

a. Notice. The Administrator shall provide written notice to the subdivision's governing body stating the reasons for potential revocation of the subdivision's certification, and the date of the Planning Commission hearing to consider revoking certification.

b. Hearing. The Planning Commission shall consider revocation of a subdivision's certification at a properly noticed meeting. If the Planning Commission finds that the subdivision no longer meets the requirements for certification or the terms of its certification, the subdivision's certification shall be revoked.

DIVISION 2 PROCEDURES FOR SUBDIVISION REVIEW

Section 9.200 Two Possible Levels of Subdivision Review

There are two possible levels of permit review for a proposed subdivision: a minor subdivision review and a major subdivision review. The Land Use Administrator shall make the initial determination of the appropriate level of subdivision review based upon a pre-application meeting and submittal of the pre-sketch plan.

A. Minor Subdivision. The Planning Director shall determine that Minor Subdivision Review is required if the subdivision falls under one of the following categories and is consistent with the County Comprehensive Plan and these Subdivision Regulations.

1. The following uses shall be classified and reviewed as minor subdivisions:

a. 2-4 units. 2-4 single-family dwelling units or lots.

b. Second Single-Family Dwelling. A second single-family dwelling unit on one parcel.

c. Agricultural Subdivision for Family Members. Subdivisions of an agricultural property to serve as family member homesteads.

d. Vacation of a Recorded Subdivision Plat. Vacation of a previously recorded subdivision.

B. Major Subdivision. The Land Use Administrator shall determine that Major Subdivision Review is required if the Subdivision is not a Minor Subdivision.

Section 9.210 Minor Subdivisions Review Process.

The following review process shall apply to minor subdivisions:

A. Submittal of Final Plat. The applicant shall submit _____ copies of a Final Plat containing the materials set forth in Section 9.300.C to the Land Use Administrator

B. Review of Final Plat by Land Use Administrator. The Land Use Administrator shall review the Final Plat. If it substantially complies with the requirements of these regulations, the Administrator shall schedule the Final Plat for review and approval by the Board of County Commissioners at a public hearing.

C. Public Notice of Hearing. Public notice that the Board of County Commissioners will conduct a public hearing to consider the application shall be made pursuant to Section 3.230.

D. Public Hearing and Action on Final Plat by Board of County Commissioners. The Final Plat shall be considered by the Board of County Commissioners at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Board of County Commissioners shall approve, approve with conditions or deny the Final Plat.

Section 9.220 Major Subdivision Review Process

If a Subdivision is a Major Subdivision as determined in Section 9.200, then the following review process shall apply:

A. Sketch Plan Review Process. Following a pre-application conference, the applicant shall submit _____ number of copies of a Sketch Plan meeting the submittal requirements of Section 9.300.A.

1. Review of Sketch Plan by Land Use Administrator. The Land Use Administrator shall review and prepare a report on the Sketch Plan. Upon a determination of completeness, the Administrator shall schedule the Sketch Plan for review by the Planning Commission at a Public Hearing.

2. Public Notice of Hearings. Public notice that the Planning Commission will conduct a public hearing to consider the sketch plan application shall be made by the applicant pursuant to Section 3.230.

3. Public Hearing and Recommendation by Planning Commission. The Sketch Plan shall be considered by the Planning Commission at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Planning Commission shall recommend that the Sketch Plan be approved, approved with conditions or denied based on the Subdivision Standards at Section 9.400.

4. Action by Board of County Commissioners. The final decision to approve, approve with conditions or deny the Sketch Plan shall be made by the Board of County Commissioners at the next regularly scheduled meeting following the Planning Commission action on the Sketch Plan.

5. Expiration of Approval of Sketch Plan. If the applicant fails to proceed with the Preliminary Plan application within twelve (12) months of Sketch Plan approval, the sketch plan approval shall expire. The Board may extend the time period for filing the Preliminary Plan application for good cause shown and upon a finding by the Board of no substantial change in the circumstances of Sketch Plan approval.

B. Preliminary Plan Review Process. Following approval of a sketch plan by the Board, the applicant shall submit _____ copies of the Preliminary Plan containing the materials set forth in Section 9.300.B to the Land Use Administrator.

1. Completeness Determination. Upon receipt of ___ copies of a Preliminary Plan containing the information in Section 9.300B, the Land Use Administrator shall review the Preliminary Plan and determine whether the application is complete.

a. Application is Not Complete. If the application is not complete, the Administrator shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn and returned to the applicant.

b. Application is Complete. If the application is complete, the Administrator shall certify it as complete and stamp it with the date of the application acceptance. The Administrator shall notify the applicant, in writing, of the application's completeness and of the date set for public hearing by the Planning Commission, if applicable, which shall be no later than sixty days after the date the application was determined to be complete.

2. Review of Preliminary Plan by Land Use Administrator. The Land Use Administrator shall review and prepare a report on the complete Preliminary Plan and shall schedule the Preliminary Plan for public hearing at a meeting of the Planning Commission. The Planning Commission public hearing shall be held not more than forty-five (45) days from the date of the completeness determination.

3. Public Notice of Planning Commission Public Hearing. Public notice that the Planning Commission will conduct a public hearing to consider the Preliminary Plan shall be made by the applicant pursuant to Section 3.230.

4. Referral Agency Review. The Administrator may submit the Preliminary Plan to referral agencies for review and comment. The referral review and comment period shall be for a period of time up to thirty (30) days from the date that the application is deemed complete.

5. Public Hearing and Recommendation by Planning Commission. The Preliminary Plan shall be considered by the Planning Commission at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Planning Commission shall recommend that the Preliminary Plan be approved, approved with conditions or denied based on the Subdivision Standards at Section 9.400.

6. Scheduling of Board of County Commissioners Hearing. Following the recommendation on the Preliminary Plan by the Planning Commission, the Land Use Administrator, in consultation with the applicant, shall schedule a public hearing on the Preliminary Plan at a meeting of the Board of County Commissioners to be held not more than forty-five (45) days from the date of the Planning Commission recommendation.

7. Public Notice of Board of County Commissioner Hearings. Public notice that the Board of County Commissioners will conduct a public hearing to consider the Preliminary Plan shall be made by the applicant pursuant to Section 3.230.

8. Action by Board of County Commissioners. The Preliminary Plan shall be considered by the Board of County Commissioners at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The final decision to approve, approve with conditions or deny the Preliminary Plan shall be made by the Board of County Commissioners based on the Subdivision Standards at Section 9.400.

9. Development Agreement. If a development agreement will be part of the subdivision, then the Development Agreement shall also be submitted, reviewed and approved along with the Preliminary Plan.

10. Expiration of Approval. Unless another timeframe has been agreed to in a Development Agreement, the Preliminary Plan approval shall expire within twelve (12) months of date of approval. The Board may extend the time period for filing the Final Plat application for good cause shown and upon a finding by the Board of no substantial change in the circumstances of Preliminary Plan approval.

C. Final Plat Review Process. Following approval of the Preliminary Plan, the applicant shall submit _____ copies of the Final Plat meeting the requirements of Section 9.300.C for review by the Land Use Administrator.

1. Review of Final Plat by Land Use Administrator. The Land Use Administrator shall review the Final Plat. If it substantially complies with the Preliminary Plan, the Administrator shall schedule the Final Plat for review and approval by the Board of County Commissioners at a Public Hearing.

2. Public Notice of Board of County Commissioner Public Hearing. Public notice that the Board will conduct a public hearing to consider the Final Plat shall be made by the applicant pursuant to Section 3.230.

3. Public Hearing and Action by Board of County Commissioners. The Final Plat shall be considered by the Board of County Commissioners at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Board of County Commissioners shall consider the Final Plat and may approve, approve with conditions or deny the Final Plat based on these regulations. The Final Plat shall be approved if it is found to conform with the approved Preliminary Plan and meets all legal requirements.

DIVISION 3 APPLICATION SUBMITTAL REQUIREMENTS FOR
SUBDIVISION

Section 9.300 Application Submittal Requirements for Subdivision

A. Sketch Plan Submittal Requirements. A Sketch Plan application shall contain the following:

1. Sketch Plan. Sketch plans shall be prepared by appropriately qualified persons, such as a landscape architect, surveyor, engineer or draftsman, in a clear and legible manner acceptable to the Land Use Administrator at a scale of one (1) inch to one hundred (100) or two hundred (200) feet. In the case of large proposed subdivisions requiring more than one sheet at such scale, a total area plan showing the total area at an appropriate scale shall also be submitted. A sketch plan shall include the following information:

a. The name, address and telephone number of each property owner and of the applicant(s), if other than the owner(s) and the name of the individual preparing the submittal.

b. The name of the proposal.

c. The date of preparation of the sketch plan, a north arrow and a graphic scale.

d. An accurate legal description of the property included within the proposal and all adjacent land owned or under option by the applicant.

e. Enumeration of the approximate acreage of the proposed subdivision.

f. The current zoning on the site and any zoning changes to be requested.

g. Any unique historical, archeological, scenic or other noteworthy features on or in close proximity to the site.

h. A delineation of existing easements on the site, their use(s) and the easement owners.

i. The existing and any proposed new means of public access to the proposed subdivision.

j. A graphic description of all the natural and manmade watercourses, retention areas, streams and lakes including any known, identified or designated one hundred (100) year floodplains and other natural hazards, if any.

k. Evidence of all existing structures on the site, their current uses and their future status within the proposed subdivision.

l. The topography of the site at an appropriate contour interval, noting all areas with slope in excess of twenty (20) percent.

m. The average lot size, proposed density and all public and private sources of utility facilities and services.

n. The location of all existing and proposed streets, drives and roads and the names of existing streets within the site.

- o. The approximate location of land to be reserved and land to be dedicated to the County.
 - p. A lot and street layout, indicating general scaled dimensions of lots and blocks.
 - q. The location of off-street parking areas, areas for landscaping, the location of any commercial, service, industrial, recreational and community facilities or buildings and the future land use(s) within the various portions of the proposed subdivision.
2. Vicinity Map. A vicinity map showing the proposed subdivision in relationship to the surrounding area with the names of adjacent subdivisions and property owners along with the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
3. Description of Water and Sewer. A description of the proposed systems for the supply of potable water and the disposal of sewage along with adequate evidence that a water supply system capable of dependably delivering an adequate quality and quantity of water for the proposed subdivision will be provided.
4. Written Narrative Description. A brief narrative description of the proposal. Include all submission information appropriately presented in narrative form, describing briefly the scope and concept of the proposed subdivision and its anticipated impact on adjoining land uses, on water quality and supply in the area and on the circulation system in the area. The narrative shall also describe whether and to what extent the proposed subdivision is consistent with and fosters the intent of this Code and the goals, objectives, and policies contained in the Comprehensive Plan. Included on the sketch plan and in the narrative should be information on the phasing, if any, that will be used in the development of the proposed subdivision.

B. Preliminary Plan Submittal Requirements. A Preliminary Plan application shall contain the following:

1. Preliminary Plan. Preliminary plans shall be prepared by appropriately qualified persons in a clear and legible manner on reproducible stock in a manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet or another scale approved by the County Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted. A Preliminary Plan shall require the following information:
- a. The name and address of the property owner (s) and of the applicant(s) if other than the owner or owners, and the person or persons preparing the Preliminary Plan submittal materials.
 - b. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
 - c. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.

- d. The name or identifying title of the proposed subdivision.
- e. The date of preparation of the Preliminary Plan, a north arrow and a written and graphic scale.
- f. An accurate legal description of the property included within the proposed subdivision and the total acreage of the proposed subdivision.
- g. The location of the proposed subdivision as a part of a larger subdivision, if any, and with reference to permanent survey monuments with a tie to a section or a quarter-section corner.
- h. A location map showing the relationship of the proposed subdivision to the characteristics of the surrounding area along with the names of adjacent subdivisions and the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
- i. A list from the County Assessor's office of current property owners of record and their complete mailing address for property within five hundred (500) feet of the boundaries of the proposed subdivision. This distance provision may be expanded up to two thousand five hundred (2500) feet by majority vote of the Planning Commission in the case of large subdivisions and other special circumstances that so warrant.
- j. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.
- k. Site data in chart form presenting the total number of proposed residential lots, the net size of the average (mean) lot, minimum lot size, maximum lot size, types of land use proposed and area of land proposed for each such land use.
- l. The proposed sites, if any, for multi-family residential use, business use, commercial and industrial areas and other public and non-public uses exclusive of single family residential areas within the proposed subdivision.
- m. The total number of projected square feet of non-residential floor space to be included within the proposed subdivision.
- n. The current zoning districts on the site and any zoning changes to be requested.
- o. The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown.
- p. The location of current and proposed future uses of all buildings and other structures in and within one hundred (100) feet of the boundaries of the proposed subdivision.
- q. A lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.

- r. The location of and preliminary engineering for any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants and the sizes and types thereof, along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
- s. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.
- t. The topography of the proposed subdivision at two (2) foot contour intervals for predominant ground slopes up to five (5) percent grade and five (5) foot contours for predominant ground slopes within the site that are over five (5) percent grade. Upon request of and at the discretion of the County Planner, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea level date.
- u. The delineation of any known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. Mitigation measures, if any, proposed to overcome the consequences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.
- v. The delineation of the geological characteristics of the area with evidence regarding the extent and intensity of any geological, radiological, seismic or other related hazards within or in close proximity to the proposed site. Mitigation measures, if any, proposed to overcome such geological, radiological, seismic or other hazards shall also be included in the submission.
- w. Soil suitability and interpretation information developed from National Cooperative Soil Survey data and accompanied by a table of interpretation for the soil types shown on the soils map or equivalent qualified private research sources, along with a narrative description of the mitigating measures, if any, proposed to overcome soils limitations present on the site of the proposed subdivision.
- x. Preliminary drainage, erosion and sedimentation control plans, as required.
- y. Delineation of the type and extent of vegetative cover on the site.
- z. All areas to be reserved for community or public uses and all areas to be dedicated to Costilla County along with any other areas to be used for open space and a statement describing how such reserved, dedicated and open space lands shall be maintained.
2. Protective Covenants. Preliminary copies of the protective covenants and homeowner documents to be filed with the Final Plat.
3. Wastewater System. Evidence that the proposed system for the disposal of sewage will comply with the State of Colorado statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound. The peak capacity of the sewage treatment system shall be provided if a centralized collection and treatment system is proposed.

4. Water Supply System. Evidence that the proposed system for the supply of potable water will be sufficient in terms of quantity, quality, dependability and pressure to provide adequate water supply to the proposed subdivision. The peak capacity of the proposed water supply system shall be provided if a centralized distribution system is proposed.

a. Evidence of ownership or right of acquisition of or use of existing and/or proposed water rights.

b. Historic use and estimated yield of claimed water rights.

c. Evidence that public or private water users can and will supply water to the proposed subdivision and a statement of the amount of water available for use within the subdivision and the feasibility of extending service to the site.

d. Location of wells and/or location and size of water lines to serve the proposed development.

e. Evidence demonstrating that the potability and overall quality of the proposed supply will meet or exceed state and Federal water quality standards for drinking water. Where the water supply will be provided by individual on-lot wells, the cumulative effect of such proposed use on vested water rights shall be discussed and evidence of the actual physical availability of water for each proposed lot in the quantity and quality required, as the result of test drilling or other on-site means, shall be provided.

5. Central Water and Sewer. Where water supply or sewage collection and treatment is to be provided by an already existing centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed subdivision and that the owners of the system are willing and able to provide the proposed water supply or sewage collection and treatment services.

6. Wildlife Study. Information regarding the relationship of the proposed location of the subdivision to any critical wildlife habitat and wildlife migration corridors and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of future human settlement on such wildlife habitat and migration corridors.

7. Historical and Archaeological Inventory. Information regarding the relationship of the proposed location of the subdivision to any historical or archeological resources and proposed mitigation measures to preserve such resources and measures to be employed to reduce the impact of future human settlement on these historical and archeological resources.

8. Development Schedule. A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing.

9. Special Districts. A discussion of any special districts that would be created wholly or partly within the proposed subdivision, listing the proposed boundaries of the service district and what services it would provide.

10. Preliminary Phasing. A preliminary phasing plan when the proposed subdivision would be developed in more than one phase.

11. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the Preliminary plan.

C. Final Plat Application Submittal Requirements. A Final Plat application shall include the following:

1. Final Plat. Final plats shall be prepared by a registered or licensed professional land surveyor, in a clear and legible manner on reproducible film stock and in a manner acceptable to the Land Use Administrator. Final plats shall be prepared at the same scale as Preliminary Plans unless the Planning Commission, by majority vote, deems otherwise. Final plats shall exhibit outer dimensions of twenty-four (24) inches by thirty-six (36) inches and shall contain a certification as to accuracy by a registered land surveyor licensed by the State of Colorado. In the case of large subdivisions requiring more than one sheet at such size, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted. The Final Plat shall contain the following information:

a. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners, along with the name, address and seal of the certifying registered land surveyor and the other individuals preparing the Final Plat.

b. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado attesting to the accuracy and validity of the title to the property being platted and stating that the applicant is the land owner or is duly authorized by the land owner(s) to so plat such land.

(1) The certificate or certification shall also list all mortgages, liens judgments, easements, contracts, and agreements of record regarding the land to be platted and the Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to join in and approve the application for Final Plat approval before such Final Plat is accepted for review.

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

d. The date of preparation of the Final Plat, a north arrow and a graphic scale.

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

f. Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner and township range.

g. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development, drainage, and grading plans.

- h. The township, range, section and quarter section(s) showing the location and full description of all monuments as required by this Code and by Title 38, Article 51, C.R.S.
- i. A lot and street layout with all lots and blocks numbered consecutively, the dimensions of all lots, the acreage of each lot shown to two decimal places and all street and road names.
- j. Area of the site, individual parcels and areas of all development including location of structures, providing the percentage thereof the site shall be included. This includes developed driveways, parking and buildings.
- k. All plat boundary lines with the lengths of courses to hundredths of a foot and bearings to the nearest second.
- l. The lengths of all arcs, radii and tangents.
- m. Show design and layout of all water and sewer service lines, treatment facilities and other elements of the sanitary sewer system, including the location of soil percolation tests as applicable.
- n. Location and width of existing and proposed roadways, sidewalks, or paths, road rights of way and parking areas within the site must be shown.
- o. The names and widths of all existing or recorded streets and roads intersecting the plat boundaries or paralleling them within two hundred (200) feet, the names and map numbers of all bordering subdivision and any municipal limits within two hundred (200) feet of the boundaries of the plat.
- p. Location and size of existing and proposed signs for the purpose of identification, advertising and traffic controls must be shown.
- q. The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks and similar features, including all other rights-of-way not otherwise or explicitly mentioned.
- r. The purpose and owner(s) of all easements and statements from all utility companies, as applicable, that the stated services will be provided to the proposed development after platting.
- s. The boundary lines and dimensions, shown accurately, of all property to be reserved and dedicated, with the means of access to such property clearly shown and its intended uses noted.
- t. A legally acceptable land description and dedication block placed on the plat by the applicant dedicating streets, rights-of-way, public sites and other such features. The transfer to the County of dedicated land shall take place by a legally acceptable instrument prior to or concurrent with Final Plat acceptance, but before recording of the Final Plat.
- u. Identification of lots with slope in excess of twenty (20) percent and any other lots where special studies are required prior to obtaining a development permit.

v. Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any.

w. The following significant features must be shown:

- (1) Existing and proposed utility lines.
- (2) Natural and artificial drainage ways, ditches, streams and lakes.
- (3) Vegetative cover.
- (4) Rock outcrops, soil types, geologic hazards.
- (5) Dams and reservoirs.
- (6) Excavations and mine shafts.
- (7) And any other on-site or off site feature that influences the development.

2. Final Engineering Plans. Final engineering for roadway, drainage, erosion and sedimentation control plans along with a grading plan and a revegetation plan. The grading plan shall be indicated by solid line contours superimposed on dashed line contours of the existing topography of the area to be platted. Certification of approval by the Planning Commission and the Board of County Commissioners is required.

3. Subdivision Improvement Agreement. A Subdivision Improvement Agreement in a form approved by the Land Use Administrator and land Use Counsel.

4. Permits and Approvals. A copy of any state, local or federal permits and approvals, including but not limited to permits issued under Section 404 of the Clean Water Act, state or federal highway access permits, and air quality permits.

5. Drawings. Plan, profile and typical cross sectional drawings of all roads, bridges, culverts and other drainage structures, noting to what depths underground utility lines will be buried beneath such features.

6. Additional Plat Notes. Other plat notes and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the Final Plat.

DIVISION 4 SUBDIVISION DESIGN STANDARDS AND SPECIFICATIONS

Section 9.400 Standards and Specifications

The following design standards and specifications shall apply to all subdivisions in the County except as otherwise provided for within the provisions of this Code.

A. General. In addition to the design standards and specifications listed herein, all proposed subdivisions shall satisfy the following general standards:

1. Compatible with neighboring uses. The proposed subdivision is consistent with and in harmony with neighboring land uses and future intended land uses in the area.

2. Mitigate Traffic Congestion and Hazards. The proposed subdivision will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic.

3. Avoid Negative Impacts. The proposed subdivision shall be designed to avoid or mitigate negative impacts upon agricultural lands, critical wildlife habitat and wildlife, scenic views and existing and cultural and historical resources.

4. Preserve the Environment and Promote Public Health, Safety and Welfare. Subdivisions shall be located and laid out so as to protect the public health, safety, welfare and convenience of the residents of the proposed subdivision and to preserve and enhance the natural terrain, vegetation, soils, wildlife habitat and migration corridors, natural drainages, land forms and other positive characteristics of the site.

B. Subdivision Lots. All lots in any subdivision shall conform to the following specifications:

1. Lots Conform to Zoning District Standards. Lot dimensions and other characteristics shall conform to the applicable zoning district requirements and other appropriate provisions of this Code.

2. Lots have Access to Public Roadways. All lots shall have access by easement or other means to a public street or road.

3. Double Frontage Lots Avoided. Lots with double frontage shall be avoided except where essential and unavoidable to provide separation from major arterials, incompatible land uses or topographical or other environmental considerations.

4. Site Lot Line Alignment. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

5. Lots Configuration - Cul-de-Sacs. Wedge shaped lots or lots fronting on cul-de-sacs shall not be less than thirty (30) feet in width at the front property line.

6. Lot Division by Boundaries or Roads. No lots shall be divided by County or municipal boundaries, roads or other lots.

7. Delineation of Potential Development in Hazard Areas. Delineation of areas for potential building sites, or building envelopes, shall be required for those lots significantly affected by any designated or known one hundred (100) year flood plan, major drainage ways, areas of excessive slope of twenty (20) percent or greater or other identifiable natural or man-made hazards.

8. Slope Development. No building permit shall be issued for construction on building lots with twenty (20) percent or greater slope where construction would occur without an applicant submitting a special engineering study to the Land Use Administrator prior to seeking the building permit. The study shall show the

feasibility of the site to allow for construction of the intended structures and it shall also describe the mitigation measures to be used to overcome excessive slope problems.

9. Nonconforming Lots Prohibited. The division of land shall not create nonconforming lots.

10. Multi-Family Development Prohibited on Single Parcel of Land. Except for subdivided lots approved for multi-family housing, no subdivided lot or division of land which creates a single parcel shall be occupied by more than one dwelling.

C. Subdivision Blocks. Block lengths and widths shall be acceptable to the Board of County Commissioners and shall be appropriate to the types of land use anticipated in the subdivision, consistent with the zoning provisions within the district(s) in which the subdivision would be located and compatible with the terrain. Blocks shall conform to the following specifications:

1. Block Size Adequate for Proposed Use. The size of blocks shall be adequate to accommodate the proposed use.
2. Block Size Adequate for Access and Safety. The size of blocks shall be designed for convenient access, vehicular and pedestrian circulation, and control and safety of street traffic.
3. Block Size Adequate to Accommodate Proposed Individual Septic Systems. The size of blocks shall be adequate to accommodate leaching fields where individual septic disposal systems are proposed.
4. Block Size Adequate to Accommodate Both Proposed Wells and Individual Septic Systems. The size of blocks shall be adequate for the location of domestic wells where individual septic disposal systems are used.
5. Maximum Block Length. Block lengths shall not be longer than one thousand two hundred (1200) feet, except where they enter main through streets.
6. Accommodation for Future Subdivision. When a tract is to be subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged to allow the opening of future rights-of-way and logical further subdivision of the tract and adjoining lands.

D. Subdivision and County Street and Road Standards and Specifications. Private and public streets and roads in new subdivisions and other development elsewhere in the County shall be designed and constructed to the standards and specifications as set forth in this Code and in any other applicable laws, resolutions or regulations of Costilla County.

1. Advantageous Street System Design. Street systems shall be devised for the most advantageous development of the entire area. Principal streets in adjoining subdivisions or other development shall be continued and the street system shall provide for the future projection of principal streets into subdivided and unsubdivided adjoining property.
2. Ingress and Egress from Subdivision. Except in the case of subdivisions less than

twenty (20) lots, at least two (2) means of access to the subdivision shall be provided, so that all lots within the subdivision are provided with adequate ingress and egress in the event of emergency. In the case of large subdivisions, the County may require more than two entrances and in other cases, on application and the demonstration of good cause, the Planning Commission may waive the requirement of two (2) means of access.

3. Arterial Street Buffering. When a subdivision or other development abuts or contains an existing or proposed major arterial street or highway, the County may require service roads, reverse frontage lots with screen planting in a reservation strip abutting the major arterial or other such treatment as may be necessary to adequately protect residential properties and separate local and through traffic.

4. Adequate Capacity of County Roads. When a proposed subdivision or other development is located in an area serviced by a County road, the County roads shall be adequate to serve the proposed development. If the County determines that the traffic generated by the subdivision will result in safety hazards for drivers, pedestrians or adjacent residents, or result in substantially increased County maintenance costs, then the County will then determine the improvements necessary to bring the road to acceptable standards for safe and adequate service for the present and future residents. The applicant and the Board shall then agree upon a cost-sharing program and/or construction timetable to bring the road to an acceptable condition and such agreement shall be incorporated into the Subdivision Improvement Agreement.

5. Paving of Roads. The County may require the paving of any street or road that, in the Board's opinion, would be hazardous to the public health, safety, welfare or convenience if not paved.

6. Cul-de-Sacs. Cull-de-sacs shall not be longer than one thousand three hundred and twenty (1320) feet in length, nor service more than twenty (20) residential units. Every such street which serves as the sole frontage of any lot shall provide a turning space at its closed end with at least one hundred (100) feet in useable diameter between property lines. Such streets will be allowed only in cases where it can be demonstrated that the street will be passable year-round by virtue of minimum grade and curvature, adequate parking provisions and allowance for snow removal and storage.

7. Dead-End Streets. Dead-end streets (not including cul-de-sacs) shall be prohibited unless they are platted to the boundary of the subdivision and are so located to provide logical connection to future streets in adjoining undeveloped lands. All dead-end streets shall be provided with a temporary turnaround right-of-way easement having a diameter of at least one hundred (100) feet.

8. Street Intersections. There shall be a minimum number of intersections of residential streets with state and federal highways. No more than two streets or roads shall intersect at one point. Streets shall not intersect at an angle of less than sixty (60) degrees nor more than one hundred and twenty (120) degrees, except under unusual circumstances. Intersecting streets shall be connected with each other by a curve of at least twenty-five (25) feet in radius.

9. Curves. All horizontal and vertical curves shall be laid out so that there shall be clear vision ahead and behind within the traveled way for a safe distance.

10. Bridges. Bridges shall be constructed to the following standards:

- a. Sufficient strength to accommodate an AASHO (American Association of State Highway Officials) H-20 live load carrying capacity. It shall be the responsibility of the applicant to demonstrate that this standard will be met.
- b. Adequate pedestrian facilities for safe passage.
- c. Approach grades and curvatures adequate to ensure safe sight distance.
- d. Hydraulic flow capacity to pass the maximum one hundred (100) year probable flood, as determined by the drainage study or other professionally prepared study.

11. Road Grades. Street and road grades shall in general conform to the terrain and shall not, except as provided below, be constructed at grades of less than one (1) percent nor more than the following percent grades:

County road 6%
Arterial 8%
Collector street 8%
Local street 10%

12. Rights-of-Way Width. Street and road rights-of-way shall conform to the following minimum right-of-way widths, except as provided for below.

County road 80 feet
Required frontage road 50 feet
Residential streets:
arterial 80 feet
collector 60 feet
local 50 feet
Cul-de-sac diameter 100 feet
Alleys (where proposed) 12 feet

13. Minimum Road Width. Street and road roadway surfacing widths, as measured from shoulder edge to shoulder edge or curb to curb, shall conform to the following minimums, except as expressly waived by the Board of County Commissioners after a finding that a waiver is in furtherance of the objectives of the Land Use Code and Comprehensive Plan.

County road 40 feet
Required frontage road 30 feet
Residential streets:
arterial 40 feet
collector 32 feet
local 30 feet
Alleys (where proposed) 12 feet

14. Road Base. Roads, where not paved, shall be constructed with an eight (8) inch base and a two (2) inch finish of a size and quality of construction material acceptable to the Board of County Commissioners and shall comply with all Colorado Department of Transportation standards for gradation of materials,

compaction and other applicable standards.

15. Additional Road Standards. The Board may also, by majority vote, establish from time to time by Resolution additional standards and specifications for the construction of streets and roads within proposed subdivisions and elsewhere in the County.

E. Underground Utilities.

1. All utilities except major power transmission lines, transformers, switching and terminal boxes, meter cabinets and other facilities necessarily appurtenant to such utilities, shall be placed beneath the ground, buried to a depth acceptable to the Planning Commission.

2. The construction, installation and repair of right-of-way openings for subsurface utilities requires approval from Costilla County, the posting of an appropriate bond and evidence of adequate insurance.

F. Utility Easements. Utility easements shall measure twelve (12) feet on each side of rear lot lines and on subdivision perimeter rear lot lines adjacent to unsubdivided property. Utility easements shall measure fifteen (15) feet in width. Side lot easements, where necessary, shall measure ten (10) feet in width on either side of the property line. If the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation or other obstructions, an applicant shall provide like width easements adjacent to said areas of obstruction. Utility easements shall be subject to approval by the applicable utility companies and, where required, additional easements shall be required for main switching stations and substations. Applicants shall make the necessary arrangements with each serving utility for the installation of required utilities.

G. Drainage, Erosion, Sedimentation and Flood Control. Applicants shall be responsible for the design and construction of all drainage and erosion, sedimentation and flood control facilities required to direct and control all permanent and seasonal water, and for proving all necessary drainage easements. All facilities shall be designed by a registered professional engineer licensed to practice in the State of Colorado. Such facilities shall be designed and constructed in a manner that will protect all roadways and lots, permit the unimpeded flow of natural water courses, ensure the adequate drainage of all low areas and avoid stream degradation within and downstream from the proposed subdivision.

1. Drainage Systems. Drainage systems proposed as part of a proposed subdivision shall be based on consideration of the drainage basin as a whole and shall be capable of accommodating not only runoff from the proposed subdivision but also, where applicable, the runoff from areas adjacent to and upstream from the subdivision itself. Total runoff shall be calculated using standard engineering techniques and drainage easements shall be provided as necessary to accommodate the expected flow in any twenty-five (25) year period.

2. Drainage Structures. Drainage structures shall be designed to prevent heavy sedimentation within or erosion or overtopping of channels or damage to structures. Drainage structures shall be designed in a manner that will not increase the magnitude, depth or velocity of flow at the point where channels cross the boundary

line of the proposed subdivision or increase the stream channel energy gradient within or without the proposed subdivision.

3. Culverts and Drainage Under Roadways. All drainage facilities under roadways shall be designed and constructed to withstand an AASHTO recommended H-20 live loading, except as specifically exempted by the County. The minimum accepted culvert size shall be eighteen (18) inches in diameter. Drop structures shall be installed as needed, as shall storm sewers with appropriate inlets and manholes.

4. Drainage and Erosion Control. The proposed subdivision shall be designed so as to cause minimal erosion problems. To that end, the design and execution of the proposal shall ensure that the proposed subdivision be constructed in a manner which will minimize disturbance of existing vegetation and soil cover. Adequate provision shall be made for re-vegetation and for soil stabilization during and after development of the site. All cuts and fills shall be designed, engineered and landscaped to control erosion as well as provide stability for the entire mass. Natural drainage patterns shall be preserved and protected from increased water flows that could alter such patterns or subject existing channels and adjacent areas to increased erosion.

5 Vegetation. Natural vegetation shall be preserved adjacent to streams, rivers, lakes and reservoirs and the planting of trees and bushes, where feasible, is encouraged along open areas. In addition, all road cuts and fills should be replaced or reseeded with grasses suited to the environment.

6. Floodplain. Portions of a proposed subdivision located within a designated one hundred (100) year floodplain shall be subject to the design limitations, standards and regulations contained in Section 5.120.B. These conditions shall be satisfied before an applicant may submit a Preliminary Plan to the Planning Commission. All proposed development within a designated or identified floodplain located within a proposed subdivision shall comply with the building and land use provisions of this Code and all applicable provisions of the Federal Emergency Management Agency (FEMA) minimum standards and regulation for land use and construction in identified flood hazard areas.

7. Stream Setback. A minimum fifty (50) foot strip of land measured horizontally from the mean identifiable high water mark on each side of any running stream or creek located within the boundaries of a proposed subdivision shall be protected in its natural state with the exception that footpaths, bridges, irrigation structures, drainage and erosion control structures, flood control devices and outdoor recreation fixtures may be constructed thereon. If such stream is located along the outer boundaries of a proposed subdivision, this requirement shall apply to that part of such stream and strip that is located within the proposed subdivision.

H. Sanitary Sewage Disposal Systems. No final subdivision plat shall receive the approval unless the Colorado Department of Public Health and Environment and/or County Health Department has made a favorable recommendation regarding the proposed method of sewage disposal.

1. Central System. All subdivisions with twenty lots or more, or subdivisions with a density of more than one unit per acre shall be served by a community or centralized sewage disposal system.

2. Extension of Service. For development within 2,000 feet of an existing sanitary

sewer main or in a service area of a special district authorized to serve such development, the Board may require the subdivider to extend service.

3. Individual Sewage Disposal Systems (ISDS). On site individual sewage disposal systems shall comply with this Code and with all applicable State of Colorado statutes and regulations governing the construction of such systems. In addition, applicants shall comply with all other regulations regarding the design and construction of sewage disposal system, including the following provisions:

a. Each lot to be served by an on-lot soil absorption sewage disposal system 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.

b. Any subdivision lot to be served by an on-site sewage disposal system shall have a minimum distance of eight (8) feet from the surface of the ground to the ground water surface, based on the annual high water level.

c. Any on-site waste disposal system must be at least one hundred (100) feet from any water supply well and at least fifty (50) feet from any stream or watercourse.

d. Soils having a percolation rate faster than five (5) minutes per inch or slower than sixty (60) minutes per inch shall not be divided into building sites to be served by on-lot soil absorption sewage disposal systems.

4. Where County, municipal or special district plans indicate that the construction or extension of sewage collection lines may serve a proposed subdivision within a reasonable period of time, the Board of County Commissioners may require the installation of capped sanitary sewer mains and house connections in addition to the installation of temporary on-lot sewage disposal systems. It shall be the responsibility of Costilla County or the designated public health authority for the design approval and supervision of the installation of all capped sewers, laterals and house connections or, if there be a water and sanitation or a sanitation district, that responsibility shall be assumed by the district if it is willing to do so.

I. Water Service. No subdivision Final Plat shall be approved by the Board of County Commissioners unless a reliable water supply system is available for the lots within that subdivision. Water service that is provided to every lot or parcel by a community or collective water supply and distribution system shall be favored where such systems are practical. Water supplies shall be treated, as necessary, by methods acceptable to the Colorado Department of Public Health and Environment. Any proposed water supply system for a proposed subdivision shall meet the following conditions and requirements:

1. Quality and Quantity. There shall be a sufficient quantity, quality, dependability and pressure to provide an appropriate supply of water for the type of subdivision proposed, as determined by the Office of the State Engineer and the Colorado Department of Public Health and the Environment.

2. On-lot Systems. All lots in a proposed subdivision which cannot practically be provided with a community or centralized water treatment and distribution system shall be provided with individual on-lot water supply systems. The applicant shall install such systems or shall require by deed restriction or otherwise in a manner satisfactory to the Board of County Commissioners as a condition of sale of each lot

within the proposed subdivision, that such on-site water supply systems shall be installed by the purchaser of the lot at the time of the construction of the principal building and before it is occupied.

a. On-lot systems shall meet these criteria:

- (1) Underground aquifers are adequate to supply the projected future needs of the development.
- (2) Well permits are available from the Colorado Division of Water Resources.
- (3) Well usage would not interfere with vested water rights.

3. Future Demands. Centralized water treatment and distribution systems shall be sized hydraulically to meet the initial and future demands of the proposed subdivision and over-sizing of lines may be required for likely extensions. Such systems shall be sized hydraulically for maximum day plus fire demands or peak hour, whichever is greater. Maximum day demand shall be assumed to be three (3) times average day demand, and maximum hour demand shall be assumed to be six (6) times average day demand, unless other specifications are specifically approved by the Planning Commission upon written application and the demonstration of good cause. In addition, new centralized water systems shall be designed with sufficient treatment and storage capacity to serve the specified maximum hour demands for a period of six (6) hours or a maximum day demand plus the required fire demand for the specified duration.

J. Fire Safety Protection.

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

2. Fire Hydrants. Fire hydrants shall be required in all subdivisions serviced by a centralized water treatment and distribution system. Hydrants shall be spaced not more than one thousand (1000) feet apart and provided with adequate pressure, flow and duration, as determined by prevailing underwriter standards for fire fighting purposes.

K. Survey Monuments. Permanent survey monuments shall be set within all subdivisions pursuant to Sections 38-51-104 and 38-51-105, C.R.S. In addition, No. 5 steel rebar, twenty-four (24) inches or longer in length, shall be set at all lot corners prior to selling or advertising for sale of such lots. All monuments, markers and benchmarks shall have fixed securely to the top thereof the registration number of the land surveyor responsible for the establishment of such monument, marker or

benchmark. Benchmarks shall be stamped with the letters "BM" and the elevation of the benchmark.

1. Monuments located within streets shall be of No. 5 rebar steel, thirty-six (36) inches or longer in length, placed so that their tops are six (6) inches below the final street surface. When a street is paved or otherwise surfaced, all such monuments within the paved or surfaced area shall be fitted with monument boxes of sturdy construction and monuments set after paving or surfacing shall also be provided with sturdy monument boxes.

2. All monuments, markers and benchmarks shall be set or witnessed according to standard construction techniques and in a fashion that is satisfactory to the Board of County Commissioners.

L. Other Public Improvements. Other reasonable improvements, not specifically mentioned herein, but found appropriate and necessary by the Board of County Commissioners, shall be shown on the Final Plat and shall be constructed at the applicant's expense, or shared by the applicant and Costilla County, as specified in the Subdivision Improvements Agreement. Such improvements shall be made within a reasonable time and to such reasonable specifications as the Board of County Commissioners deems necessary and appropriate.

Section 9.410 Reservation and Dedication of Public Sites

A. Dedication of Public Land. The applicant shall reserve and dedicate to the County land for public purposes.

B. Amount of Public Land Dedicated. In considering the proportion of land, if any, to be reserved or dedicated for public or community purposes, the Board of County Commissioners shall take into account the size, location and characteristics of the proposed subdivision, the current and likely future uses of the surrounding area, and the impact of the subdivision on public services and facilities. The amount of land dedicated for public purposes shall not exceed the amount roughly proportionate to the impacts of the subdivision.

C. Standards for Dedication or Reservation of Land.

1. Areas other than rights-of-way proposed for reservation and dedication shall be suitable and usable for the purpose(s) and use(s) intended.

2. Dedication of public sites to Costilla County or other eligible entity shall be achieved through deed or other legal transfer of the property at the time of Final Plat approval and before recording of the Final Plat.

3. Areas reserved for private uses shall be reserved through deed restrictions and the maintenance of said sites shall be the responsibility of a homeowners association.

D. Payment in Lieu of Dedication of Public Sites. Upon written request by an applicant, the Board of County Commissioners may accept a cash payment in lieu of dedicated land, in whole or part, not to exceed the current market value of such land that would have been dedicated to the County or other public entity. Cash payments received by the Board in lieu of dedicated land shall be held in an escrow account by the County for the purposes allowed by law.

Section 9.420 Impact Fees (Reserved).

DIVISION 5 SUBDIVISION EXEMPTIONS

Section 9.500 Approval of Divisions of Land Exempt from Subdivision

A. Land Division Exempt from Subdivision. Unless the method of disposition is adopted for the purpose of evading this Section and these land use regulations, the following divisions of land are exempt from procedures and standards of the Subdivision Regulations.

1. Boundary Line Adjustment and Lot Line Revision, Correction.

a. Division of land for the purpose of revising boundary lines and lot lines from those shown on a recorded plat and which creates no more than the previously recorded number of parcels, provided that: (i) any lot or parcel which is now conforming shall remain so, (ii) any lot or parcel that is not nonconforming shall not increase its degree of nonconformance and, (iii) the plat amendment process and other appropriate provisions of this Code are satisfied.

b. Division of land for the purpose of correcting an engineering or survey error in a recorded plat, provided that the correction(s) meet the applicable provisions of this Code.

2. Consolidation. Any division of land combining contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for the purposes of this section.

3. Family Transaction Exemption. Any division of land which is created by and for the purpose of a gift, transfer or sale by a parent to his or her offspring, whether related by blood, marriage or legal adoption, or by such offspring to a parent or grandparent or by a legally appointed guardian to a person under that guardian's care, so long as the parcel created fully conforms to the zoning and other provisions contained within these regulations. Such a gift, sale or transfer shall be specifically prohibited from creating nonconforming lots.

B. Materials to be Submitted to Land Use Administrator for Exempt Subdivision Plat Review.

1. Written Description. A written description of the proposed exemption which includes the basis for exemption and the proposed use of the property. The Written Description shall also include the following information:

a. Demonstrates that the land proposed for exemption will be provided a legal, physical, adequate and dependable potable water supply.

b. Demonstrates that the land proposed for exemption will be provided a wastewater disposal system in compliance with the applicable County and state regulations.

c. Demonstrates that the proposed exemption will not create hazards and the lot will contain a safe, adequate building site.

d. Demonstrates that the proposed exemption complies with applicable approval criteria set forth Section 9.500.E of this Code.

e. Demonstrates that the proposed use complies with applicable standards set forth in this Code.

2. Exemption Map. A map that includes the following information:

a. All boundary survey control points with monument descriptions to locate blocks, lots, rights-of-ways and easements.

b. Purpose, width and location of all easements.

c. Location of all lots and blocks with accurate dimensions.

d. Location, identification and dimensions of roads, driveways and trails.

e. Location and dimensions of open space parcels and preserved areas.

f. Location of utilities.

g. Other information deemed necessary by the County for a complete depiction of proposed exemption.

C. Review of Exempt Subdivision by Land Use Administrator, and Plat Recordation. The Administrator shall review the proposed exempt subdivision for compliance with the Criteria for Approval of Requests for Subdivision Exemption, Section 9.500.E. If the proposed division qualifies as an exemption then the exemption map shall be filed with the County Clerk and Recorder.

D. Appeal to the Board of County Commissioners of Land Use Administrator's Decision. Any person aggrieved by the decision of the Land Use Administrator on a request for Subdivision Exemption may appeal the Administrator's decision to the Board of County Commissioners.

a. A written notice of appeal setting forth the reasons why the Board of County Commissioners should revise or reverse the decision of the Administrator must be submitted to the Administrator within five (5) days of the decision by the Administrator on the request for Subdivision Exemption.

b. The Land Use Administrator shall schedule a hearing by the Board of County Commissioners within forty-five (45) days of receipt of the notice of appeal.

c. Public notice of the hearing shall be made by publication and notice to adjacent property owners in accordance with the procedures set forth in Section 3.230, except that it is not necessary to post a notice of the hearing on the property, and written notice to adjacent property owner shall be mailed at least twenty (20) days prior to the hearing and public notice shall be the responsibility of the County.

d. Following a properly noticed public hearing, the Board of County Commissioners

shall either uphold the decision of the Administrator, reverse the decision of the Administrator, or revise the decision of Administrator.

E. Criteria for Approval of Requests for Subdivision Exemption.

1. Adequate access, adequate potable water, and adequate sewage treatment facilities are available.
2. Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land, the character of the neighborhood, and the County's goals of preserving agricultural and forestry lands. Proposed building lots and structures shall be suitably sized and located with respect to the character of the neighborhood and shall be appropriately landscaped and screened to minimize the obtrusiveness of structures, and to maximize visual blending with the surrounding topography.
3. The design of proposed building lots and the location, size, height, and design of proposed structures shall minimize adverse impacts on streams, areas subject to flooding, drainage, geologic hazards, lakes, high ground water areas, topography, scenic views, vegetative cover, climatology, and other environmental features.

Section 9.510 Rural Land Use Process/Cluster Subdivision Development

A. General. The Rural Land Use Process/Cluster Subdivision Development Process is authorized by 30-28-101(1)(c)(X), C.R.S. and 30-28-401 C.R.S, et seq. A development approved pursuant to this section is eligible for the cluster well exemption set forth in 30-28-404, C.R.S.

1. Eligible Parcels. The Rural Land Use Process may be used to create a cluster subdivision development on a parcel of land 70 acres or more in any unincorporated area of the County.
2. Exempt from Subdivision Regulations. A cluster subdivision development shall be exempt from the standard subdivision and permit procedures set forth in the Land Use Code and shall be governed by this Rural Land Use Process.
3. Characteristics of a Cluster Subdivision Development. A cluster subdivision development must have all the following characteristics to be reviewed under this Rural Land Use Process.
 - a. Use. The subdivision must be for single-family residential purposes only.
 - b. Open Space. At least two-thirds of the total area of the parcel to be divided into a cluster subdivision development must be preserved as contiguous open space.
 - c. Density. The residential density of the cluster subdivision development shall not exceed two (2) residential units for every thirty-five (35) acres within the parcel, and shall not exceed one residential unit for each seventeen and one-half (17 ½) acre increment.
 - d. Ratio of Wells to Lots. Where well water is used, the annual withdrawal rate shall not exceed the rate of one acre-foot for each thirty-five (35) acres within the cluster development unless a water augmentation plan is approved. One well shall be

allowed per residential lot in accordance with Section 30-28-404, C.R.S.

B. Application Submittal and Review Process.

1. Pre-application Conference. The applicant shall meet informally with the County Land Use staff to discuss the proposed development.

2. Application Submittal Requirements. The following information shall be submitted by the applicant:

a. Application Fee.

b. Vicinity Map. A map that identifies the general location and boundaries of the parcel to be subdivided, together with identification of the uses of all lands adjacent to the parcel.

c. Site Plan. In addition to the requirements of Section 3.210A, a site plan that includes the following information:

(1) Boundary lines, corner pins, dimensions and other land survey information; dimensions of the parcel to be exempted.

(2) Existing and proposed topography at contours at vertical intervals suitable to demonstrate the drainage and grading features.

(3) Location of wells and septic systems.

(4) General location of roadways, easements; rights-of-way, both existing and proposed.

(5) Description of natural features such as ridges, wildlife corridors, waterways and wetlands, soils, vegetative cover and other features that would, in the opinion of the County, influence development.

d. Cluster Subdivision Map. A map that includes the following information:

(1) All boundary survey control points with monument descriptions to locate blocks, lots, rights-of-ways and easements.

(2) Purpose, width and location of all easements.

(3) Location of all lots and blocks with accurate dimensions.

(4) Location, identification and dimensions of roads, driveways and trails.

(5) Location and dimensions of open space parcels and preserved areas.

(6) Location of utilities.

(7) Other information deemed necessary by the County for a complete depiction of the cluster development subdivision.

e. Development Report. A report that describes:

- (1) The existing environmental conditions on the parcel to be developed and the effects of the development on those conditions.
- (2) The design and engineering of any septic or sewer system, including provisions for on-going operation and maintenance.
- (3) An evaluation of the projected demands of the development on the ability of the County to provide County services.
- (4) Traffic impact report.
- (5) A description of the conservation values to be preserved and the means to preserve those values for the two-thirds of the area of the parcel that will remain undeveloped as open space, pasture or grazing lands, parkland, wildlife habitat or other conservation uses acceptable to the County. Examples of means to preserve the property include, without limitation, creation of a conservation easement, conveyance of land to a land trust, conveyance to homeowners association.

3. Review by Land Use Administrator. The Administrator shall review the application for determination of completeness. Upon determination of completeness, the Administrator shall review the application for compliance with the Cluster Development Review Standards, Section 9.510.C.

4. Review by Referral Agencies. The Administrator may submit the completed application package for a cluster subdivision development for review by referral agencies relied upon by the County in its review of development applications.

a. The applicant shall supply the County with the necessary number of application packets to be sent to the referral agencies.

b. Referral responses must be received by the County staff within fifteen (15) days of transmittal of the application packet.

5. Planning Commission Review. The completed application for a cluster subdivision development shall be reviewed by the Planning Commission at its first regularly scheduled meeting after the Administrator deems the application to be complete. No public hearing is required at the Planning Commission review. The Planning Commission shall recommend to the Board of County Commissioners that the cluster subdivision development be approved, approved with conditions or denied.

6. Review by Board of County Commissioners. The Board of County Commissioners shall hold a public hearing not less than forty-five (45) calendar days from the date of the Planning Commission meeting at which the development is reviewed.

a. Publication of Hearing Notice. Notice of the hearing shall be published according to the provisions of Section 3.230

b. Notification of Adjacent Property Owners. Property owners within 500 feet of the parcel to be developed shall receive written notice of the proposed development and

the hearing. Notification is the responsibility of the applicant and shall be done in accordance with the provisions set forth in Section 3.230.

c. Action by Board. Following the public hearing, conducted pursuant to Section 3.240, the Board of County Commissioners shall approve, approve with conditions or deny the cluster development request based on the Cluster Development Review Standards set forth in Section 9.510.C below.

C. Cluster Development Review Standards.

1. Proposed division and development of the land minimizes the impacts of residential development on agricultural lands and agricultural operations, and maintains the rural character of lands.
2. Proposed division and development of the land maintains the opportunity for agricultural production on the most productive and viable parcels of land.
3. Buildable lots shall be clustered.
4. Proposed division and development of the land minimizes negative visual impact as viewed from public rights-of-way including roads, and public open spaces.
5. Topsoil shall be replaced and the landscape revegetated with native plant materials of adequate quantity and quality within one growing season after disturbance of the area.
6. Proposed division and development of the land provides adequate buffers between water bodies and development to protect water quality, enhance wildlife habitat and improve visual quality of rivers, lakes, wetlands and irrigation ditches and avoids sedimentation and runoff impacts during and after development including those that impact irrigation ditches.
7. Lots and building sites shall be designed to minimize impacts on public roads and services.
8. Roads, water and wastewater services shall be adequate to serve the proposed subdivision. Where well water is used, the annual withdrawal rate shall not exceed the rate of one acre-foot for each thirty- five acres within the cluster development unless a water augmentation plan is approved. One well shall be allowed per residential lot in accordance with section 30-28-404 C.R.S.
9. Proposed division and development of the land shall avoid negative impacts to wildlife and wildlife habitat.
10. Proposed division and development of the land locates all development outside known and/or active hazard areas. These include: ground subsidence, potential rock fall, fault or fault zone, unstable slopes, slope failure complex, landslide, mudflow, floodplain and earthflow areas.
11. Proposed division and development of the land minimizes the risk of wildfires.
12. Two-thirds of the parcel shall be preserved as contiguous open space to be used as wildlife habitat, grazing land, critical natural areas or similar uses.

13. The proposed division of land is for single-family dwelling use only, and the residential density does not exceed two (2) residential units for every thirty-five (35) acres or one residential unit for each seventeen and one half (17 ½) acre increment.

D. Recordation. Within thirty (30) days following approval of the cluster development subdivision by the Board of County Commissioners, the map of the cluster development subdivision and the development agreement, if any, shall be recorded in the office of the clerk and recorder.

DIVISION 6 LARGE LOT LAND DIVISIONS

Section 9.600 Large Lot Land Divisions

A. Recording of Plat. All divisions of land which create parcels of land each of which comprise thirty-five (35) or more shall be accompanied by a recording of a plan or plat with the Costilla County Clerk and Recorder.

B. Plat Information. Large lot division plats shall contain the following information:

1. Plan. A plan, drawn in ink, prepared by a registered professional land surveyor indicating the bearings, distances and curve data of all perimeter boundary lines and legal descriptions and dimensions of all parcels of land that have been so divided.

2. Access Drive Easement. For all such parcels not adjoining a County maintained public street or road, an access drive easement not less than thirty (30) feet in width shall be designated as such and bearings and dimensions given between the parcel and a public road or street.

3. Identification. The information on the plan shall include the name of the tract if applicable; the current date; the Township, Range and Section in which it is located; the name and mailing address of the seller; and the buyer shall endorse the plan, warranty deed or the recorded deed with the following statement:

a. "The buyer hereby acknowledges that the Board of County Commissioners of Costilla County, Colorado is not responsible in any fashion for the construction, acceptance or maintenance of access drives or roads or streets indicated on this plan. Public service vehicles, emergency vehicles and other vehicles and persons within them having legitimate business to transact shall have the right of ingress, egress and regress along all such drives, roads and streets. The buyer also acknowledges that the right of such access on roads and streets not constructed for or by, nor dedicated to or accepted by and not maintained by Costilla County does not assure prompt, timely arrival of public safety vehicles or the prompt, timely delivery of public safety services."

Signed: Date:
Buyer

ARTICLE 10 SIGNS

DIVISION 1 GENERAL

Section 10.100 Purpose

The purpose of this Article is:

- A. Appearance. To protect the appearance of the community and enhance the attractiveness of Costilla County as a place to live, do business and visit.
- B. Identification. To enable places of residential development and commerce to be easily identified and allow the communication of information necessary to the conduct of business.
- C. Compatibility. To permit signs that are compatible with their surroundings, but preclude placement in a manner that conflicts with the principal uses of the site, adjacent land uses, or adjacent signs, or interferes with or obstructs the vision of, or distracts motorists, bicyclists or pedestrians.
- D. Restriction in Size and Number. To limit the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
- E. Hazards. To prevent hazardous situations, confusion and visual clutter caused by proliferation, improper placement or installation, illumination, animation and excessive height, area and bulk of signs that compete for the attention of motorists, bicyclists and pedestrians.
- F. Safety. Protect the public from dangers of unsafe signs, and require signs to be constructed, installed and maintained in a safe manner.

Section 10.110 Sign Permit Required.

Unless specifically exempted by provisions of these regulations, all signs require a Sign Permit, issued by the Administrator, prior to installation or placement on property located in unincorporated Costilla County.

Section 10.120 Maintenance Standards

Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or constructed of rust resistant metals.

Section 10.130 Temporary Signs

A. No Permit Required. Temporary signs are allowed in all zone districts without a sign permit if they meet all of the following restrictions and conditions.

1. Not Commercial. Sign is not commercial in nature, including campaign and election signs, community event or non-profit fund raiser signs, and on-site signs that identify contractors working on a project on the site or advertise the parcel for sale. One sign shall be allowed for each candidate, issue or event per parcel.
2. Size. Temporary signs shall not exceed ten (10) feet in height, and thirty-two (32)

square feet in dimension.

3. No Illumination. Temporary signs shall not be illuminated.

4. Restricted Location. Temporary signs must be placed only on private property, located outside any right-of-way or easement, and placed to avoid any sight obstruction for motorists, cyclists and pedestrians.

5. Removal. Temporary signs shall be removed within five (5) days after a campaign, election or event. Banners, balloons and flags may be used for a time period not to exceed a total of fourteen (14) days in any calendar year to promote a special event. Construction activity signs shall be removed within thirty (30) days of construction completion. For Sale signs shall be removed within thirty (30) days of sale of the property or transaction removing the property from the market.

Section 10.140 Development Identification Signs.

A. Permit Required. A sign that identifies a development will be considered as part of the platting process. Size, height, location and construction materials will be reviewed in the context of the proposed development. A sign permit is required, and the provisions for application and review set forth in this Article shall apply.

Section 10.150 Nonconforming Signs

A. Legally Nonconforming Signs. Signs lawfully erected prior to the enactment of these regulations and lawfully maintained in accordance with the provisions of prior regulations, but which do not conform with the provisions of these regulations, shall be allowed to continue as nonconforming signs under the following provisions. Signs not in conformance with this Section shall be considered in violation of this Article and subject to removal by action of the County.

1. Sign May Not Be Changed. Any legally nonconforming sign may be continued in operation and maintained, provided that no such sign shall be changed in any manner that increases the nonconformity of such sign.

2. Burden Rests Upon Owner. The burden of establishing a sign to be a legally nonconforming sign under these regulations shall rest entirely upon the owner.

B. Termination of Legally Nonconforming Signs.

1. Abandonment. Signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises within six months after the associated activity or occupant has vacated the premises. Any such sign not removed within the required period shall constitute a violation and shall be subject to removal by action of the County.

2. Destruction, Damage or Obsolescence. The right to maintain any legally nonconforming sign shall terminate whenever the sign sustains damage in excess of fifty percent of its replacement cost, or becomes obsolete or substandard to the extent that the sign becomes a hazard.

3. Failure to Maintain. The right to continue use of a legally nonconforming sign shall terminate if the sign is not maintained in good structural and visual condition.

4. Violations. Any violation of these regulations or the prior regulations under which a sign has been permitted shall immediately terminate the right to continue use of the sign.

5. Condemnation. The Board of County Commissioners may choose to condemn a nonconforming sign found to be in violation of these regulations. Recommendations for condemnation shall be made by the Administrator.

Section 10.160 Prohibited Signs

The following types of signs or advertising devices are prohibited in all zone districts.

A. Structurally Unsafe. Signs that are structurally unsafe or constitute a hazard.

B. Signs Blocking Ingress or Egress. Signs that prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape, except those signs that may be required by other codes, regulations, or ordinances.

C. Signs Obstructing Visibility. Signs that obstruct or interfere with traffic signs or signals, or that impair visibility in the public right-of-way, or that are located within a clear vision area.

D. Signs with Moving Parts. Signs with visible moving, revolving or rotating parts, flashing or fluttering lights or other illuminating devices that have a changing brightness or intensity or color, or any mechanical movement or apparent movement achieved by electrical, electronic or mechanical means, except time, temperature and date signs or holiday decorations.

E. Displays With Open Light Bulbs. External displays, other than temporary decorative holiday lighting, that consist of unshielded or open light bulbs.

F. Signs Without Adequate Clearance from Power Lines. Signs that have been constructed or maintained with less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by state law or required by the utility provider.

G. Off-Premises Signs. Signs not located upon the property or business identified or advertised by the sign, and signs located in the public right-of-way or easement.

H. Vehicle Signs. Signs placed on vehicles or trailers that are parked or located for the apparent purpose of advertising a product, service or activity or to direct people to a business or activity located on the premises or nearby

I. Obsolete Signs. Signs that are located on property that becomes vacant and unoccupied for a period of six months or more, or a sign that pertains to a time, event or purpose that no longer applies shall be considered obsolete. The sign face of an obsolete sign shall be removed by the owner of the sign or the owner of the property. A sign that is not so removed by the owner may be removed by the Administrator, as authorized under Article 12, provided however, that the following types of signs shall be excepted from these provisions.

1. Exception for Change of Ownership. Signs displayed on a business temporarily suspended because of a change of ownership or management of the business shall not be construed to be obsolete unless the property remains vacant or the business is closed for a period of six months or more.

2. Exception for Seasonal Business. Permanent signs displayed on a business that is open only on a seasonal basis shall not be construed to be obsolete unless the property remains vacant or the business is closed for a period of twelve months or more.

J. Signs on Natural Features. Signs painted on rocks or other natural features.

K. Billboards. Billboard signage is prohibited in all zone districts.

DIVISION 2 APPLICATION, REVIEW AND APPROVAL

Section 10.200 Process

A. Application Materials. Any application for a sign permit must include the following materials. The Administrator may require additional materials or information as deemed necessary to properly evaluate the proposed sign.

1. Application. An Application for Sign Permit shall be available through the Planning and Zoning Department. Information required shall include i) the name, address and phone number of the applicant, ii) physical address of the property, iii) zoning of the property, and iv) nature of the principal use to be identified by the proposed sign.

2. Scale Drawing of Sign. A scale drawing of the proposed sign, that includes exact dimensions and area calculations, text, and color and materials proposed for the sign.

3. Plot Plan. A plot plan, drawn to scale, showing the proposed location and orientation of the sign. The plot plan must include all easements and rights-of-way of record that may affect or be affected by the location of the proposed sign.

4. Sign Illumination. A description of the sign illumination. This may be shown on the Scale Drawing of the proposed sign. Description of illumination shall include target illumination levels, hours of operation, control methods, lamp and luminaire information, and manufacturer description.

5. Electrical and Engineering Information. Electrical and engineering data sufficient to prove the safety and reliability of the proposed sign.

6. Permit Fee.

B. Review and Approval. Within three working days of receiving a complete application, the Administrator shall review the application for compliance with the review criteria in Section 10.210.

1. The Administrator shall approve, approve with conditions or deny the Sign Permit.

2. The Administrator shall provide written notice to the applicant stating approval, conditions of approval, or denial and the specific review standards that were not met. The Administrator's decision can be appealed to the Board of Adjustment.

Section 10.210 Review Criteria

A. On-Premises Advertising. The sign shall identify or advertise the legally established principal use of the lot on which the sign is located.

B. Dimensions. The size and height of the sign must comply with standards shown in the Sign Table, Section 10-220. Where a sign has two display faces, the area of one side shall be considered the total area for that sign.

C. Moving Features. The sign shall not contain any flashing, rotating, animated or otherwise moving features. Signs with a changeable message must remain motionless for not less than one minute.

D. Illumination.

1. Flashing Lights Prohibited. The sign shall not have blinking, flashing, moving or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color.

2. No Impact to Neighboring Property. Illuminated signs shall not cause glare or otherwise adversely impact residential areas.

3. No Impacts to Traffic. Neither the direct or reflected light from any light source illuminating the sign shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares. Colored lights shall not be used at any location or manner so as to be confused with or construed as a traffic control device.

4. Lighting Standards Met. Illuminated signs shall conform to applicable provisions of the general lighting standards adopted by the County.

E. Location. The sign shall be entirely located on private property and shall not be placed on or over road easements or rights-of-way. The sign shall not create an obstruction for traffic or create any hazard for motorists, cyclists or pedestrians.

F. Safety.

1. Wind Load. Signs over ten feet in height and or forty square feet in surface area shall be engineered to withstand a wind loading of a minimum of thirty pounds per square foot of sign area without failure of the face retention system or sign structure.

2. Electrical Wiring. Electrical wiring for the sign shall be underground in the case of freestanding signs, and behind the sign cabinet in the case of wall or projecting signs.

3. Support. Roof signs, signs mounted on marquees, or projecting signs shall be engineered in such a manner that no guy wires are needed for support, other than for the sign structure itself.

4. Protection of Anchors and Supports. Anchors and supports shall be protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by a parapet wall that is not braced.

Section 10.220 Sign Table

Zoning District Max. Sign Size (Sq.Ft.) Max. Sign Height (Ft.) Interstate Highway Signs*

Agricultural 15 20 N/A

Rural Residential 15 20 N/A

Estate Residential 15 10 N/A

Industrial 60 40 180/60

*Interstate highway signs apply only to uses that provide gasoline, food or lodging and have frontage on the Interstate right-of-way or Interstate frontage road.

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DIVISION 3 VIOLATIONS

Section 10.300 Violations

A. Inspection and Order to Repair. The Administrator shall inspect and shall have the authority to order the repair, alteration, painting or removal at the owner's expense, of any sign that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

B. Written Order. When the Administrator finds that a violation of these regulations exists, he shall issue a written order to the alleged violator. The order shall specify those provisions of these regulations that the individual may be in violation of and shall state that the individual has ten (10) days from the date of the order in which to correct the alleged violation, or file an appeal with the Board of County Commissioners.

C. Removal of Obsolete Sign. If, upon inspection, the Administrator finds that a sign has been abandoned, he shall issue a written order to the owner of the sign and/or owner or occupant of the premises stating the nature of the violation and requiring that person to remove or repair the sign within ten days form the date of the order. In cases of emergency, the Administrator may cause the immediate removal of nay sign that endangers the public or is structurally, materially, electrically or otherwise defective, without notice, at the expense of the owner of the sign or premises.

D Removal of Prohibited Sign. In the case of a prohibited sign, the sign owner or owner of the premises shall be required to remove the offending sign within ten (10) days of receipt of written notification served on the sign owner or owner of the premises personally, or by certified mail, return receipt requested. If the sign is not removed within ten days, then the Administrator may remove the offending sign and recover the costs from the owner of the sign or the premises.

E. Sign Does Not Comply with Permit. If the Administrator finds that the sign under any permit issued does not comply with the information supplied in the permit application and/or is in violation of these regulations, or finds that there has been any misrepresentation in connection with the application for the permit, he shall notify the sign owner of such findings and notify the sign owner that the violation must be corrected within five (5) working days. The sign owner shall have five (5) working days in which to reply to such notification. If such correction is not made within the five-day period, the Administrator shall revoke the permit and shall serve written notice to the sign owner by personal service or certified mail with return receipt.

ARTICLE 11 RUBBISH, JUNK, WEEDS AND BRUSH, AND UNSAFE STRUCTURES

DIVISION 1 GENERAL

Section 11.100 General

A. Purpose. The purpose of this Article is to protect the health, safety, and welfare of the citizens of Costilla County through the removal of rubbish, junk, weeds and brush, and unsafe structures from land in the unincorporated areas of the County. This includes removal by the County upon failure of the property owner to comply with a notice to remove rubbish, junk, weeds and brush, or unsafe structures and the provision for criminal penalties in the event of failure to comply.

B. Authority. Section 30-15-401 C.R.S, as amended, authorizes the Board of County Commissioners to adopt regulations for the control of matters of local concern, including providing for and compelling the removal of rubbish, junk, weeds and brush, and unsafe structures from land in the unincorporated areas of the County.

C. Removal of Rubbish, Junk, Weeds and Brush, or Unsafe Structures. It shall be the duty of any person who is the owner, lessee or occupant of a lot, tract or parcel of land in Costilla County to remove rubbish, junk, weeds and brush, and unsafe structures from that land.

1. Removal of Rubbish. Rubbish, as defined in Section 2.100 of this Code, shall be removed from lots, tracts and parcels of land within the County, except industrial tracts of ten or more acres and agricultural land currently in agricultural use in compliance with this Code.

2. Junk. Junk, as defined in Section 2.100 of this Code, shall be removed from all lots, tracts and parcels of land within the County.

3. Weeds and Brush. Weeds and brush, as defined in Section 2.100 of this Code, shall be removed from residential lots and from alleys behind and sidewalk areas in front of such lots.

4. Unsafe Structures. Any unsafe building or structure as defined in Section 2.100 of this Code, and as further defined in this Article, shall be removed from lots, tracts and parcels of land within the County with the exception of any building or structure on:

a. Affected land subject to the Colorado Mined Land Reclamation Act as defined in Section 34-32-103(1.5), C.R.S, as amended.

b. Lands subject to the Colorado Surface Coal Mining Reclamation Act pursuant to Article 33 of Title 34, C.R.S, as amended.

Section 11.110 Process for Removal of Rubbish, Junk, Weeds and Brush, or Unsafe Structures.

Unless otherwise specified, the following process for complaint and verification of violation shall apply instead of the enforcement process set forth in Article 12 of this Code.

A. Complaint and Verification of Violation.

1. Verify Violation. Upon complaint made or filed by a member of the public or by a County official or employee, the Administrator will verify the complaint as a violation.

2. Authority to Enter and Inspect. The Administrator's authority to enter and inspect land, a building or structure for the purpose of verifying a violation shall be governed by the same procedures for obtaining consent or an administrative search warrant as are set forth in Section 12.120.

B. Notification of Violation and Provision for Appeal of Violation.

1. Notice of Violation. If the Administrator verifies a complaint as a violation, the Administrator will provide written notice of the violation and the requirements for abatement to the property owner of record as identified on the Costilla County tax records (both to the address in the tax records and the property address, if different), and to any other responsible party whose identity and whereabouts are known to the Administrator. The notification will include a description of the violation, the requirements for abatement including the time period in which abatement must occur, a proposed re-inspection date to verify abatement, a statement of the right to appeal the determination of violation, and the time within which a written appeal must be filed. Ordinarily the Administrator will provide thirty (30) days for abatement, unless the Administrator determines that a shorter or longer time is justified.

2. Appeal. The property owner or other noticed person may appeal the Administrator's determination that a violation exists to the Board of County Commissioners. The request for an appeal must be made to the Administrator in writing within the time period for abatement specified in the Notice of Violation.

3. Public Notice and Hearing by Board of County Commissioners. If a timely appeal is filed, the Administrator will schedule a hearing by the Board, and publish notice of the hearing no less than (14) days prior to the date of the hearing.

4. Notifications. No less than fourteen (14) days prior to the date of the hearing, the Administrator will provide notice of the hearing to the party requesting the appeal, adjacent property owners and any other known interested persons.

5. Hearing and Action by Board of County Commissioners. At the appeal hearing,

the Board will take testimony from the Administrator, the alleged violator, and any members of the public present. Upon completion of the hearing, the Board may affirm, reverse, or modify the determination of violation by the Administrator.

C. Board of County Commissioners' Authorization for Abatement by County.

1. Authorization for Abatement by County. If the alleged violator fails to comply with the County's requirements for abatement, the Administrator may request that the Board, at a public meeting, authorize the County to arrange for abatement of the violation.

2. Notification. No less than fourteen (14) days prior to the date of the meeting, the Administrator will provide notice of the meeting to the alleged violator.

D. Administrative Entry and Seizure Warrant for County Abatement.

1. Administrative Entry and Seizure Warrant. Upon authorization by the Board for County abatement of the violation, the administrator shall seek an administrative entry and seizure warrant from the County or District Court having jurisdiction over the property.

2. Requirements to Issue Warrant. Such warrant shall be issued upon presentation of these regulations, an affidavit stating the factual basis for the warrant, evidence that the property owner has received notice of the violation and has failed to abate the violation within the prescribed time, a general description of the location of the subject property, a general description of the violation, and the proposed method and extent of abatement by the County, including a general list or description of the rubbish, weeds or brush, or unsafe structure to be removed.

E. County Abatement.

1. Within ten (10) days following the date of issuance of an administrative warrant the County shall abate the violation in accordance with the direction of the court. A copy of the issued warrant shall be provided to the property owner. Proof of the execution of the warrant, including a written inventory of any property impounded by the County, shall be submitted to the court.

2. The proposed method of abatement by the County may be accomplished through the use of County staff or by contract with a private party, and may include the impoundment of rubbish or other property removed as part of the abatement.

3. A bill for the reasonable costs of abatement plus an inspection fee of five (5) percent of that cost shall be mailed to the property owner of record at the address specified above. Payment of the bill shall be due within sixty (60) days of the date of the bill.

4. If the bill is unpaid after sixty (60) days, the Administrator through the County Clerk shall certify the bill to the County Treasurer, who shall collect the assessment together with a ten (10) percent penalty for the cost of collection, in the same manner as other taxes are collected.

Section 11.120 Penalties and Preservation of Remedies

A. Criminal Penalty for Violation.

1. Any person who violates the provisions of this Article commits a Class 2 petty offense. Upon conviction, a Class 2 petty offense may be punished by a fine of not more than \$300 for each separate violation.
2. If the Administrator determines that the alleged violator has failed to abate the violation as required by the County, the Administrator in addition to pursuing any other remedy authorized by law may request that the County Sheriff arrest the alleged violator pursuant to Section 16-2-201, C.R.S, as amended.
3. Under Section 16-2-201, C.R.S., as amended, upon arrest for a violation of this Article the arresting officer may either issue a penalty assessment notice and release the person upon its terms, or take the person before a judge of the County court.
4. The fine for each separate violation of this Article shall be the maximum of \$300 per separate violation. Each day a violation continues after the time for abatement has run, or after the deadline the Board specifies for abatement at an appeal hearing, shall be considered a separate violation.
5. All fines collected pursuant to this Article shall be paid into the County treasury as soon as they are collected.

B. Preservation of Remedies. The remedies as provided in this Article, and as may be available under other applicable regulations of the County or pursuant to state or federal law, are not exclusive in any way, and may be pursued by the County singularly or in combination to achieve the most expeditious abatement of violations involving the presence of rubbish, weeds and brush, and unsafe structures.

ARTICLE 12 INSPECTION, ENFORCEMENT, VIOLATION AND PENALTIES

DIVISION 1 GENERAL

Section 12.100 General Enforcement Procedures

These procedures apply unless the particular provision, context and violation call for something different according to this code or state law.

A. Notification of Violators

1. Requirement of Notice. The County shall send notice of a violation of the Code to the occupant, developer, and owner (if not the same) by first class mail to each person's last known address and/or by hand delivery and by posting on the site in a clearly visible location near the entrance road to said property.
 - a. Content of Notice. The Notice shall contain the following information:
 - (1) A list and description of all violations with references to the section or sections of the Code violated.
 - (2) An order to the occupant, developer, and/or owner to cease all un-permitted or

prohibited activities.

(3) An order to the occupant, developer and/or owner to attain compliance within thirty (30) days.

b. Response. Any person who receives notice of a violation of the Land Use Code, shall within thirty (30) days:

(1) Restore the site to compliance and request an inspection of the property by the County to demonstrate that compliance has been attained, or

(2) File a written request with the County for an extension of time to attain compliance, showing good cause for each extension, with such extensions limited to sixty (60) days ending with an inspection of the property by the County to confirm compliance.

B. Legal Action. In the event of a violation, the County shall seek penalties and remedies through legal action against the occupant, developer or owner who fails to attain compliance within the specified time, or to show on appeal that a violation has not occurred.

C. Public Endangerment. The enforcement procedure provided herein may be accelerated where the County finds the public health, safety, welfare, or the environment could be endangered by a continuing violation. In such cases, the County Attorney shall take immediate action to end the danger to the public health, safety, welfare, and the environment through, but not limited to ex-parte restraining orders as authorized under the Colorado Rules of Civil Procedure and/or action by local law enforcement or public safety agencies as deemed appropriate and necessary.

Section 12.110 Remedies

A. Violations. Violations of this Code may be abated under the procedures and standards of this Section, at the election of the County Attorney. However, this procedure shall not be the sole remedy available, and the County may enforce this Code in any manner provided by law.

B. Withholding Land Use Permits. The County may withhold or deny future Development Permits, building permits, plat approvals, or any other administrative actions on any land as to which a notice of violation has been issued, and the violation has not been timely corrected. The County may require correction of the violation as a condition of any future Land Use Permits, plat approvals, or any administrative action. This remedy shall apply regardless of whether the applicant for the subsequent permit is responsible for causing the uncorrected violation.

C. Withdrawing Land Use Permits. The County may withdraw current Land Use Permits, plat approvals or any other administrative actions that have been issued for property as to which a notice of violation has been issued and the violation has not been corrected as required in this Code. Upon correction, the Land Use Permit shall be reinstated.

D. Cease and Desist Orders. After notice of a violation and an opportunity to correct the violation, the County may halt work on any land which there is an uncorrected

violation of a provision of this Code or of a permit issued hereunder, through issuance of a cease and desist order. All work shall immediately halt upon issuance of such order. If work continues, the development shall be in violation of this Code.

E. Injunction. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used in violation of the provisions of this Code, the Board, the district attorney or any owner of real property within Costilla Count, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

F. Specific Performance. The County may seek specific performance of the terms or conditions of any agreement or permit issued under this Code.

G. Cumulative Remedies. All remedies provided for in this section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law. To the extent that Colorado law may limit the availability of a particular remedy for a particular violation or a part of a violation, such remedy shall remain available for other violations of other parts of the same violation, and all other remedies shall remain available for the same violations or part of a violation.

Section 12.120 Code Enforcement

A. Inspection and Administrative Action against Violations

1. Administrator Authorized to Inspect. The Land Use Administrator is empowered to inspect and examine any building, other structure, or parcel or other area of land where he has reasonable cause to believe that a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this Code. When the enforcing official has reasonable cause to believe that a violation of this Code is likely to exist on a premises, and that entry onto the premises is necessary to verify the violation, the enforcing official shall first make a reasonable effort to locate the owner or other person having charge or control of the premises, or portion thereof desired to be inspected, and request consent to enter and inspect the premises. If the owner or other person in charge or control of the premises cannot be located or if entry is refused, the enforcing official may seek entry by submitting a sworn affidavit to the proper court of jurisdiction, setting forth facts sufficient to support a reasonable belief that the violation is likely to exist, and that further investigation of the premises is warranted. Any subsequent entry and inspection shall be conducted in accordance with an administrative search warrant issued by the court.

2. Consent to Enter or Warrant not Required. Consent to enter or an administrative search warrant shall not be required in the following circumstances:

a. To conduct inspections during regular county business hours.

b. To conduct inspections within the scope of another official document, such as a duly executed zoning compliance affidavit, which grants express or clearly implied consent to enter and inspect;

c. To make observations of the premises in plain view from public property or from portions of the premises which are open or accessible to the public, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy; or

d. In emergency situations in which the enforcing official has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.

3. Notification of Violation. If a violation exists, the enforcing official shall send a notification to the violator in compliance with the Enforcement Procedures of this Article.

4. Permit Withheld. In addition to any other enforcement action specified in this Code, the enforcing official is authorized to withhold or demand the withholding of the issuance of any land use permit or related permit under this Code sought or requested for property on which a violation of this Code exists.

B. Judicial Action Against Violations.

1. Request for Civil or Criminal Action. At the request of the Board, the County Attorney shall be empowered to bring either a civil or a criminal (or both) action against the owner of any premises or property on which a violation of this Code is alleged, and, following investigation, has been confirmed or is reasonably believed to exist.

2. Criminal Remedy. Criminal violations of this Code shall be punished by a fine in an amount not to exceed one hundred dollars (\$100.00) for each violation or by imprisonment in the County jail for not more than ten (10) days, or by both such fine and imprisonment, or by such other remedy as may be specified by amendment to C.R.S. § 30-28-124. Such fine shall inure to the General Fund at the County. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

3. Civil Remedy. Civil remedies against violations of this code may include injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate, or remove the violation; and the fine herein above provided for may be recovered in that same civil action wherein such injunction, mandamus and/or abatement is sought, or separate and district proceedings may be instituted seeking varying forms of relief, as C.R.S. 30-28-124 or any other applicable provision of law may allow.

4. Application of Criminal Remedy. If the violation alleged is one of the use of any building, structure, or land in violation of this Code, and the enforcing official wishes the County Attorney to pursue criminal remedies, then the enforcing official shall comply with the requirements of C.R.S. 30-28-124(b)(II) by giving written notice to the alleged violator to correct the violation within thirty days after the date of the notice. If the violation is not corrected within the thirty days, the enforcing official may request the County Attorney to pursue criminal remedies in County Court against the violation.

5. Written Notice Required. A 30-day written notice to correct shall not be required if the violation involves the erection, construction, or alteration of any building or structure in violation of this code (even if criminal remedies are sought), or if a civil

enforcement action is filed. However, even in these cases (unless in the discretion of the enforcing official immediate judicial action is required to prevent or abate the violation), the enforcing official shall provide written notice of the alleged violation to the violator, including a reasonable time period (which may be less than thirty days) to correct, prior to initiating judicial enforcement action.

Section 12.130 Additional Enforcement Regulations Applicable to Subdivision.

A. Requirement for County Subdivision Approval

1. Approval in Compliance with Code Required for Recording. No plans of streets or highways for public use, or plans, plats, plots, and replats of land laid out in subdivision or building lots or 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 recorded in any public office unless the same is approved in compliance with this Code.

2. Criminal Remedy, Transfer or Sale Prior to Final Plat Approval and Recording. Any subdivider or agent of a subdivider who transfers or sells land before a Final Plat for the land has been approved pursuant to the requirements of this Code and recorded or filed in the Office of Clerk and Recorder shall be guilty of a misdemeanor and upon conviction thereof shall be fined shall be punished by a fine of not more than one thousand dollars (\$1000.00) nor less than five hundred dollars (\$500.00) for each parcel or interest in subdivided land which is sold or offered for sale. All fines collected shall be credited to the General Fund of the County.

3. Action to Enjoin. The Board shall have the power to bring an action to enjoin any subdivider from selling proposed subdivided land before a Final Plat for such land has been approved by the Board and filed for recording in the Office of the County Clerk and Recorder. (C.R.S. § 30-28-110(4)(b))

4. Permits Withheld. In addition to any other enforcement action specified in this Code, the Administrator is authorized to withhold or demand the withholding of the issuance of a land use permit or related permit under this Code sought or requested for property which is determined to have been divided without the required County approval. (C.R.S. § 30-28-110(4)(a))

5. Conformance with Code Required. Properties that were divided in violation of the County's land use regulations in effect at the time of such division shall be further subdivided only if the proposal includes provisions which bring the entire original parcel, including the area previously divided in violation of County regulations, into compliance with current zoning or subdivision requirements.

B. Enforcement of Subdivision Process and Platting Requirements

1. Authority to Compel Enforcement. The Board or any purchaser of any lot or other subdivided land subject to a plat restriction which is the security portion of a subdivision improvements agreement shall have the authority to bring an action in any district court to compel the enforcement of any subdivision improvements agreement on the sale, conveyance, or transfer of any such lot or other subdivided land or of any other provision of Part 1, Article 28, Title 30, C.R.S., as amended. Such authority shall include the right to compel rescission of any sale, conveyance, or transfer of title of any lot or other subdivided land contrary to the provisions of

any such restriction set forth on the plat or in any separate recorded instrument, but any such action shall be commenced prior to the issuance of a building permit by any county where so required or otherwise prior to commencement of construction on any such lot or other subdivided land. (C.R.S. 30-28-137(3), as amended.)

2. Authority to Bring Action for Injunctive Relief. In addition to any other remedy set forth in Part 1, Article 28, Title 30, C.R.S., as amended, the Board or any purchaser of any lot or other subdivided land shall have the authority to bring an action for injunctive relief to enforce any plat restriction (including all obligations contained in documents required to be executed and recorded as part of the Final Plat approval and all commitments of record of the subdivider related to the County's approval of the Final Plat), plat note, plat map, or provision of a subdivision improvements agreement, and for damages arising out of failure to adhere to any such plat restriction, plat note, plat map, or provision of a subdivision improvements agreement. Nothing in Part 1, Article 28, Title 30, C.R.S., as amended, shall require the Board to bring any action authorized in this provision. (C.R.S. § 30-28-137(4), as amended.)

ARTICLE 13 FINANCIAL GUARANTEE

DIVISION 1 GENERAL

Section 13.100 Financial Guarantee and Improvements Agreement Required.

Before any Land Use Permit for development subject to Limited Impact Review, Special Review, PUD, Subdivision or Cluster Subdivision is issued under this Code, the Board shall require the applicant to file a guarantee of financial security deemed adequate by the Board and payable to the County and execute an Improvements Agreement regarding the conditions and improvements identified as requirements of project approval. The purpose of the financial guarantee and Improvements Agreement is to assure the following:

A. Completion of Development and Reclamation of the Property. The development is completed and, if applicable, that the property is properly reclaimed.

B. Conditions of Permit Fulfilled. The applicant performs all improvements, mitigation requirements and permit conditions in connection with the construction, operation and termination of the development.

C. Permittee Addresses Responsibility for Impacts. That increases in public facilities and services necessitated by the construction, operation and termination of the development are borne by the permittee.

D. County Revenue Shortfalls Offset. That shortfalls to County revenues are offset in the event that the development is suspended, curtailed or abandoned.

Section 13.110 Amount of Financial Guarantee.

In determining the amount of the financial guarantee, the County shall consider the following factors:

A. Completion of Development and Reclamation of Property. The estimated cost of completing the development improvements, and, if applicable, of returning the property to its original condition or to a condition acceptable to the County.

B. Conditions of Permit. The estimated cost of performing all mitigation requirements and permit conditions in connection with the construction, operation, and termination of the development.

Section 13.120 Estimate.

Estimated cost shall be based on the applicant's submitted cost estimate plus the Board's estimate of the additional cost to the County of bringing in personnel and equipment to accomplish any unperformed purpose of the financial guarantee. The Board shall consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The Board may require, as a condition of the permit, that the financial security be adjusted upon receipt of bids to perform the requirements of the permit and regulations.

Section 13.130 Form of Financial Guarantee.

The financial guarantee may be in any form acceptable to the Board and shall be set forth in an Improvement Agreement executed by the County and the Applicant.

Section 13.140 Release of Guarantee.

The financial guarantee may be released only when:

- A. The permit has been surrendered to the Board before commencement of any physical activity on the site of the permitted development; or
- B. The development has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County; or
- C. The development has been satisfactorily completed; or
- D. A phase or phases of the development have been satisfactorily completed allowing for partial release of the financial guarantee consistent with Project phasing and as agreed to in the Improvements Agreement.

Section 13.150 Cancellation of the Financial Guarantee

Any financial guarantee may be canceled only upon the Board's written consent, which may be granted only when such cancellation will not detract from the purposes of the security.

Section 13.160 Forfeiture of Financial Guarantee

A. Written Notice. If the Board determines that a financial guarantee should be forfeited because of any violation of the permit, mitigation requirements, conditions or any applicable Regulations adopted by the Board, it shall provide written notice to the surety and the permittee that the financial guarantee will be forfeited unless the permittee makes written demand to the Board, within thirty (30) days after permittee's receipt of notice, requesting a hearing before the Board. If no demand is

made by the permittee within said period, then the Board shall order the financial guarantee forfeited.

B. Public Hearing and Action by the Board. The Board shall hold a hearing within thirty (30) days after the receipt of the demand by the permittee. At the hearing, the permittee may present for the consideration of the Board statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the Board shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

C. Default and Use of Deposit. The deposit described above may be used by the Board in the event of the default or allowed default of the permit holder, only for the purposes of recovering on the surety or fulfilling the permit obligation of the permit holder. In the event that the ultimate reviewing court determines that there has been a default by the permit holder, that portion of any moneys expended by the County from the escrow funds relating to such default shall be replaced in the escrow account by the Board immediately following such determination. The County may arrange with a lending institution, which provides money for the permit holder, that said institution may hold in escrow any funds required for said deposit. Funds shall be disbursed out of escrow by the institution to the County upon County's demand for the purpose specified in this section.

D. Inadequate Revenue and Cost Recovery. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County's attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible.

Section 13.170 Substitute of Financial Guarantee

If the license to do business in Colorado of any surety upon a security filed pursuant to this regulation is suspended or revoked by any state authority, then the applicant shall within sixty (60) days after receiving notice thereof, substitute a good and sufficient surety licensed to do business in Colorado. Upon failure of the permittee to make substitution within the time allowed, the Board shall suspend the permit until proper substitution has been made.

COSTILLA COUNTY LAND USE CODE

Adopted 2002

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