Chapter 24: Subdivision Rewrite

Why the Change?

Access Limitations on Exemptions
- Constant legal disputes over use and maintenance of access easements
- Direct access onto County roads resulting in traffic hazard

Water Availability for Exempt Lots
- Unlimited number of indoor-use only exempt wells on lots up to 35 acres
- Expiring offers from water providers
- Shared well agreements

Design
- Linear “subdivision” turning county roads into perceived neighborhood roads
- Clustered development v. spread out lots to avoid “subdivision evasion”
- Development incongruous with proximity to municipalities.

Intent Conflict between Subdivisions and Exemptions
- Current subdivision processes conflict with intention. Desirable development is too difficult and undesirable development is too easy.

What is Changing?

Major Subdivision Removed
- Weld County has only processed major subdivisions through the Planned Unit Development option from Chapter 27 rather than the Major Subdivision process in Chapter 24 for many years. Furthermore, the Comprehensive Plan indicates that large-scale residential development belongs in municipalities that are better equipped to provide urban services. There is no longer a need to have a Major Subdivision process in the Weld County Code.

Minor or Rural Subdivisions Simplified
- Small subdivisions will be allowed through two processes: Minor Subdivision (Minor SUB) and the Rural Land Division (RLD). Both processes have been simplified so they can be completed within a single year, if the applicant so chooses.

- The RLD will keep A (Agricultural) zoning, will not require open space dedication or detention design, and will not require a Homeowners Association. However, a Road Maintenance Agreement will be required for maintenance of the privately maintained public right-of-way.

- The Minor SUB code section was cleaned and reordered for consistency. Under the proposed code, the Minor SUB change of zone and final plan may be processed concurrently.

Exempt Options Limited
- Subdividing property through a process that is exempt from subdivision regulations for building sites will be required to support a family farm or ranch and not be allowed for speculative purposes. This process will be called a Family Farm Division (FFD). Families farming or ranching on at least 70 acres and residing on or adjacent to the property may create a small lot for separating off existing improvements or for a new building site.

- Lots created for a public facility (PFD) will also remain exempt from subdivision regulations. Unmanned facilities will not require a minimum lot size.
Subdivision Options

PUD Planned Unit Development (PUD) – unchanged
Steps: Sketch Plan, Change of Zone, Final Plan
Time Frame: 18 months – 3 years
Description: Site-specific land division and development process
Water: Public, unless specific requirements are met for private
Sewer: Sewer or Septic
Roads: Dedicated ROW, paved, unless waived by the BOCC
Max # of Lots: None
Lot Size: Based on zoning bulk requirements
Scale: Urban, non-urban, and rural

Benefits
Customizable zoning, density, and intensity
Conservation easement option for private well usage

Minor Subdivision (Minor SUB)
Steps: Sketch Plan, Change of Zone - optional, Final Plan
Time Frame: 12 months – 3 years
Description: Simplified division process aimed at commercial or industrial development
Water: Public
Sewer: Sewer or Septic
Roads: Dedicated ROW, paved
Max # of Lots: 9
Lot Size: Based on zoning bulk requirements
Scale: Urban or non-urban
Separation: ¼ Mile from other Minor SUBs and RLDs

Benefits
Simple division process for already commercial, industrial or residential zoned property

Rural Land Division (RLD)
Steps: Sketch Plan, Final Plan
Time Frame: 6 - 12 months
Description: Streamlined process designed for development in agricultural areas
Water: Public
Sewer: Sewer or Septic
Roads: Dedicated ROW; paved or unpaved, depending on location
Max # of Lots: 4
Lot Size: min 3 acres per lot, max 45 acres per RLD
Scale: Nonurban and Rural
Separation: ¼ Mile from other RLDs and Minor SUBs

Benefits
Replacement for RE process without access, water or design concerns
No change of zone required, so any A-zone use allowed in a subdivision
**Options Exempt from Subdivision Regulations**

**Family Farm Division (FFD)**
Steps: One application process  
Time Frame: 4-6 months  
Description: Support family farms with simple, one-time only division process to create one small lot  
Water: Public or private  
Sewer: Sewer or Septic  
Rocks: No ROW dedication, access easements acceptable  
Lot Size: 70-acres combined minimum size for parent parcel(s); Small lot - min 1 acre, max 3 acres; Remainder - >35 acres  
Scale: Rural, however allowed anywhere in the A (Agricultural) Zone District  

**Benefits**  
Replacement for RE process, exempt from subdivision definition  
No change of zone required, so Ag uses are unrestricted

**Public Facility Division (PFD)**
Steps: One application process  
Time Frame: 4-6 months  
Description: Exempt process for creating a lot for a utility facility on unplatted land and existing exemptions lots.  
Water: Public or private; if unmanned, none required  
Sewer: Sewer or Septic  
Rocks: No ROW dedication, access easements acceptable  
Lot Size: no min if unmanned, min 1 acre for manned facility, max <35 acres  
Scale: Anywhere, any zone  

**Benefits**  
Utility lot creation exempt from subdivision regulation for lift stations, substations, pump houses, etc.

**35 Acre Exception**
Property owners may divide an unplatted property into lots with a minimum of 35 acres by deed.

**Benefits**  
Full use wells on all properties  
No planning process required  
Fix legal, yet unbuildable problem with section quarter-quarters.

**Boundary Adjustments**
Two options: Resubdivision (RES) and Lot Line Adjustment (LLA). PUDs must be adjusted through a Chapter 27 process.

**Resubdivision** is used for adjusting existing platted subdivisions, historic townsites, Minor SUBS, and RLDs. It is possible to create three lots (two net lots) in some areas through Resubdivision.

**Lot Line Adjustment** is for adjusting recorded exemption and subdivision exemptions, FFDs, PFDs, and legal metes and bounds lots under 35 acres in size. Adjacent lots listed in this category may be amended in one plat regardless of type.
RESOLUTION OF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

Moved by , that the following resolution be introduced for passage by the Weld County Planning Commission. Be it resolved by the Weld County Planning Commission that the proposal for:

CASE NUMBER:   ORDINANCE 2020-16
PRESENTED BY:  PLANNING STAFF
REQUEST:   IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 24 SUBDIVISIONS, OF THE WELD COUNTY CODE.

be recommended favorably to the Board of County Commissioners.

Motion seconded by .

VOTE:

For Passage   Against Passage   Absent

The Chair declared the resolution passed and ordered that a certified copy be forwarded with the file of this case to the Board of County Commissioners for further proceedings.

CERTIFICATION OF COPY

I, Michelle Wall, Recording Secretary for the Weld County Planning Commission, do hereby certify that the above and foregoing resolution is a true copy of the resolution of the Planning Commission of Weld County, Colorado, adopted on September 1, 2020.

Dated the 1st day of September, 2020

Michelle Wall
Secretary
Sec. 23-1-90. - Definitions.

The following specific words and phrases, when appearing in this Chapter in uppercase letters, shall have the meanings stated in this Section:

[100-YEAR FLOOD thru LARGE SCALE SOLAR FACILITY – No change]

LEGAL LOT: As used in this Chapter, the term LEGAL legal LOT shall refer to any of the following:

a. A LOT lot within a HISTORIC TOWNSITE.
b. A LOT lot created prior to September 20, 1961 prior to the adoption of the Official Subdivision Regulations for Weld County, Colorado.
c. A LOT lot created between September 20, 1961, and December 1015, 1992, in compliance with the Official Subdivision Regulations, Weld County, Colorado, as amended (referred to as the "Weld County Subdivision Regulations"), and in conformance with the bulk requirements and other regulations of the zone district where the LOT lot is located.
d. A LOT lot created between December 1015, 1992, and December 2828, 2000, in compliance with the Weld County Subdivision Ordinance, Ordinance No. 173, as amended, and in conformance with the bulk requirements and other regulations of the zone district where the LOT lot is located.
e. Any LOT lot created after December 2828, 2000, in compliance with Chapter 24 of the Weld County Code, and in conformance with the bulk requirements and other regulations of the zone district where the LOT lot is located.

A LEGAL LOT may not necessarily be a BUILDABLE LOT.

[Remainder of Section – No change]

Sec. 23-3-70. - Bulk requirements.

The following lists the bulk requirements for the A (Agricultural) Zone District. Land in the A (Agricultural) Zone District is subject to the requirements contained in this Section.

A. Minimum LOT Lot size:
   1. Irrigated: eighty (80) Thirty-five (35) acres (or is a parcel otherwise recognized as half of a quarter section).
   2. Dry: eighty (80) acres (or is a parcel otherwise recognized as half of a quarter section). Lots less than thirty-five acres in size:
      a. Within a HISTORIC TOWNSITE, as defined in Section 23-1-90 of the Weld County Code, as amended;
      b. Created prior to September 20, 1961, prior to Weld County Subdivision Regulations;
      c. Created between September 20, 1961 and August 30, 1972, in compliance with the Weld County Subdivision Regulations;
      d. Created between August 30, 1972 and December 15, 1992 in compliance with the Weld County Subdivision Ordinance;
      e. Created between December 15, 1992 and December 28, 2000 in compliance with Weld County Subdivision Ordinance 173; or
      f. Created after December 28, 2000, in compliance with Chapter 24 of the Weld County Code.

3. LOTS less than eighty (80) acres in size:
   a. Within an HISTORIC TOWNSITE, as defined in Sec. 23-1-90 of this Code;
b. Created prior to September 20, 1961;
c. Created in compliance with the Weld County Subdivision Regulations;
d. Created in compliance with the Weld County Subdivision Ordinance, Weld County Ordinance 173; or
e. Created in compliance with Chapter 24 of the Weld County Code.

CHAPTER 24 – SUBDIVISIONS
[Repeal Chapter 24 Subdivisions including Articles I through X and Appendix 24-A through 24-G and Reenact with the following language:]  

HISTORY OF SUBDIVISION ORDINANCES AND AMENDMENTS

September 20, 1961: The first Subdivision Regulations were adopted in Weld County. Subdivisions required approval of the Planning Commission and Board of County Commissioners.

October 14, 1964: Subdivision Regulations were amended to include design standards, submittal requirements and procedure.

August 30, 1972: Subdivision Regulations were amended to comply with the Senate Bill 71-0035 (now CRS 30-28-101, et seq.) requiring counties to regulate the subdivision of land in which parcels resulted in less than thirty-five (35) acres.

December 15, 1992: Weld County Subdivision Ordinance No. 173, was adopted, which replaced the previous regulations.

December 28, 2000: Weld County Subdivision Ordinance was codified as Chapter 24 of the Weld County Code, which replaced the previous regulations.

ARTICLE I - GENERAL PROVISIONS

Sec. 24-1-10. - Title.

This Chapter shall be known and may be cited as the Weld County Subdivision Ordinance.

Sec. 24-1-20. - Authority, Jurisdiction and Enforcement.

A. The County is enabled by law to regulate the subdivision of unincorporated land within the County limits by virtue of Title 30, Article 28, C.R.S.

B. Divisions of land in which all resultant parcels of land are at least thirty-five (35) acres in size, and have not been previously platted, do not require County approval and are not within the purposes of Article 28 of Title 30, C.R.S., pursuant to Subsection 30-28-101(10)(b), C.R.S., and therefore, are excluded from the definition of subdivision or subdivided land and from complying with the subdivision procedures and requirements set forth in this Chapter.

C. Unless exempted from the definition of “subdivision” in Section 24-1-40, any subdivision of land which does not comply with this Chapter 24 shall be considered an illegal subdivision, and any resultant parcels may be considered illegal parcels.

D. Divisions of land created by Court action shall be recognized as a legal division of land and are exempt from Weld County land division processes, as long the Board of County Commissioners is given timely notice and an opportunity to object to such action. Further, divisions of land which are or could be created by the exercise of eminent domain are exempt from this chapter. In the absence of an appropriate court order, the Weld County Department of Planning Services may, after consultation with the County
Attorney’s Office, provide a letter of determination that a proposed land division could be created by eminent domain and therefore is exempt from the requirements of this chapter.

E. Any person, partnership or corporation intending to subdivide land, as defined in Section 24-1-40 of the Weld County Code, shall follow the procedures outlined in this Chapter for review and approval before any land division plat may be recorded with the County Clerk and Recorder.

F. It shall be unlawful to file a subdivision plat with the County Clerk and Recorder unless a notation has been made on the plat by the Board of County Commissioners or appointed representative certifying that it has approved the plat in accordance with this Chapter.

G. The chief administrative officer for processing, reviewing and evaluating proposed subdivisions of land, and for advising the Planning Commission and the Board of County Commissioners concerning their approval or denial shall be the Director of Planning Services or the Director’s assignees herein called the ‘Planner’.

H. The Planner shall maintain a numbered filing system for all subdivisions, including all application materials, maps and actions and shall be made available for public use and examination.

I. The Planner shall have the authority and be required to review all subdivision applications, and shall advise subdividers, the Planning Commission and the Board of County Commissioners of compliance and noncompliance with this Chapter.

J. The Planner shall have the authority and shall be required to make a written Staff Report on submitted land division applications. The report should provide a summary of the application, address referral agency and surrounding property owner comments, evaluate land division criteria, provide conditions of approval, map requirements and development standards addressing land use compatibility, mobility, utilities, and environmental conditions. The Planner review shall include an evaluation of the proposed land division in relation to the Weld County Code and Comprehensive Plan, as amended.

K. In reviewing subdivision applications, the Planning Commission and Board of County Commissioners shall ensure that the intent and requirements of the Weld County Code, as amended, are followed.

L. The Board of County Commissioners shall have the authority to remove, amend or add conditions of approval and map requirements to the plat.

M. A map showing the location of all recorded land divisions referenced in the filing system is maintained in the Weld County Assessor Property Portal.

Sec. 24-1-30. - Statement of Purpose.

A. The Weld County Subdivision Ordinance seeks to manage growth in unincorporated Weld County in an orderly and efficient manner, promoting the health, safety and general welfare of the residents of the County, and encouraging well-planned subdivisions by establishing adequate standards for design and improvement. The variety of land division options encourage urban-scale development to be located closer to municipal boundaries and less dense divisions of land to be located in the rural areas of the County, where compatible.

B. Orderly and efficient development is achieved by:
   1. Promoting the health, safety and general welfare of the residents of the County;
   2. Preserving productive agricultural land;
   3. Encouraging retention of irrigation water associated with a farm or ranch;
   4. Coordinating with municipal growth management and public transportation plans;
   5. Establishing standards for design, improvements and utilities;
   6. Requiring adequate potable water and means of sewage disposal;
   7. Providing adequate land dedication for schools, law enforcement and emergency services;
   8. Providing uniform procedures and standards;
10. Preserving open lands and promoting the natural beauty of the County.
11. Controlling erosion and protecting surface and subsurface waters from pollution.
12. Limiting potential loss and injury from natural disasters.
13. Preventing flood damage to persons and properties by regulating development in special flood hazard areas.
14. Discouraging development in areas with limiting site factors including, floodplains, wetlands, geologic subsidence areas, wildlife habitats and topographic constraints.

Sec. 24-1-40. - Definitions.

For the purposes of Chapter 24 and 27, the following words and phrases shall have the meanings stated in this Section:

**Access**: The place, means or way vehicles or pedestrians shall have safe, adequate and legal ingress and egress to a lot, trail, open space, off-street parking space or use.

**Aliquot**: A tract of land described as a subsection of a larger part of land in the Public Land Survey System.

**Alley**: Service roadway providing a secondary means of public Access to abutting property and not intended for general traffic circulation. Service access to the interior of blocks may be permitted upon approval of the Board of County Commissioners.

**Applicant**: The owner of a parcel of land or authorized agent submitting an application for development. The fee owner may authorize an agent to sign an application. See also Property Owner.

**Aquifer**: A water-bearing layer of sand, gravel or porous rock.

**Block**: A block is the smallest unit of land development within a subdivision that is bounded by roads, public lands, waterways or any other defining boundary. Blocks are comprised of two (2) or more platted lots, usually in private ownership and form the basic grid or curvilinear pattern of the development.

**Board**: The Board of County Commissioners of Weld County.

**Building Envelope**: The three-dimensional space within which a structure is permitted to be built on a Lot. Buildings defined as an Agricultural Exempt Building in Chapter 23 of this Code are exempt from the requirement of being located in the building envelope. The bulk requirements for the specific zone districts addressed in this Code shall also be followed.

**Bulk Requirements**: Standards and controls that establish the maximum size of structures on a Lot and the buildable area within which the structure can be located, including Lot coverage, setbacks and offsets, height, impervious surface ratio, floor area ratio and yard requirements.

**Comprehensive Plan**: The adopted Weld County Comprehensive Plan, as amended, contained in Chapter 22 of this Code.

**County Road, Maintained**: A County-maintained paved or gravel roadway that meets County road standards.

**County Road, Non-maintained**: A roadway that is not maintained by the County.

**Design Standards, Subdivision**: Specific subdivision improvement requirements. See Chapter 24, Article III.

**Development, Non-urban Scale**: Developments comprised of nine (9) or fewer lots. These types of developments are only permitted outside of one (1) mile of a municipal boundary. Nonurban scale developments require a public water source and public or private sewer systems. Internal paved roads and storm drainage may be required.

**Development, Rural Scale**: Rural scale developments require a potable water source, private sewer system and internal roads. This development type allows remaining areas to be utilized for agricultural purposes, open space and environmental conservation.
Development, Urban Scale: These types of developments are only permitted within three (3) miles of a municipal boundary or within a Coordinated Planning Area (CPA). Urban scale developments require a public water source, public sewer system connection where feasible, internal paved roads, common open space and storm drainage.

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

Double Frontage: A Lot that fronts upon two (2) parallel streets, or a Lot that fronts upon two (2) streets that do not intersect at the boundaries of the Lot.

Driveways: A private roadway providing access to a street or road. Driveways shall not be permitted to have direct access to arterial streets. Only one (1) access is permitted per new Lot. A second access may be permitted to internal subdivision lots onto internal subdivision roads only. All driveways shall be off the internal subdivision road system.

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

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

Final Plat: A surveyed map and supporting materials of certain described land prepared in accordance with Chapter 24 as an instrument for recording of real estate interests with the County Clerk and Recorder.

Historic Townsite: A group of lots, tracts, or parcels of land created by recording a plat or map which shows the boundaries of such lots, tracts, or parcels and the original parcel from which they were created, recorded prior to September 20, 1961. Historic Townsite includes all property within such plat or map, whether or not amended or resubdivided by subsequent plat or map, except for any property removed from said plat or map with approval by the Board of County Commissioners.

Improvements Agreement: One (1) or more security arrangements which may be accepted by the Board of County Commissioners to secure the construction of off-site public improvements or improvements within the proposed subdivision development. Any such agreement or contract shall be made in conformance with the County requirements for collateral for improvements per Section 2-3-30 of the Weld County Code, as amended.

Intersection: The location where two or more roadways cross at grade without a bridge. A local street shall not intersect an arterial street. A collector street shall not intersect an arterial street at intervals of less than one thousand three hundred twenty (1,320) feet (¼ mile). An interval may vary due to parcel size limitations and would be subject to approval by the Board of County Commissioners. The adequacy of access will be evaluated according to the design standards and specifications found in the Weld County Engineering and Construction Criteria document shown in Appendix 8-Q. Sight distance triangles shall be provided at all intersections.

Local government: Any county, city and county, city or town, whether statutory or home rule, acting through its governing body or any board, commission or agency thereof having final approval authority over a site-specific development plan, including without limitation any legally empowered urban renewal authority.

Lot: A contiguous tract or parcel of land in unified ownership, with defined boundaries, described by land survey plat or subdivision plat recorded with the Weld County Clerk and Recorder. A lot constitutes the basic unit of development. A lot is used or intended to be used by principle and accessory uses, and structures. A lot shall not be divided by deeded right-of-way including any public highway, street or alley. A lot must meet the requirements of the zoning district in which it is located and must have access to a public street or an approved private street.

Lot, Buildable: A legal lot on which it is possible to design and construct a building in compliance with applicable requirements of this code and with any variances granted by the Board of Adjustment. A legal lot
Lot, Legal: As used in this Chapter, the term legal lot shall refer to any of the following:

a. A lot within a Historic Townsite.

b. A lot created prior to September 20, 1961 prior to the adoption of the Official Subdivision Regulations for Weld County, Colorado.

c. A lot created between September 20, 1961, and December 15, 1992, in compliance with the Official Subdivision Regulations, Weld County, Colorado, as amended (referred to as the "Weld County Subdivision Regulations"), and in conformance with the bulk requirements and other regulations of the zone district where the lot is located.

d. A lot created between December 15, 1992, and December 28, 2000, in compliance with the Weld County Subdivision Ordinance, Ordinance No. 173, as amended, and in conformance with the bulk requirements and other regulations of the zone district where the lot is located.

e. Any lot created after December 28, 2000 in compliance with the Chapter 24 of the Weld County Code and in conformance with the bulk requirements and other regulations of the zone district where the lot is located.

Manufactured home park: A parcel of land used for two (2) or more manufactured home rental stalls. No new Mobile or Manufactured home parks are permitted in Weld County.

Manufactured home subdivision: A parcel of land divided into two (2) or more manufactured home lots for sale. Manufactured home subdivisions may be permitted in the County.

Municipality: An incorporated city or town.

Off-street parking space: A parking space provided in a parking lot, parking structure or private driveway for a motor vehicle that is not located on a dedicated road right-of-way.

On-street parking space: A parking space for a motor vehicle that is located on a dedicated road right-of-way.

Parcel: A tract of land acknowledged by the Weld County Assessor’s Office. A parcel may not necessarily be a legal lot or a buildable lot. Parcels of land are typically described by metes and bounds or as aliquot parts of a section or sections and may also include platted lots. See also Lot, Buildable and Lot, Legal.

Permanent monument: Any geodesic marker permanently placed on or in the ground, including those expressly placed for surveying reference.

Planner: The Board of County Commissioners appointed Director of Planning Services or assignees of the Director.

Planning Commission: A voluntary advisory board appointed by the Board of County Commissioners. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested change.

Planned Unit Development (PUD): A zoned and platted development which includes an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of purposes including residential, commercial, industrial, educational, recreational uses, or any combination of the foregoing, the plan for which may not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the existing land use regulations. See Chapter 27 of the Weld County Code.

Property: All real property subject to land use regulation by a local government.

Property Owner: Any owner of a legal or equitable interest in real property and includes the heirs, successors and assigns of such ownership interests. See also applicant.

Public Land Survey System (PLSS): The adopted surveying method developed and used in the United States to plat, or divide, real property. This system describes land via Section, Township and Range and their aliquot parts, each with their own baseline and meridian that control descriptions for a defined area. Weld County is located within the 6th Principal Meridian of the PLSS.

Public purpose: Areas for the benefit of the community and County as a whole. Areas for public purpose may not necessarily be a buildable lot.
or may not allow public access. These areas shall serve a public purpose by providing for the protection of environmentally sensitive lands, agricultural practices and scenic areas or corridors.

Public sewer: Transmission, storage, treatment, collection or distribution facilities which are constructed, operated or maintained by any group, organization, district or municipality for providing common sewer service facilities, in which sewage is carried from individual lots by a system of pipes to a sewage treatment plant.

Public water: A central water supply system provided through a municipality, water district, water company or association for supplying water, which is designed to meet the minimum requirements of the Safe Drinking Water Act (SDWA), 42 U.S.C. §300f. Public water includes a central water supply system providing water from one or more wells to all lots through a single connected system of pipes and facilities, and which meets the requirements of Section 24-3-70.B of the Weld County Code.

Range: A measure of the distance east or west from a referenced principal meridian, in units of six miles.

Resubdivision: A process used to create two (2) new lots or to modify the lots lines within a recorded subdivision plat or within a map or plan filed prior to adoption of the County Subdivision Ordinance. Resubdivisions shall not include changes to Planned Unit Developments or those lands which require a Lot Line Adjustment to modify.

Reverse frontage: A lot that is not accessible from one (1) of the parallel or nonintersecting streets upon which it fronts.

Right-of-way: A portion of land dedicated for a specific public use and may include, but not limited to roads, ditches and utilities.

Road/Roadway: Public or private infrastructure, such as a street, boulevard, parkway, or highway, available to the public for the use of vehicular, bicycle, and pedestrian travel or transportation and designed to include travel and auxiliary lanes and shoulders.

Road Maintenance Agreement: See Improvements Agreement.

Site: The tract, lot or parcel of land, on which the application is proposed.

Site-specific development plan: A Minor Subdivision final plat, Rural Land Division final plat, or Resubdivision plat which has been submitted to the County and has received approval by the Board of County Commissioners. No other type of subdivision application shall be considered a site-specific development plan.

Sketch Plan: The map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with requirements of Chapter 24, to permit the evaluation of the proposal prior to detailed engineering and design.

Section: An approximately one-square-mile block of land. There are thirty-six (36) sections in a township of land.

Structure: Anything that is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including fences or walls used as fences less than six (6) feet in height, poles, lines, cables or distribution facilities of public utilities. Structures shall comply with requirements set forth in Chapter 23 of this Code, including required zoning setbacks and offsets and shall be installed in accordance with the building requirements set forth in Chapter 29 of this Code.

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

Subdivision or subdivided land: Any parcel of land in the unincorporated County which is to be used for condominiums, apartments or any other multiple-dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with these provisions and with substantially the same density, or
which is divided into two (2) or more parcels, separate interests or interests in common, unless exempted under the following subsections. Interests shall include any and all interests in the surface of land but exclude any and all subsurface interests. Unless the method of disposition of property is adopted for the purpose of evading these subdivision regulations set forth in this Chapter, the terms subdivision and subdivided land shall not apply to any division of land:

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

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

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

d. Which is created by a security or unit of interest in any investment trust regulated under the laws of the State or any other interest in an investment entity;

e. Which creates cemetery lots;

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

g. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed as only one (1) interest;

h. Which is created by the combination of contiguous parcels of land into one (1) larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one (1) 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;

i. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Chapter and any applicable County regulations, the land which the purchaser is to acquire pursuant to the contract; and

j. Which is created by agreement to resolve uncertainty, doubt or conflict regarding a common boundary. A boundary may be determined and permanently established by written agreement of all parties affected. The agreement must be signed and acknowledged by each property owner as required for conveyance of real estate. The agreement must be accompanied by a plat showing the resolution of the boundary in question. The plat and agreement shall be recorded as an instrument affecting real estate, and shall be binding upon heirs, successors and assigns.

Township: A square unit of land being approximately thirty-six (36) square miles, or a measure of the distance north or south from a referenced baseline, in units of six miles.

Utilities Coordinating Advisory Committee: A voluntary advisory board appointed by the Board of County Commissioners. The Utilities Coordinating Advisory Committee shall review all subdivision plats for conformance with established industry standards for the placement of utilities within subdivisions. Also known as the Utility Board.

Vested property right: The right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan.

Through Traffic: Traffic associated with the general traveling public and not associated with the subdivision. A local street shall be designed so that its use by through traffic will be discouraged.

Street, cul-de-sac: A local street that terminates in a vehicular turnaround.

Street, stub: A non-permanent dead-end street intended to be extended as part of future development on the adjacent, platted or unplatted land. Only lots within the subdivision may access onto a stub street. Not more than six (6) lots shall front on a stub street except where a temporary cul-de-sac has been designed according to County regulations.

Street, through: A collector or arterial street that serves more than one neighborhood or carries regional traffic. Local subdivision streets shall be designed to not function as a through street.
ARTICLE II – CONFORMANCE STANDARDS

Sec. 24-2-10. - Conformance with existing County regulations.

Land being subdivided shall conform with Chapters 22 and 23 of this Code and other ordinances, resolutions and regulations in effect in the County.

Sec. 24-2-20. - Dedications.

Acceptance of dedication of proposed roads, rights-of-way or public land in an approved plat can be made only by the Board of County Commissioners. The approval of a plat shall not be deemed as acceptance of dedicated roads or public lands for maintenance by the County. Maintenance of such roads or lands by the County may only be made at the discretion of the Board of County Commissioners per Section 8-6-150 of the Weld County Code, as amended. The Board of County Commissioners may decline to continue such maintenance at any time.

Sec. 24-2-30. - Sale of land by subdivider.

The Board of County Commissioners shall have the power to bring an action to enjoin any subdivider or developer from selling, agreeing to sell or offering to sell subdivided land before a final plat for such subdivided land has been approved by the County in accordance with this chapter and recorded with the Office of the Weld County Clerk and Recorder in accordance with Section 30-28-110(4), C.R.S.

Sec. 24-2-40. - Improvements Agreement.

The subdivider, applicant or owner shall submit a signed subdivision Improvements Agreement agreeing to construct the required improvements as shown on the approved plat and other supporting documents. The Agreement shall be made in conformance with the County policy on collateral for improvements per Section 2-3-30 of the Weld County Code, as amended. Approval of the Improvements Agreement will be a condition of approval for the subdivision and shall be approved by the Board of County Commissioners prior to recording the subdivision final plat.

Sec. 24-2-50. - Drainage Facilities.

If the subdivision is located in a planned drainage basin pursuant to Section 30-28-106(3)(d), C.R.S., the subdivider, applicant or owner may be responsible for an equitable contribution to the total costs of the drainage basin facilities. The contribution of a subdivision may be calculated on a per-acre basis and secured in accordance with the County policy on collateral for improvements.

Sec. 24-2-60. - Location/Site Improvements Certificate.

A Location or Site Improvements Certificate including adjacent rights-of-way certified by a Professional Land Surveyors registered in the State of Colorado will be required in conjunction with Building Permit applications for a lot in a Historic Townsite or subdivision, and may be required for any lot lacking survey information of sufficient detail to determine precise lot location or improvement location, size, configuration or other necessary information as required by the Department of Planning Services.

ARTICLE III – SUBDIVISION DESIGN STANDARDS

Sec. 24-3-10. – Compliance required.

All subdivisions approved by the Board of County Commissioners or appointed representatives shall comply with the following general standards:

A. Hazardous conditions such as landslides, mud flows, rockfalls, mine subsidence, shallow water table, open quarries, floods and polluted or non-potable surface water shall be identified and mitigated by the subdivision and construction plans.
B. A subdivision shall address topography, water bodies, Conservation Reserve Program (CRP) lands, vegetation, floodplains, geohazard areas, Municipal Separate Storm Sewer System (MS4) and airport overlay district.

C. A subdivision shall be designed in such manner as to be coordinated with adjoining subdivisions with respect to the alignment of road rights-of-way, utility and drainage easements, trail corridors and open spaces.

D. All subdivision plats shall be certified by a Professional Land Surveyor registered in the State of Colorado.

E. All construction drawings shall be accepted in compliance with the current Weld County Engineering and Construction Guidelines (WCECG), as amended and shall be stamped by a Professional Engineer registered in the State of Colorado.

Sec. 24-3-20. - Road standards.

A. The design criteria are intended to aid in the preparation of subdivision plans. These design criteria are considered minimum, and a complete design may require more substance. In these cases, the Department of Public Works shall work with the applicant in determining appropriate standards for site-specific applications. All roads within subdivisions and Planned Unit Developments shall be designed and constructed in accordance with the WCECG and in addition the following standards:

1. Road Plan. The arrangement, extent, width, type and location of all roads are classified based on their function and whether they are urban or rural. Roads shall be designed based on these classifications and in relation to existing or planned roads, topographic conditions, public convenience and safety, and the proposed use of land to be served. Roads shall be extended to the boundaries of each lot. All lots shall have access to a public internal roadway. This internal roadway is a separate parcel and not part of the residential lots. See Appendix 8-Q for design guidelines for new road construction.

2. Road cross-sections for arterial, collector and local streets are presented in Appendix 8-Q, Roadway Cross-Sections. These standards delineate right-of-way widths, lane configurations, median treatment, bike lanes and pedestrian sidewalks.

3. Improvements to the Interstate and State highway system are determined and managed by the Colorado Department of Transportation.

4. Half-roads shall not be permitted, except for the following:
   a. A half-road is required to complete a half-road already in existence.
   b. The subdivder obtains for the County a dedication from the abutting landowner of the other one-half (½) of the road to complete a minimum right-of-way width standard.
   c. The subdivder obtains from the abutting landowner, municipality or County, an agreement in a form satisfactory to the Board of County Commissioners which guarantees the cost of the improvements and construction of the same on the half-road within a time suitable to the Board.
   d. The subdivder guarantees the construction of the improvements on the half-road serving the subdivision.

5. Dead-end roads shall not be permitted excluding cul-de-sacs.

6. Cul-de-sacs serving no more than twenty (20) lots may be permitted and must be provided with a right-of-way turnaround of sixty-five (65) feet radius or more, and the outside curb or pavement edge radius must be fifty (50) feet or more. Maximum cul-de-sac length between intersecting streets shall be one thousand five hundred (1,500) feet. This distance shall be measured from centerline to centerline.
7. No more than two (2) roads shall intersect at one (1) point. Two (2) roads meeting a third road from opposite sides shall meet at the same point. Offset roads shall not be allowed unless approved by the Board of County Commissioners. This requirement shall not apply to the alignment of cul-de-sacs.

8. All roads shall attempt to intersect at ninety (90) degree angles.

9. A parallel roadway alignment shall require a minimum of one-hundred and fifty (150) feet of buffer beyond the greatest extent of the existing and future rights-of-way or access easement for both parallel roads. Screening to reduce right-side headlight glare may be required. Screening type shall receive approval by the Departments of Public Works and Planning Services.

10. The developer will design all intersections to have sufficient sight distance and shall delineate the sight distance triangle on the plat. Site distance triangles shall be compliant with the American Association of State Highway and Transportation Officials (AASHTO) Green Book.

11. Roads shall have the names of existing roads which are in alignment in the County or in an adjoining county or municipality. There shall be no duplication of road names within the area, and a sign shall be provided at all intersections designating the road names.

12. Geometric design for roads shall be in accordance with the WCECG.

13. Road pavement designs shall be in accordance with WCECG.

14. Traffic count information and projections for use in geometric and road design shall be in accordance with the current Weld County Transportation Plan and/or the Traffic Impact Study submitted for the subdivision and in compliance with Section 24-3-220 of this code. The Trip Generation Manual published by the Institute of Transportation Engineers, or studies or reports completed by the United States Department of Transportation or the Colorado Department of Transportation may be other relevant resources.

15. If a subdivision that adjoins or contains an existing or proposed arterial road as defined in Chapter 8 of the Weld County Code, the development shall be required to provide local roads to serve individual proposed lots. No direct residential access to a section line roadway or arterial shall be allowed.

16. If a subdivision borders an interstate, highway or railroad right-of-way, arterial or collector road, a landscape buffer of not less than one hundred (100) feet in width and/or an earthen berm may be required for adequate reduction of noise pollution.

17. If a subdivision proposes parking lots as part of the development to support residential amenities, commercial and/or industrial land uses, adequate parking shall be provided per Chapter 23, Article IV, Division 1 and Appendices A and B of the Weld County Code, as amended.

18. All Road Construction Standards shall be in accordance with the WCECG.

Sec. 24-3-30. - Sidewalks, curbs and gutters standards.

A. Sidewalks shall be constructed within urban-scale developments and shall be a minimum of five (5) feet in width. Curbs and gutters shall be constructed based upon recommendations of the Institute of Transportation Engineers, the Federal Highway Administration and the United States Department of Transportation. Multi-use trails, paths, or sidewalks shall be a minimum of ten (10) feet in width, especially adjacent to arterial roadways.

B. Where blocks or lots exceed one thousand (1,000) feet in length, pedestrian access easements of not less than ten (10) feet in width shall be provided through blocks or lots. Improved sidewalks of not less than five (5) feet in width shall be placed within the pedestrian access easement.
Sec. 24-3-40. - Block standards.
A. Maximum block length between intersecting roads or other defining boundary shall be eight hundred (800) feet unless approved by the Board of County Commissioners. The distance shall be measured from road centerline to road centerline.

Sec. 24-3-50. - Lot size standards.
A. All lots within a subdivision shall meet the minimum regulations established by Weld County.
B. The size of commercial and industrial properties shall provide off-street parking, landscaping, screening and loading areas as required by the underlying zone district.
C. The minimum area and dimensions of the lot shall conform to the requirements of the underlying zone district.
D. No single lot shall be divided by a municipal or county boundary line or zone district.
E. A lot shall not be divided by a road, railroad, ditch right-of-way or by another lot.
F. Each lot shall be provided an adequate access to a publicly maintained roadway.
G. Corner lots shall accommodate the required building setbacks and easements for both road frontages and the site distance triangle.
H. Lots shall not be less than thirty (30) feet in width at the front property lines.
I. Double frontage and reverse frontage lots shall not be permitted except where essential to provide separation of residential properties from arterial streets or commercial uses.
J. A flagpole lot configuration shall be avoided when possible. The minimum width of a flag lot appendage shall be thirty (30) feet. This access road shall be a minimum of twenty-six (26) feet wide and clear of all encumbrances and drained to provide adequate emergency access to the property. For access and culvert information, see Chapter 8 of the Weld County Code, as amended.

Sec. 24-3-60. - Easement standards.
A. Fifteen (15) feet minimum drainage and utility easements are required adjacent to public road rights-of-way, unless otherwise justified by the Utilities Coordinating Advisory Committee for technical purposes.
B. Twenty (20) feet minimum drainage and utility easements are required along internal lot lines and shall be apportioned equally on abutting properties, unless otherwise justified by the Utilities Coordinating Advisory Committee for technical purposes.
C. Ten (10) feet minimum drainage and utility easements are required along exterior lot lines, unless otherwise justified by the Utilities Coordinating Advisory Committee for technical purposes. Corner exterior lots requires fifteen (15) feet.
D. Easements shall be designed to provide efficient installation of utilities and drainage swales. Proposed easements may be modified by the Utilities Coordinating Advisory Committee. Public utility installations shall be located to permit multiple installations within the easements to avoid cross connections, minimize trenching and adequately separate incompatible systems.

Sec. 24-3-70. - Potable Water Supply standards.
A. The proposed subdivision shall provide an adequate water source and shall comply with any requirements of the underlying zone district.
B. Public Water Supply Systems.

1. Specific public water supply criteria are detailed in the land division submittal requirements.

2. Where a public water supply system is provided through a municipality, water district, water company or association, the applicant must provide evidence of an adequate water supply and ability to serve the land division. If a new public water supply system is proposed, the applicant shall provide a certified letter from the State Engineer stating that proper water rights have been acquired, or a proper nontributary source is available for the future use, prior to approval of the land division.

3. The public water supply system shall contain mains and laterals of sufficient size and number to provide an adequate water service for each buildable lot and/or lots requiring water.

C. On-site Potable Well Water Systems.

1. Individual well water supply criteria are detailed in the Rural-Scale Planned Unit Development submittal requirements per Chapter 27, Article X of the Weld County Code, as amended.

2. Subdivisions proposing to be served by individual water wells or a community well system shall provide a report, which shall contain a specific section on ground water geology prepared by a qualified ground water professional or engineer registered in the State of Colorado for review by the Colorado Department of Public Health and Environment, Colorado Geological Survey, Colorado Division of Water Resources and any other applicable agency. The report shall include the following information:

   a. The probability of success of wells or on-site supply systems throughout the proposed subdivision.

   b. The expected long-term yield of such wells or systems.

   c. Compliance with State statutes and regulations

   d. The expected depth to potable water.

   e. The expected quality of the anticipated water.

   f. Any expected significant problems of a long-term supply, including but not limited to, pollution or long-term maintenance of such wells or systems.

   g. The anticipated cumulative effect of such water use on other vested water rights in the area.

   h. The report shall include such other information as required by the Planner, Environmental Health Services, Planning Commission or Board of County Commissioners.

3. If an individual well is proposed to serve a single subdivision lot, the subdivider shall permit the well prior to sale of the lot or shall provide a deed restriction that as a condition of sale of each lot, that the well facilities be permitted and installed by the purchaser of the lot.

Sec. 24-3-80. - Sewage Disposal standards.

A. The proposed subdivision shall provide an adequate sewage disposal method and shall comply with any requirements of the underlying zone district.

B. If a subdivision lot or related community amenities will be served by a sanitation district, the management component of the subdivision such as the Homeowners’ Association, shall be responsible for monitoring and maintaining the on-site sanitation district improvements.

C. If a subdivision lot or related community amenities will be served by on-site wastewater treatment systems, the property owner or HOA shall be responsible for monitoring and maintaining the systems.
Sec. 24-3-90. - On-Site Wastewater Treatment Systems (OWTS) report requirements.

A. Where OWTS are proposed, a Septic Suitability Report conforming to the following standards shall be submitted in addition to the Geotechnical Report. The Report shall be prepared by a registered professional engineer licensed to practice in Colorado and shall conform to Chapter 30 of the Weld County Code, as amended.

B. The purpose of the Septic Suitability Report is to provide information about the soil suitability for the purpose of OWTS, and the relationship of individual OWTS to one another.

C. The Report shall consist of the following:

1. A map drawn at the same scale as the plan locating all lots, drainage ways, floodplains, steep slopes, surface and subsurface soils hazards, geologic hazards, depth to bedrock, water table depth and other hazards.

2. Test Pits shall be conducted for no fewer than twenty percent (20%) of the total number of lots in the filing. In cases in which unique geologic, topographic or soils conditions, such as depth to bedrock, depth to water, slopes in excess of ten percent (10%), etc. are found, additional tests may be required.

3. All locations not suited for placement of OWTS due to soils, geologic, topographic or hazard conditions shall be noted.

4. Relationship of the OWTS to other OWTS, wells, structures, lakes, streams, irrigation systems and other water forms on adjoining parcels. Identify any possible hazards. Such identification shall be based on an analysis of the probable effects on the soils, geology and hydrology of the area.

Sec. 24-3-100. - Fire safety requirements.

The proposed subdivision application shall be referred to the applicable fire district for review and recommendation. The Planner, Planning Commission and Board of County Commissioners shall consider the recommendation of the fire district.

Sec. 24-3-110. - Irrigation Ditch requirements.

An active irrigation ditch shall be incorporated within the design of the proposed subdivision. The function of the irrigation ditch shall not be impaired. The proposed subdivision application shall be referred to the applicable ditch company or their representative for review and recommendation. The Planner, Planning Commission and Board of County Commissioners shall consider the recommendation of the ditch company.

Sec. 24-3-120. - Airport Overlay District requirements.

If a subdivision or portion of a proposed subdivision is located in an airport overlay district area, all applicable regulations of Chapter 23 of the Weld County Code, as amended shall be met. The proposed subdivision application shall be referred to the applicable airport for review and recommendation.

Sec. 24-3-130. - Special Flood Hazard Area requirements.

If a subdivision or portion of a proposed subdivision is located in a Special Flood Hazard Area, all applicable regulations of Chapter 23, Article XI of the Weld County Code, as amended, shall be met. The proposed subdivision application shall be referred to the Weld County Floodplain Administration team for review and recommendation.

Sec. 24-3-140. - Geologic Hazard Overlay District requirements.

If a subdivision or portion of a proposed subdivision is located in a Geologic Hazard Overlay District, all applicable regulations of Chapter 23, Article V, Division 2 of the Weld County Code, as amended, shall be met. The proposed subdivision application shall be referred to the Colorado Geological Survey for review and recommendation.
Sec. 24-3-150. - Planned Unit Development requirements.

All applicable regulations of Chapter 23, 24, and 27 of this Code shall apply to Planned Unit Developments. Subdivision Design Standards apply to Planned Unit Developments.

Sec. 24-3-160. - Public sites and open spaces.

A. Within a subdivision, the Board of County Commissioners may require the dedication, development or reservation of outlot, or the placement of parks, riparian areas, trails, greenbelts, drainage features, community amenities or other features necessary for public purposes. The type of use, lot size and residential density shall be considered when determining lots necessary for public purposes.

B. The land set aside for public purpose may be reserved on the plat, the maintenance of which shall be ensured by specific obligations in the plat notes affecting the subdivision.

Sec. 24-3-170. - School District requirements.

A residential subdivision application shall be referred to the applicable School District for review and recommendation regarding School District requirements. The School District concerns shall be satisfied, which may include the dedication of land or a cash-in-lieu of dedication payment, pursuant to the requirements of Section 30-28-133(4)(a), C.R.S. Conditions of approval shall be met prior to recording the Final Plat.

Sec. 24-3-180. - Underground Utility requirements.

All electric and communication utility lines and services and all street lighting circuits shall be installed underground, within easements. The following items are excluded but shall not be located within a sight distance triangle.

A. Transformers, switching boxes, terminal boxes, meter cabinets, gas meters, water meter pits, sewer manholes, telecommunication pedestals, ducts, and other facilities necessarily appurtenant to such underground and street lighting facilities.

B. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.

C. Existing and new overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines.

D. The replacement of existing above ground utility facilities utilized in the subdivision.

E. Deviations from the requirements shall be permitted only with the approval of the Utility Coordinating Advisory Committee.

Sec. 24-3-190. - Geotechnical Report requirements.

A. All plans submitted for review shall be accompanied with a Geotechnical Report containing information on the specific items herein. The Geotechnical Report shall address soils and geology and shall be prepared by a professional engineer or geologist, as defined by Colorado Revised Statutes. The Report shall be properly certified and signed by such professional. If any geotechnical items are addressed in other reports, this Report can refer to those reports appropriately.

B. The purpose of the Sketch Plan Geotechnical Report is to determine the suitability of the site for development. It is recognized that certain geologic interpretations cannot be firm or complete, at least in advance of grading operations, but it is expected that all pertinent data will be presented fully and clearly, so that interpretations and recommendations can be critically reviewed by others.
C. The Sketch Plan Geotechnical Report shall be in accordance with the following outline and contain the information listed. Failure to comply with the provision of this Section may result in the report being rejected for review.

1. Mapping. A detailed large-scale map normally will be required for a report on a tract, as well as for a report on a smaller area where the geologic relationships are not simple. Where three-dimensional relationships are significant but cannot be described satisfactorily in words alone, the report should be accompanied by one (1) or more appropriately positioned structure sections. The locations of test holes and specific sources of subsurface information should be indicated in the text of the Report or, preferably, on the map and in any sections that are submitted with the Report.

2. General information. The Report should include definite statements concerning the following matters:
   a. Location and size of the subject area and its general setting with respect to major geographic and geologic features.
   b. Who produced the geologic mapping upon which the report is based and when the mapping was done.
   c. Any other kinds of investigations made by the geologist and, where pertinent, the reason for doing such work.
   d. Topography and drainage in the subject area.
   e. Abundance, distribution and general nature of exposures of earth materials within the area.
   f. Nature and source of available subsurface information. Suitable explanations should provide any technical reviewer with the means for assessing the probable reliability of such data. (Subsurface relationships can be variously determined or inferred, for example, by projection of surface features from adjacent areas, by the use of test hole logs or by interpretation of geophysical data. Different sources of such interpretation can differ markedly from one another in degree of detail and reliability according to the method used.)

D. The Report should contain brief but complete descriptions of all-natural materials and structural features recognized or inferred within the subject area. Where interpretations are added to the recording of direct observations, the basis for such interpretations should be clearly stated. The following checklist may be useful as a general, though not necessarily complete, guide for descriptions:

1. Bedrock (igneous, sedimentary, metamorphic types):
   a. Identification as to rock type (e.g., granite, silty sandstone, etc.)
   b. Relative age and, where possible, correlations with named formations.
   c. Distribution.
   d. Dimension features (e.g., thickness, outcrop breadth, vertical extent).
   e. Physical characteristics (e.g., color, grain size, nature of stratification, foliation, or schistocity, hardness, coherence).
   f. Special physical or chemical features (e.g., calcareous or siliceous cement, concretions, mineral deposits, alteration other than weathering).
   g. Distribution and extent of weather zones, significant differences between fresh and weathered rock.
   h. Response to natural surface and near surface processes (e.g., raveling, gullying).
2. Structural features, stratification, foliation, schistocity, folds, zones of contortion or crushing, joints, shear zones, faults, etc.:

   a. Occurrence and distribution.
   b. Dimensional characteristics.
   c. Orientation and shifts in orientation.
   d. Relative ages (where pertinent).
   e. Specific effects upon the bedrock (Describe conditions of the planar surfaces).
   f. Specific features of faults (e.g., zones of gorge and breccia, nature of offsets, timing of movements); defining faults as active in either the geologic sense or the historical sense.

3. Surficial (unconsolidated) deposits such as artificial (man-made) fill, topsoil, stream-laid alluvium, beach sands and gravels, residual debris, lake and pond sediments, swamp accumulations, dune sands, marine and non-marine terrace deposits, talus accumulations, creep and slope wash materials, various kinds of slump and slide debris, etc.:

   a. Distribution, occurrence and relative age; relationships with existing topography.
   b. Identification of material as to general type.
   c. Dimensional characteristics (e.g., thickness, variation in thickness, shape).
   d. Surface expression and correlation with features such as terraces, dunes, undrained depressions, anomalous protuberances.
   e. Physical or chemical features (e.g., moisture content, mineral deposits, content of expandable clay mineral, alteration, cracks and fissures, fractures).
   f. Physical characteristics (e.g., color, grain size, hardness, compactness, coherence, cementation).
   g. Distribution and extent of weathered zones; significant differences between fresh and weathered material.
   h. Response to natural surface and near-surface processes (e.g., raveling, gullying, mass movement).

4. Drainage, surface water and groundwater:

   a. Distribution/occurrence (e.g., streams, ponds, swamps, springs, seeps, subsurface basins).
   b. Relationships to topography.
   c. Relationships to geologic features (e.g., previous strata, fractures, faults).
   d. Sources and permanence.
   e. Variations in amounts of water (e.g., intermittent spring and seeps, floods).
   f. Evidence for earlier occurrence of water at localities now dry.
   g. The effect of water on the properties of the in-place materials.

5. Features of special significance:
a. Features representing accelerated erosion (e.g., cliff reentrants, badlands, advancing gully heads).

b. Features indicating subsidence or settlement (e.g., fissures, escarpment, offset reference features, historic records and measurements).

c. Features indicating creep (e.g., fissures, escarpment, distinctive patterns of cracks and/or vegetation, topographic buds, displaced or tilted reference features, historic records and measurements).

d. Slump and slide masses in bedrock and/or surficial deposits; distribution, geometric characteristics, correlation with topographic and geologic features, age and rates of movement.

e. Deposits related to recent floods (e.g., talus aprons, debris ridges, canyon-bottom trash).

f. Active faults and their recent effects upon topography and drainage.

E. The types, location and value of mineral resources within the land to be subdivided should be described. These include, but are not limited to, limestone used for construction, coal, sand, gravel and quarry aggregate, for which extraction by an extractor is or will be commercially feasible, or which is a deposit having significant economic or strategic value to the County, State or Nation. Any area known to contain a commercial mineral deposit shall not be subdivided until such deposit is extracted, unless the Board of County Commissioners finds that extraordinary environmental damage or public hazard results from such extraction.

F. The Bearing of Geologic Factors upon the intended land use shall be included. Treatment of this general topic, whether presented as a separate section or integrated in some manner with the geologic descriptions, normally constitutes the principal contribution of the Report. It involves both (1) the effects of geologic features upon the proposed grading, construction and land use; and (2) the effects of these proposed modifications upon future geological processes in the area. The following checklist includes the topics that ordinarily should be considered in submitting discussion, conclusions and recommendations in the Report:

1. General compatibility of natural features with proposed land use addressing the following:
   a. Topography.
   b. Lateral stability of earth materials.
   c. Problems of flood inundation, erosion, and deposition.
   d. Problems caused by features or conditions in adjacent properties.
   e. Other general problems.

2. Special recommendations:
   a. Areas to be left as natural ground.
   b. Removal or buttressing of existing slide masses.
   c. Flood protection.
   d. Problems of groundwater circulation.
   e. Position of structures, with respect to active faults.

G. All Sketch Plan applications will be submitted to the Colorado Geological Survey for review along with the required Geotechnical Report. Fees as set from time to time by the CGS shall be collected by the Department of Planning Services at the time the Sketch Plan is submitted. Additional fees may be
required by the CGS; the applicant is responsible for all fees associated with the geological review.

Sec. 24-3-200. - Storm Drainage Requirements

A. Drainage Narrative. The purpose of the drainage narrative is to provide a high-level overview description of the on-site and off-site drainage patterns and impacts associated with the proposed subdivision. The narrative shall identify potential impacts to surrounding properties, irrigation ditches and existing infrastructure. The narrative shall reference any drainage exemption(s) that the site may meet per Section 8-11-40.I. of the Weld County Code, as amended.

B. Preliminary Drainage Report. The purpose of the preliminary drainage report is to update the concepts and to present the design details for the proposed drainage facilities.

1. The preliminary drainage report shall be prepared by a registered professional engineer licensed in the State of Colorado. The report shall be properly certified and signed by such engineer.

2. The preliminary drainage report shall contain the minimum requirements detailed below:
   a. Preliminary drainage report content shall include:
      1) Description/Scope of Work
      2) Locations (county roads, section, township and range).
      3) Nearby water features and ownership
      4) Hydrological soil types/maps.
      5) Reference to other existing master drainage plans affecting the subject property.
   b. Hydrology and hydraulic analysis shall include:
      1) Design storm/rainfall information (NOAA, Atlas, or local data)
      2) Hydraulic calculations (historic and developed basins)
      3) Detention/WQCD calculations
   c. Construction Drawings shall include:
      1) Engineering scale and north arrow
      2) Property lines, rights-of-way and easements
      3) One-foot contours and elevations (existing and proposed)
      4) Pre and post development drainage basins
      5) Arrows depicting flow direction.

C. Final Drainage Report. The purpose of the final drainage report is to update the concepts and to present the design details for the drainage facilities identified in a preliminary drainage report.

1. The final drainage report shall be prepared by a registered professional engineer licensed in the State. The report shall be properly certified and signed by such engineer.

2. The final drainage report shall contain all information required with the preliminary drainage report with the minimum additional requirements detailed below:
   a. Preliminary drainage report content shall include:
1) Weld County Case Number
2) Certificate of Compliance signed and stamped by a Colorado Licensed PE
3) Total acres vs. Developed acres
4) FEMA Flood Zones
5) Urbanizing or non-urbanizing
6) Base Design Standard used for permanent control measure design in the MS4
7) Discussion of offsite drainage routing
8) Conclusion statement indicating that the design will adequately protect public health, safety, and general welfare and have no adverse impacts on public rights-of-way or offsite properties

b. Hydrology and hydraulic analysis shall include:
   1) Release Rate Calculations
   2) Post construction site imperviousness
   3) Hydraulic calculations for proposed drainage improvements (swales, culverts, riprap, pond, outlet, spillway, WQCV outlet, etc.)

c. Construction Drawings shall include:
   1) Stamped by PE
   2) Time of concentration critical path
   3) Drainage design points
   4) Improvements labeled
   5) Permanent control measure and associated drainage features labeled ‘No Build/No Storage’, include design volume
   6) Cross sections for open channels, profiles for pipes
   7) Elevations for inverts, flow lines, top of grates, orifice(s), etc.
   8) Pipe specs (size, material, length, slope)
   9) Outlet and spillway details

d. Maintenance Plan
   1) Frequency of onsite inspections
   2) Repairs, if needed
   3) Cleaning of sediment and debris
   4) Vegetation maintenance
   5) Manufacturer maintenance specifications, if applicable
e. Other Required Documents, if applicable.

1) Any other pertinent information deemed necessary by Public Works.

2) Variance Request and documentation – explain hardship, applicable code section, and proposed mitigation. (Variances will not be granted for the Base Design Standard requirement in the MS4.)

Sec. 24-3-210. - Municipal Separate Storm Sewer System (MS4) Requirements.

If a subdivision or portion of a proposed subdivision is located in an MS4 area, all applicable regulations of Chapter 8, Article 9, of the Weld County Code, as amended, shall be met.

Sec. 24-3-220. - Traffic Impact Analysis Requirements.

A Traffic Impact Analysis is required to analyze the effects of a proposed development or other land use action on the transportation system in order to determine if adequate public facilities exist to serve the proposed development, and to clearly identify any improvements required to mitigate the impacts on the transportation system.

A. Traffic Impact Study Area: Traffic impacts shall be analyzed within the traffic impact area. The determination of a traffic impact area is done on a case-by-case basis; however, at a minimum the limits of the study should include:

1. Internal roads.
2. Adjacent roads.
3. Access locations and or new intersections.
4. Off-site roads to the nearest paved County collector or arterial road or state highway.
5. Off-site roads where traffic from the proposed development or land use action will account for at least 20% of the average daily traffic upon build-out.
6. Off-site intersections where traffic from the proposed development or land use action:
   a. Contributes a 10% impact of the peak hour traffic on any approach leg of an intersection where the intersection is operating at a level of service (LOS) C or better upon build-out.
   b. Contributes 5% impact of the peak hour traffic on any approach leg of an intersection where the intersection is operating at a LOS C or worse upon build-out.
   c. Impacts a specific turning movement that currently does not have an auxiliary turn lane by at least 50% of the peak hour volume warrant for an auxiliary turn.

B. Traffic Narrative:

1. Describe how many roundtrips/day are expected for each vehicle type: Passenger Cars/Pickups, Tandem Trucks, Semi-Truck/Trailer/RV (Roundtrip – one (1) trip in and one (1) trip out of site).

2. Describe the expected travel routes or haul routes for site traffic.

3. Describe the travel distribution along the routes (i.e. 50% of traffic will come from the north, 20% from the south, 30% from the east, etc.).

4. Describe the time of day that you expect the highest traffic volumes.
C. Traffic Impact Study (TIS) – A full TIS is required for any proposed development or land zoned Commercial or Industrial, any residential subdivision greater than nine (9) lots, or when determined necessary by the Engineer. The TIS should address impacts to on-site and off-site roadways and highways within the County and shall be prepared, stamped, and signed by a professional engineer licensed in the State of Colorado. The TIS shall include, at a minimum, the following:

1. Describe the traffic impact area, including at a minimum those elements described in the traffic impact study area section.

2. A location map showing the development site, the boundaries of the traffic impact area, and all roads, intersections, bridges or other roadway structures in the traffic impact area.

3. Define the following study horizons for the Full Traffic Impact Study: the existing (current), short range, and long-range horizons.
   a. Existing Horizon: The intent is to establish a baseline traffic condition.
   b. Short Range Horizon: The intent is to evaluate the immediate impacts of the project on the transportation system. The short-term horizon year is defined as the point of full buildout of the proposed development or land use action. If the project is proposed to occur over multiple phases, the impacts shall be analyzed at the point of full buildout of each phase. In no case shall the short-range horizon exceed five (5) years.
   c. Long Range Horizon: The intent is to evaluate the impacts of the fully developed project in the context of regional transportation planning efforts. The long-term impacts are analyzed as of the end of the current Regional Transportation Plan 20-year planning horizon.

4. Identify the existing, approved, and proposed land uses within the traffic impact area.

5. Describe existing traffic conditions within the traffic impact area, including average daily traffic volumes for roadways and a.m. and p.m. peak hour levels of service for intersections.

6. For short-range traffic projections, provide references, calculations and data sources for all trip generation estimates. The trip generation results shall be shown in a table with the following information:
   a. Land Use.
   b. Unit of Measurement (for example, per dwelling unit, per 1000 square feet., et cetera).
   c. Total number of units.
   d. Trip generation rates per unit for average daily traffic and peak hour volumes.
   e. Total number of trips generated for average daily traffic and a.m. and p.m. peak hours.

7. Short-range and long-range traffic projections must also include forecasts for the growth in background traffic.

8. Provide trip distribution estimates for the roads and intersections in the traffic impact area.

9. Present the volumes for short-range and long-range traffic including the projected traffic for the proposed development or land use action for the a.m. and p.m. peak hour and average daily conditions. These volumes must include turn movements at intersection as well as volumes for roads in the traffic impact area.

10. Analyze the adequacy of the transportation system to handle the projected traffic for short-range and long-range planning years. Key elements in this analysis should include:
a. Generalized daily traffic volume level of service for roadways.

b. Intersection levels of service for a.m. and p.m. peak hours.

c. The appropriateness of access locations and if necessary, a traffic signal warrant analysis.

d. The need for auxiliary lanes (turn lanes, deceleration and acceleration lanes), including explanations of how acceleration/deceleration lengths, storage lengths, and taper lengths were determined.

e. Sight distances.

11. Provide a summary of conclusions and recommendations from the Full Traffic Impact Study, including at least the following items:

   a. A summary listing of traffic impacts from the proposed development on existing and proposed roads and intersections within the traffic impact area.

   b. A summary listing of the improvements needed to assure adequate service and safety levels on the roadway system affected by the proposed development. Identify and describe each proposed improvement, how and when it will be funded, and expected completion dates.

12. Any reasonable additional information deemed necessary for review – special considerations.

ARTICLE IV - PLANNED UNIT DEVELOPMENT

Section 24-4-10.

Refer to Chapter 27 of the Weld County Code, as amended, for Planned Unit Development (PUD) submittal requirements and procedure. The PUD shall adhere to the Subdivision General Provisions, Conformance Standards and Subdivision Design Standards per Chapter 24, Articles I, II and III of the Weld County Code, as amended.

ARTICLE V - MINOR SUBDIVISION

Sec. 24-5-10. – Overview

A. The Minor Subdivision process is for subdivisions proposing a maximum of nine (9) lots, excluding agricultural outlots. The Minor Subdivision is subject to a two or three-step review and approval process. The Minor Subdivision process includes the Minor Subdivision Sketch Plan and Minor Subdivision Final Plan applications described in Article V of Chapter 24.

B. The Minor Subdivision process may include a Change of Zone application as described in Chapter 23, Article II, Division 1 and Section 24-5-50 of the Weld County Code, as amended and shall be processed after the Minor Subdivision Sketch Plan application and before or concurrent with the Final Plan application.

C. A Minor Subdivision may only be permitted under a single Final Plan application. No individual phasing or filings are allowed.

D. Lots which are part of a Historic Townsite or any recorded Planned Unit Development or major or minor Subdivision, shall not be divided further by a Minor Subdivision.

E. A Minor Subdivision may be considered an Urban Scale Development or Non-Urban Scale Development as defined in Section 24-1-40 of the Weld County Code, as amended.

F. The Resubdivision requirements shall be followed when proposing modifications to a recorded Minor Subdivision Final Plat as described in Article IX of Chapter 24 of the Weld County Code, as amended.
Additional lots may be created by the Resubdivision process within an existing Minor Subdivision, so long as the overall number of total lots in the existing Minor Subdivision do not exceed nine (9) buildable lots.

G. The Minor Subdivision shall adhere to Chapter 22 and 23 of the Weld County Code and the Subdivision General Provisions, Conformance Standards and Subdivision Design Standards per Chapter 24, Articles I, II and III of the Weld County Code, as amended.

H. The Minor Subdivision process shall not be used to circumvent the Planned Unit Development process by locating more than one (1) Minor Subdivision adjacent to one another.

Sec. 24-5-20. – Standards

A. The Minor Subdivision is a land division process used to divide a parcel into a maximum of nine (9) buildable lots and is subject to the following criteria:

1. The property to be divided by the proposed Minor Subdivision shall be comprised of legal lots.

2. Lots within a Minor Subdivision shall be served by a public water supply system.

3. Lots within a Minor Subdivision shall be served by an adequate sewer service.

4. The Minor Subdivision is allowed in any zone district included in Chapter 23, Article III of the Weld County Code, as amended, excluding the A (Agricultural) Zone District.

5. The Minor Subdivision shall only be permitted beyond one-quarter (1/4) mile of a municipal boundary.

6. Any proposed Minor Subdivision must be separated by a minimum of 1,320 feet or one-quarter (1/4) mile, in any direction, as measured from the exterior property line of any existing, platted Minor Subdivision or Rural Land Division.

7. The minimum parcel size of Minor Subdivision lots shall be determined by the underlying zone district requirements per Chapter 23, Articles III of the Weld County Code, as amended.

8. If the average lot area exceeds three (3) acres in size in an Estate zoned Minor Subdivision, no common open space, or recreational elements are required.

9. The maximum number of lots within the Minor Subdivision shall be nine (9) buildable lots.

10. A Homeowners Association is required and shall be managed by the property owners within the Minor Subdivision.

11. Drainage and utility easements within Minor Subdivision shall follow the easement standards per Chapter 24, Article III of the Weld County Code, as amended.

12. The Minor Subdivision lots shall be accessed via a single internal publicly dedicated right-of-way and shall be privately maintained.

13. All lots within a Minor Subdivision shall connect directly onto an internal public road. No Minor Subdivision shall contain any access easement except:

a. Preexisting access easements for nonresidential purposes for example ditch roads, oil and gas facility access roads, et cetera.

b. Access easements solely for the use of emergency services.

c. Easements to provide lot owners with access to common elements located within the Minor Subdivision.

14. The Minor Subdivision roadway shall intersect with a publicly maintained road right-of-way.
15. The Minor Subdivision internal roadway shall be perpendicular to the publicly maintained road right-of-way.

16. The Minor Subdivision internal roadway shall not access directly onto County arterial roads or County, State, or Federal highways.

17. The Minor Subdivision roadway shall be maintained by the Homeowners Association.

18. The Minor Subdivision roadway shall be paved if connecting to a paved publicly maintained right-of-way. The Minor Subdivision roadway may be gravel if connecting to a gravel publicly maintained right-of-way.

19. All accesses shall be in accordance with Chapter 8, Article XIV of the Weld County Code, as amended.

20. An Improvements/Road Maintenance Agreement may be required.

21. The Minor Subdivision shall reasonably accommodate the requirements of fire districts, police authorities and other emergency services.

22. The Minor Subdivision shall be designed to preserve prime agricultural land.

23. The Minor Subdivision shall be designed to preserve wetlands, wildlife habitats, historical sites or burial grounds.

Sec. 24-5-30. - Sketch Plan Submittal Requirements

A. Prior to submitting a Minor Subdivision Sketch Plan application, the applicant shall submit a Pre-Application Request Form and meet with the Department of Planning Services to discuss the proposal. Following the Pre-Application meeting the applicant may submit a complete Minor Subdivision Sketch Plan application electronically.

B. The following Sketch Plan application items are required:

1. Application Form.
2. Authorization Form, if applicable.
3. Minor Subdivision Standards Certification that the application complies with the criteria per Section 24-5-20 of the Weld County Code.
4. Deed identifying the surface estate ownership in the property and relevant lease documents.
5. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.
6. Trustee documents if the owner is a Trust.
7. A Geotechnical Report shall be prepared in compliance with the requirements of Section 24-3-210 of the Weld County Code. The Geotechnical Report, Colorado Geological Survey Submittal Form and associated review fee will be forwarded to the Colorado Geological Survey (CGS) for review.
8. Planning Questionnaire, including but not limited to:
   a. Explain the reason for the Minor Subdivision request.
   b. Explain the reason of the proposed division layout.
   c. Describe the existing and proposed uses of the property.
d. Describe the existing and proposed potable water source.

e. Describe the existing and proposed sewage disposal system.

f. Describe existing and proposed improvements.

g. Describe any existing and proposed easements and rights-of-way.

h. Describe the existing and proposed access to the site.

i. Describe the current irrigation practices occurring on the site.

j. Describe the unique physical characteristics of the property, including, but not limited to topography, water bodies, CRP lands, vegetation, floodplains, geohazard areas, MS4 and airport overlay district.

k. Detail the location of any on-site oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc. Provide the names and addresses of any owner or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc.

9. Water Supply Documentation. A will-serve letter from a water district, association or municipality that demonstrates the district, association or municipality has sufficient capacity and infrastructure to serve the proposed development. Provide evidence of existing potable water source (water bill or well permit) on the property, if applicable.

10. Sewage Disposal Documentation. Provide evidence of existing sewage disposal source (sanitation district bill or septic permit) on the property, if applicable.

11. A Septic Suitability Report shall be prepared in compliance with the requirements of Section 24-3-90 of the Weld County Code.

12. The Minor Subdivision Sketch Plan map shall include the following information:

a. Title, scale, north arrow, township, range, section, quarter section and lot numbers.

b. The layout of lots, roads, accesses, and utility easements. Show the width and type of surface of all roads proposed within the Minor Subdivision.

c. Any special flood hazard area, MS4 area, geologic hazard overlay district, or airport overlay districts identified in the Weld County Code.

d. Existing structures, utility lines, irrigation ditches, streams, lakes, drainageways, cropland, oil and gas production facilities, plugged or abandoned oil and gas wells, railroads and any other structure or feature located within the proposed Minor Subdivision.

13. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company. The title commitment shall expire thirty (30) days from preparation.

14. A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject property. The Statement shall be from the current tax year.

15. A Cultural Resource Inventory.

16. A Drainage Narrative shall be submitted in accordance with Section 24-3-200.A of the Weld County Code, as amended.

17. A Traffic Narrative shall be submitted in accordance with Section 24-3-220.B of the Weld County Code, as amended.
18. Any other item(s) deemed necessary by the Departments of Planning Services, Public Works and Environmental Health Services.

19. Application fee.

**Sec. 24-5-40. - Sketch Plan Procedure**

A. A Minor Subdivision Sketch Plan application shall be processed according to the following procedure:

1. The *applicant* shall submit a Minor Subdivision *Sketch Plan* application to the Department of Planning Services for review. The *Planner* shall have the responsibility of ensuring that all application submittal requirements are met prior processing the application. Upon determination that the application is complete, the application fee shall be paid.

2. Once the *Sketch Plan* application is deemed complete and the fee paid, the Department of Planning Services shall send the application to relevant referral agencies for review and comment as the *Planner* deems necessary. A list of referral agencies is located in Appendix 23-G of the Weld County Code, as amended. The referral agencies shall be given twenty-one (21) days to respond from the date of notice. The failure of any agency to respond within twenty-one (21) days shall be deemed a response with no concerns. All referral agency review comments are considered recommendations to the County.

3. The *Planner* will prepare a Staff Report within sixty (60) days of receipt of a complete application. The Staff Report shall contain a review of the *Sketch Plan* application and direction on how to proceed with the Final Plan submittal. The Staff Report shall address all aspects of the application, including but not limited to referral agency comments and compliance with the regulations contained in the Weld County Code, as amended.

4. The Department of Planning Services will provide an opinion if the application has demonstrated compliance with the Overview and Standards per Sections 24-5-10 and 24-5-20 of the Weld County Code, as amended.

5. No plan or resolution is recorded as part of the *Sketch Plan* procedure.

6. The *applicant* may withdraw the application at any point in this process. Withdrawal requests shall be submitted in writing to the Departments of Planning Services and shall be signed by the property owners.

**Sec. 24-5-50. - Change of Zone**

A. The Minor Subdivision process may include a Change of Zone application as described in Chapter 23, Article II, Division 1 of the Weld County Code, as amended and shall be processed after the Minor Subdivision *Sketch Plan* application.

B. A Minor Subdivision Change of Zone application may be applied for and processed consecutively or concurrently with the Minor Subdivision Final Plan application.

C. If a Change of Zone is a component of the development, the Minor Subdivision *Final Plat* shall not be recorded until the Change of Zone plat is recorded.

D. The completed Change of Zone plat shall only show the boundary of the *parcel* to be changed and no proposed internal *lot* lines of the Minor Subdivision shall be shown.

E. No building permits shall be issued, and no development shall commence until the Minor Subdivision *Final Plat* is approved and recorded in the Weld County Clerk and Recorder’s Office and the improvements be constructed per the terms of the *Improvements Agreement*.

F. If the Change of Zone is denied, the *applicant* may not proceed with the Final Plan application.
Prior to submitting a Minor Subdivision Change of Zone application, the applicant shall submit a Pre-Application Request Form and meet with the Department of Planning Services to discuss the proposal. Following the Pre-Application meeting and acceptance of the items detailed in Section 24-5-50.H of the Weld County Code, as amended, the applicant may submit a complete Minor Subdivision Change of Zone application electronically.

Prior to submitting a Minor Subdivision Change of Zone application, the applicant shall submit the following items to the Department of Planning Services:

1. A contractual guarantee from the public water provider to serve the proposed Minor Subdivision. The agreement shall demonstrate that the water quality and quantity are sufficient to meet the requirements of the uses within the Minor Subdivision. Documentation shall address the primary conditions of service including payment of tap fees, extension of pipelines and other water service facilities, dedication of water rights, etc. per the requirements detailed in C.R.S 29-20-304. The agreement and supplemental documentation shall be reviewed and determined sufficient by the Weld County Attorney’s Office prior to acceptance of the Change of Zone application.

2. A contractual guarantee from the public sanitation provider to serve the proposed Minor Subdivision, if applicable. The agreement and supplemental documentation shall be reviewed and determined sufficient by the Weld County Attorney’s Office prior to acceptance of the Change of Zone application.

3. Written correspondence between the applicant and referral agencies addressing the comments and concerns detailed in the Sketch Plan Staff Report. Correspondence shall be submitted for all referral agencies, including those that did not respond to the Sketch Plan application proposal.

4. A statement that addresses any potential non-compliance with the Weld County Code as identified in the Sketch Plan Staff Report with an explanation of how the issues will be addressed or resolved. Major changes from a reviewed Sketch Plan may require a resubmittal of a new Sketch Plan for the site. The Department of Planning Services is responsible for determining whether a major change exists.

5. Written correspondence between the applicant and representative of the area utility service providers which demonstrates that there are adequate utility provisions available to serve the development.

6. A Surface Use Agreement with mineral owners associated with the subject property, if applicable. Such agreement shall stipulate that the oil and gas activities and hard rock minerals on the subject property have been adequately incorporated into the design of the site. Alternatively, the applicant shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the mineral owners on the subject property.

Sec. 24-5-60. - Final Plan Submittal Requirements

Prior to submitting a Minor Subdivision Final Plan application, the applicant shall submit a Pre-Application Request Form and meet with the Department of Planning Services to discuss the proposal. Following the Pre-Application meeting and acceptance of the items detailed in Section 24-5-60.B of the Weld County Code, as amended, the applicant may submit a complete Minor Subdivision Final Plan application electronically. If a Minor Subdivision involves a Change of Zone, processed concurrently with the Final Plan, no separate Pre-Application meeting is required.

Prior to submitting a Minor Subdivision Final Plan application, the applicant shall submit the following items to the Department of Planning Services:

1. A contractual guarantee from the public water provider to serve the proposed Minor Subdivision. The agreement shall demonstrate that the water quality and quantity are sufficient to meet the requirements of the uses within the Minor Subdivision. Documentation shall address the primary conditions of service including payment of tap fees, extension of pipelines and other water service facilities, dedication of water rights, etc. per the requirements detailed in C.R.S 29-20-304. The agreement and supplemental documentation shall be reviewed and accepted by the Weld County Attorney’s Office prior to acceptance of the Final Plan application. If the water service agreement
expires prior to the Board of County Commissioners hearing, the applicant is responsible for providing an updated agreement.

2. A contractual guarantee from the public sanitation provider to serve the proposed Minor Subdivision, if applicable. The agreement and supplemental documentation shall be reviewed and accepted by the Weld County Attorney's Office prior to acceptance of the Final Plan application.

3. Written correspondence between the applicant and referral agencies addressing the comments and concerns detailed in either the Sketch Plan Staff Report or Change of Zone Resolution. Correspondence shall be submitted for all referral agencies, including those that did not respond to the Sketch Plan or Change of Zone applications.

4. A statement that addresses any potential non-compliance with the Weld County Code, as amended, as identified in the Sketch Plan Staff Report with an explanation of how the issues will be addressed or resolved. Major changes from a reviewed Sketch Plan or Change of Zone may require a resubmittal of a new Sketch Plan or Change of Zone for the site. The Department of Planning Services is responsible for determining whether a major change exists. When more than one (1) year has elapsed since the signed Sketch Plan Staff Report, a resubmittal of a new Sketch Plan for the site may be required prior to submittal of the Final Plan application. When more than three (3) years has elapsed since the signed Change of Zone Resolution, a resubmittal of a new Change of Zone for the site may be required prior to submittal of the Final Plan application.

5. Written correspondence between the applicant and representative of the area utility service providers which demonstrates that there are adequate utility provisions available to serve the development.

6. A Surface Use Agreement with mineral owners associated with the subject property, if applicable. Such agreement shall stipulate that the oil and gas activities and hard rock minerals on the subject property have been adequately incorporated into the design of the site. Alternatively, the applicant shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the mineral owners on the subject property.

C. The following Final Plan application items are required:

1. Application Form.
2. Authorization Form, if applicable.
3. Deed identifying the surface estate ownership in the property and relevant lease documents.
4. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.
5. Trustee documents if the owner is a Trust.
6. Planning Questionnaire, including but not limited to:
   a. Explain the reason for the Minor Subdivision request.
   b. Explain the reason of the proposed division layout.
   c. Describe the existing and proposed uses of the property.
   d. Describe the existing and proposed potable water source.
   e. Describe the existing and proposed sewage disposal system.
   f. Describe existing and proposed improvements.
   g. Describe any existing and proposed easements and rights-of-way.
h. Describe the existing and proposed access to the site.

i. Describe the current irrigation practices occurring on the site.

j. Describe the unique physical characteristics of the property, including, but not limited to, topography, water bodies, CRP lands, floodplains, geohazard areas, MS4 and airport overlay district.

k. Detail the location of any on-site oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, et cetera. Provide the names and addresses of any owner or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, et cetera.

7. Any irrigation ditches, pipelines, overhead lines and/or railroad crossing or easement agreements, if applicable.

8. The recorded Change of Zone plat, unless the Change of Zone and Final Plan are filed concurrently.

9. Draft Final Plan land survey plat prepared according to the plat requirements per Section 24-5-80 of the Weld County Code, as amended.

10. A signed buffer report and affidavit of the names, addresses, and parcel numbers of the surrounding property owners within five hundred (500) feet of the property. The buffer report shall expire thirty (30) days from preparation.

11. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company. The title commitment shall expire thirty (30) days from preparation.

12. Provide any covenants, grants of easement and restrictions imposed on the land and/or structures within the Minor Subdivision.

13. A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject property. The Statement shall be from the current tax year.

14. If a community meeting is held, provide a sign-in sheet, minutes, and summary.

15. A Final Drainage Report per Section 24-3-200.C of the Weld County Code, as amended, if required.

16. A Traffic Impact Study per Section 24-3-220.C, of the Weld County Code, as amended, if required.

17. Any other item(s) deemed necessary by the Departments of Planning Services, Public Works and Environmental Health Services.

18. Application fee.

Sec. 24-5-70. - Final Plan Procedure

A. The Minor Subdivision Final Plan application shall be processed according to the following procedure:

1. The applicant shall address the concerns and conditions in the signed Sketch Plan Staff Report in writing. Evidence of such shall be submitted to the Department of Planning Services for review.

2. Once the Sketch Plan concerns and conditions have been addressed and, if applicable, an associated Change of Zone application has been submitted, the applicant shall submit a Final Plan application to the Department of Planning Services for review. The Planner shall have the responsibility of ensuring that all application submittal requirements are met prior processing the application. Upon determination that the Final Plan application is complete, the application fee shall be paid.

3. Once the Final Plan application is deemed complete and the fee paid, the Department of Planning Services shall send the application to relevant referral agencies for review and comment as the
Planner deems necessary. A list of referral agencies is located in Appendix 23-G of the Weld County Code, as amended. The referral agencies shall be given twenty-eight (28) days to respond from the date of notice. The Department of Planning Services shall also send notice of the application to surrounding property owners within five hundred (500) feet of the subject Minor Subdivision. The failure of any agency or surrounding property owner to respond within twenty-eight (28) days may be deemed a response with no concerns. All referral agency review comments are considered recommendations to the County. The authority and responsibility for approval and denial of a Minor Subdivision Final Plan application rests with the County.

4. The Department of Planning Services shall schedule the Minor Subdivision Final Plan utility design on the first available Utilities Coordinating Advisory Committee meeting prior to the Board of County Commissioners hearing. The Utilities Coordinating Advisory Committee shall review the Final Plan for compliance with Section 24-3-60 of the Weld County Code, as amended.

5. The Planner will prepare a Staff Report within sixty (60) days of receipt of a complete Final Plan application. The Staff Report shall contain a recommendation for approval or denial. The Staff Report shall address all aspects of the application, including but not limited to referral agency and surrounding property owner comments and compliance with the regulations contained in the Weld County Code, as amended. The Department of Planning Services will review the application and determine if the applicant has demonstrated compliance with the Overview and Standards per Sections 24-5-10 and 24-5-20 of the Weld County Code, as amended.

6. The Planner shall schedule the Planning Commission and the Board of County Commissioners public hearings. Legal notice and posting of both hearings shall be concurrent.

7. The applicant shall provide notice to any mineral estate interests as required by Section 24-65.5-103(3), C.R.S. Notification of Mineral Interest Owners and Lessees must occur at least thirty (30) days prior to the initial public hearing. Certification of such notice shall be submitted before the date of the initial public hearing, per Section 24-65.5-103(1), C.R.S.

8. Prior to the Planning Commission hearing, sign posting, legal publication, and surrounding property owner notification shall be required.

   a. The Planner shall post a sign with case information on the property under consideration for the Minor Subdivision. The sign shall be posted adjacent to, and visible from, a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign shall be posted where a driveway (access drive) intersects a publicly maintained road right-of-way. The Department of Planning Services shall certify that the sign has been posted the ten (10) days preceding the hearing date, evidenced with an affidavit and photograph.

   b. The Department of Planning Services shall arrange for legal notice of the Planning Commission hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices. The date of publication shall be at least ten (10) days prior to the hearing.

   c. The Department of Planning Services shall give notice of the Minor Subdivision and the public hearing dates to those persons listed in the application as owners of property located within five hundred (500) feet of the Minor Subdivision. Such notification shall be mailed, first-class, not less than ten (10) days before the scheduled public hearing. Inadvertent errors by the applicant in supplying such list, or the Department of Planning Services in sending such notice, shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.

   d. Prior to the Planning Commission hearing, the Department of Planning Services shall draft a Planning Commission Resolution setting forth the recommendation to the Board of County Commissioners. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board.
9. At the public hearing, the Planning Commission shall consider the Minor Subdivision application and provide a recommendation to the Board of County Commissioners. The recommendation shall consider the recommendation of the Planning Staff, referral agency responses, the application case file and testimony presented at the public hearing. The Planning Commission shall recommend approval of the Minor Subdivision application unless it finds that the applicant has not met one (1) or more of the Overview and Standards per Sections 24-5-10 and 24-5-20 of the Weld County Code, as amended.

10. The Department of Planning Services shall forward the Planning Commission Resolution to the Clerk to the Board within ten (10) days from the Planning Commission hearing.

11. Prior to the Board of County Commissioners hearing, legal publication, and surrounding property owner notification shall be required.
   a. Prior to the Board of County Commissioners hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination of the Board of County Commissioners. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

12. At the public hearing, the Board of County Commissioners shall consider the Minor Subdivision application and take final action thereon. The Board of County Commissioners' decision shall consider the recommendation of the Planning Commission and the Planner, referral agency responses, the application case file and testimony presented at the public hearing. The Board of County Commissioners shall approve the Minor Subdivision application unless it finds that the applicant has not met one (1) or more of the Overview and Standards per Sections 24-5-10 and 24-5-20 of the Weld County Code, as amended.
   a. If the Minor Subdivision is denied by the Board of County Commissioners, neither the applicant nor their successors or assigns may apply for a new Minor Subdivision for five (5) years from the hearing date, located on any portion of the property contained in the original application.
   b. If the Minor Subdivision is conditionally approved by the Board of County Commissioners, the applicant shall address the conditions of approval enumerated in the Resolution. The revised draft land survey plat shall be submitted to the Department of Planning Services for review by Planning and Public Works staff.

13. Upon completion of the conditions of approval and acceptance of the plat, the plat may be submitted for recording with the recording fee to the Planner. The plat shall be signed and notarized by the property owners and the Board of County Commissioners chairman.

14. The Department of Planning Services shall submit the plat to the Weld County Clerk and Recorder for recording.

15. The Minor Subdivision is approved and binding the date the plat is recorded with the Weld County Clerk and Recorder.

16. No building permits shall be issued, and no development shall commence until the Minor Subdivision Final Plat is approved and recorded in the Weld County Clerk and Recorder's Office and the improvements be constructed per the terms of the Improvements Agreement.

17. The applicant may withdraw the application at any point in this process. Withdrawal requests shall be submitted in writing to the Departments of Planning Services and shall be signed by the property owners.

Sec. 24-5-80. - Final Plat Requirements

A. The Minor Subdivision revised draft plat shall be submitted once an application is approved. The applicant shall electronically submit the draft plat in PDF format to the Department of Planning Services for Planning and Public Works review. Planning staff will send the draft plat back to the applicant with redline comments to be incorporated in the revised plat. There may be subsequent rounds of review.
Upon approval of the draft plat and completion of the conditions of approval, the applicant shall submit the signed and notarized approved plat to the Department of Planning Services. The approved plat shall be recorded in the Office of the Weld County Clerk and Recorder by the Department of Planning Services. The approved plat and additional requirements shall be recorded within one hundred eighty (180) days from the date the administrative review was signed. The applicant shall be responsible for paying the recording fee.

B. The Minor Subdivision plat shall meet the following requirements:

1. The plat shall be prepared by a registered professional land surveyor in the State of Colorado.

2. The plat shall be delineated in permanent black ink on a dimensionally stable polyester sheet such as Mylar. The size of each shall be twenty-four (24) inches in height by thirty-six (36) inches in width, unless otherwise approved by Planning Staff.

3. The plat shall contain a north arrow and a scale. The drawing shall be at a scale of one (1) inch equals one hundred (100) feet or (1) inch equals two hundred (200) feet. Vicinity maps shall be at a minimum scale of (1) inch equals two thousand (2,000) feet. The font shall not be less than ten (10) point in size. Plats drawn to other scales must be approved in writing by Planning Staff.

4. The plat shall be titled as "Minor Subdivision" followed by the assigned case number.

5. The Minor Subdivision lots shall be designated in ascending numerical order, on the plat and legal description.

6. If lots surrounding the Minor Subdivision are not involved in the subject Minor Subdivision they shall be labeled “Not a Part”.

7. The plat shall include a complete and accurate legal description of the parent parcel and the lots being created.

8. The plat shall bear the certifications shown in Appendix 24-A to this Chapter.

9. The plat shall contain the original signatures and seals in permanent ink.

10. The plat shall delineate the location of all existing and proposed driveways and accesses associated with the Minor Subdivision.

11. The plat shall include the names of any existing roads or highways abutting the proposed Minor Subdivision property.

12. The plat shall include the roadway right-of-way adjacent to the parcel as well as the physical location of the roadway.

13. The plat shall delineate all existing and future easements or rights-of-way located on the Minor Subdivision property.

14. The plat shall show all unique physical characteristics of the Minor Subdivision property, including, but not limited to, irrigation canals and waterbodies, floodplains and geohazard areas.

15. The plat shall include a vicinity map. The vicinity map shall locate the Minor Subdivision lots with respect to adjacent roads, municipal limits, ditches, railroads, etc. Show and label the subject section and dashed quarter section lines.

16. The plat shall show the location and setback radii of any active, shut-in or plugged and abandoned oil and gas wells and tank batteries.

17. All work shall comply with the requirements of Sections 38-50-101 and 38-51-101 et. seq., C.R.S.
18. All work shall comply with the requirements of the Bylaws and Rules of Procedure of the State Board of Registration for Professional Engineers and Professional Land Surveyors and the Rules of Professional Conduct of the State Board of Registration for Professional Engineers and Professional Land Surveyors - Board Policy Statement.

Sec. 24-5-90. – Enforcement

A. Failure to Record - If the Minor Subdivision final plat has not been recorded within one hundred eighty (180) days from the date of approval by the Board of County Commissioners, or if an applicant is unable to meet any of the conditions within one hundred eighty (180) days of approval, the Director of Planning Services may grant an extension for a period not to exceed one (1) year, for good cause shown, upon a written request by the applicant. If the applicant is unwilling to meet any of the conditions of approval or the extension expires, the application will be forwarded to the Board of County Commissioners for reconsideration. The entire application may be considered for denial by the Board of County Commissioners. Alternatively, the Board of County Commissioners may consider upholding, modifying or removing the contested conditions of approval.

B. Failure to Comply - The property owner shall comply with the recorded plat notes and lot configuration. Noncompliance will result in withholding Weld County permits.

C. Failure to Construct - If no construction has begun in the Minor Subdivision within three (3) years of the date of the approval of the Minor Subdivision Final Plan by the Board of County Commissioners, the Department of Planning Services may require the property owner to appear before the Board of County Commissioners and present evidence substantiating that the Final Plan has not been abandoned and that the applicant possesses the willingness and ability to continue the Minor Subdivision. The Board of County Commissioners may extend the date for initiation of the Minor Subdivision construction and shall periodically require the applicant to demonstrate that the Minor Subdivision has not been abandoned. If the Board of County Commissioners determines that conditions supporting the original approval of the Minor Subdivision Final Plat have changed or that the property owner cannot implement the Minor Subdivision Final Plat, the Board of County Commissioners may, after a public hearing, revoke the Minor Subdivision Final Plat and order the recorded Minor Subdivision to be vacated.

D. The Board of County Commissioners shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a plat for such subdivided land has been approved and recorded per Section 30-28-110(4), C.R.S.

Sec. 24-5-100. – Amendment

A. The Resubdivision process shall be followed when proposing changes to a recorded Minor Subdivision plat as described in Article V of Chapter 24 of the Weld County Code, as amended. A new Resubdivision application shall be submitted for all changes besides those changes described as Corrections per Section 24-5-100 of the Weld County Code, as amended.

B. Amendments for modifying or removing easements or building and septic envelopes are considered minor modifications. The Department of Planning Services may approve a minor modification without a new application. The applicant shall submit a revised draft plat, conforming to Resubdivision plat requirements per Section 24-9-50 of the Weld County Code, as amended, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee. A minor modification shall not affect other lots within the subdivision and shall adhere to the nature of the subdivision.

Sec. 24-5-110. – Correction

A. The Board of County Commissioners or Planning Director may approve a correction without a hearing or compliance with any of the submission or review requirements of Chapter 24 of the Weld County Code, as amended. The correction shall only address technical errors where such correction is consistent with the approved Minor Subdivision. Technical errors include, but are not limited to, correcting scrivener errors and correcting surveyor errors as long as the correction is consistent with the original intent of the approved Minor Subdivision.
B. The applicant shall submit a corrected draft plat, conforming to Minor Subdivision Final Plat requirements per Section 24-5-80 of the Weld County Code, as amended, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

Sec. 24-5-120. – Vacation

A. A property owner may request a complete vacation of an existing Minor Subdivision. The vacation request shall be submitted in writing to the Department of Planning Services and shall be signed by all the owners of the subject lots to be vacated. The vacation request letter shall describe the purpose of the vacation, any existing improvements and any easements or rights-of-way that may be affected. The property owners shall provide the existing plat and a draft land survey plat showing the vacation described by a metes and bounds or aliquot legal description or the previous legal description of the plat.

B. Vacations must include all lots created by the initial and subsequent plats. No plats may be vacated in part.

C. The vacation request may be processed without any of the submittal, referral or review requirements of Chapter 24 of the Weld County Code, as amended. No sign posting, legal publication, or surrounding property owner notification shall be required.

D. Upon receipt of the vacation request letter, the Planner will prepare a memorandum summarizing the vacation request to be forwarded to the Clerk to the Board. Minor Subdivision plat vacations will be placed on the Board of County Commissioners Consent Agenda unless otherwise requested by the Board of County Commissioners to be presented in a public hearing.

E. If a hearing is scheduled, all property owners affected by the vacation shall be notified of the hearing date, time and location via Certified Mail, sent by the Clerk to the Board, at least ten (10) days prior to the hearing.

F. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination that the Minor Subdivision plat is vacated. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

G. In the event any easement is included in the vacation, the resolution may be conditioned that the applicant provide evidence that the interests of the easement grantees are protected.

H. In the event any right-of-way is included in the vacation, the resolution may be conditioned that the applicant shall submit a separate vacation of right-of-way petition to the Clerk to the Board.

I. If the vacation request is approved by the Board of County Commissioners, the land survey plat shall be submitted to the Department of Planning Services for recording with the recording fee and shall be signed by the property owners and the Board of County Commissioners. The vacation is in effect the date of recordation of the land survey plat with the Weld County Clerk and Recorder.

J. Vacation of a Minor Subdivision shall comply with all Zoning and Subdivision regulations per Chapter 23 and 24 of the Weld County Code, as amended.

ARTICLE VI – RURAL LAND DIVISION

Sec. 24-6-10. – Overview

A. The Rural Land Division is an alternative process for development and review of subdivisions proposing a maximum of four (4) lots in the A (Agricultural) Zone District. The Rural Land Division process utilizes both the Sketch Plan and Final Plan application processes described in Article VI of Chapter 24 of the Weld County Code, as amended. The Rural Land Division process does not include a Change of Zone.
B. Lots which are part of a Historic Townsite or any recorded Planned Unit Development, major or minor Subdivision, Resubdivision or Recorded Exemption lots that do not meet the criteria per Section 24-6-20.A.8 of the Weld County Code, as amended, shall not be divided by a Rural Land Division.

C. A Rural Land Division may be considered a Non-Urban Scale Development or Rural Scale Development as defined in Section 24-1-40 of the Weld County Code, as amended.

D. The Resubdivision requirements shall be followed when proposing modifications to a recorded Rural Land Division plat as described in Article IX of Chapter 24 of the Weld County Code, as amended. Additional lots may be created by the Resubdivision process within an existing Rural Land Division, so long as the overall number of total lots in the existing Rural Land Division do not exceed four (4) lots.

E. The Rural Land Division shall adhere to Chapter 22 and 23 of the Weld County Code and the Subdivision General Provisions, Conformance Standards and Subdivision Design Standards per Chapter 24, Articles I, II and III of the Weld County Code, as amended.

Sec. 24-6-20. – Standards

A. The Rural Land Division is a land division process used to divide a parcel into a maximum of four (4) separate lots and is subject to the following criteria:

1. The property to be divided by the proposed Rural Land Division shall be comprised of legal lots.

2. Lots within a Rural Land Division shall be served by a public water supply system.

3. Lots within a Rural Land Division shall be served by an on-site wastewater treatment system (OWTS).

4. The Rural Land Division shall only be approved on property located in the A (Agricultural) Zone District.

5. The Rural Land Division shall be at least one (1) mile beyond a municipal boundary.

6. Any proposed Rural Land Division must be separated by a minimum of 1,320 feet or one-quarter (1/4) mile, in any direction, as measured from the exterior property line of any existing, platted Rural Land Division or Minor Subdivision.

7. The maximum parcel size on which a Rural Land Division is proposed shall not be greater than forty-five (45) acres.

8. If the proposed Rural Land Division will be located on the largest lot of a Recorded Exemption, the following applies:
   a. The applicant shall apply for a Lot Line Adjustment per Chapter 24, Article X of the Weld County Code, as amended, in conjunction with the Rural Land Division application, in order to except out a parcel of land that will contain the Rural Land Division.
   b. The excepted parcel of land that will contain the Rural Land Division, shall be a maximum of forty-five (45) acres.
   c. The remaining acreage of the large Recorded Exemption lot shall not be less than one hundred and twenty (120) acres.
   d. The Lot Line Adjustment standard per Section 24-10-20.A.4 of Weld County Code, as amended, does not apply to a Lot Line Adjustment processed in conjunction with a Rural Land Division.
   e. The Rural Land Division Final Plat and Lot Line Adjustment plat shall be recorded concurrently.
   f. If the Rural Land Division is not approved, the Lot Line Adjustment will be void.

9. The maximum number of lots within the Rural Land Division shall be four (4) lots.

10. The minimum Lot size in a Rural Land Division shall be three (3) acres net.

11. Rural Land Divisions shall not be financed by a Title 32 Metropolitan District.
12. A Homeowners Association is not required but may be voluntarily created and managed by the residents within the Rural Land Division.

13. Drainage and utility easements within Rural Land Division shall follow the easement standards per Chapter 24, Article III of the Weld County Code, as amended.

14. The Rural Land Division lots shall be accessed via a single internal publicly dedicated right-of-way and shall be privately maintained, according to a road maintenance agreement applicable to all present and future lot owners.

15. No access easements are permitted within a Rural Land Division to serve parcels within or not a part of the development.

16. The Rural Land Division roadway shall intersect with a publicly maintained right-of-way.

17. The Rural Land Division internal roadway shall be perpendicular to the publicly maintained right-of-way.

18. The Rural Land Division shall not connect directly onto County arterial roads or County, State, or Federal highways.

19. The Rural Land Division roadway shall be designed, constructed and maintained by private recorded agreement between the landowners within the Rural Land Division.

20. The internal access roadway shall meet all safety criteria as outlined in Chapter 8, Article XIV of the Weld County Code.

21. The Rural Land Division shall be designed to meet the requirements of local governments or districts to provide fire and police protection or other emergency services.

22. The Rural Land Division shall be designed to preserve prime agricultural land.

23. The Rural Land Division shall be designed to preserve wetlands, wildlife habitats, historical sites or burial grounds.

Sec. 24-6-30. – Sketch Plan Submittal Requirements

A. Prior to submitting a Rural Land Division Sketch Plan application, the applicant shall submit a Pre-Application Request Form and meet with the Department of Planning Services to discuss the proposal. Following the Pre-Application meeting the applicant may submit a complete Rural Land Division Sketch Plan application electronically. The following application items are required:

1. Application Form.

2. Authorization Form, if applicable.

3. Rural Land Division Standards Certification that the application complies with the criteria per Section 24-6-20 of the Weld County Code.

4. Deed identifying the surface estate ownership in the property and relevant lease documents.

5. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.

6. Trustee documents if the owner is a Trust.

7. A Geotechnical Report shall be prepared in compliance with the requirements of Section 24-3-210 of the Weld County Code. The Geotechnical Report, Colorado Geological Survey Submittal Form and associated review fee will be forwarded to the Colorado Geological Survey (CGS) for review.
8. Planning Questionnaire, including but not limited to:
   a. Explain the reason for the Rural Land Division request.
   b. Explain the reason of the proposed division layout.
   c. Describe the existing and proposed uses of the property.
   d. Describe the existing and proposed potable water source.
   e. Describe the existing and proposed sewage disposal system.
   f. Describe existing and proposed improvements.
   g. Describe any existing and proposed easements and rights-of-way.
   h. Describe the existing and proposed access to the site.
   i. Describe the current irrigation practices occurring on the site.
   j. Describe the unique physical characteristics of the property, including, but not limited to topography, water bodies, CRP lands, vegetation, floodplains, geohazard areas, MS4 and airport overlay district.
   k. Detail the location of any on-site oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc. Provide the names and addresses of any owner or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc.

9. Water Supply Documentation. A will-serve letter from a water district, association or municipality that demonstrates the district, association or municipality has sufficient capacity and infrastructure to serve the proposed development. Provide evidence of existing potable water source (water bill or well permit) on the property, if applicable.

10. Sewage Disposal Documentation. Provide evidence of existing sewage disposal source (sanitation district bill or septic permit) on the property, if applicable.

11. A Septic Suitability Report shall be prepared in compliance with the requirements of Section 24-3-90 of the Weld County Code.

12. The Rural Land Division Sketch Plan map shall include the following information:
   a. Title, scale, north arrow, township, range, section, quarter section and Lot numbers.
   b. The layout of lots, roads, accesses, and utility easements. Show the width and type of surface of all roads proposed within the Rural Land Division.
   c. Any special flood hazard area, MS4 area, geologic hazard overlay district, or airport overlay districts identified in the Weld County Code.
   d. Existing structures, utility lines, irrigation ditches, streams, lakes, drainageways, cropland, oil and gas production facilities, plugged or abandoned oil and gas wells, railroads and any other structure or feature located within the proposed Rural Land Division.

13. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company. The title commitment shall expire thirty (30) days from preparation.

14. A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject property. The Statement shall be from the current tax year.
15. A Drainage Narrative shall be submitted in accordance with Section 24-3-200.A of the Weld County Code, as amended.

16. A Traffic Narrative shall be submitted in accordance with Section 24-3-220.B of the Weld County Code, as amended.

17. Any other item(s) deemed necessary by the Departments of Planning Services, Public Works and Environmental Health Services.

18. Application fee.

**Sec. 24-6-40. – Sketch Plan Procedure**

A. A Rural Land Division *Sketch Plan* application shall be processed according to the following procedure:

1. The *applicant* shall submit a Rural Land Division *Sketch Plan* application to the Department of Planning Services for review. The *Planner* shall have the responsibility of ensuring that all application submittal requirements are met prior processing the application. Upon determination that the application is complete, the application fee shall be paid.

2. Once the *Sketch Plan* application is deemed complete and the fee paid, the Department of Planning Services shall send the application to relevant referral agencies for review and comment as the *Planner* deems necessary. A list of referral agencies is located in Appendix 23-G of the Weld County Code, as amended. The referral agencies shall be given twenty-one (21) days to respond from the date of notice. The failure of any agency to respond within twenty-one (21) days shall be deemed a response with no concerns. All referral agency review comments are considered recommendations to the County.

3. The *Planner* will prepare a Staff Report within sixty (60) days of receipt of a complete application. The Staff Report shall contain a review of the *Sketch Plan* application and direction on how to proceed with the Final Plan submittal. The Staff Report shall address all aspects of the application, including but not limited to referral agency comments and compliance with the regulations contained in the Weld County Code, as amended.

4. The Department of Planning Services will provide an opinion if the application has demonstrated compliance with the Overview and Standards per Sections 24-6-10 and 24-6-20 of the Weld County Code, as amended.

5. No plan or resolution is recorded as part of the *Sketch Plan* procedure.

6. The *applicant* may withdraw the application at any point in this process. Withdrawal requests shall be submitted in writing to the Departments of Planning Services and shall be signed by the property owners.

**Sec. 24-6-50. – Final Plan Submittal Requirements**

A. Prior to submitting a Rural Land Division Final Plan application, the *applicant* shall submit the following items to the Department of Planning Services:

1. A contractual guarantee from the *public water* provider to serve the proposed Rural Land Division. The agreement shall demonstrate that the water quality and quantity are sufficient to meet the requirements of the uses within the Rural Land Division. Documentation shall address the primary conditions of service including payment of tap fees, extension of pipelines and other water service facilities, dedication of water rights, et cetera, per the requirements detailed in C.R.S 29-20-304. The agreement and supplemental documentation shall be reviewed and accepted by the Weld County Attorney’s Office prior to acceptance of the Final Plan application.

2. A contractual guarantee from the public sanitation provider to serve the proposed Rural Land Division, if applicable. The agreement and supplemental documentation shall be reviewed and accepted by the Weld County Attorney’s Office prior to acceptance of the Final Plan application.
3. Written correspondence between the applicant and referral agencies addressing the comments and concerns detailed in the Sketch Plan Staff Report. Correspondence shall be submitted for all referral agencies, including those that did not respond to the Sketch Plan Staff Report proposal.

4. A statement that addresses any potential non-compliance with the Weld County Code, as amended, as identified in the Sketch Plan Staff Report with an explanation of how the issues will be addressed or resolved. Major changes from a reviewed Sketch Plan may require a resubmittal of a new Sketch Plan for the site. The Department of Planning Services is responsible for determining whether a major change exists. When more than one (1) year has elapsed since the signed Sketch Plan Staff Report, a resubmittal of a new Sketch Plan for the site may be required prior to submittal of the Final Plan application.

5. Written correspondence between the applicant and representative of the area utility service providers which demonstrates that there are adequate utility provisions available to serve the development.

6. A Surface Use Agreement with mineral owners associated with the subject property, if applicable. Such agreement shall stipulate that the oil and gas activities and hard rock minerals on the subject property have been adequately incorporated into the design of the site. Alternatively, the applicant shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the mineral owners on the subject property.

B. Prior to submitting a Rural Land Division Final Plan application, the applicant shall submit a Pre-Application Request Form and meet with the Department of Planning Services to discuss the proposal. Following the Pre-Application meeting and acceptance of the items detailed in Section 24-6-50.A of the Weld County Code, as amended, the applicant may submit a complete Rural Land Division Final Plan application electronically. The following application items are required:

1. Application Form.
2. Authorization Form, if applicable.
3. Deed identifying the surface estate ownership in the property and relevant lease documents.
4. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.
5. Trustee documents if the owner is a Trust.
6. Planning Questionnaire, including but not limited to:
   a. Explain the reason for the Rural Land Division request.
   b. Explain the reason of the proposed division layout.
   c. Describe the existing and proposed uses of the property.
   d. Describe the existing and proposed potable water source.
   e. Describe the existing and proposed sewage disposal system.
   f. Describe existing and proposed improvements.
   g. Describe any existing and proposed easements and rights-of-way.
   h. Describe the existing and proposed access to the site.
   i. Describe the current irrigation practices occurring on the site.
j. Describe the unique physical characteristics of the property, including, but not limited to, topography, water bodies, CRP lands, floodplains, geohazard areas, MS4 and airport overlay district.

k. Detail the location of any on-site oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, et cetera. Provide the names and addresses of any owner or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, et cetera.

7. Any irrigation ditches, pipelines, overhead lines and/or railroad crossing or easement agreements, if applicable.

8. Draft Final Plan land survey plat prepared according to the plat requirements per Section 24-6-70 of the Weld County Code, as amended.

9. A signed buffer report and affidavit of the names, addresses and parcel numbers of the surrounding property owners within five hundred (500) feet of the property. The buffer report shall expire thirty (30) days from preparation.

10. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company. The title commitment shall expire thirty (30) days from preparation.

11. A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject property. The Statement shall be from the current tax year.

12. If a community meeting is held, provide a sign-in sheet, minutes, and summary.

13. A Final Drainage Report per Section 24-3-200.C of the Weld County Code, as amended, if required.

14. A Traffic Impact Study per Section 24-3-220.C, of the Weld County Code, as amended, if required.

15. An Improvements/Road Maintenance Agreement may be required.

16. Any other item(s) deemed necessary by the Departments of Planning Services, Public Works and Environmental Health Services.

17. Application fee.

Sec. 24-6-60. – Final Plan Procedure

A. The Rural Land Division Final Plan application shall be processed according to the following procedure:

1. The applicant shall address the concerns and conditions in the Sketch Plan Staff Report in writing. Evidence of such shall be submitted to the Department of Planning Services for review.

2. Once the Sketch Plan concerns and conditions have been addressed, the applicant shall submit a Final Plan application to the Department of Planning Services for review. The Planner shall have the responsibility of ensuring that all application submittal requirements are met prior processing the application. Upon determination that the Final Plan application is complete, the application fee shall be paid.

3. Once the Final Plan application is deemed complete and the fee paid, the Department of Planning Services shall send the application to relevant referral agencies for review and comment as the Planner deems necessary. A list of referral agencies is located in Appendix 23-G of the Weld County Code. The referral agencies shall be given twenty-eight (28) days to respond from the date of notice. The Department of Planning Services shall also send notice of the application to surrounding property owners within five hundred (500) feet of the subject Rural Land Division. The failure of any agency or surrounding property owner to respond within twenty-eight (28) days may be deemed a response with no concerns. All referral agency review comments are considered recommendations to the County. The authority and responsibility for approval and denial of a Rural Land Division Final Plan application rests with the County.
4. In the event the application includes a drainage and/or utility easement which deviates from Subdivision Design Standards for easements per Section 24-3-60 of the Weld County Code, the Department of Planning Services shall schedule the Rural Land Division Final Plan utility design on the first available Utilities Coordinating Advisory Committee meeting prior to the Board of County Commissioners hearing. No Utilities Coordinating Advisory Committee is required if the proposal adheres to the easement standard criteria. The Planner may schedule a Utilities Coordinating Advisory Committee if deemed necessary.

5. The Planner will prepare a Staff Report within sixty (60) days of receipt of a complete Final Plan application. The Staff Report shall contain a recommendation for approval or denial. The Staff Report shall address all aspects of the application, including but not limited to referral agency and surrounding property owner comments and the regulations contained in the Weld County Code. The Department of Planning Services will review the application and determine if the applicant has demonstrated compliance with the Overview and Standards per Sections 24-6-10 and 24-6-20 of the Weld County Code.

6. The Planner shall schedule the Planning Commission and the Board of County Commissioners public hearings. Legal notice and posting of both hearings may be concurrent.

7. The applicant shall provide notice to any mineral estate interests as required by Section 24-65.5-103(3), C.R.S. Notification of Mineral Interest Owners and Lessees must occur at least thirty (30) days prior to the initial public hearing. Certification of such notice shall be submitted before the date of the initial public hearing, per Section 24-65.5-103(1), C.R.S.

8. Sign posting, legal publication, and surrounding property owner notification shall be required prior to the Planning Commission hearing.
   a. The Planner shall post a sign with case information on the property under consideration for the Rural Land Division. The sign shall be posted adjacent to, and visible from, a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign shall be posted where a driveway (access drive) intersects a publicly maintained road right-of-way. The Department of Planning Services shall certify that the sign has been posted the ten (10) days preceding the hearing date, evidenced with an affidavit and photograph.
   b. The Department of Planning Services shall arrange for legal notice of the Planning Commission hearing to be published in the newspaper designated by the Board for publication of notices. The date of publication shall be at least ten (10) days prior to the hearing.
   c. The Department of Planning Services shall give notice of the Rural Land Division and the public hearing dates to those persons listed in the application as owners of property located within five hundred (500) feet of the Rural Land Division. Such notification shall be mailed, first-class, not less than ten (10) days before the scheduled public hearing. Inadvertent errors by the applicant in supplying such list, or the Department of Planning Services in sending such notice, shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.
   d. Prior to the Planning Commission hearing, the Department of Planning Services shall draft a Planning Commission Resolution setting forth the recommendation to the Board of County Commissioners. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board.

9. At the public hearing, the Planning Commission shall consider the Rural Land Division application and provide a recommendation to the Board of County Commissioners. The recommendation shall consider the recommendation of the Planning Staff, referral agency responses, the application case file and facts presented at the public hearing. The Planning Commission shall recommend approval
of the Rural Land Division application unless it finds that the applicant has not met one (1) or more of the Overview and Standards per Sections 24-6-10 and 24-6-20 of the Weld County Code.

10. The Department of Planning Services shall forward the Planning Commission Resolution to the Clerk to the Board within ten (10) days from the Planning Commission hearing.

11. Prior to the Board of County Commissioners hearing, legal publication, and surrounding property owner notification shall be required:
   a. Prior to the Board of County Commissioners hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination of the Board of County Commissioners. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board.

12. At the public hearing, the Board of County Commissioners shall consider the Rural Land Division application and take final action thereon. The Board of County Commissioners’ decision shall consider the recommendation of the Planning Staff, referral agency responses, the application case file and facts presented at the public hearing. The Board of County Commissioners shall approve the Rural Land Division application unless it finds that the applicant has not met one (1) or more of the Overview and Standards per Sections 24-6-10 and 24-6-20 of the Weld County Code.
   a. If the Rural Land Division is denied by the Board of County Commissioners, neither the applicant nor their successors or assigns may apply for a new Rural Land Division for five (5) years, located on any portion of the property contained in the original application.
   b. If the Rural Land Division is conditionally approved by the Board of County Commissioners, the applicant shall address the conditions of approval enumerated in the Resolution. The revised draft land survey plat shall be submitted to the Department of Planning Services for review by Planning and Public Works staff.

13. Upon completion of the conditions of approval and acceptance of the plat, the plat may be submitted for recording with the recording fee to the Planner. The plat shall be signed and notarized by the property owners and the Board of County Commissioners chairman.

14. The Department of Planning Services shall submit the plat to the Weld County Clerk and Recorder for recording.

15. The Rural Land Division is approved and binding the date the plat is recorded with the Weld County Clerk and Recorder.

16. No building permits shall be issued, and no development shall commence until the Rural Land Division Final Plat is approved and recorded in the Weld County Clerk and Recorder’s Office and the improvements be constructed per the terms of the Improvements Agreement.

17. The applicant may withdraw the application at any point in this process. Withdrawal requests shall be submitted in writing to the Departments of Planning Services and shall be signed by the property owners.

Sec. 24-6-70. – Final Plat Requirements

A. The Rural Land Division revised draft plat shall be submitted once an application is approved. The applicant shall electronically submit the draft plat in PDF format to the Department of Planning Services for Planning and Public Works review. Planning staff will send the draft plat back to the applicant with redline comments to be incorporated in the revised plat. There may be subsequent rounds of review. Upon approval of the draft plat and completion of the conditions of approval, the applicant shall submit the signed and notarized approved plat to the Department of Planning Services. The approved plat shall be recorded in the Office of the Weld County Clerk and Recorder by the Department of Planning Services. The approved plat and additional requirements shall be recorded within one hundred eighty (180) days from the date the administrative review was signed. The applicant shall be responsible for paying the recording fee.
B. The Rural Land Division plat shall meet the following requirements:

1. The plat shall be prepared by a registered professional land surveyor in the State of Colorado.

2. The plat shall be delineated in permanent black ink on a dimensionally stable polyester sheet such as Mylar. The size of each shall be twenty-four (24) inches in height by thirty-six (36) inches in width, unless otherwise approved by Planning Staff.

3. The plat shall contain north arrows and scales. The drawing shall be at a scale of one (1) inch equals one hundred (100) feet or (1) inch equals two hundred (200) feet. Vicinity maps shall be at a minimum scale of (1) inch equals two thousand (2,000) feet. The font shall not be less than ten (10) point in size. Plats drawn to other scales must be approved in writing by Planning Staff.

4. The plat shall be titled as “Rural Land Division” followed by the assigned case number.

5. The Rural Land Division lots shall be designated in ascending numerical order, on the plat and legal description.

6. If lots surrounding the Rural Land Division are not involved in the subject Rural Land Division, they shall be labeled “Not a Part”.

7. The plat shall include a complete and accurate legal description of the parent parcel and the lots being created.

8. The plat shall bear the certifications shown in Appendix 24-B to this Chapter.

9. The plat shall contain the original signatures and seals in permanent ink.

10. The plat shall delineate the location of all existing and proposed driveways and accesses associated with the Rural Land Division.

11. The plat shall include the names of any existing roads or highways abutting the proposed Rural Land Division property.

12. The plat shall include the roadway right-of-way adjacent to the parcel as well as the physical location of the roadway.

13. The plat shall delineate all existing and future easements or rights-of-way located on the Rural Land Division property.

14. The plat shall show all unique physical characteristics of the Rural Land Division property, including, but not limited to, irrigation canals and waterbodies, floodplains and geohazard areas.

15. The plat shall include a vicinity map. The vicinity map shall locate the Rural Land Division lots with respect to adjacent roads, municipal limits, ditches, railroads, et cetera. Show and label the subject section and dashed quarter section lines.

16. The plat shall show the location and setback radii of any active, shut-in or plugged and abandoned oil and gas wells and tank batteries.

17. All work shall comply with the requirements of Sections 38-50-101 and 38-51-101, et. seq., C.R.S.

18. All work shall comply with the requirements of the Bylaws and Rules of Procedure of the State Board of Registration for Professional Engineers and Professional Land Surveyors and the Rules of Professional Conduct of the State Board of Registration for Professional Engineers and Professional Land Surveyors - Board Policy Statement.
A. **Failure to Record** - If the Rural Land Division plat has not been recorded within one hundred eighty (180) days from the date of approval by the Board of County Commissioners, or if an applicant is unable to meet any of the conditions within one hundred eighty (180) days of approval, the Director of Planning Services may grant an extension for a period not to exceed one (1) year, for good cause shown, upon a written request by the applicant. If the applicant is unwilling to meet any of the conditions of approval or the extension expires, the application will be forwarded to the Board of County Commissioners for reconsideration. The entire application may be considered for denial by the Board of County Commissioners. Alternatively, the Board of County Commissioners may consider upholding, modifying or removing the contested conditions of approval.

B. **Failure to Comply** - The property owner shall comply with the recorded plat notes and lot configuration. Noncompliance will result in withholding Weld County permits.

C. **Failure to Construct** - If no construction has begun in the Rural Land Division within three (3) years of the date of the approval of the Rural Land Division Final Plan, the Department of Planning Services may require the property owner to appear before the Board of County Commissioners and present evidence substantiating that the Final Plan has not been abandoned and that the applicant possesses the willingness and ability to continue the Rural Land Division. The Board of County Commissioners may extend the date for initiation of the Rural Land Division construction and shall periodically require the applicant to demonstrate that the Rural Land Division has not been abandoned. If the Board of County Commissioners determines that conditions supporting the original approval of the Rural Land Division Final Plat have changed or that the property owner cannot implement the Rural Land Division Final Plat, the Board of County Commissioners may, after a public hearing, revoke the Rural Land Division Final Plat and order the recorded Rural Land Division vacated.

D. The Board of County Commissioners shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a plat for such subdivided land has been approved and recorded per Section 30-28-110(4), C.R.S.

**Sec. 24-6-90. – Amendment**

A. The **Resubdivision** process shall be followed when proposing changes to a recorded Rural Land Division plat as described in Article VI of Chapter 24 of the Weld County Code, as amended. A new **Resubdivision** application shall be submitted for all changes besides those changes described as Corrections per Section 24-6-100 of the Weld County Code.

B. Amendments for modifying or removing easements or building and septic envelopes are considered minor modifications. The Department of Planning Services may approve a minor modification without a new application. The applicant shall submit a revised draft plat, conforming to **Resubdivision** plat requirements per Section 24-6-70 of the Weld County Code, as amended, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee. A minor modification shall not affect other lots within the subdivision and shall adhere to the nature of the subdivision.

**Sec. 24-6-100. – Correction**

A. The Board of County Commissioners or Planning Director may approve a correction without a hearing or compliance with any of the submission or review requirements of Chapter 24 of the Weld County Code, as amended. The correction shall only address technical errors where such correction is consistent with the approved Rural Land Division. Technical errors include, but are not limited to, correcting scrivener errors and correcting surveyor errors as long as the correction is consistent with the original intent of the approved Rural Land Division.

B. The applicant shall submit a corrected draft plat, conforming to Rural Land Division Final Plat requirements per Section 24-6-70 of the Weld County Code, as amended, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.
Sec. 24-6-110. – Vacation

A. A property owner may request a complete vacation of an existing Rural Land Division. The vacation request shall be submitted in writing to the Department of Planning Services and shall be signed by all the owners of the subject lots to be vacated. The vacation request letter shall describe the purpose of the vacation, any existing improvements and any easements or rights-of-way that may be affected. The property owners shall provide the existing plat and a draft land survey plat showing the vacation described by a metes and bounds or aliquot legal description or the previous legal description of the plat.

B. Vacations must include all lots created by the initial and subsequent plat. No plat may be vacated in part.

C. The vacation request may be processed without any of the submittal, referral or review requirements of Chapter 24 of the Weld County Code, as amended. No sign posting, legal publication, or surrounding property owner notification shall be required.

D. Upon receipt of the vacation request letter, the Planner will prepare a memorandum summarizing the vacation request to be forwarded to the Clerk to the Board. Rural Land Division plat vacations will be placed on the Board of County Commissioners Consent Agenda unless otherwise requested by the Board of County Commissioners to be presented in a public hearing.

E. If a hearing is scheduled, all property owners affected by the vacation shall be notified of the hearing date, time and location via Certified Mail, sent by the Clerk to the Board, at least ten (10) days prior to the hearing.

F. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination that the Rural Land Division plat is vacated. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

G. In the event any easement is included in the vacation, the resolution may be conditioned that the applicant provide evidence that the interests of the easement grantees are protected.

H. In the event any right-of-way is included in the vacation, the resolution may be conditioned that the applicant shall submit a separate vacation of right-of-way petition to the Clerk to the Board.

I. If the vacation request is approved by the Board of County Commissioners, the land survey plat shall be submitted to the Department of Planning Services for recording with the recording fee and shall be signed by the property owners and the Board of County Commissioners. The vacation is in effect the date of recordation of the land survey plat with the Weld County Clerk and Recorder.

J. Vacation of a Rural Land Division shall comply with all Zoning and Subdivision regulations per Chapter 23 and 24 of the Weld County Code, as amended.

ARTICLE VII – FAMILY FARM DIVISION

Sec. 24-7-10. – Overview

A. The Family Farm Division is a one-time-only land division for the purpose of creating a permanent, legal lot for the benefit of family members or farm employees related to the operation of the on-site, active family farm or ranch. A family farm or ranch is one in which ownership and control of the operation is held by a family of individuals related by blood, marriage, or adoption.

B. The Family Farm Division shall complement the existing, active family farm or ranch layout and may be utilized on properties that contain or are contiguous to the existing family-farm residential improvements.

C. The Family Farm Division seeks to support the agricultural heritage and families of Weld County by accounting for the ever-changing dynamics among farming practices, technologies, and agribusiness structure, while preserving the integrity of individualized farm ownership and management.
D. Lots which are part of a Historic Townsite or any recorded Planned Unit Development, major or minor Subdivision, Family Farm Division, Resubdivision or Recorded Exemption lots less than seventy (70) acres shall not be divided by a Family Farm Division.

E. The Family Farm Division shall adhere to Chapter 22 and 23 of the Weld County Code and to the General Provisions and Conformance Standards per Chapter 24, Articles I and II of the Weld County Code, as amended.

F. The Board of County Commissioners hereby determines that the Family Farm Division process is not within the purposes of Article 28 of Title 30, C.R.S. Pursuant to Subsection 30-28-101(10)(d), C.R.S., and therefore, is exempt from the definition of subdivision or subdivided land and from following the subdivision procedures and requirements set forth in this Chapter. However, the land divisions shall follow the procedures and requirements set forth in this Article.

Sec. 24-7-20. – Standards

A. The Family Farm Division (FFD) is a land division process used to divide a parcel into two (2) separate lots and is subject to the following criteria.

1. The property to be divided by the proposed Family Farm Division shall be comprised of a legal lot.

2. At least one of the family members operating the active family farm or ranch shall live on the subject property or on a contiguous property.

3. The minimum parcel size of the land to be divided shall be:
   a. Seventy (70) acres or greater;
   b. A half-quarter section;
   c. Or less than seventy (70) acres, defined by a metes and bounds legal description but under the same ownership of the contiguous family farm or ranch parcel or parcels which total at least seventy (70) acres. Entire parcels must be included in the acreage calculation. Additional contiguous parcels which exceed the requisite seventy (70) acres are not included in the calculation for eligibility.
   d. Approved Recorded Exemption lots that are greater than seventy (70) acres.

4. The smaller lot of the Family Farm Division shall not be less than one (1) acre in size if served by a public-water source or two and one-half (2.5) acres if served by a water well.

5. The smaller lot of the Family Farm Division shall not be greater than three (3) acres in size.

6. Any larger lot of the Family Farm Division shall be at least thirty-five (35) acres in size.

7. All lots of the Family Farm Division shall be served by a separate on-site wastewater treatment system (OWTS).

8. Only one Family Farm Division shall be permitted on an eligible tract of land. Parcels previously divided by a Family Farm Division are not eligible for an additional Family Farm Division.

9. Access shall meet all safety criteria as outlined in Chapter 8, Article XIV of the Weld County Code, as amended. When feasible, access between the Family Farm Division lots should be shared to minimize conflict points along the Weld County maintained roadway. If a shared access is proposed, a separate recorded access and utility easement agreement addressing maintenance shall be submitted.

10. The Family Farm Division may only be permitted in the A (Agricultural) Zone District included in Chapter 23, Article III, Division I of the Weld County Code, as amended.
11. Family Farm Division lot lines may be amended utilizing the Lot Line Adjustment procedure as detailed in Article X of Chapter 24, as amended.

Sec. 24-7-30. - Submittal Requirements

A complete Family Farm Division application shall be submitted electronically to the Department of Planning Services and shall include the following:

A. Application Form.

B. Authorization Form, if applicable.

C. Family Farm Affidavit which attests that the Family Farm Division is for the benefit of the family members or farm employees related to the operation of the on-site, active family farm or ranch and that the property under consideration or the contiguous property contains the family-farm residential improvements.

D. Family Farm Division Standards Certification that the application complies with the criteria per Section 24-7-20 of the Weld County Code, as amended.

E. Deed identifying the surface estate ownership in the property and relevant lease documents.

F. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.

G. Trustee documents if the owner is a Trust.

H. Planning Questionnaire, including but not limited to:

1. Explain the reason for the Family Farm Division request.

2. Explain the reason of the proposed division layout.

3. Describe the existing and proposed uses of the property.

4. Describe the existing and proposed potable water source.

5. Describe the existing and proposed sewage disposal system.

6. Describe existing and proposed improvements.

7. Describe any existing and proposed easements and rights-of-way.

8. Describe the existing and proposed access to the site.

9. Describe the current irrigation practices occurring on the site.

10. Describe the unique physical characteristics of the property, including, but not limited to topography, water bodies, CRP lands, vegetation, floodplains, geohazard areas, MS4 and airport overlay district.

11. Detail the location of any on-site oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc. Provide the names and addresses of any owner or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc.

I. Water Supply Documentation. Example: A letter or bill from a water district or municipality, or a well permit from the State Division of Water Resources. Provide a statement if upgrading the water source from agricultural or residential usage to commercial or industrial.

J. Sewage Disposal Documentation. Example: A septic permit or bill from a sanitary sewer district.
K. Draft Family Farm Division land survey plat prepared according to the plat requirements per Section 24-7-50 of the Weld County Code, as amended.

L. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company. The title commitment shall expire thirty (30) days from preparation.

M. A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject property. The Statement shall be from the current tax year.

N. Any other item(s) deemed necessary by the Departments of Planning Services, Public Works and Environmental Health Services.

O. Application fee.

Sec. 24-7-40. – Procedure

A Family Farm Division application shall be processed according to the following procedure:

A. The Board of County Commissioners delegates the authority and responsibility for processing and approving Family Farm Divisions to the Department of Planning Services.

B. The applicant shall submit a Family Farm Division application to the Department of Planning Services for review. The Planner shall have the responsibility of ensuring that all application submittal requirements are met prior processing the application. Upon determination that the application is complete, the application fee shall be paid.

C. Once the application is deemed complete and the fee paid, the Department of Planning Services shall send the application to relevant referral agencies for review and comment as the Planner deems necessary. A list of referral agencies is located in Appendix 23-G of the Weld County Code. The referral agencies shall be given twenty-one (21) days to respond from the date of notice. The failure of any agency to respond within twenty-one (21) days may be deemed a response with no concerns. All referral agency review comments are considered recommendations to the County. The authority and responsibility for approval and denial of a Family Farm Division application rests with the County.

D. The Planner will prepare a Staff Report within sixty (60) days of receipt of a complete application. The Staff Report shall contain a recommendation for approval or denial. The Staff Report shall address all aspects of the application, including but not limited to referral agency comments and the regulations contained in the Weld County Code.

E. The Department of Planning Services may administratively approve the application if the applicant has demonstrated compliance with the Overview and Standards per Sections 24-7-10 and 24-7-20 of the Weld County Code.

F. If the Department of Planning Services reviews the application and determines the applicant has not met one (1) or more of the Overview and Standards per Sections 24-7-10 and 24-7-20 of the Weld County Code, the Planner shall prepare the Staff Report with recommendation of denial and a hearing shall be scheduled before the Board of County Commissioners.

G. If recommended for denial, the Board of County Commissioners shall hold a public hearing to consider the Family Farm Division application and to take final action thereon. No sign posting, legal publication, or surrounding property owner notification shall be required for the hearing.

1. The Board of County Commissioners' decision shall consider the recommendation of the Planning Staff, referral agency responses, the application case file and facts presented at the public hearing. The Board of County Commissioners shall approve the Family Farm Division application unless it finds that the applicant has not met one (1) or more of the Overview and Standards per Sections 24-7-10 and 24-7-20 of the Weld County Code.

2. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination of the Board of County Commissioners. Record of such action and a copy of the
Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

3. If the Family Farm Division is denied by the Board of County Commissioners, neither the applicant nor their successors or assigns may apply for a new Family Farm Division for five (5) years, located on any portion of the property contained in the original application.

H. If the Family Farm Division is approved by either the Department of Planning Services or the Board of County Commissioners, the applicant shall address the conditions of approval enumerated in the staff report or Resolution. The revised draft land survey plat shall be submitted to the Department of Planning Services for review by Planning and Public Works staff.

I. Upon completion of the conditions of approval and acceptance of the plat, the plat may be submitted for recording with the recording fee to the planner. The plat shall be signed and notarized by the property owners. If approved by the Department of Planning Services, the Planning Director shall sign the plat. If approved by the Board of County Commissioners, the Chair of the Board shall sign the plat.

J. The Department of Planning Services shall submit the plat to the Weld County Clerk and Recorder for recording.

K. The Family Farm Division is approved and binding the date the plat is recorded with the Weld County Clerk and Recorder.

L. The applicant may withdraw the application at any point in this process. Withdrawal requests shall be submitted in writing to the Departments of Planning Services and shall be signed by the property owners.

Sec. 24-7-50. - Plat Requirements

The Family Farm Division revised draft plat shall be submitted once an application is approved. The applicant shall electronically submit the draft plat in PDF format to the Department of Planning Services for Planning and Public Works review. Planning staff will send the draft plat back to the applicant with redline comments to be incorporated in the revised plat. There may be subsequent rounds of review. Upon approval of the draft plat and completion of the conditions of approval, the applicant shall submit the signed and notarized approved plat to the Department of Planning Services. The approved plat shall be recorded in the Office of the Weld County Clerk and Recorder by the Department of Planning Services. The approved plat and additional requirements shall be recorded within one hundred twenty (120) days from the date the administrative review was signed. The applicant shall be responsible for paying the recording fee.

The Family Farm Division plat shall meet the following requirements:

A. The plat shall be prepared by a registered professional land surveyor in the State of Colorado.

B. The plat shall be delineated in permanent black ink on a dimensionally stable polyester sheet such as Mylar. The size of each shall be twenty-four (24) inches in height by thirty-six (36) inches in width.

C. The plat shall contain north arrows and scales. The drawing shall be at a scale of one (1) inch equals one hundred (100) feet or (1) inch equals two hundred (200) feet. Vicinity maps shall be at a minimum scale of (1) inch equals two thousand (2,000) feet. The font shall not be less than ten (10) point in size. Maps drawn to other scales must be approved in writing by Planning Staff.

D. The plat shall be titled as “Family Farm Division” followed by the assigned case number.

E. The plat shall include a complete and accurate legal description of the parent parcel and the lots being created.

F. The plat shall bear the certifications shown in Appendix 24-C to this Chapter.

G. The plat shall contain the original signatures and seals in permanent ink.
H. The plat shall contain a list of the history of land divisions and amendments, which resulted in the parent parcel. Reference previous land divisions by case number, reception number and recording date or deed.

I. The plat shall delineate the location of all existing and proposed driveways and accesses associated with the Family Farm Division.

J. The plat shall include the names of any existing roads or highways abutting the proposed Family Farm Division property.

K. The plat shall include the roadway right-of-way adjacent to the parcel as well as the physical location of the roadway.

L. The plat shall delineate all existing and future easements or rights-of-way located on the Family Farm Division property.

M. The plat shall show all unique physical characteristics of the Family Farm Division property, including, but not limited to, irrigation canals and waterbodies, floodplains and geohazard areas.

N. The plat shall include a vicinity map. The vicinity map shall locate the Family Farm Division lots with respect to adjacent roads, municipal limits, ditches, railroads. Show and label the subject section and dashed quarter section lines.

O. The plat shall show the location and setback radii of any active, shut-in or plugged or abandoned oil and gas wells and tank batteries.

P. Lots shall be designated in alphabetical order on the plat and legal description from smallest to largest based on Lot size.

Q. All work shall comply with the requirements of Sections 38-50-101 and 38-51-101 et. seq., C.R.S.

R. All work shall comply with the requirements of the Bylaws and Rules of Procedure of the State Board of Registration for Professional Engineers and Professional Land Surveyors and the Rules of Professional Conduct of the State Board of Registration for Professional Engineers and Professional Land Surveyors - Board Policy Statement.

Sec. 24-7-60. – Enforcement

A. If the Family Farm Division plat has not been recorded within one hundred twenty (120) days from the date the Staff Report was administratively signed or the date of approval by the Board of County Commissioners, or if an applicant is unable to meet any of the conditions within one hundred twenty (120) days of approval, the Director of Planning Services may grant an extension for a period not to exceed one (1) year, for good cause shown, upon a written request by the applicant. If the applicant is unwilling to meet any of the conditions of approval or the extension expires, the application will be forwarded to the Board of County Commissioners for reconsideration. The entire application may be considered for denial by the Board of County Commissioners. Alternatively, the Board of County Commissioners may consider upholding, modifying or removing the contested conditions of approval.

B. The property owner shall comply with the recorded plat notes and lot configuration. Noncompliance may result in locking of the lots and withholding Weld County permits as described in Article XV of this chapter.

C. The Board of County Commissioners shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a plat for such subdivided land has been approved and recorded per Section 30-28-110(4), C.R.S.

Sec. 24-7-70. – Amendment

A. The Lot Line Adjustment process shall be followed when proposing changes to a recorded Family Farm Division plat as described in Article X of Chapter 24 of the Weld County Code, as amended. A new Lot
A. The Planner may approve a correction to a Family Farm Division without a hearing or compliance with any of the submission, referral or review requirements of Chapter 24. The correction shall only address technical errors where such correction is consistent with the approved Family Farm Division. Technical errors include, but are not limited to, correcting scrivener errors and correcting surveyor errors as long as the correction is consistent with the original intent of the approved Family Farm Division.

B. The applicant shall submit a corrected draft plat, conforming to Family Farm Division plat requirements per Section 24-7-50 of the Weld County Code, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

Sec. 24-7-90. – Vacation

A. A property owner may request a complete vacation of an existing Family Farm Division. The vacation request shall be submitted in writing to the Department of Planning Services and shall be signed by all the owners of the subject lots to be vacated. The vacation request letter shall describe the purpose of the vacation, any existing improvements and any easements or rights-of-way that may be affected. The property owners shall provide the existing plat and a draft land survey plat showing the vacation described by a metes and bounds or aliquot legal description.

B. Vacations must include all lots created by the initial and subsequent Family Farm Division. No Family Farm Division may be vacated in part.

C. The vacation request may be processed without any of the submission, referral or review requirements of Chapter 24. No sign posting, legal publication, or surrounding property owner notification shall be required.

D. Upon receipt of the vacation request letter, the Planner will prepare a memorandum summarizing the vacation request to be forwarded to the Clerk to the Board. Family Farm Division vacations will be placed on the Board of County Commissioners Consent Agenda unless otherwise requested by the Board of County Commissioners to be presented in a public hearing.

E. If a hearing is scheduled, all property owners affected by the vacation shall be notified of the hearing date, time and location via Certified Mail, sent by the Clerk to the Board, at least ten (10) days prior to the hearing.

F. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination that Family Farm Division is vacated. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

G. In the event any easement is included in the vacation, the resolution may be conditioned that the applicant provide evidence that the interests of the easement grantees are protected.

H. If the vacation request is approved by the Board of County Commissioners, the land survey plat shall be submitted to the Department of Planning Services for recording with the recording fee and shall be signed by the property owners and the Board of County Commissioners. The vacation is in effect the date of recordation of the land survey plat with the Weld County Clerk and Recorder.
I. Vacation of a Family Farm Division shall comply with all current Zoning and Subdivision regulations per Chapter 23 and 24 of the Weld County Code, as amended.

ARTICLE VIII – PUBLIC FACILITY DIVISION

Sec. 24-8-10. – Overview

The Public Facility Division shall be for the purpose of creating a permanent, legal lot for utilities and infrastructure including, but not limited to, public telecommunication towers used for emergency dispatch, regional communications and public safety, water tanks and towers, fiber optic installations, electric substations, school districts, sanitation districts, fire districts and law enforcement agencies. The Public Facility Division shall apply only to facilities whose owner is a government agency or public utility provider.

A. Lots which are part of a Historic Townsite or any recorded Planned Unit Development, major or minor Subdivision, Rural Land Division, Family Farm Division, or Resubdivision shall not be divided by a Public Facility Division.

B. The Lot Line Adjustment process shall be followed when proposing changes to a recorded Public Facility Division plat as described in Article X of Chapter 24.

C. The Public Facility Division shall adhere to Chapter 22 and 23 of the Weld County Code and to the General Provisions and Conformance Standards per Chapter 24, Articles I and II of the Weld County Code, as amended.

D. The Board of County Commissioners hereby determines that the Public Facility Division process is not within the purposes of Article 28 of Title 30, C.R.S. Pursuant to Subsection 30-28-101(10)(d), C.R.S., and therefore is exempt from the definition of subdivision or subdivided land and from following the subdivision procedures and requirements set forth in this Chapter. However, the land divisions shall follow the procedures and requirements set forth in this Article.

Sec. 24-8-20. – Standards

A. The Public Facility Division is a land division process used to divide a parcel into two (2) separate lots and is subject to the following criteria.

1. The property to be divided by the proposed Public Facility Division shall be comprised of a legal lot.

2. One of the two resultant lots from the Public Facility Division must be less than thirty-five (35) acres gross in size.

3. If the Public Facility Division Lot will contain an unmanned facility, there is no minimum lot size and the lot shall not be permitted for water or sewer services.

4. If the Public Facility Division Lot will contain a manned facility, the lot shall not be less than one (1) acre in size if served by a public-water source or two and one-half (2.5) acres if served by a water well.

5. If the Public Facility Division Lot will contain a manned facility, the lot shall be served by an adequate sewage disposal source.

6. The remaining parcel that the Public Facility Division Lot was exempted from must be at least one (1) acre net if served by a public water source and two and one-half (2.5) acres net if served by a permitted water well.

7. The lot which contains the public facility shall not be further divided by land division process as described in Chapter 24.
8. The lot which does not contain the public facility may be considered as land eligible for future land division utilizing the Planned Unit Development, Minor Subdivision, Rural Land Division or Public Facility Division processes.

9. Access shall meet all safety criteria as outlined in Chapter 8, Article XIV of the Weld County Code, as amended. When feasible, access between the Public Facility Division lots should be shared to minimize conflict points along the Weld County maintained roadway. If a shared access is proposed, a separate recorded access and utility easement agreement addressing maintenance shall be submitted.

10. A Public Facility Division may be permitted in any Zone District included in Chapter 23, Article III of the Weld County Code, as amended.

11. Public Facility Divisions lot lines may be amended utilizing the Lot Line Adjustment procedure as detailed in Article X of Chapter 24, as amended.

12. No Planning or Building permits shall be issued for any improvements on the lot which contains the public facility, except for permits related to the public facility.

Sec. 24-8-30. - Submittal Requirements

A complete Public Facility Division application shall be submitted electronically to the Department of Planning Services and shall include the following:

A. Application Form.

B. Authorization Form, if applicable.

C. Public Facility Affidavit which attests that the Public Facility Division is for public facilities, utilities or infrastructure owned by a governmental, public or quasi-public entity.

D. Public Facility Division Standards Certification that the application complies with the criteria per Section 24-8-20 of the Weld County Code, as amended.

E. Deed identifying the surface estate ownership interest in the property and relevant lease documents.

F. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.

G. Trustee documents if the owner is a Trust.

H. Planning Questionnaire, including but not limited to:

1. Explain the reason for the Public Facility Division request.

2. Explain any associated land use permit for the proposed public facility.

3. Explain the reason of the proposed division layout.

4. Describe the existing and proposed uses of the property.

5. Describe the existing and proposed potable water source, if applicable.

6. Describe the existing and proposed sewage disposal system, if applicable.

7. Describe existing and proposed improvements.

8. Describe the existing and proposed access to the site.

9. Describe any existing and proposed easements and rights-of-way.
10. Describe the current irrigation practices occurring on the site.

11. Describe the unique physical characteristics of the property, including, but not limited to topography, water bodies, CRP lands, vegetation, floodplains, geohazard areas, MS4 and airport overlay district.

12. Detail the location of any on-site oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc. Provide the names and addresses of any owner or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc.

I. Water Supply Documentation. Example: A letter or bill from a water district or municipality, or a well permit from the State Division of Water Resources. No water supply documentation is needed if the Public Facility Division Lot will contain an unmanned facility.

J. Sewage Disposal Documentation. Example: A septic permit or bill from a sanitary sewer district. No sewage disposal documentation is needed if the Public Facility Division Lot will contain an unmanned facility.

K. Draft Public Facility Division land survey plat prepared according to the plat requirements per Section 24-8-50 of the Weld County Code, as amended.

L. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company. The title commitment shall expire thirty (30) days from preparation.

M. A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject property. The Statement shall be from the current tax year.

N. Access to the parcel(s) shall meet all safety criteria as outlined in Chapter 8, Article XIV of the Weld County Code.

O. A Preliminary Drainage Report per Section 24-3-200.B of the Weld County Code, as amended, if required. Larger facilities may be required to complete on-site detention.

P. A Traffic Narrative shall be submitted in accordance with Section 24-3-220.B of the Weld County Code, as amended.

Q. An Improvements/Road Maintenance Agreement may be required.

R. Any other item(s) deemed necessary by the Departments of Planning Services, Public Works and Environmental Health Services.

S. Application fee.

Sec. 24-8-40. - Procedure

A Public Facility Division application shall be processed according to the following procedure:

A. The Board of County Commissioners delegates the authority and responsibility for processing and approving Public Facility Divisions to the Department of Planning Services.

B. The applicant shall submit a Public Facility Division application to the Department of Planning Services for review. The Planner shall have the responsibility of ensuring that all application submittal requirements are met prior processing the application. Upon determination that the application is complete, the application fee shall be paid.

C. Once the application is deemed complete and the fee paid, the Department of Planning Services shall send the application to relevant referral agencies for review and comment as the Planner deems necessary. A list of referral agencies is located in Appendix 23-G of the Weld County Code. The referral agencies shall be given twenty-one (21) days to respond from the date of notice. The failure of any agency to respond within twenty-one (21) days may be deemed a response with no concerns. All referral
agency review comments are considered recommendations to the County. The authority and responsibility for approval and denial of a Public Facility Division application rests with the County.

D. The Planner will prepare a Staff Report within sixty (60) days of receipt of a complete application. The Staff Report shall contain a recommendation for approval or denial. The Staff Report shall address all aspects of the application, including but not limited to referral agency comments and the regulations contained in the Weld County Code.

E. The Department of Planning Services may administratively approve the application if the applicant has demonstrated compliance with the Overview and Standards per Sections 24-8-10 and 24-8-20 of the Weld County Code.

F. If the Department of Planning Services reviews the application and determines the applicant has not met one (1) or more of the Overview and Standards per Sections 24-8-10 and 24-8-20 of the Weld County Code, the Planner shall prepare the Staff Report with recommendation of denial and a hearing shall be scheduled before the Board of County Commissioners.

G. If recommended for denial, the Board of County Commissioners shall hold a public hearing to consider the Public Facility Division application and to take final action thereon. No sign posting, legal publication, or surrounding property owner notification shall be required for the hearing.

1. The Board of County Commissioners’ decision shall consider the recommendation of the Planning Staff, referral agency responses, the application case file and facts presented at the public hearing. The Board of County Commissioners shall approve the Public Facility Division application unless it finds that the applicant has not met one (1) or more of the Overview and Standards per Sections 24-8-10 and 24-8-20 of the Weld County Code.

2. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination of the Board of County Commissioners. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

3. If the Public Facility Division is denied by the Board of County Commissioners, neither the applicant nor their successors or assigns may apply for a new Public Facility Division for five (5) years, located on any portion of the property contained in the original application.

H. If the Public Facility Division is approved by either the Department of Planning Services or the Board of County Commissioners, the applicant shall address the conditions of approval enumerated in the staff report or Resolution. The revised draft land survey plat shall be submitted to the Department of Planning Services for review by Planning and Public Works staff.

I. Upon completion of the conditions of approval and acceptance of the plat, the plat may be submitted for recording with the recording fee to the Planner. The plat shall be signed and notarized by the property owners. If approved by the Department of Planning Services, the Planning Director shall sign the plat. If approved by the Board of County Commissioners, the Chair of the Board shall sign the plat.

J. The Department of Planning Services shall submit the plat to the Weld County Clerk and Recorder for recording.

K. The Public Facility Division is approved and binding the date the plat is recorded with the Weld County Clerk and Recorder.

L. The applicant may withdraw the application at any point in this process. Withdrawal requests shall be submitted in writing to the Departments of Planning Services and shall be signed by the property owners.

Sec. 24-8-50. – Plat Requirements

The Public Facility Division revised draft plat shall be submitted once an application is approved. The applicant shall electronically submit the draft plat in PDF format to the Department of Planning Services for Planning and Public Works review. Planning staff will send the draft plat back to the applicant with redline
comments to be incorporated in the revised plat. There may be subsequent rounds of review. Upon approval of the draft plat and completion of the conditions of approval, the applicant shall submit the signed and notarized approved plat to the Department of Planning Services. The approved plat shall be recorded in the Office of the Weld County Clerk and Recorder by the Department of Planning Services. The approved plat and additional requirements shall be recorded within one hundred twenty (120) days from the date the administrative review was signed. The applicant shall be responsible for paying the recording fee.

The Public Facility Division plat shall meet the following requirements:

A. The plat shall be prepared by a registered professional land surveyor in the State of Colorado.

B. The plat shall be delineated in permanent black ink on a dimensionally stable polyester sheet such as Mylar. The size of each shall be twenty-four (24) inches in height by thirty-six (36) inches in width.

C. The plat shall contain north arrows and scales. The drawing shall be at a scale of one (1) inch equals one hundred (100) feet or (1) inch equals two hundred (200) feet. Vicinity maps shall be at a minimum scale of (1) inch equals two thousand (2,000) feet. The font shall not be less than ten (10) point in size. Maps drawn to other scales must be approved in writing by Planning Staff.

D. The plat shall be titled as “Public Facility Division” followed by the assigned case number.

E. The plat shall include a complete and accurate legal description of the parent parcel and the lots being created.

F. The plat shall bear the certifications shown in Appendix 24-D to this Chapter.

G. The plat shall contain the original signatures and seals in permanent ink.

H. The plat shall contain a list of the history of land divisions and amendments, which resulted in the parent parcel. Reference previous land divisions by case number, reception number and recording date or deed.

I. The plat shall delineate the location of all existing and proposed driveways and accesses associated with the Public Facility Division.

J. The plat shall include the names of any existing roads or highways abutting the proposed Public Facility Division property.

K. The plat shall include the roadway right-of-way adjacent to the parcel as well as the physical location of the roadway.

L. The plat shall delineate all existing and future easements or rights-of-way located on the Public Facility Division property.

M. The plat shall show all unique physical characteristics of the Public Facility Division property, including, but not limited to, irrigation canals and waterbodies, floodplains and geohazard areas.

N. The plat shall include a vicinity map. The vicinity map shall locate the Public Facility Division lots with respect to adjacent roads, municipal limits, ditches, railroads. Show and label the subject section and dashed quarter section lines.

O. The plat shall show the location and setback radii of any active, shut-in or plugged or abandoned oil and gas wells and tank batteries.

P. The Lot to be utilized by the public facility shall be designated as “PFD Lot” on the plat map and legal description.

Q. The remaining parcel shall be shown and surveyed on the plat map if the parent parcel is a recorded or subdivision exemption lot or if the remaining parcel is less than thirty-five (35) acres gross and shall be designated as “Remainder Lot” or as otherwise designated by the Department of Planning Services.
R. The remaining parcel shall not be included on the plat map if the remaining parcel is greater than thirty-five (35) acres gross. However, the applicant shall provide a statement and metes and bounds legal description of the remaining parcel, stamped by a professional land surveyor, registered in the State of Colorado, certifying that the remaining parcel is greater than thirty-five (35) acre gross.

S. All work shall comply with the requirements of Sections 38-50-101 and 38-51-101 et. seq., C.R.S.

T. All work shall comply with the requirements of the Bylaws and Rules of Procedure of the State Board of Registration for Professional Engineers and Professional Land Surveyors and the Rules of Professional Conduct of the State Board of Registration for Professional Engineers and Professional Land Surveyors - Board Policy Statement.

Sec. 24-8-60. – Enforcement

A. If the Public Facility Division plat has not been recorded within one hundred twenty (120) days from the date the Staff Report was administratively signed or the date of approval by the Board of County Commissioners, or if an applicant is unable to meet any of the conditions within one hundred twenty (120) days of approval, the Director of Planning Services may grant an extension for a period not to exceed one (1) year, for good cause shown, upon a written request by the applicant. If the applicant is unwilling to meet any of the conditions of approval or the extension expires, the application will be forwarded to the Board of County Commissioners for reconsideration. The entire application may be considered for denial by the Board of County Commissioners. Alternatively, the Board of County Commissioners may consider upholding, modifying or removing the contested conditions of approval.

B. The property owner shall comply with the recorded plat notes and lot configuration. Noncompliance will result in locking of the lots and withholding Weld County permits.

C. The Board of County Commissioners shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a plat for such subdivided land has been approved and recorded per Section 30-28-110(4), C.R.S.

Sec. 24-8-70. – Amendment

A. The Lot Line Adjustment process shall be followed when proposing changes to a recorded Public Facility Division plat as described in Article X of Chapter 24 of the Weld County Code, as amended. A new Lot Line Adjustment application shall be submitted for all changes besides those changes described as Corrections per Section 24-8-80 of the Weld County Code.

B. Amendments for modifying or removing easements or building and septic envelopes are considered minor modifications. The Department of Planning Services may approve a minor modification without a new application. The applicant shall submit a revised draft plat, conforming to Lot Line Adjustment plat requirements per Section 24-10-50 of the Weld County Code, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

Sec. 24-8-80. – Correction

A. The Planner may approve a correction to a Public Facility Division without a hearing or compliance with any of the submission, referral or review requirements of Chapter 24. The correction shall only address technical errors where such correction is consistent with the approved Public Facility Division. Technical errors include, but are not limited to, correcting scrivener errors and correcting surveyor errors as long as the correction is consistent with the original intent of the approved Public Facility Division.

B. The applicant shall submit a corrected draft plat, conforming to Public Facility Division plat requirements per Section 24-8-50 of the Weld County Code, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

Sec. 24-8-90. – Vacation
A. A property owner may request a complete vacation of an existing Public Facility Division. The vacation request shall be submitted in writing to the Department of Planning Services and shall be signed by all the owners of the subject lots to be vacated. The vacation request letter shall describe the purpose of the vacation, any existing improvements and any easements or rights-of-way that may be affected. The property owners shall provide the existing plat and a draft land survey plat showing the vacation described by a metes and bounds or aliquot legal description.

B. Vacations must include all lots created by the initial and subsequent Public Facility Division. No Public Facility Division may be vacated in part.

C. The vacation request may be processed without any of the submission, referral or review requirements of Chapter 24. No sign posting, legal publication, or surrounding property owner notification shall be required.

D. Upon receipt of the vacation request letter, the Planner will prepare a memorandum summarizing the vacation request to be forwarded to the Clerk to the Board. Public Facility Division vacations will be placed on the Board of County Commissioners Consent Agenda unless otherwise requested by the Board of County Commissioners to be presented in a public hearing.

E. If a hearing is scheduled, all property owners affected by the vacation shall be notified of the hearing date, time and location via Certified Mail, sent by the Clerk to the Board, at least ten (10) days prior to the hearing.

F. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination Public Facility Division is vacated. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

G. In the event any easement is included in the vacation, the resolution may be conditioned that the applicant provide evidence that the interests of the easement grantees are protected.

H. If the vacation request is approved by the Board of County Commissioners, the land survey plat shall be submitted to the Department of Planning Services for recording with the recording fee and shall be signed by the property owners and the Board of County Commissioners. The vacation is in effect the date of recordation of the land survey plat with the Weld County Clerk and Recorder.

I. Vacation of a Public Facility Division shall comply with all current Zoning and Subdivision regulations per Chapter 23 and 24 of the Weld County Code, as amended.

ARTICLE IX – RESUBDIVISION

Sec. 24-9-10. - Overview.

A. The Resubdivision process is used to modify a Historic Townsite, Minor Subdivision, Rural Land Division, or recorded Subdivision plat to add or consolidate lots, adjust lot lines or vacate all or part of a plat, including rights-of-way and easements.

B. Lots which are part of a Planned Unit Development, Family Farm Division, Public Facility Division, Recorded Exemption, Subdivision Exemption or unplatted lands, shall not be modified by a Resubdivision.

C. The Resubdivision shall adhere to Chapter 22 and 23 of the Weld County Code and to the Subdivision General Provisions, Conformance Standards and Subdivision Design Standards per Chapter 24, Articles I, II and III of the Weld County Code, as amended.

Sec. 24-9-20. - Standards.

A. The Resubdivision is subject to the following criteria.
1. A Resubdivision is permitted within any Zone District included in Chapter 23, Article III, Division I of the Weld County Code, as amended.

2. The Resubdivision process shall not be utilized to create more than two (2) additional buildable lots.

3. The minimum parcel size of any Resubdivision Lot shall be determined by the underlying zone district or Historic Townsite requirements per Chapter 23, Articles III and V of the Weld County Code, as amended.

4. Resubdivision lots shall be served by an adequate water source.

5. Resubdivision lots shall be served by an on-site wastewater treatment system (OWTS).

6. Parcels created by a Resubdivision are not eligible for another Resubdivision which creates additional lots.

Sec. 24-9-30. - Submittal Requirements

Prior to submitting a Resubdivision application, the applicant shall submit a Pre-Application Request Form and meet with the Department of Planning Services to discuss the proposal. Following the Pre-Application meeting the applicant may submit a complete Resubdivision application electronically. The following application items are required:

A. Application Form.

B. Authorization Form, if applicable.

C. Resubdivision Standards Certification that the application complies with the criteria per Section 24-9-20 of the Weld County Code.

D. Historic Townsite Standards Certification that the application complies with the criteria per Chapter 23, Article V, Division 5 of the Weld County Code, if applicable.

E. Minor Subdivision Standards Certification that the application complies with the criteria per Section 24-5-20 of the Weld County Code, if applicable.

F. Rural Land Division Standards Certification that the application complies with the criteria per Section 24-6-20 of the Weld County Code, if applicable.

G. Deed identifying the surface estate ownership in the property and relevant lease documents.

H. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.

I. Trustee documents if the owner is a Trust.

J. Planning Questionnaire, including but not limited to:

1. Explain how the Resubdivision complies with the recorded subdivision plat and all codes, covenants and restrictions associated with the subdivision.

2. Explain the reason for the Resubdivision request.

3. Explain the reason of the proposed layout.

4. Describe the existing and proposed uses of the property.

5. Describe the existing and proposed potable water source.

6. Describe the existing and proposed sewage disposal system.
7. Describe existing and proposed improvements.
8. Describe the existing and proposed access to the site.
9. Describe any existing and proposed drainage, access and/or utility easements and rights-of-way.
10. Describe the current irrigation practices occurring on the site.
11. Describe the unique physical characteristics of the property, including, but not limited to topography, water bodies, CRP lands, vegetation, floodplains, geohazard areas, MS4 and airport overlay district.
12. Detail the location of any on-site oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc. Provide the names and addresses of any owner or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc.

K. Water Supply Documentation. Example: A letter or bill from a water district or municipality, or a well permit from the State Division of Water Resources.

L. Sewage Disposal Documentation. Example: A septic permit or bill from a sanitary sewer district.

M. A Septic Suitability Report shall be prepared in compliance with the requirements of Section 24-3-90 of the Weld County Code.

N. Provide any covenants, grants of easement and restrictions imposed on the land and/or structures within the Resubdivision.

O. Draft Resubdivision land survey plat prepared according to the plat requirements per Section 24-10-50 of the Weld County Code, as amended.

P. A signed buffer report and affidavit of the names, addresses and parcel numbers of the surrounding property owners within 500 feet of the property. The buffer report shall expire thirty (30) days from preparation.

Q. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company. The title commitment shall expire thirty (30) days from preparation.

R. A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject property. The Statement shall be from the current tax year.

S. A Preliminary Drainage Report per Section 24-3-200.B of the Weld County Code, as amended, if required.

T. A Traffic Narrative shall be submitted in accordance with Section 24-3-220.B of the Weld County Code, as amended.

U. Any other item(s) deemed necessary by the Departments of Planning Services, Public Works and Environmental Health Services.

V. Application fee.

Sec. 24-9-40. - Procedure

A Resubdivision application shall be processed according to the following procedure:

A. The Board of County Commissioners delegates the authority and responsibility for processing and approving Resubdivision to the Department of Planning Services.

B. The applicant shall submit a Resubdivision application to the Department of Planning Services for review. The Planner shall have the responsibility of ensuring that all application submittal requirements are met.
prior processing the application. Upon determination that the application is complete, the application fee shall be paid.

C. Once the application is deemed complete and the fee paid, the Department of Planning Services shall send the application to relevant referral agencies for review and comment as the Planner deems necessary. A list of referral agencies is located in Appendix 23-G of the Weld County Code. The referral agencies shall be given twenty-one (21) days to respond from the date of notice. The Department of Planning Services shall also send notice of the application to surrounding property owners within five hundred (500) feet of the subject Resubdivision. The failure of any agency or surrounding property owner to respond within twenty-one (21) days may be deemed a response with no concerns. All referral agency review comments are considered recommendations to the County. The authority and responsibility for approval and denial of a Resubdivision application rests with the County.

D. In the event a utility easement is affected, the Department of Planning Services shall schedule the Resubdivision request on the first available Utilities Coordinating Advisory Committee meeting before receiving County approval.

E. The Planner will prepare a Staff Report within sixty (60) days of receipt of a complete application. The Staff Report shall contain a recommendation for approval or denial. The Staff Report shall address all aspects of the application, including but not limited to referral agency comments and the regulations contained in the Weld County Code.

F. The Department of Planning Services may administratively approve the application if the applicant has demonstrated compliance with the Overview and Standards per Sections 24-9-10 and 24-9-20 of the Weld County Code.

G. If the Department of Planning Services reviews the application and determines the applicant has not met one (1) or more of the Overview and Standards per Sections 24-9-10 and 24-9-20 of the Weld County Code, the Planner shall prepare the Staff Report with recommendation of denial and a hearing shall be scheduled before the Board of County Commissioners.

H. If referral agency or surrounding property owner opposition is submitted to the Department of Planning Services, the Planning Director may recommend the Resubdivision be scheduled for a hearing before the Board of County Commissioners.

I. Prior to the Board of County Commissioners hearing, sign posting, legal publication, and surrounding property owner notification shall be required.

1. The Planner shall post a sign with case information on the property under consideration for the Resubdivision. The sign shall be posted adjacent to, and visible from, a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign shall be posted where a driveway (access drive) intersects a publicly maintained road right-of-way. The Department of Planning Services shall certify that the sign has been posted the ten (10) days preceding the hearing date, evidenced with an affidavit and photograph.

2. The Clerk to the Board shall arrange for legal notice of the Board of County Commissioners meeting to be published in the newspaper designated by the Board for publication of notices. The date of publication shall be at least ten (10) days prior to the hearing.

3. The Clerk to the Board shall give notice of the Resubdivision and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the Resubdivision lots. Such notification shall be mailed, first-class, not less than ten (10) days before the scheduled public hearing. Inadvertent errors by the applicant in supplying such list, or the Board of County Commissioners in sending such notice, shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.

4. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination of the Board of County Commissioners. Record of such action and a copy of the
Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

J. If scheduled for a public hearing, the Board of County Commissioners shall consider the Resubdivision application and take final action thereon. The Board of County Commissioners’ decision shall consider the recommendation of the Planning Staff, referral agency responses, the application case file and facts presented at the public hearing. The Board of County Commissioners shall approve the Resubdivision application unless it finds that the applicant has not met one (1) or more of the Overview and Standards per Sections 24-9-10 and 24-9-20 of the Weld County Code.

1. If the Resubdivision is denied by the Board of County Commissioners, neither the applicant nor their successors or assigns may apply for a new Resubdivision for five (5) years, located on any portion of the property contained in the original application.

2. If the Resubdivision is approved by either the Department of Planning Services or the Board of County Commissioners, the applicant shall address the conditions of approval enumerated in the staff report or Resolution. The revised draft land survey plat shall be submitted to the Department of Planning Services for review by Planning and Public Works staff.

K. Upon completion of the conditions of approval and acceptance of the plat, the plat may be submitted for recording with the recording fee to the Planner. The plat shall be signed and notarized by the property owners. If approved by the Department of Planning Services, the Planning Director shall sign the plat. If approved by the Board of County Commissioners, the Chair of the Board shall sign the plat.

L. The Department of Planning Services shall submit the plat to the Weld County Clerk and Recorder for recording.

M. The Resubdivision is approved and binding the date the plat is recorded with the Weld County Clerk and Recorder.

N. The applicant may withdraw the application at any point in this process. Withdrawal requests shall be submitted in writing to the Departments of Planning Services and shall be signed by the property owners.

Sec. 24-9-50. - Plat Requirements

The Resubdivision revised draft plat shall be submitted once an application is approved. The applicant shall electronically submit the draft plat in PDF format to the Department of Planning Services for Planning and Public Works review. Planning staff will send the draft plat back to the applicant with redline comments to be incorporated in the revised plat. There may be subsequent rounds of review. Upon approval of the draft plat and completion of the conditions of approval, the applicant shall submit the signed and notarized approved plat to the Department of Planning Services. The approved plat shall be recorded in the Office of the Weld County Clerk and Recorder by the Department of Planning Services. The approved plat and additional requirements shall be recorded within one hundred twenty (120) days from the date the administrative review was signed. The applicant shall be responsible for paying the recording fee.

The Resubdivision plat shall meet the following requirements:

A. The plat shall be prepared by a registered professional land surveyor in the State of Colorado.

B. The plat shall be delineated in permanent black ink on a dimensionally stable polyester sheet such as Mylar. The size of each shall be twenty-four (24) inches in height by thirty-six (36) inches in width.

C. The plat shall contain north arrows and scales. The drawing shall be at a scale of one (1) inch equals one hundred (100) feet or (1) inch equals two hundred (200) feet. Vicinity maps shall be at a minimum scale of (1) inch equals two thousand (2,000) feet. The font shall not be less than ten (10) point in size. Maps drawn to other scales must be approved in writing by Planning Staff.

D. The plat shall be titled as “Resubdivision” followed by the assigned case number.
E. The Resubdivision lots shall be designated based off the previous plat or as specified by the Planner, on the plat map and legal description.

F. If lots surrounding the Resubdivision are not involved in the subject Resubdivision they shall be labeled “Not a Part”.

G. The plat shall include a complete and accurate legal description of the parent parcel and the lots being created.

H. The plat shall bear the certifications shown in Appendix 24-E to this Chapter.

I. The plat shall contain the original signatures and seals in permanent ink.

J. The plat shall contain a list of the history of land divisions and amendments, which resulted in the parent parcel. Reference previous land divisions by case number, reception number and recording date or deed.

K. The plat shall delineate the location of all existing and proposed driveways and accesses associated with the Resubdivision.

L. The plat shall include the names of any existing roads or highways abutting the proposed Resubdivision property.

M. The plat shall include the roadway right-of-way adjacent to the parcel as well as the physical location of the roadway.

N. The plat shall delineate all existing and future easements or rights-of-way located on the Resubdivision property.

O. The plat shall show all unique physical characteristics of the Resubdivision property, including, but not limited to, irrigation canals and waterbodies, floodplains and geohazard areas.

P. The plat shall include a vicinity map. The vicinity map shall locate the Resubdivision lots with respect to adjacent roads, municipal limits, ditches, railroads. Show and label the subject section and dashed quarter section lines.

Q. The plat shall show the location and setback radii of any active, shut-in or plugged or abandoned oil and gas wells and tank batteries.

R. All work shall comply with the requirements of Sections 38-50-101 and 38-51-101 et. Seq., C.R.S.

S. All work shall comply with the requirements of the Bylaws and Rules of Procedure of the State Board of Registration for Professional Engineers and Professional Land Surveyors and the Rules of Professional Conduct of the State Board of Registration for Professional Engineers and Professional Land Surveyors - Board Policy Statement.

Sec. 24-9-60. – Enforcement

A. If the Resubdivision plat has not been recorded within one hundred twenty (120) days from the date the Staff Report was administratively signed or the date of approval by the Board of County Commissioners, or if an applicant is unable to meet any of the conditions within one hundred twenty (120) days of approval, the Director of Planning Services may grant an extension for a period not to exceed one (1) year, for good cause shown, upon a written request by the applicant. If the applicant is unwilling to meet any of the conditions of approval or the extension expires, the application will be forwarded to the Board of County Commissioners for reconsideration. The entire application may be considered for denial by the Board of County Commissioners. Alternatively, the Board of County Commissioners may consider upholding, modifying or removing the contested conditions of approval.

B. The property owner shall comply with the recorded plat notes and lot configuration. Noncompliance will result in locking of the lots and withholding Weld County permits.
C. The Board of County Commissioners shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a plat for such subdivided land has been approved and recorded per Section 30-28-110(4), C.R.S.

Sec. 24-9-70. - Amendment

A. The Resubdivision process shall be followed when proposing changes to a recorded Resubdivision plat as described in Article IX of Chapter 24 of the Weld County Code, as amended. A new Resubdivision application shall be submitted for all changes besides those changes described as Corrections per Section 24-9-80 of the Weld County Code.

B. The Resubdivision process shall be followed when amending one of the original Minor Subdivisions numbered one through twenty-one (MS-1 through MS-21).

C. If amending a Historic Townsite the criteria per Chapter 23, Article 5, Division 5 of the Weld County Code shall be followed in addition to the Resubdivision requirements in Chapter 24, as amended.

Sec. 24-9-80. - Correction

A. The Planner may approve a correction to a Resubdivision without a hearing or compliance with any of the submission, referral or review requirements of Chapter 24. The correction shall only address technical errors where such correction is consistent with the approved Resubdivision. Technical errors include, but are not limited to, correcting scrivener errors and correcting surveyor errors as long as the correction is consistent with the original intent of the approved Resubdivision.

B. The applicant shall submit a corrected draft plat, conforming to Resubdivision plat requirements per Section 24-9-50 of the Weld County Code, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

Sec. 24-9-90. – Vacation

A. A property owner may request a complete vacation of an existing Resubdivision, Historic Townsite or recorded Subdivision plat. The vacation request shall be submitted in writing to the Department of Planning Services and shall be signed by all the owners of the subject lots to be vacated. The vacation request letter shall describe the purpose of the vacation, any existing improvements and any easements or rights-of-way that may be affected. The property owners shall provide the existing plat and a draft land survey plat showing the vacation described by a metes and bounds or aliquot legal description or the previous legal description of the plat.

B. Vacations must include all lots created by the initial and subsequent plat. No plat may be vacated in part.

C. The vacation request may be processed without any of the submission, referral or review requirements of Chapter 24. No sign posting, legal publication, or surrounding property owner notification shall be required.

D. Upon receipt of the vacation request letter, the Planner will prepare a memorandum summarizing the vacation request to be forwarded to the Clerk to the Board. Resubdivision, Historic Townsite or recorded Subdivision plat vacations will be placed on the Board of County Commissioners Consent Agenda unless otherwise requested by the Board of County Commissioners to be presented in a public hearing.

E. If a hearing is scheduled, all property owners affected by the vacation shall be notified of the hearing date, time and location via Certified Mail, sent by the Clerk to the Board, at least ten (10) days prior to the hearing.

F. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination that Resubdivision, Historic Townsite or recorded Subdivision plat is vacated. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.
G. In the event any easement is included in the vacation, the resolution may be conditioned that the applicant provide evidence that the interests of the easement grantees are protected.

H. In the event any right-of-way is included in the vacation, the resolution may be conditioned that the applicant shall submit a separate vacation of right-of-way petition to the Clerk to the Board.

I. If the vacation request is approved by the Board of County Commissioners, the land survey plat shall be submitted to the Department of Planning Services for recording with the recording fee and shall be signed by the property owners and the Board of County Commissioners. The vacation is in effect the date of recording of the land survey plat with the Weld County Clerk and Recorder.

J. This process shall be followed when vacating one of the original Minor Subdivisions numbered one through twenty-one (MS-1 through MS-21).

K. Vacations of Resubdivision, Historic Townsite or recorded Subdivision plat shall comply with all current Zoning and Subdivision regulations per Chapter 23 and 24 of the Weld County Code, as amended.

ARTICLE X – LOT LINE ADJUSTMENT

Sec. 24-10-10. – Overview

A. The Lot Line Adjustment process is used to modify a Recorded Exemption plat, Subdivision Exemption plat, Family Farm Division plat, Public Facility Division plat, or unplatted lands that are less than the minimum lot size in any Zone District included in Chapter 23, Article III of the Weld County Code, as amended.

B. The Lot Line Adjustment process shall not be used to further subdivide or change any lot which part of a Planned Unit Development, Minor Subdivision, Major Subdivision, Rural Land Division or Resubdivision.

C. The Lot Line Adjustment shall adhere to Chapter 22 and 23 of the Weld County Code and to the General Provisions and Conformance Standards per Chapter 24, Articles I and II of the Weld County Code, as amended.

D. The Board of County Commissioners hereby determines that the Lot Line Adjustment process is not within the purposes of Article 28 of Title 30, C.R.S. Pursuant to Subsection 30-28-101(10)(d), C.R.S., and therefore is exempt from the definition of subdivision or subdivided land and from following the subdivision procedures and requirements set forth in this Chapter. However, the land divisions shall follow the procedures and requirements set forth in this Article.

Sec. 24-10-20. – Standards

A. The Lot Line Adjustment is subject to the following criteria.

1. A Lot Line Adjustment is permitted within any Zone District included in Chapter 23, Article III, Division I of the Weld County Code, as amended.

2. Only one Lot Line Adjustment application and one surveyed plat shall be the product of the Lot Line Adjustment process regardless of the number of lots and or plats which are party to the application.

3. The Lot Line Adjustment plat replaces all previous plats of those lots modified by the Lot Line Adjustment.

4. The Lot Line Adjustment process does not create additional lots.

5. The Lot Line Adjustment process shall not increase any non-conformity relating to the Zone District bulk requirements.

6. The Lot Line Adjustment is not for the purpose of eliminating or expanding building envelopes.
7. The minimum *parcel* size of any Lot Line Adjustment *Lot* shall be determined by the underlying *zone* district requirements per Chapter 23, Article III of the Weld County Code, as amended.

8. Lot Line Adjustment *lots* shall be served by an adequate water source.

9. Lot Line Adjustment *lots* shall be served by an on-site wastewater treatment system (OWTS).

**Sec. 24-10-30. - Submittal Requirements**

A complete Lot Line Adjustment application shall be submitted electronically to the Department of Planning Services and shall include the following:

A. Application Form.

B. Authorization Form, if applicable.

C. Lot Line Adjustment Standards Certification that the application complies with the criteria per Section 24-10-20 of the Weld County Code.

D. Family Farm Division Standards Certification that the application complies with the criteria per Section 24-7-20 of the Weld County Code, if applicable.

E. Public Facility Division Standards Certification that the application complies with the criteria per Section 24-8-20 of the Weld County Code, if applicable.

F. Obsolete Land Division Standards Certification that the application complies with the criteria per Sections 24-11-20 and 24-11-30 of the Weld County Code, if amending a Recorded Exemption or Subdivision Exemption.

G. Deed identifying the surface estate ownership in the property and relevant lease documents.

H. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.

I. Trustee documents if the owner is a Trust.

J. Planning Questionnaire, including but not limited to:

   1. Explain the reason for the Lot Line Adjustment request.

   2. Explain the reason of the proposed layout.

   3. Describe the existing and proposed uses of the property.

   4. Describe the existing and proposed potable water source.

   5. Describe the existing and proposed sewage disposal system.

   6. Describe existing and proposed improvements.

   7. Describe any existing and proposed *easements* and *rights-of-way*.

   8. Describe the existing and proposed *access* to the site.

   9. Describe the current irrigation practices occurring on the site.

10. Describe the unique physical characteristics of the property, including, but not limited to topography, water bodies, CRP lands, vegetation, floodplains, geohazard areas, MS4 and airport overlay district.
11. Detail the location of any on-site oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc. Provide the names and addresses of any owner or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc.

K. Water Supply Documentation. Example: A letter or bill from a water district or municipality, or a well permit from the State Division of Water Resources. If amending an unmanned Public Facility Division, no water supply documentation is required.

L. Sewage Disposal Documentation. Example: A septic permit or bill from a sanitary sewer district. If amending an unmanned Public Facility Division, no sewage disposal documentation is required.

M. Draft Lot Line Adjustment land survey plat prepared according to the plat requirements per Section 24-10-50 of the Weld County Code, as amended.

N. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company. The title commitment shall expire thirty (30) days from preparation.

O. A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject property. The Statement shall be from the current tax year.

P. A Drainage Narrative shall be submitted in accordance with Section 24-3-200.A of the Weld County Code, as amended, if required.

Q. A Traffic Narrative shall be submitted in accordance with Section 24-3-220.B of the Weld County Code, as amended, if required.

R. Any other item(s) deemed necessary by the Departments of Planning Services, Public Works and Application fee.

Sec. 24-10-40. – Procedure

A Lot Line Adjustment application shall be processed according to the following procedure:

A. The Board of County Commissioners delegates the authority and responsibility for processing and approving Lot Line Adjustments to the Department of Planning Services.

B. The applicant shall submit a Lot Line Adjustment application to the Department of Planning Services for review. The Planner shall have the responsibility of ensuring that all application submittal requirements are met prior processing the application. Upon determination that the application is complete, the application fee shall be paid.

C. Once the application is deemed complete and the fee paid, the Department of Planning Services shall send the application to relevant referral agencies for review and comment as the Planner deems necessary. A list of referral agencies is located in Appendix 23-G of the Weld County Code. The referral agencies shall be given twenty-one (21) days to respond from the date of notice. The failure of any agency to respond within twenty-one (21) days may be deemed a response with no concerns. All referral agency review comments are considered recommendations to the County. The authority and responsibility for approval and denial of a Lot Line Adjustment application rests with the County.

D. The Planner will prepare a Staff Report within sixty (60) days of receipt of a complete application. The Staff Report shall contain a recommendation for approval or denial. The Staff Report shall address all aspects of the application, including but not limited to referral agency comments and the regulations contained in the Weld County Code.

E. The Department of Planning Services may administratively approve the application if the applicant has demonstrated compliance with the Overview and Standards per Sections 24-10-10 and 24-10-20 of the Weld County Code.

F. If the Department of Planning Services reviews the application and determines the applicant has not met one (1) or more of the Overview and Standards per Sections 24-10-10 and 24-10-20 of the Weld County
Code, the Planner shall prepare the Staff Report with recommendation of denial and a hearing shall be scheduled before the Board of County Commissioners.

G. If recommended for denial, the Board of County Commissioners shall hold a public hearing to consider the Lot Line Adjustment application and to take final action thereon. No sign posting, legal publication, or surrounding property owner notification shall be required for the hearing.

1. The Board of County Commissioners’ decision shall consider the recommendation of the Planning Staff, referral agency responses, the application case file and facts presented at the public hearing. The Board of County Commissioners shall approve the Lot Line Adjustment application unless it finds that the applicant has not met one (1) or more of the Overview and Standards per Sections 24-10-10 and 24-10-20 of the Weld County Code.

2. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination of the Board of County Commissioners. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

3. If the Lot Line Adjustment denied by the Board of County Commissioners, neither the applicant nor their successors or assigns may apply for a new Lot Line Adjustment for five (5) years, located on any portion of the property contained in the original application.

H. If the Lot Line Adjustment is approved by either the Department of Planning Services or the Board of County Commissioners, the applicant shall address the conditions of approval enumerated in the staff report or Resolution. The revised draft land survey plat shall be submitted to the Department of Planning Services for review by Planning and Public Works staff.

I. Upon completion of the conditions of approval and acceptance of the plat, the plat may be submitted for recording with the recording fee to the Planner. The plat shall be signed and notarized by the property owners. If approved by the Department of Planning Services, the Planning Director shall sign the plat. If approved by the Board of County Commissioners, the Chair of the Board shall sign the plat.

J. The Department of Planning Services shall submit the plat to the Weld County Clerk and Recorder for recording.

K. The Lot Line Adjustment is approved and binding the date the plat is recorded with the Weld County Clerk and Recorder.

L. The applicant may withdraw the application at any point in this process. Withdrawal requests shall be submitted in writing to the Departments of Planning Services and shall be signed by the property owners.

Sec. 24-10-50. - Plat requirements

The Lot Line Adjustment revised draft plat shall be submitted once an application is approved. The applicant shall electronically submit the draft plat in PDF format to the Department of Planning Services for Planning and Public Works review. Planning staff will send the draft plat back to the applicant with redline comments to be incorporated in the revised plat. There may be subsequent rounds of review. Upon approval of the draft plat and completion of the conditions of approval, the applicant shall submit the signed and notarized approved plat to the Department of Planning Services. The approved plat shall be recorded in the Office of the Weld County Clerk and Recorder by the Department of Planning Services. The approved plat and additional requirements shall be recorded within one hundred twenty (120) days from the date the administrative review was signed. The applicant shall be responsible for paying the recording fee.

The Lot Line Adjustment plat shall meet the following requirements:

A. The plat shall be prepared by a registered professional land surveyor in the State of Colorado.

B. The plat shall be delineated in permanent black ink on a dimensionally stable polyester sheet such as Mylar. The size of each shall be twenty-four (24) inches in height by thirty-six (36) inches in width.
C. The plat shall contain north arrows and scales. The drawing shall be at a scale of one (1) inch equals one hundred (100) feet or (1) inch equals two hundred (200) feet. Vicinity maps shall be at a minimum scale of (1) inch equals two thousand (2,000) feet. The font shall not be less than ten (10) point in size. Maps drawn to other scales must be approved in writing by Planning Staff.

D. The plat shall be titled as “Lot Line Adjustment” followed by the assigned case number.

E. The plat shall include a complete and accurate legal description of the existing lots and the lots being amended.

F. Show and label the existing lot line to be amended with a dashed-line type and the proposed lot line with a solid heavy line type.

G. The plat shall bear the certifications shown in Appendix 24-F to this Chapter.

H. The plat shall contain the original signatures and seals in permanent ink.

I. The plat shall contain a list of the history of land divisions and amendments, which resulted in the parent parcels. Reference previous land divisions by case number, reception number and recording date or deed.

J. The plat shall delineate the location of all existing and proposed driveways and accesses associated with the Lot Line Adjustment.

K. The plat shall include the roadway right-of-way adjacent to the parcel as well as the physical location of the roadway.

L. The plat shall include the names of any existing roads or highways abutting the proposed Lot Line Adjustment properties.

M. The plat shall delineate all existing and future easements or rights-of-way located on the Lot Line Adjustment properties.

N. The plat shall show all unique physical characteristics of the Lot Line Adjustment properties, including, but not limited to, irrigation canals and waterbodies, floodplains and geohazard areas.

O. The plat shall include a vicinity map. The vicinity map shall locate the Lot Line Adjustment lots with respect to adjacent roads, municipal limits, ditches, railroads. Show and label the subject section and dashed quarter section lines.

P. The plat shall show the location and setback radii of any active, shut-in or plugged or abandoned oil and gas wells and tank batteries.

Q. The Lot Line Adjustment lots shall be alphabetically or numerically designated from smallest to largest in acreage, as specified by the Planner, on the plat map and legal description.

R. If a parcel of land is already legally excepted from the Lot Line Adjustment such as a parcel being separated by a railroad right-of-way, the parcel shall be designated as “Excepted Parcel - Not a Part” and shall be greater than or equal to thirty-five (35) acres gross. The applicant shall provide a statement and metes and bounds legal description of the remaining parcel, stamped by a professional land surveyor, registered in the State of Colorado, certifying that the remaining parcel is greater than thirty-five (35) acres gross.

S. The Lot Line Adjustment lots shall comply with the criteria of the land division being amended per the Standards outlined in the applicable Article of Chapter 24 of the Weld County Code.

T. All work shall comply with the requirements of Sections 38-50-101 and 38-51-101 et. Seq., C.R.S.

U. All work shall comply with the requirements of the Bylaws and Rules of Procedure of the State Board of Registration for Professional Engineers and Professional Land Surveyors and the Rules of Professional
Conduct of the State Board of Registration for Professional Engineers and Professional Land Surveyors - Board Policy Statement.

Sec. 24-10-60. – Enforcement

A. If the Lot Line Adjustment plat has not been recorded within one hundred twenty (120) days from the date the Staff Report was administratively signed or the date of approval by the Board of County Commissioners, or if an applicant is unable to meet any of the conditions within one hundred twenty (120) days of approval, the Director of Planning Services may grant an extension for a period not to exceed one (1) year, for good cause shown, upon a written request by the applicant. If the applicant is unwilling to meet any of the conditions of approval or the extension expires, the application will be forwarded to the Board of County Commissioners for reconsideration. The entire application may be considered for denial by the Board of County Commissioners. Alternatively, the Board of County Commissioners may consider upholding, modifying or removing the contested conditions of approval.

B. The property owner shall comply with the recorded plat notes and lot configuration. Noncompliance will result in locking of the lots and withholding Weld County permits.

C. The Board of County Commissioners shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a plat for such subdivided land has been approved and recorded per Section 30-28-110(4), C.R.S.

Sec. 24-10-70. – Amendment

A. The Lot Line Adjustment process shall be followed when proposing changes to a recorded Lot Line Adjustment plat as described in Article X of Chapter 24 of the Weld County Code, as amended. A new Lot Line Adjustment application shall be submitted for all changes besides those changes described as Corrections per Section 24-10-80 of the Weld County Code.

Sec. 24-10-80. – Correction

A. The Planner may approve a correction to a Lot Line Adjustment without a hearing or compliance with any of the submission, referral or review requirements of Chapter 24. The correction shall only address technical errors where such correction is consistent with the approved Lot Line Adjustment. Technical errors include, but are not limited to, correcting scrivener errors and correcting surveyor errors as long as the correction is consistent with the original intent of the approved Lot Line Adjustment.

B. The applicant shall submit a corrected draft plat, conforming to Lot Line Adjustment plat requirements per Section 24-10-50 of the Weld County Code, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

Sec. 24-10-90. – Vacation

A. A property owner may request a complete vacation of an existing Lot Line Adjustment. The vacation request shall be submitted in writing to the Department of Planning Services and shall be signed by all the owners of the subject lots to be vacated. The vacation request letter shall describe the purpose of the vacation, any existing improvements and any easements or rights-of-way that may be affected. The property owners shall provide the existing plat and a draft land survey plat showing the vacation described by a metes and bounds or aliquot legal description.

B. Vacations must include all lots created by the initial and subsequent Lot Line Adjustment. No Lot Line Adjustment may be vacated in part.

C. The vacation request may be processed without any of the submission, referral or review requirements of Chapter 24. No sign posting, legal publication, or surrounding property owner notification shall be required.

D. Upon receipt of the vacation request letter, the Planner will prepare a memorandum summarizing the vacation request to be forwarded to the Clerk to the Board. Lot Line Adjustment vacations will be placed
on the Board of County Commissioners Consent Agenda unless otherwise requested by the Board of County Commissioners to be presented in a public hearing.

E. If a hearing is scheduled, all property owners affected by the vacation shall be notified of the hearing date, time and location via Certified Mail, sent by the Clerk to the Board, at least ten (10) days prior to the hearing.

F. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination that Lot Line Adjustment is vacated. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

G. In the event any easement is included in the vacation, the resolution may be conditioned that the applicant provide evidence that the interests of the easement grantees are protected.

H. If the vacation request is approved by the Board of County Commissioners, the land survey plat shall be submitted to the Department of Planning Services for recording with the recording fee and shall be signed by the property owners and the Board of County Commissioners. The vacation is in effect the date of recordation of the land survey plat with the Weld County Clerk and Recorder.

I. Vacation of a Lot Line Adjustment shall comply with all current Zoning and Subdivision regulations per Chapter 23 and 24 of the Weld County Code, as amended.

ARTICLE XI – OBSOLETE LAND DIVISIONS

Sec. 24-11-10. – Overview

A. After September 28, 2020 no new recorded or subdivision exemptions applications will be allowed in unincorporated Weld County. Previously approved Recorded Exemptions and Subdivision Exemptions may be amended, corrected, or vacated.

B. Lots previously created by approved Recorded and Subdivision Exemptions are legal lots.

C. Exemption lots that are less than seventy (70) acres shall not be divided by a Family Farm Division.

D. Exemption lots that do not meet the criteria per Section 24-6-20.A.8 of the Weld County Code, as amended, shall not be divided by a Rural Land Division.

E. Amendments to previously approved Recorded Exemptions and Subdivision Exemptions shall follow the procedures under Article X of Chapter 24, Lot Line Adjustments, and are also subject to the applicable criteria for Amended Recorded Exemptions or Amended Subdivision Exemptions.

F. Amendments for modifying or removing easements or building and septic envelopes are considered minor modifications. The Department of Planning Services may approve a minor modification without a new application. The applicant shall submit:

1. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company issued within the past thirty (30) days, and

2. A revised draft plat, conforming to Lot Line Adjustment plat requirements per Section 24-10-50 of the Weld County Code, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

G. Corrections to Recorded Exemption or Subdivision Exemption plats shall follow the procedures under Section 24-11-40 of the Weld County Code.

H. Vacations of Recorded Exemption or Subdivision Exemption plats shall follow the procedures under Section 24-11-50 of the Weld County Code.
Sec. 24-11-20. – Amended Recorded Exemption Standards

A. The Amended Recorded Exemption is subject to the following criteria.

1. Amended Recorded Exemption lots shall be served by an adequate water source.

2. Amended Recorded Exemption lots shall be served by an on-site wastewater treatment system (OWTS).

3. The smaller lot(s) of the Amended Recorded Exemption shall not be less than one (1) acre net in size if served by a public-water source or two and one-half (2.5) acres net if served by a water well and shall not be more than thirty-five (35) acres gross.

4. The largest lot of any two-Lot Amended Recorded Exemption created after August 3, 2010 shall not be less than thirty-five (35) acres net. This provision does not apply if lots are already less than thirty-five (35) acres net.

5. The largest lot of any three-lot or four-lot Amended Recorded Exemption shall not be less than one hundred twenty (120) acres.

6. In the event any easement is proposed to be modified or vacated, the applicant shall provide evidence that the interests of the easement grantees are protected.

7. Lots shall be designated in alphabetical order on the plat and legal description from smallest to largest based on Lot size.

8. An access is, or can be made, available that provides for safe ingress and egress to a public road. All accesses shall be in accordance with Chapter 8, Article XIV of the Weld County Code, as amended.

9. The original plat notes shall appear on the Amended Recorded Exemption plat; however, updated language and additional notes may be provided by the Department of Planning Services.

10. The approval of an Amended Recorded Exemption may be conditioned or restricted to carry out General Provisions and Conformance Standards of Chapter 24 or to mitigate impacts or address concerns of referral agencies. Conditions and restrictions may include, but are not limited to, creation of conservation easements or other legal mechanisms to encourage agricultural production on the parcels and to maintain irrigation water for the parcels, the utilization of existing housing, and the satisfaction of school district concerns, pursuant to the requirements of Section 30-28-133(4)(a), C.R.S. Conditions of approval shall be met prior to recording the plat, and restrictions may be enforced by means of notes on the plat.

Sec. 24-11-30. – Amended Subdivision Exemption Standards

A. The Amended Subdivision Exemption is subject to the following criteria.

1. The Amended Subdivision Exemption Lot shall be served by an adequate water source, unless the Lot was created for a temporary unmanned use. Lots requiring an adequate water source shall not be less than one (1) acre net in size if served by a public-water source or two and one-half (2.5) acres net if served by a water well.

2. The Amended Subdivision Exemption Lot shall be served by an on-site wastewater treatment system (OWTS) unless the Lot was created for a temporary unmanned use.

3. If the Amended Subdivision Exemption Lot was created for an unmanned facility, there is no minimum lot size and the lot shall not be permitted for water or sewer services.

4. The Amended Subdivision Exemption Lot shall not be more than thirty-five (35) acres gross.

5. In the event any easement is proposed to be modified or vacated, the applicant shall provide evidence that the interests of the easement grantees are protected.
6. The Amended Subdivision Exemption lots shall be designated in ascending numerical order from smallest to largest in lot size, on the plat and legal description.

7. An access is, or can be made, available that provides for safe ingress and egress to a public road. All accesses shall be in accordance with Chapter 8, Article XIV of the Weld County Code, as amended.

8. The original plat notes shall appear on the Amended Subdivision Exemption plat; however, updated language and additional notes may be provided by the Department of Planning Services.

9. The approval of an Amended Subdivision Exemption may be conditioned or restricted to carry out General Provisions and Conformance Standards of Chapter 24 or to mitigate impacts or address concerns of referral agencies. Conditions and restrictions may include, but are not limited to, creation of conservation easements or other legal mechanisms to encourage agricultural production on the parcels and to maintain irrigation water for the parcels, the utilization of existing housing, and the satisfaction of school district concerns, pursuant to the requirements of Section 30-28-133(4)(a), C.R.S. Conditions of approval shall be met prior to recording the plat, and restrictions may be enforced by means of notes on the plat.

Sec. 24-11-40. – Correction

A. The Planner may approve a correction to an exemption without a hearing or compliance with any of the submission, referral or review requirements of Chapter 24. The correction shall only address technical errors where such correction is consistent with the approved exemption. Technical errors include, but are not limited to, correcting scrivener errors and correcting surveyor errors as long as the correction is consistent with the original intent of the approved exemption.

B. The applicant shall submit a corrected draft plat, conforming to Lot Line Adjustment plat requirements per Section 24-10-50 of the Weld County Code, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

Sec. 24-11-50. – Vacation

A. A property owner may request a complete vacation of an existing Recorded Exemption or Subdivision Exemption. The vacation request shall be submitted in writing to the Department of Planning Services and shall be signed by all the owners of the subject exemption to be vacated. The vacation request letter shall describe the purpose of the vacation, any existing improvements and any easements or rights-of-way that may be affected. The property owner shall provide the existing exemption plat and a draft land survey plat showing the vacation described by a metes and bounds or aliquot legal description.

B. Vacations must include all lots created by the initial and subsequent exemptions within the original tract of unplatted land. No exemptions may be vacated in part.

C. The vacation request may be processed without any of the submission, referral or review requirements of Chapter 24. No sign posting, legal publication, or surrounding property owner notification shall be required.

D. Upon receipt of the vacation request letter, the Planner will prepare a memorandum summarizing the vacation request to be forwarded to the Clerk to the Board. Exemption vacations will be placed on the Board of County Commissioners Consent Agenda unless otherwise requested by the Board of County Commissioners to be presented in a public hearing.

E. If a hearing is scheduled, all property owners affected by the vacation shall be notified of the hearing date, time and location via Certified Mail, sent by the Clerk to the Board, at least ten (10) days prior to the hearing.
F. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the
determination that Exemption is vacated. Record of such action and a copy of the Resolution will be
kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the
Clerk to the Board to record the Resolution.

G. In the event any easement is included in the vacation, the resolution may be conditioned that the
applicant provide evidence that the interests of the easement grantees are protected.

H. If the vacation request is approved by the Board of County Commissioners, the land survey plat shall
be submitted to the Department of Planning Services for recording with the recording fee and shall be
signed by the property owners and the Board of County Commissioners. The vacation is in effect the
date of recordation of the land survey plat with the Weld County Clerk and Recorder.

ARTICLE XII – RESOLUTION OF ILLEGAL LAND DIVISIONS

Sec. 24-12-10. - Overview.

A. The Resolution of Illegal Land Division process applies to those parcels which were created by an illegal
land division and grants the property owner the right to request the Board of County Commissioners
accept the illegally created lots as legal.

B. Lots which are part of a Planned Unit Development, Minor Subdivision, Rural Land Division, Historic
Townsite or recorded Subdivision plat, are not eligible for a Resolution of Illegal Land Division and must
be remedied through the Resubdivision process per Chapter 24, Article IX of the Weld County Code, as
amended, or the Planned Unit Development process per Chapter 27 of the Weld County Code, as
amended.

C. The Resolution of Illegal Land Division shall adhere to Chapter 22 and 23 of the Weld County Code and
to the General Provisions and Conformance Standards per Chapter 24, Articles I and II of the Weld
County Code, as amended.

Sec. 24-12-20. - Standards.

A. The Resolution of Illegal Land Division is subject to the following criteria:

1. The process defined in this Article is not being utilized for the purpose of evading the requirements
and intent of Chapter 24 of the Weld County Code, as amended.

2. It is not possible to restore the parcels back to the last legal configuration.

3. There are no available land division options in Chapter 24 of the Weld County Code, as amended, to
rectify the illegal land division.

4. The property owner of the illegal parcel is not the one who caused the illegal land division and is
otherwise not responsible for it.

5. The property owner does not own a parcel of land adjacent to the subject parcel, whereby combining
the lots would rectify the illegal land division.

6. At least ten (10) years has passed since the illegal land division occurred.

7. At least one of the illegal properties is less than thirty-five (35) acres or is comprised of platted lots
which have been divided without an approved land division process.

8. The properties shall have access to an adequate water supply.

9. The properties shall have access to an adequate sewage disposal method.
10. The properties shall demonstrate adequate access to an existing public road right-of-way either directly or by recorded easement.

11. Rectification of the illegal land split will not adversely impact the surrounding land uses.

Sec. 24-12-30. – Submittal Requirements.

Prior to submitting a Resolution of Illegal Land Division application, the applicant shall submit a Pre-Application Request Form and meet with the Department of Planning Services to discuss the proposal. Following the Pre-Application meeting the applicant may submit a complete Resolution of Illegal Land Division application electronically. The following application items are required:

A. Application Form.

B. Authorization Form, if applicable.

C. Resolution of Illegal Land Division Standards Certification that the application complies with the criteria per Section 24-12-20 of the Weld County Code.

D. Deed identifying the surface estate ownership in the property and relevant lease documents.

E. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.

F. Trustee documents if the owner is a Trust.

G. Planning Questionnaire, including but not limited to:
   1. Explain why this is the only option to remedy the illegal land division.
   2. Explain how and why the illegal land division occurred.
   3. Describe the existing and proposed uses of the property.
   4. Describe the existing and proposed potable water source.
   5. Describe the existing and proposed sewage disposal system.
   6. Describe existing improvements.
   7. Describe the existing access to the site.
   8. Describe any existing and proposed drainage, access and/or utility easements and rights-of-way. Provide written documentation of any recorded easement or right-of-way necessary to access the property from a publicly maintained right-of-way. A survey may be required beyond the boundary of the illegal parcel.
   9. Describe the current irrigation practices occurring on the site.
   10. Describe the unique physical characteristics of the property, including, but not limited to topography, water bodies, CRP lands, vegetation, floodplains, geohazard areas, MS4 and airport overlay district.
   11. Detail the location of any on-site oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc. Provide the names and addresses of any owner or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc.

H. Water Supply Documentation. Example: A letter or bill from a water district or municipality, or a well permit from the State Division of Water Resources.

I. Sewage Disposal Documentation. Example: A septic permit or bill from a sanitary sewer district.
J. Draft Resolution of Illegal Land Division land survey plat prepared according to the plat requirements per Section 24-12-50 of the Weld County Code, as amended.

K. A signed buffer report and affidavit of the names, addresses and parcel numbers of the surrounding property owners within 500 feet of the property. The buffer report shall expire thirty (30) days from preparation.

L. A title commitment, including Schedules A, B-1 and B-2, issued by a title insurance company. The title commitment shall expire thirty (30) days from preparation.

M. A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject properties. The Statement shall be from the current tax year.

N. Any other item(s) deemed necessary by the Departments of Planning Services, Public Works and Environmental Health Services.

O. Application fee.

Sec. 24-12-40. – Procedure.

A. The Resolution of Illegal Land Division application shall be processed according to the following procedure:

1. The applicant shall submit a Resolution of Illegal Land Division application to the Department of Planning Services for review. The Planner shall have the responsibility of ensuring that all application submittal requirements are met prior to processing the application. Upon determination that the application is complete, the application fee shall be paid.

2. Once the application is deemed complete and the fee paid, the Department of Planning Services shall send the application to relevant referral agencies for review and comment as the Planner deems necessary. A list of referral agencies is located in Appendix 23-G of the Weld County Code. The referral agencies shall be given twenty-eight (28) days to respond from the date of notice. The Department of Planning Services shall also send notice of the application to surrounding property owners within five hundred (500) feet of the subject Resolution of Illegal Land Division lots. The failure of any agency or surrounding property owner to respond within twenty-eight (28) days may be deemed a response with no concerns. All referral agency review comments are considered recommendations to the County. The authority and responsibility for approval and denial of a Resolution of Illegal Land Division application rests with the County.

3. The Planner will prepare a Staff Report within sixty (60) days of receipt of a complete application. The Staff Report shall contain a recommendation for approval or denial. The Staff Report shall address all aspects of the application, including but not limited to referral agency and surrounding property owner comments and the regulations contained in the Weld County Code. The Department of Planning Services will review the application and determine if the applicant has demonstrated compliance with the Overview and Standards per Sections 24-12-10 and 24-12-20 of the Weld County Code.

4. The Planner shall schedule the Board of County Commissioners public hearing.

5. Prior to the Board of County Commissioners hearing, sign posting, legal publication, and surrounding property owner notification shall be required:

a. The Planner shall post a sign with case information on the property under consideration for the Resolution of Illegal Land Division. The sign shall be posted adjacent to, and visible from, a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign shall be posted where a driveway (access drive) intersects a publicly maintained road right-of-way. The Department of Planning Services
shall certify that the sign has been posted the ten (10) days preceding the hearing date, evidenced with an affidavit and photograph.

b. The Clerk to the Board shall arrange for legal notice of the Board of County Commissioners meeting to be published in the newspaper designated by the Board for publication of notices. The date of publication shall be at least ten (10) days prior to the hearing.

c. The Clerk to the Board shall give notice of the Resolution of Illegal Land Division and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the Resolution of Illegal Land Division lots. Such notification shall be mailed, first-class, not less than ten (10) days before the scheduled public hearing. Inadvertent errors by the applicant in supplying such list, or the Board of County Commissioners in sending such notice, shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.

d. Prior to the hearing, the Clerk to the Board shall draft a Board Resolution setting forth the determination of the Board of County Commissioners. Record of such action and a copy of the Resolution will be kept in the files of the Clerk to the Board. The Board of County Commissioners shall arrange for the Clerk to the Board to record the Resolution.

6. At the public hearing, the Board of County Commissioners shall consider the Resolution of Illegal Land Division application and take final action thereon. The Board of County Commissioners’ decision shall consider the recommendation of the Planning Staff, referral agency responses, the application case file and facts presented at the public hearing. The Board of County Commissioners shall approve the Resolution of Illegal Land Division application unless it finds that the applicant has not met one (1) or more of the Overview and Standards per Sections 24-12-10 and 24-12-20 of the Weld County Code.

a. If the Resolution of Illegal Land Division is denied by the Board of County Commissioners, the applicant may seek remedy through a court action.

b. If the Resolution of Illegal Land Division is conditionally approved by the Board of County Commissioners, the applicant shall address the conditions of approval enumerated in the Resolution. The revised draft land survey plat shall be submitted to the Department of Planning Services for review by Planning and Public Works staff.

7. Upon completion of the conditions of approval and acceptance of the plat, the plat may be submitted for recording with the recording fee to the Planner. The plat shall be signed and notarized by the property owners and the Board of County Commissioners chairman.

8. The Department of Planning Services shall submit the plat to the Weld County Clerk and Recorder for recording.

9. The Resolution of Illegal Land Division is approved and binding the date the plat is recorded with the Weld County Clerk and Recorder.

10. The applicant may withdraw the application at any point in this process. Withdrawal requests shall be submitted in writing to the Departments of Planning Services and shall be signed by the property owners.

Sec. 24-12-50. – Plat Requirements.

The Resolution of Illegal Land Division revised draft plat shall be submitted once an application is approved. The applicant shall electronically submit the draft plat in PDF format to the Department of Planning Services for Planning and Public Works review. Planning staff will send the draft plat back to the applicant with redline comments to be incorporated in the revised plat. There may be subsequent rounds of review. Upon approval of the draft plat and completion of the conditions of approval, the applicant shall submit the signed and notarized approved plat to the Department of Planning Services. The approved plat shall be recorded in the Office of the Weld County Clerk and Recorder by the Department of Planning Services. The approved plat and additional requirements shall be recorded within one hundred twenty (120) days from the date of approval.
by the Board of County Commissioners. The applicant shall be responsible for paying the recording fee.

The Resolution of Illegal Land Division plat shall meet the following requirements:

A. The plat shall be prepared by a registered professional land surveyor in the State of Colorado.

B. The plat shall be delineated in permanent black ink on a dimensionally stable polyester sheet such as Mylar. The size of each shall be twenty-four (24) inches in height by thirty-six (36) inches in width.

C. The plat shall contain north arrows and scales. The drawing shall be at a scale of one (1) inch equals one hundred (100) feet or (1) inch equals two hundred (200) feet. Vicinity maps shall be at a minimum scale of (1) inch equals two thousand (2,000) feet. The font shall not be less than ten (10) point in size. Maps drawn to other scales must be approved in writing by Planning Staff.

D. The plat shall be titled as “Resolution of Illegal Land Division” followed by the assigned case number.

E. The Resolution of Illegal Land Division lots shall be numerically designated as specified by the Planner, on the plat map and legal description.

F. If lots surrounding the Resolution of Illegal Land Division are not involved, they shall be labeled “Not a Part”.

G. The plat shall include a complete and accurate legal description of the illegal lots being accepted.

H. The plat shall bear the certifications shown in Appendix 24-H to this Chapter.

I. The plat shall contain the original signatures and seals in permanent ink.

J. The plat shall contain a list of the history of deeds, land divisions and amendments, which resulted in the illegal lots being accepted. Reference previous deeds, land divisions and amendments by case number, reception number and recording date, as applicable.

K. The plat shall delineate the location of all existing and proposed driveways and accesses associated with the Resolution of Illegal Land Division lots.

L. The plat shall include the names of any existing roads or highways abutting the proposed Resolution of Illegal Land Division lots.

M. The plat shall delineate all existing and future easements or rights-of-way located on the Resolution of Illegal Land Division lots.

N. The plat shall show all unique physical characteristics of the Resolution of Illegal Land Division lots, including, but not limited to, irrigation canals and waterbodies, floodplains and geohazard areas.

O. The plat shall include a vicinity map. The vicinity map shall locate the Resolution of Illegal Land Division lots with respect to adjacent roads, municipal limits, ditches, railroads. Show and label the subject section and dashed quarter section lines.

P. The plat shall show the location and setback radii of any active, shut-in or plugged or abandoned oil and gas wells and tank batteries.

Q. All work shall comply with the requirements of Sections 38-50-101 and 38-51-101 et. Seq., C.R.S.

R. All work shall comply with the requirements of the Bylaws and Rules of Procedure of the State Board of Registration for Professional Engineers and Professional Land Surveyors and the Rules of Professional Conduct of the State Board of Registration for Professional Engineers and Professional Land Surveyors - Board Policy Statement.
Sec. 24-12-60. – Enforcement.

A. If the Resolution of Illegal Land Division plat has not been recorded within one hundred twenty (120) days from the date of approval by the Board of County Commissioners, or if an applicant is unable to meet any of the conditions within one hundred twenty (120) days of approval, the Board of County Commissioners may grant an extension for a period not to exceed one (1) year, for good cause shown, upon a written request by the applicant. If the extension expires, the application will be forwarded to the Board of County Commissioners with a recommendation to rescind the Board of County Commissioners Resolution, which accepted the Illegal Land Division.

B. The property owner shall comply with the recorded plat notes and lot configuration. Noncompliance will result in locking of the lots and withholding Weld County permits.

C. The Board of County Commissioners shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a plat for such subdivided land has been approved and recorded per Section 30-28-110(4), C.R.S.

Sec. 24-12-70. – Amendment.

A. The Lot Line Adjustment process shall be followed when proposing changes to a recorded Resolution of Illegal Land Division plat as described in Article X of Chapter 24 of the Weld County Code, as amended. A new Lot Line Adjustment application shall be submitted for all changes besides those changes described as Corrections per Section 24-12-80 of the Weld County Code.

B. Amendments for modifying or removing easements are considered minor modifications. The Department of Planning Services may approve a minor modification without a new application. The applicant shall submit a revised draft plat, conforming to Lot Line Adjustment plat requirements per Section 24-10-50 of the Weld County Code, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

Sec. 24-12-80. – Correction.

A. The Planner may approve a correction to a Resolution of Illegal Land Division without a hearing or compliance with any of the submission, referral or review requirements of Chapter 24. The correction shall only address technical errors where such correction is consistent with the approved Resolution of Illegal Land Division. Technical errors include, but are not limited to, correcting scrivener errors and correcting surveyor errors as long as the correction is consistent with the original intent of the approved Resolution of Illegal Land Division.

B. The applicant shall submit a corrected draft plat, conforming to Resolution of Illegal Land Division plat requirements per Section 24-12-50 of the Weld County Code, to the Department of Planning Services for review and acceptance. Upon acceptance, the plat shall be submitted for recording with the recording fee.

ARTICLE XIII – RESERVED

ARTICLE XIV – IMPROVEMENTS

Sec. 24-14-10. - Site Improvements and Infrastructure

The following site improvements and infrastructure shall be constructed at the expense of the subdivider/developer as stipulated in the subdivision Improvements Agreement, approved by the Board of County Commissioners as described in Section 2-3-30 of the Weld County Code. Collateral for on-site and off-site improvements will be required.

A. The following subdivision improvements are associated with the Department of Planning Services:

1. Landscaping and screening, as required.
2. On-site lighting, as required.
3. On-site signage, as required.
4. On-site furnishings, as required including mailbox and delivery kiosks, development amenities.

B. The following subdivision improvements are associated with the Department of Public Works:
1. Water distribution systems, as required.
2. Sanitary sewer systems, as required.
3. Road and site grading and surfacing, as required.
4. Curb, gutter and sidewalks, as required.
5. Storm sewers or storm drainage systems, as required.
6. Street signage, as required including regulatory, informational and directional signs.
7. Street lighting, as required.
8. Permanent reference monuments and monument boxes, as required.
9. Underground electric, natural gas, communication utility lines and services, as required.

C. Other facilities and requirements as may be specified in Chapter 24 or by the Board of County Commissioners.

ARTICLE XV – FEES, VIOLATIONS AND PENALTIES

Sec. 24-15-10. - Establishment of County fees.
A. Fees for all land division applications provided in Chapter 24 of the Weld County Code shall be established by resolution of the Board of County Commissioners in conjunction with a hearing process that will consist of a ten (10) day public notice prior to the Board's hearing. Notice of said hearing is to be published once in the newspaper designated by the Board for publication notices. Land division application fees may be found in Chapter 5, Appendix 5-J of the Weld County Code, as amended.

Sec. 24-15-20. - State agency fees.
A. Review fees charged by a State agency for the review of any land division applications shall be made payable, by check or money order, to the state reviewing agency in the amount set by state law. The fee shall be paid at the time the application is submitted for consideration by the Planner. Failure to pay said fee shall result in the land division application being considered an incomplete application and will not be assigned a case number or hearing date until the fee is paid.

Sec. 24-15-30. - Violations and penalties.
A. Any subdivider, or agent of a subdivider, who transfers, sells, agrees to sell or offers to sell any subdivided land before a Final Plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder shall be guilty of a misdemeanor and shall be subject by a fine of not more than one-thousand dollars ($1000) nor less than five-hundred dollars ($500) 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.

B. The Board of County Commissioners shall have the power to bring an action to enjoin any subdivider or developer from selling, agreeing to sell or offering to sell subdivided land before a Final Plat for such subdivided land has been approved by the County in accordance with Chapter 24 and recorded with the Office of the Weld County Clerk and Recorder in accordance with Section 30-28-110(4), C.R.S.
C. The County may refuse to issue (i.e. “lock”) any permit for a parcel that was created without compliance with Chapter 24 as amended, if otherwise required to do so (i.e. an “illegal parcel”). This may include, but is not limited to, building permit, zoning permit, grading permit, access permit, liquor license, retail food license, or any other license issued by any County department.

APPENDIX

APPENDIX 24-A - MINOR SUBDIVISION FINAL PLAT CERTIFICATES

A. PROPERTY OWNER’S CERTIFICATE:
I (We), the undersigned, being the sole owners in fee of the above described property, do hereby subdivide the property as laid out in this plat, and dedicate all easements described and/or depicted herein for the benefit of Weld County and the fee owners of any Lot or parcel created by this plat. I (We) further dedicate all roads and rights-of-way as shown on this plat to Weld County for the use of the traveling public.

(Signature )
Typed or printed name

(Signature )
Typed or printed name

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

B. LIENHOLDER CERTIFICATE:
I (We), the undersigned, being the lienholder of the above described property, do hereby agree to the subdivision of lands, the same as shown on this plat, and agree that the lienholder’s interests to the property are subordinated to the dedication of roads or rights-of-way to Weld County.

(Signature )
Typed or printed name

(On behalf of )
Typed or printed name

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

C. UTILITY SERVICE PROVIDER CERTIFICATE:
We, the undersigned, being the Utility Service Provider of the above described property, do hereby agree to provide utility service to the subdivided lands, the same as shown on the attached plat.

On behalf of ________________________
Water Provider
Typed or printed name
Date:

On behalf of ________________________
Sewer Provider
Typed or printed name
Date:

On behalf of ________________________
Natural Gas Provider
Typed or printed name
Date:

On behalf of ________________________
Electric Provider
Typed or printed name
Date:

On behalf of ________________________
Communication Provider
Typed or printed name
Date:

D. SURVEYOR CERTIFICATE:
I, ________________, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the survey and this plat complies with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.

By: ______________________________
Registered Land Surveyor
Date:

E. PLANNING COMMISSION CERTIFICATE:
This is to certify that the Weld County Planning Commission has considered this Minor Subdivision, as shown
and described hereon, and made recommendation to the Board of County Commissioners, Weld County this ______ day of ______________________, 20____.

CHAIR, PLANNING COMMISSION

F. BOARD OF COUNTY COMMISSIONERS CERTIFICATE OF APPROVAL:
This Minor Subdivision plat is approved by the Board of County Commissioners of Weld County, State of Colorado. Approval of this plat constitutes an acceptance of the dedication of public roads and rights-of-way described and/or depicted on this plat but does not constitute acceptance of the roads and rights-of-way for maintenance by Weld County. The construction, maintenance, snow removal and all other matters pertaining to or affecting the roads and rights-of-way are the sole responsibility of the landowners within the Minor Subdivision.
Witness my hand and the corporate seal of Weld County this ______ day of ______________________, 20____.

CHAIR, BOARD OF COUNTY COMMISSIONERS
ATTEST:
Weld County Clerk to the Board
By:______________________________
Deputy Clerk to the Board Date:

APPENDIX 24-B - RURAL LAND DIVISION FINAL PLAT CERTIFICATES

A. PROPERTY OWNER’S CERTIFICATE:
I (We), the undersigned, being the sole owners in fee of the above described property, do hereby subdivide the property as laid out in this plat, and dedicate all easements described and/or depicted herein for the benefit of Weld County and the fee owners of any Lot or parcel created by this plat. I (We) further dedicate all roads and rights-of-way as shown on this plat to Weld County for the use of the traveling public.

Typed or printed name
Typed or printed name

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

B. LIENHOLDER CERTIFICATE:
I (We), the undersigned, being the lienholder of the above described property, do hereby agree to the subdivision of lands, the same as shown on this plat, and agree that the lienholder’s interests to the property are subordinated to the dedication of roads or rights-of-way to Weld County.

Typed or printed name Lienholder of Record

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

C. UTILITY SERVICE PROVIDER CERTIFICATE:
We, the undersigned, being the Utility Service Provider of the above described property, do hereby agree to provide utility service to the subdivided lands, the same as shown on the attached plat.

Typed or printed name Date:

On behalf of _________ Water Provider (Signature _________)

On behalf of _________ Sewer Provider (Signature _________)

On behalf of _________ Natural Gas Provider (Signature _________)

On behalf of _________ Electric Provider (Signature _________)

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)
D. SURVEYOR CERTIFICATE:
I, ________________, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the survey and this plat complies with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.
By: ____________________________
Registered Land Surveyor Date:

E. PLANNING COMMISSION CERTIFICATE:
This is to certify that the Weld County Planning Commission has considered this Rural Land Division, as shown and described hereon, and made recommendation to the Board of County Commissioners, Weld County this ___ day of _____________, 20__.
CHAIR, PLANNING COMMISSION

F. BOARD OF COUNTY COMMISSIONERS CERTIFICATE OF APPROVAL:
This Rural Land Division plat is approved by the Board of County Commissioners of Weld County, State of Colorado. Approval of this plat constitutes an acceptance of the dedication of public roads and rights-of-way described and/or depicted on this plat but does not constitute acceptance of the roads and rights-of-way for maintenance by Weld County. The construction, maintenance, snow removal and all other matters pertaining to or affecting the roads and rights-of-way are the sole responsibility of the landowners within the Rural Land Division.
Witness my hand and the corporate seal of Weld County this ___ day of ________________, 20__.
CHAIR, BOARD OF COUNTY COMMISSIONERS

APPENDIX 24-C - FAMILY FARM DIVISION PLAT CERTIFICATES

A. PROPERTY OWNER'S CERTIFICATE:
I (We), the undersigned, being the sole owners in fee of the above described property, do hereby subdivide the property as laid out in this plat, and dedicate all easements described and/or depicted herein for the benefit of Weld County and the fee owners of any Lot or parcel created by this plat.
(Signature) (Signature)
Typed or printed name Typed or printed name
(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

B. SURVEYOR CERTIFICATE:
I, ________________, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the survey and this plat complies with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.
By: ____________________________
Registered Land Surveyor Date:

C. DEPARTMENT OF PLANNING SERVICES - ADMINISTRATIVE REVIEW CERTIFICATE OF APPROVAL:
This Family Farm Division plat is accepted and approved by the Department of Planning Services for filing.
E. BOARD OF COUNTY COMMISSIONERS CERTIFICATE OF APPROVAL:
This Family Farm Division plat is approved by the Board of County Commissioners of Weld County, State of Colorado. Witness my hand and the corporate seal of Weld County this _____ day of ____________, 20_____.

CHAIR, BOARD OF COUNTY COMMISSIONERS
ATTEST:
Weld County Clerk to the Board
By: __________________________________________
Deputy Clerk to the Board Date: ______

APPENDIX 24-D - PUBLIC FACILITY DIVISION PLAT CERTIFICATES

A. PROPERTY OWNER'S CERTIFICATE:
I (We), the undersigned, being the sole owners in fee of the above described property, do hereby subdivide the property as laid out in this plat, and dedicate all easements described and/or depicted herein for the benefit of Weld County and the fee owners of any Lot or parcel created by this plat.

(Signature ____________)  (Signature ____________)
Typed or printed name Typed or printed name

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

B. SURVEYOR CERTIFICATE:
I, ________________, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the survey and this plat complies with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.

By: __________________________________________
Registered Land Surveyor Date: ______

C. DEPARTMENT OF PLANNING SERVICES - ADMINISTRATIVE REVIEW CERTIFICATE OF APPROVAL:
This Public Facility Division plat is accepted and approved by the Department of Planning Services for filing.

(Signature ____________)
Director, Department of Planning Services

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

E. BOARD OF COUNTY COMMISSIONERS CERTIFICATE OF APPROVAL:
This Public Facility Division plat is approved by the Board of County Commissioners of Weld County, State of Colorado. Witness my hand and the corporate seal of Weld County this _____ day of ____________, 20_____.

CHAIR, BOARD OF COUNTY COMMISSIONERS
ATTEST:
Weld County Clerk to the Board
By: __________________________________________
Deputy Clerk to the Board Date: ______

APPENDIX 24-E - RESUBDIVISION PLAT CERTIFICATES

A. PROPERTY OWNER'S CERTIFICATE:
I (We), the undersigned, being the sole owners in fee of the above described property, do hereby subdivide the property as laid out in this plat, and dedicate all easements described and/or depicted herein for the benefit of Weld County and the fee owners of any Lot or parcel created by this plat. I (We) further dedicate all
roads and rights-of-way as shown on this plat to Weld County for the use of the traveling public.
(Signature            )  (Signature            )
Typed or printed name            Typed or printed name

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

B. LIENHOLDER CERTIFICATE:
I (We), the undersigned, being the lienholder of the above described property, do hereby agree to the subdivision of lands, the same as shown on this plat, and agree that the lienholder’s interests to the property are subordinated to the dedication of roads or rights-of-way to Weld County.
(Signature            )  On behalf of
Typed or printed name            Lienholder of Record

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

C. UTILITY SERVICE PROVIDER CERTIFICATE:
We, the undersigned, being the Utility Service Provider of the above described property, do hereby agree to provide utility service to the subdivided lands, the same as shown on the attached plat.
On behalf of            (Signature            )
Water Provider            Typed or printed name            Date:

On behalf of            (Signature            )
Sewer Provider            Typed or printed name            Date:

On behalf of            (Signature            )
Natural Gas Provider            Typed or printed name            Date:

On behalf of            (Signature            )
Electric Provider            Typed or printed name            Date:

On behalf of            (Signature            )
Communication Provider            Typed or printed name            Date:

D. SURVEYOR CERTIFICATE:
I,            , a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the survey and this plat complies with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.

By:
Registered Land Surveyor            Date:

E. DEPARTMENT OF PLANNING SERVICES - ADMINISTRATIVE REVIEW CERTIFICATE OF APPROVAL:
This Resubdivision plat is accepted and approved by the Department of Planning Services for filing.
(Signature            )
Director, Department of Planning Services

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

F. BOARD OF COUNTY COMMISSIONERS CERTIFICATE OF APPROVAL:
This Resubdivision plat is approved by the Board of County Commissioners of Weld County, State of Colorado. Approval of this plat constitutes an acceptance of the dedication of public roads and rights-of-way described and/or depicted on this plat but does not constitute acceptance of the roads and rights-of-way for maintenance by Weld County. The construction, maintenance, snow removal and all other matters pertaining to or affecting the roads and rights-of-way are the sole responsibility of the landowners within the Resubdivision.

Witness my hand and the corporate seal of Weld County this ___ day of __________________, 20
APPENDIX 24-F – LOT LINE ADJUSTMENT PLAT CERTIFICATES

A. PROPERTY OWNER'S CERTIFICATE:
I (We), the undersigned, being the sole owners in fee of the above described property, do hereby subdivide the property as laid out in this plat, and dedicate all easements described and/or depicted herein for the benefit of Weld County and the fee owners of any Lot or parcel created by this plat.
(Signature  )  (Signature  )
Typed or printed name   Typed or printed name

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

B. SURVEYOR CERTIFICATE:
I,     , a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the survey and this plat complies with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.
By:__________________________________________
Registered Land Surveyor          Date:

C. DEPARTMENT OF PLANNING SERVICES - ADMINISTRATIVE REVIEW CERTIFICATE OF APPROVAL:
This Lot Line Adjustment plat is accepted and approved by the Department of Planning Services for filing.
(Signature )
Director, Department of Planning Services

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

D. BOARD OF COUNTY COMMISSIONERS CERTIFICATE OF APPROVAL:
This Lot Line Adjustment plat is approved by the Board of County Commissioners of Weld County, State of Colorado. Witness my hand and the corporate seal of Weld County this  day of , 20.

CHAIR, BOARD OF COUNTY COMMISSIONERS
ATTEST:
Weld County Clerk to the Board
By:__________________________________________
Deputy Clerk to the Board          Date:

APPENDIX 24-G - VACATION PLAT CERTIFICATES

A. PROPERTY OWNER'S CERTIFICATE:
I (We), the undersigned, being the sole owners in fee of the above described property, do hereby vacate the land division plat or record, now recognized as an unplatted tract of land.
(Signature  )  (Signature  )
Typed or printed name   Typed or printed name

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

B. BOARD OF COUNTY COMMISSIONERS CERTIFICATE OF APPROVAL:
This Vacation plat is approved by the Board of County Commissioners of Weld County, State of Colorado. Witness my hand and the corporate seal of Weld County this  day of , 20.
APPENDIX 24-H - RESOLUTION OF ILLEGAL LAND DIVISIONS CERTIFICATES

A. PROPERTY OWNER’S CERTIFICATE:
I (We), the undersigned, being the sole owners in fee of the above described property, do hereby acknowledge the platted lands as shown on the attached plat.
(Signature )  (Signature )
Typed or printed name Typed or printed name

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et. Seq.)

B. BOARD OF COUNTY COMMISSIONERS CERTIFICATE OF APPROVAL:
This plat is approved by the Board of County Commissioners of Weld County, State of Colorado to correct an illegal division of land.
Witness my hand and the corporate seal of Weld County this ___ day of ___________, 20___.

CHAIR, BOARD OF COUNTY COMMISSIONERS
ATTEST:
Weld County Clerk to the Board
By:                                                  Date:
Deputy Clerk to the Board