

# 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

Roads: 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

Roads: 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 townships, 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.