

ARTICLE 7: SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

7.1. GENERAL

- 7.1.1. This Article contains the Town's Subdivision Regulations, which shall apply to any proposed subdivisions of land within the Town's boundaries.
- 7.1.2. The description of a lot or parcel by metes and bounds shall not exempt the transaction from these Subdivision Regulations.

7.2. PURPOSE

- 7.2.1. These Subdivision Regulations are designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:
- A. Encouraging new subdivision developments to relate to the Town's historic development pattern.
 - B. Promoting compact, well-defined, sustainable neighborhoods that enhance the Town's character and are compatible with adjoining lands.
 - C. Ensuring that any proposed subdivision does not create an excessive burden on the Town's taxpayers as a whole.
 - D. Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
 - E. Encouraging the proper arrangement of streets in relation to the Access Control Plan and to existing or planned streets and ensuring streets facilitate safe, efficient, and pleasant walking, biking and driving.
 - F. Providing a variety of lot sizes and housing types in every neighborhood.
 - G. Protecting sensitive natural and historic areas and the Town's environmental quality.
 - H. Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light and air and for the avoidance of congestion of population.
 - I. Providing open spaces for adequate storm water management.
 - J. Providing adequate spaces for educational facilities.
 - K. Providing protection from natural hazards and flood prone areas.
 - L. Ensuring compliance with the Land Use and Development Code and the Town Comprehensive Plan or Land Use Plan, whichever was last updated.
 - M. Regulating such other matters as the Town Council may deem necessary in order to protect the best interest of the public.
- 7.2.2. No land shall be subdivided for any use where the land has limitations adversely affecting the proposed use unless proper mitigation procedures are sufficiently assured to satisfy the evaluation criteria outlined in subsequent sections of these Regulations.

7.3. SUBDIVISION DESIGN

7.3.1. APPLICABILITY

All subdivisions (major, minor, condominium, and plat amendments) shall comply with all applicable provisions in this Land Use Code. Subdivisions shall be designed per all applicable standards unless a standard is modified or varied pursuant to this Land Use Code. No minor

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modification or variance may be granted for areas of special flood hazard or geologic hazard, nor shall a minor modification or variance be granted for utility construction specifications. To the extent not already addressed in other provisions of this Land Use Code, the additional design criteria in this Section shall apply to all subdivisions.

7.3.2. GENERAL DESIGN STANDARDS

A. Compliance with Zoning Requirements

The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed subdivisions shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation, protects wetlands and critical wildlife habitat, and otherwise accomplishes the purpose and intent of this Land Use Code and of the zone district in which the subdivision is located. Applicants shall refer to the general development standards in Article 6 and shall apply them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

B. Suitability for Subdivision

Land subject to hazardous conditions such as floods, mud flows, rock falls, possible mine subsidence, mine shafts, shallow water table, open quarries, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been mitigated or will be mitigated by the subdivision and construction plans.

C. Minimal Standards

The design standards in this Section are minimum standards. The Town may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this Land Use Code.

7.3.3. BLOCKS AND LOTS

A. Blocks

Block lengths and widths shall be designed to allow convenient access and circulation for emergency vehicles and be practical and compatible with the overall design of the subdivision, topography, and natural features.

1. Where block lengths exceed 1,000 feet, pedestrian rights-of-way no less than ten feet wide shall be provided, as needed for pedestrian circulation.

B. Lots

1. Each lot shall have frontage on a public street right-of-way. No lots shall be created that are narrow or irregularly shaped, making construction impractical due to the inability to meet the setback and yard requirements.
 2. Measurements of lot dimensions and sizes shall exclude street, alley, or pedestrian rights-of-way.
 3. Minimum lot sizes shall be in accordance with the zoning applicable to the proposed subdivision.
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SUBSECTION 7.3.4 STREETS

4. Single family residential lots with double street frontage (excluding corner lots) shall be avoided, except where essential to provide separation from major highways or incompatible land uses.

7.3.4. STREETS

All streets shall comply with the Town of Pagosa Springs Standard Engineering Specifications and Section 6.6, *Access and Circulation*, and in addition shall comply with the following standards.

- A. Streets shall be designed to avoid undue traffic congestions.
- B. Street design shall be coordinated with the Town's overall transportation system design and transportation systems on adjacent land.

7.3.5. SIDEWALKS, WALKWAYS, AND MULTI-USE TRAILS

The developers shall dedicate walkways, sidewalks, and multi-use paths to the Town, or to a duly formed owners' association to the extent they are not within the right of way, as recommended by the Planning Commission.

7.3.6. STREET LIGHTING

Street lighting shall be provided in all subdivisions consistent with Section 6.11.

7.3.7. EASEMENTS AND UTILITIES

A. Utility Easement Width

Utility easements shall measure ten feet on each side of abutting rear lot lines. On subdivision perimeter rear lot lines adjacent to unsubdivided property, utility easements shall be dedicated ten feet in width. In the event that the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation ditches or other obstructions, the subdivision shall provide like width easements adjacent to said areas of obstruction. Side lot line easements, where necessary, shall be dedicated 15 feet in full width; 7.5 feet either side of a lot line is acceptable. Front lot line easements shall be dedicated ten feet in width. Easements may be more or less than widths stated if the specific utility requests in writing a width other than those required by this Land Use Code. Utility easements shall be subject to the approval of the Town or applicable utility company.

B. Multiple Installations within Easements

Easements shall be designed to provide efficient installation of utilities. Public utility installations shall be located to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations.

C. Underground Utilities

Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. The subdivider shall be responsible for making the necessary arrangements for undergrounding utilities including payment of any construction or installation charges to each utility provider for the installation of such facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed

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underground or on the surface but not on utility poles. Screening or buffering shall comply with the approved subdivision plat and the standards set forth in Section 6.11.4. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Such facilities shall be placed within easements or public rights-of-way, or in private easements or rights-of-way provided for particular facilities.

D. Drainage

Easements for runoff, storm drainage, or flood control may be required as deemed necessary by engineered drainage systems.

E. Avigation Easements within the Airport Influence Area

Where possible, approvals of all subdivisions proposals within the Archuleta County Airport influence area, as approved by the Board of County Commissioners, shall be conditioned upon the property owners granting to the Town and Archuleta County an avigation easement in a form to be approved from time to time by the Town Council. Any avigation easements granted shall be noted on all final plats.

7.3.8. EASEMENTS AND UTILITIES

- A. Electricity, gas, and telephone lines shall be placed underground to preserve the natural character of the area.
- B. All easements and utilities shall meet the standards set forth in Article 5 and any other standards as required by the specific utility company.

7.3.9. SURVEY MONUMENTS

Permanent survey reference monuments shall be set for all perimeter boundaries, blocks, lots, tracts, and parcels in compliance with Sections 38-51-100.3, et. seq., C.R.S.

7.3.10. BRIDGES

All bridges shall be designed by a registered engineer and will be constructed to prevent obstruction of a 100-year flood. A floodplain permit shall be obtained for all bridges prior to construction.

7.3.11. OTHER IMPROVEMENTS

Other improvements not specifically provided for in this Section, but found appropriate and necessary given the characteristics or requirements of the subdivision, shall be constructed within such time and in conformance with such specifications as agreed upon in an executed development improvement agreement.

7.4. SUBDIVISION DEDICATION REQUIREMENTS

7.4.1. STREETS

All street rights-of-way shall be dedicated to the public.

7.4.2. ALLEYS

The Town Council may require the dedication of alley rights-of-way where it finds that alleys are necessary for service access, off-street loading, or parking. The minimum width of an alley right-of-way shall be 20 feet.

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SECTION 7.5 SUBDIVISION IMPROVEMENTS AND DEVELOPMENT AGREEMENTS

SUBSECTION 7.5.1 PUBLIC IMPROVEMENTS

7.5. SUBDIVISION IMPROVEMENTS AND DEVELOPMENT AGREEMENTS

7.5.1. PUBLIC IMPROVEMENTS

- A. The Town shall require a developer to execute a Development Improvements Agreement (DIA) for public improvements stating the developer agrees to construct any required public improvements shown in the approved documents. Developers shall post sufficient collateral, as determined by the Town Council, to complete said public improvements in accordance with design and time specifications. No subdivision plat shall be signed by the Town or recorded at the Office of the Archuleta County Clerk and Recorder, and no building permit shall be issued for development, until a DIA has been executed and collateral has been posted. The DIA shall include a list of all agreed-upon public improvements, an estimate of the cost of such improvements, the form of collateral guarantee for the improvements, and any other provisions or conditions deemed necessary by the Town Council to ensure that all public improvements will be completed in a timely, quality and cost-effective manner. A DIA shall run with and be a burden upon the land described in the agreement.
- B. The Town, at its discretion, may require the developer to execute other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the approved documents.
- C. As public improvements are completed, the subdivider shall apply to the Director for inspection of such improvements. Upon inspection and approval, the Town Council shall notify the subdivider that there is a warranty period, as set forth herein, before collateral may be released. If the Town Council or respective special district determines that any of the required public improvements are not constructed in compliance with specifications, it shall furnish the subdivider a list of specific deficiencies and request that such deficiencies be corrected before preliminary approval will be granted. If the Town Council determines that the subdivider will not construct any or all of the public improvements or remedy the deficiencies in accordance with the construction plans, the Town Council may withdraw and employ from the collateral such funds as may be necessary to construct the public improvements or remedy deficiencies.
- D. The following public improvements shall be constructed unless waived by the Town Council.
 - 1. Road base, grading, and surfacing.
 - 2. Curbs and gutters and driveway returns
 - 3. Street lights.
 - 4. Sidewalks, multi-use paths/trails and open space development
 - 5. Sanitary sewer collection system.
 - 6. Fire hydrants and Assembly.
 - 7. Storm sewers, storm drainage system or manholes, as required.
 - 8. Utility distribution system for public parks, open space, and medians.

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SUBSECTION 7.5.2 PRIVATE IMPROVEMENTS

9. Street signs at all street intersections and other traffic signs.
 10. Permanent reference monuments and monument boxes.
 11. Berm, fence, or buffer along major arterial and collector streets and surrounding development.
 12. Required landscaping and street trees.
 13. Erosion control.
 14. Domestic water system.
 15. Electricity.
 16. Natural gas.
 17. Telephone and cable.
- E. Time for Completion. The required time for the completion of all required improvements shall be two years from the recording date of the final plat. However, the Town Council may extend such time for completion at the request of the subdivider. Upon completion of such improvements within the allotted time, the Town shall inspect the public improvements and grant preliminary approval, if appropriate. When such improvements are not completed within the required time, the Town may use the collateral to complete the required improvements, withhold building permits or revoke approval of the final plat.
- F. Warranty. All workmanship and materials for all required public improvements shall be warranted by the subdivider for a period of three years from the date of the Town's acceptance of the required public improvements. In addition to posting a construction security for at least 100 percent of the cost of the required public improvements, the subdivider shall post a warranty security in an amount established by the Town, in its sole discretion. The warranty security shall not exceed 100 percent of the cost to reconstruct the improvements. The Town shall not release the collateral until the Town has granted final acceptance of the improvements. In the event that any other provision of this Land Use and Development Code or specifications adopted pursuant thereto, or the DIA requires a warranty of workmanship or materials for a different period of time or for a greater amount of collateral, that provision shall apply. The inspection or acceptance of any required improvement by the Town shall not relieve the subdivider of his or her warranty of workmanship and materials.

7.5.2. PRIVATE IMPROVEMENTS

- A. In addition to a DIA for public improvements, the Town shall require developers to execute a DIA for private improvements stating the developer agrees to construct all private improvements shown in the final plat documents. The developer shall also post sufficient collateral, in the judgment of the Town, to complete said improvements in accordance with the approved design and time specifications. No subdivision plat shall be signed by the Town or recorded at the Office of the Archuleta County Clerk, and no building permit shall be issued for development, until a DIA between the Town and the developer has been executed and collateral has been posted. The DIA shall include a list of all agreed-upon private

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SECTION 7.6 CONSERVATION SUBDIVISIONS

SUBSECTION 7.6.1 PURPOSE

- improvements, an estimate of the cost of such improvements, the form of collateral guarantee, and any other provisions or conditions deemed necessary by the Town Council to ensure that all private improvements will be completed in a timely, quality and cost-effective manner. A DIA shall run with and be a burden upon the land described in the agreement.
- B. The Town, at its discretion, may require the developer to execute other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required private improvements shown in the final plat documents.
 - C. As private improvements are completed, the subdivider may apply to the Town Council for inspection of such improvements. Upon inspection and approval, the Town Council shall release any collateral covering the private improvements. One hundred percent of the collateral shall be released when all private improvements have been inspected and approved.
 - D. Time for Completion. The required time for the completion of all required private improvements shall be two years from the recording date of the final map or plat. However, the Town Council may extend such time for completion upon request from the subdivider. Upon completion of such private improvements within the required time and approval thereof by the Town Council, the Town shall cause the collateral to be released within 30 days of the Town's acceptance of such private improvements and receipt of the required as-built drawings, if applicable. When such improvements are not completed within the required time, the Town may use the collateral to complete the required private improvements, withhold building permits, or revoke the final plat approval.

7.6. CONSERVATION SUBDIVISIONS

7.6.1. PURPOSE

This Section provides an optional process and standards for conservation subdivision development, or "cluster development." A conservation subdivision is a residential subdivision in which some or all of the lots are allowed to be smaller (in area and width) than otherwise required for the underlying zoning district, in exchange for the protection of common open space. Clustered lots should occur near the edges of property close to planned or existing development. The Town encourages conservation subdivision design through a density bonus approach.

7.6.2. APPLICABILITY

The conservation subdivision option is only available within the Agricultural/Residential and Rural Transition districts for development of single-family detached residential dwellings, duplex dwellings, and single-family attached dwellings (up to four units/lot).

7.6.3. APPROVAL OF CLUSTER DEVELOPMENT PLANS

In lieu of the major subdivision sketch plan required by Section 2.4.3, the developer shall prepare and submit an application for conservation subdivision, which shall include an existing resource and site analysis map delineating steep slopes, hydrology, vegetation, and significant natural and cultural features. A conservation subdivision plan shall be submitted

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SUBSECTION 7.6.4 BASIC REQUIREMENTS FOR CONSERVATION SUBDIVISIONS

consistent with requirements for sketch, preliminary, and final as defined in this Land Use Code and the user's manual.

7.6.4. BASIC REQUIREMENTS FOR CONSERVATION SUBDIVISIONS

- A. Under the conservation subdivision option, a minimum of 40 percent of the total area of the subdivision shall be set aside as common open space. Higher densities are allowed with greater percentages of protected open space. The total area of common open space set aside shall determine the maximum allowed density on the site, as shown in the following table:
- B. In order to determine the maximum number of lots permitted on a tract of land, the net buildable area (calculated as the gross acreage, minus the common open space protected) shall be multiplied by the maximum density shown in the table above. Lot sizes shall be established by the Town at the time of approval of the conservation subdivision. No lot shall be smaller in area than 6,000 square feet. The minimum lot width shall be 30 feet.
- C. Where possible, structures shall be oriented with respect to scenic views, natural landscape features, topography of the site, solar energy, and natural drainage areas, in accordance with an overall plan for site development.
- D. There shall be no further subdivision of land in an area approved for conservation subdivision. However, easements for public utilities may be permitted.
- E. Conservation subdivisions shall meet all requirements for a subdivision, street development, and all other applicable Town ordinances, except in lot size, which is defined in this Section.

TABLE 7.6-1: CONSERVATION SUBDIVISION REQUIREMENTS

District	Common Open Space Protected (% of Gross Acreage)	Maximum Density (DU/ acre)
R-A	40	0.4
	50	0.6
	60	0.8
	70+	1.0
R-T	40	1.0
	50	1.4
	60	1.8
	70+	2.0

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SUBSECTION 7.6.5 PROVISION AND MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES

7.6.5 PROVISION AND MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES

- A. All open space shall be marked in the field with appropriate permanent signage markers in order to distinguish these areas from private property.
- B. The open space shall be shown on the development plan, with a notation to indicate that the common space shall not be used for future structures.
- C. The open space shall be permanently maintained and protected as:
 - 1. Open space lots with deed restrictions; or
 - 2. Land dedicated to the town; or
 - 3. Protected through a conservation easement.
- D. For any land not dedicated to the town, the developer shall establish and incorporate a property owners association, which shall have the responsibility for maintaining the open space and associated facilities at its own expense. As an alternative to a property owners association, a private, non-profit organization, whose primary purpose is open space conservation or preservation, can own and manage the open space within a cluster housing development.

7.6.6 USE OF OPEN SPACE

The reserved open space shall be used for low-intensity recreation, agriculture, buffers, high quality forests, critical wildlife habitat, or other passive outdoor living purposes. Limited access to the open space may be allowed for the purpose of maintenance and recreation. Such uses shall not include rights-of-ways for roads or parking areas, tennis courts, swimming pools, or similar recreational development. The use of open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

7.6.7 CHARACTERISTICS OF OPEN SPACE TO BE RESERVED

The following characteristics should be considered general guidelines to ensure that the land to be set aside is suitable as open space.

A. Location

- 1. The space shall be located so as to reasonably serve the recreation and open space needs of residents of the subdivision.
- 2. To the maximum extent feasible, where significant natural and scenic resource assets exist on a property, the subdivider, developer, or owner shall give priority to their preservation through protection as open space. In reviewing the proposed location of open space areas, the Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas (which are not listed in a particular order):
 - a. Wetlands;
 - b. Flood hazard areas;
 - c. Lakes, rivers, stream/riparian corridors, and drainageways;
 - d. Wildlife habitat and migration corridors; and
 - e. Tree retention areas.

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SUBSECTION 7.6.7 CHARACTERISTICS OF OPEN SPACE TO BE RESERVED

3. The open space shall form a single parcel of land, except where the Town Council determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In such cases, the Town Council may require that such parcels be connected by a protected strip of land at least 30 feet in width.

B. Usability

At least 50 percent of the open space set aside pursuant to this Section shall be suitable for passive or active recreational purposes. No part of such 50 percent shall be within any designated floodway.

A. Access

Unless the land being protected is a sensitive environmental area to which access should be restricted for preservation purposes, access to the protected open space by residents of the subdivision shall be provided either by adjoining street frontage or, if required by the Director, by a dedicated easement, at least 20 feet wide, that connects the dedicated land to a street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land.

B. Areas Not Eligible

Lands within the following areas shall not be accepted as open space for purposes of this Section:

1. Private or common yards;
2. Public or private streets or rights of way;
3. Open parking areas and driveways for dwellings; and
4. Land covered by structures not intended solely for recreational uses.