



MINOR RESIDENTIAL DEVELOPMENTS

SECTION X

Exemptions from the regular subdivision process

A. Intent

To allow for flexibility in the subdivision of land for proposed residential developments, which are minor in impact, and to adjust the platting process for the scale of the intended development. Projects classified as minor developments are exemptions from the regular subdivision process required, but shall comply with the standards established by the Board of County Commissioners governing this use, in accordance with Section 30-28-101 (10) Colorado Revised Statutes, 1973.

B. Minor Residential Developments

1. The creation of one (1) to seven (7) residential lots, parcels or tracts of land with one (1) principal use on each lot, and adjoining a public street/road. Any proposal may be subject to additional studies, or provision of additional information.
2. The Planning Commission may classify other minor residential developments as exemptions from the regular platting process, when there is sufficient evidence provided as to the minor nature of the proposed subdivision.
3. In those instances when the applicant is found to be utilizing the minor development allowance to circumvent the regular process of review, the applicant shall be required to comply with the regular process of review and provide all related submittal requirements. The creation of more than one minor residential development adjoining another may require compliance with the standards of the regular subdivision process or additional studies or regulations.

C. Required Submittal Information for Minor Residential Developments

Applicants shall provide such information as deemed necessary by the Planning Commission. Such information shall include, but not be limited to:

1. Proof of ownership - Copy of deed, title policy, or other sufficient information.
2. Proof of water availability - May be a letter from the Division of Water Resources, indicating a well permit has been or will be issued, or a copy of an approved well permit for an individual well on the parcel, or a letter from water/sanitation district, or another source approved by the Planning



Commission.

3. Responses from established referral/review agencies within the allowed thirty-five (35) day review period. The Community & Development Services Director shall be responsible for determining the referral agencies to be contacted. When questioned, the matter will be decided by the Planning Commission, prior to further processing. The review fee required by any referral agency for their review, shall be paid by applicant in advance, in the amount normally charged by the agency, and included in the packet when it is sent.
4. Topographic information may be requested of applicant for the site.
5. A Final Plat, submitted in accord with the Final Plat requirements; signatures need not be provided until after Planning Commission action. Signatures shall be provided prior to recordation.
6. FEE - Refer to fee schedule.
7. If taken with a rezoning request, that procedure/process and fee for rezoning is not altered.
8. Dedication of public land to Elbert County or cash-in-lieu thereof.
9. Digital submittal as per Map Requirements, see Section XV., A., 10.

D. Criteria for Approving or Denying Minor Residential Developments

Community & Development Services shall make written recommendations and findings of fact, as to any minor residential development. The Applicant may respond to such recommendations and findings.

The Planning Commission, at a duly noticed public hearing, shall consider the recommendations of the Director of Community & Development Services in their review of the application.

E. Procedure (when rezoning is NOT involved)

Pre-Application Meeting, [Reference: Section IV, A.]

Two Copy Submittal, [Reference: Section IV, A.]

Formal Application: Time Frame

Referral agencies, excepting the Planning Commission, shall make recommendations within thirty-five (35) days after the mailing by the County Community & Development Services. Failure of a referral agency to submit comments, in writing, within the thirty-five (35) day referral period, shall constitute approval by that agency. Community &



Development Services may still consider referral comments from the agency however, and request appropriate mitigating responses from an applicant.

Upon written request by a referral agency, the Community & Development Services Director may extend the thirty-five (35) day review process up to an additional fifteen (15) days.

- County and Referral Agency Response, [Reference: Section IV, A.]**
- Provide Comments to the Applicant, [Reference: Section IV, A.]**
- Applicant Responds to Comments, [Reference: Section IV, A.]**
- Staff Review of Revised Submittal and Pre-Hearing Meeting, [Reference: Section IV, A.]**
- Public Hearing Documents Submittal, [Reference: Section IV, A.]**
- Planning Commission Public Hearing, [Reference: Section IV, A.]**
- Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]**
- Public Hearing Notification, [Reference: Section IV, A.]**

F. Subdivision Public Notice Provisions

Public notice provisions contained in the Elbert County Zoning Regulations legal notice to adjoining property owners, and a sign, will apply to any Preliminary Plat, Part I, Section 6, related to a public legal notice to the newspaper, a certified letter and Final Plat considered together and Minor Subdivisions of any kind. Where applicable, these public notice provisions may be consolidated with a rezoning or 1041 public notice provision. *The public notice provisions will apply to Plat Amendments as found in Section XVII B.* The Public notice provisions are not applicable to Concept Plans.

Recordation of a Final Plat and Rezone Exhibit and verification of a Preliminary Plat, [Reference: Section IV, A.] In a Minor Development, the Plat is prepared directly to Final Plat specifications.