Elbert County Subdivision Regulations

Proposed Revisions
Planning Commission Study Session
October 30, 2018
Article I. Enacting Clauses

- **Blue text = Existing reg & Red text = New reg**

- Most text comes from ECSR Section I Enacting Clauses

- Article I.C (Approval Criteria) was added. There are no specific approval criteria for subdivisions in the current ECSR.

- Section I.I is expanded in new Article I.H with more power on variations at time of plat.
Article II. General Subdivision Requirements and Procedures

- This is a new section, but it pulls existing text that exists in each process chapter of the current ECSR.
- The intent is to have one article for all procedures and processes that are common to all subdivision applications.
- A new table of all possible submittal items is included. This matches the proposed ECZR tables.
- Referral and notice process are new. They match the proposed ECZR referral and notice sections.
- Article II.C. General Responsibilities comes from current ECSR Section II.C.
- Article II.F. Submittal Process comes from current ECSR Section IV. Revisions were made to account for new Administrative Decisions.
Article III. Pre-application Conference

- Expanded from current ECSR Section VI to match proposed Pre-App process in ECZR.
Article IV. Concept Plan

• Article IV mostly matches current Section VII
• Applicability is modified so that it is applicable only to a proposed subdivision of 26 or more lots for single family detached homes.
• Community meetings are still required
• Discussion:
  – Should referral be needed?
  – Can the Community Meeting be waived?
Article V. Preliminary Plat

- **Article V** mostly matches current *Section VIII*
- Applicability added to clarify when needed: Only for subdivisions proposing four or more lots
- CDS Director able to waive Prelim Plat, upon request
- Required referral agencies clean up
  - Removed Water Advisory Board and Open Space Committee
- Cleaned up the requirements for the plat exhibit and separated out items that are to be included as separate documents
- Cleaned up the submittal items list, these will be listed in the table in *Article II*
Article VI. Final Plat

• Article VI mostly matches current Section IX
• Applicability added to clarify when needed: Only for subdivisions proposing four or more lots
• Required referral agencies added (previously none listed)
• Cleaned up Final Plat formatting requirements
• Cleaned up the submittal items list, these will be listed in the table in Article II
Article VI. Final Plat

• New requirement:
• Article VI. F.2

“The Final Plat shall contain all adjacent land under the ownership of the Subdivider, to the extent the land is considered a separate parcel by the Elbert County Assessors office. Remaining land shall be included in the Final Plat and reserved in tracts for future development or phases. At no time shall a Final Plat propose to leave remnants of existing parcels.”
Article VII. Minor Subdivision

• The Minor Subdivision process is a new process

• It replaces the Minor Residential Development (Section X) and Minor Business/ Commercial/ Lt. Industrial Development (Section XI) processes

• Discuss: Should Minor Subs have to adjoin a public road, or is a private road with a public easement sufficient (see Coyote Meadows/Ranch Road case history)
Article VII. Minor Subdivision

- **Current Minor Residential Developments**
  - For “1 to 7 residential lots, parcels, or tracts”
  - Reviewed by PC and approved by BOCC

- **Current Minor Business/Commercial/Lt. Industrial Developments**
  - Reviewed by PC and approved by BOCC
  - Criteria: 1 lot, less than 2 ½ acres, 1 use
  - Not allowed with PUD (despite many instances to the contrary)
  - If more than 200 vehicle trips per day, or building larger than 10,000 SF, then must do concept, prelim, final plat
Article VII. Minor Subdivision

• Proposed Minor Subdivision process is for
  – Creation of 1 to 3 lots
  – Single family residential homes or non-residential uses
  – One (1) principal use on each lot,
  – Any number of non-buildable tracts. Current regs seem to only allow 7 lots and/or tracts.

• Review and Approval
  – Delegated to a new administrative review and approval process.
  – Approved or denied by CDS Director, with notice of decision – can appeal decision to the PC with justification that plat does not meet regulations
Article VIII. Amendments to Approved Plats

• Article VIII contains elements from Section XII.

• Current regs are unclear what is applicable for the different types of plat amendments
  – BOCC or administrative approval? What is the threshold?
  – Plat Amendment/Replat/Lot Line Adjustment
  – Administrative Lot Line Adjustment/Plat Amendment
  – Administrative Lot Line Adjustment for A/A-1 parcels (Found in the ECZR in the Rezoning Section)
  – Administrative Parcels Consolidation (ECSR Section XVIII)

• The goal is to simplify the plat amendments processes to one common process, approved or denied by the CDS Director instead of BOCC or Administrative Hearing Officer.
Article VIII. Amendments to Approved Plats

• Present language for Plat Amendments:
• “When minor changes are proposed for finally approved and/or platted developments, inclusive of, but not limited to: Property splits, replats of lots in recorded subdivisions, adjustments of lot lines, and configuration of dedicated land, streets, and/or easements”
• Except that “Minor amendments and adjustments shall not include revisions or modifications to approved plans or plats, which significantly alter the intended land use, density, number of lots, transportation system, dedicated land, or encompasses modification to more than 25% of the overall site.”
• These statements make it a undiscernible judgement call as to which process a ‘plat amendment’ must go through.
• These amendments currently go to the BOCC for review and approval (no PC hearing). If minor, why to BOCC?
Article VIII. Amendments to Approved Plats

- Present language for Administrative Lot Line Adjustment/Plat Amendment:
  - “The following administrative process will be used for a lot line adjustment/plat amendment where both of the property owners are agreeable to the lot line adjustment affecting both of their properties, and where no change in zoning will take place:”
    - [Delegated from BOCC to CDS]
    - Both property owners are agreeable
    - No change in zoning
    - Where applicable, HOA “indicates that they do not have a problem”
- Reviewed by the Administrative Hearing Officer (AHO)
Article VIII. Amendments to Approved Plats

• Proposed Article VIII. New process approved or denied by CDS Director for any of the following:
  – a) Adjustments to property lines and the elimination of interior property lines involving any combination of lots, parcels or tracts, which does not increase the number of existing legal building sites and does not increase the number of lots, parcels or tracts.
  – b) Adjustments to any approved and legal subdivision plat, as enumerated above, to correct errors.
  – c) Adjustments or eliminations of previously established building envelopes regarding location and configuration.
  – d) Adjustments to previously established non-buildable areas and non-disturbance areas regarding size, location and configuration.
  – e) Creation of non-buildable tracts.
  – f) Changes to or elimination of notes, restrictions and certificates which do not adversely affect traffic safety, visual impact, wildlife, drainage, soil erosion, wildfire hazard, noise, or the provision of open space.
Article IX. Exemptions

• In the current ECSR, Subdivision Exemptions are buried in the Plat Amendment Section XII
• Exemptions should be in their own Article
• Exemptions are allowed by state statute and the county can define what is exempt
• Current ECSR Section XII.E only allows for one type of Exemption:
  – Legalization of an illegal division of land/illegal transfer
Article IX. Exemptions

• Proposed Article IX contains the following types of exemptions:

1. Improper division of land / illegal transfer
   - Applies to private party who swears they were unaware of the unlawfulness of the division OR
   - Applies to land that is being used for public or quasi-public purposes including but not limited to: utility facility, park, open space, fire station, sheriff substation, library, metro district office, water/sewage facility, cemetery, and school district facilities.
   • Applies to at least 38 parcels
Article IX. Exemptions

• Proposed Article IX contains the following types of exemptions (cont’d):

2. A boundary line adjustment between unplatted parcels
   – Only for unplatted A-zoned parcels
   – This section is moved from the Admin Lot Line Adjustment process that is presently in the Zoning Regs.

3. Pre-1972 Parcel Ownership: The division of residential property, subject to limitations.
   – Legalizes existing residential properties that were created before the state adopted subdivision regulations
Article X. Vacation of Right-of-Way, Public Easements, and Plats

• The current Vacation regulations are buried in Section XIII. Design Standards.
• Creates standards for the content of the Vacation Exhibit
• Process is unchanged except for standardizing notice periods
• Creates approval review criteria (as opposed to “conditions”)
• Clarifies vesting of property per State Statute
Article XI. Design Standards and Studies

- Article XI contains elements from Section XIII.
- Modified allowed lengths of cul-de-sacs
- Removed some standards that are more appropriate for Public Works (curves, drainage)
- Discuss: should alleys be prohibited?
Article XI. Design Standards and Studies

• Previous CDS Directors have enforced rules relating lot sizes to well & septic. These were not regulations, but were in the previous ‘Master Plan’.

• Should all new residential lots adhere to this?

<table>
<thead>
<tr>
<th>Well &amp; OWTS</th>
<th>Central Water &amp; OWTS</th>
<th>Central Water &amp; Central Sewer</th>
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<tbody>
<tr>
<td>1 dwelling unit per 10 acres</td>
<td>1 dwelling unit per 5 acres</td>
<td>1 dwelling unit per 1 acre</td>
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</table>

O.W.T.S. = Onsite Wastewater Treatment System (a.k.a. septic system)
Article XI. Design Standards and Studies

• Discussion: “300-year” water requirements are currently in the 1041 Regulations. They could be memorialized in the ECSR. This rule is referred to often and the State Division of Water Resources references the 1041 Regulations.

• New Article XI. F.

“In order to assure a long term water supply, and given the concern with dependence on bedrock ground water, and the difficulty in supplying future surface sources outside the urbanized areas, the following additional criteria apply:

a) Total water supply for full project build out has been demonstrated, to the satisfaction of the Board of County Commissioners, based on the following factors: Such supply shall be based on a factor of .4 acre feet for residential, and the single family equivalent for nonresidential. The factor of .4 acre feet for residential, applies to the residential portion of use of a residence, and does not include domestic or agricultural stock watering and other associated uses of rural residential uses. An additional appropriate factor would be required for such uses.

b) If greater than 50% of the water supply is a renewable source of water, then a 100 aquifer year life will be applied.

c) If less than 50% of the water supply, but greater than 25% of the water supply, is a renewable source of water, then a 200 year life will be applied.

d) If less than 25% of the water supply is a renewable source of water, then a 300 year life will be applied.”
Article XI. Design Standards and Studies

- **Article XI.I** (Landscaping)
  - All text is existing except new addition of:
  - “2. All subdivisions proposing 26 or more residential lots shall provide perimeter landscaping, in accordance with an approved landscape plan.”

- **Article XI.K** (Open Space)
  - All text is existing except new addition of:
  - “2. Subdivisions less than 80 acres in size must provide cash-in-lieu of open space dedication, unless specific circumstances warrant the expansion of an existing public land or protection of a unique natural feature.”
  - This does not mean, however, that subdivision greater than 80 cannot provide cash-in-lieu, if County agrees or desires such
Article XII. Improvements

- Article XII contains elements from Section XIV.
- Highlighted text re: A. Surface Improvements should be discussed. It is existing text. Perhaps it best left to Public Works Specs?
- B. Utilities
  - Underground utilities required instead of encouraged.
Article XIII. Vested Property Rights

- Text comes from ECSR Section XVI.
- No changes.
Appendices

• The following current ECSR Sections will be placed in appendices
  – Section XV Map Requirements
  – Section III Definitions
  – Section V Certification, Dedications and Acknowledgements
## Summary of Review Bodies

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<thead>
<tr>
<th>Application Type</th>
<th>Recommending Body</th>
<th>Approval Body</th>
<th>Appeal</th>
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<td>N/A</td>
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<tr>
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<tr>
<td>Plat amendment</td>
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<td>Vacation of Right-of-Way or Plat</td>
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<td>BOCC</td>
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## Subdivision Process Summary

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* Only for Single Family Detached