

## 4.9 Conservation Subdivision

### A. Conservation Subdivision Purpose.

1. To preserve open areas within the City's Urban Growth Boundary Area and promote the goal of contiguous open space and agricultural preservation.
2. To provide flexible land use regulations that encourage innovative site design techniques and improve the character and quality of new development.
3. To further the goals and policies set forth in the City's Comprehensive Plan.
4. To encourage development patterns that promote more efficient use of land to protect and enhance environmentally sensitive areas and the unique features of a property.
5. To promote creative and economical residential layout and street design that provide a more efficient and aesthetic use of open space and reduces infrastructure cost.
6. To recognize and respect both individual rights and community interests and values when development is proposed.

### B. Conservation Subdivision General Policies and Guidelines.

1. Area Where Conservation Subdivisions are Permitted. Conservation subdivisions are permitted in all areas designated as Residential Estate (R-E) or Rural Living (R-L) zoning districts.
2. Open Space. In conservation subdivisions at least seventy-five (75) percent of the property must be preserved as open space in a designated conservation area. All land within the conservation area shall be protected by a permanent conservation easement or other legal instrument. Areas that may be included within the conservation area include land within the 100-year floodplain (as defined by the City Council, the Colorado Water Conservation Board or FEMA), wetlands or valuable habitat areas, archaeological/historic areas, or other resources.
  - a. Location of Open Space

- i. To the maximum extent possible, the conservation area shall include one hundred (100) foot buffers around natural areas and floodplains and all or part of the following: aquifer recharge areas; significant wildlife habitat and migration corridors; unique vegetation and critical plant communities; prime farmland, historic, archaeological or cultural features; and ridgelines and scenic view corridors.
  - ii. The conservation area shall be designated as a single outlot unless an existing ditch, physical feature or road separates the preserved area in such a way as to make creating a single outlot infeasible. The existence of an historic site, wildlife habitat or other resource would also allow for the platting of separate outlots.
  - iii. Areas set aside for trail easements and peripheral roads may be considered part of the outlot.
  - iv. To the maximum extent feasible, the conservation area shall be connected with other conservation areas or open space parcels on adjacent land.
  
- 3. Development Area. In conservation subdivisions up to twenty-five (25) percent of the property may be developed.
  
- 4. Location of Building Lots.
  - a. The building lots shall be located to minimize the impact on any environmental or open space resource area on the property. They shall be sited in areas that are compatible with the special characteristics of the parcel and the surrounding area.
  - b. The lots shall be clustered to make efficient use of land resources and infrastructure. The lots shall also be clustered with respect to dwellings on surrounding properties. However, if clustering detracts from the natural characteristics of the parcel, the lots may be dispersed if approved by the City Council.
  - c. The lots shall be located nearest to utilities and roads to minimize the amount of construction unless this directly conflicts with other preservation goals.
  - d. Lot sizes and spacing will depend on the specific site and technical and environmental factors.

- e. Additional factors which shall be considered in siting the building lots include:
  - i. Type of development in the surrounding area;
  - ii. Amount of land being preserved;
  - iii. Owner's desires for utilization of the land;
  - iv. Impact on infrastructure;
  - v. Internal road impacts and vehicular and pedestrian circulation, including connections to existing and planned roads and trails;
  - vi. Surface and ground water quality;
  - vii. View corridors from and into the development; and
  - viii. Proximity to existing utilities.
  
- 5. Determining Density. The maximum net density in a conservation subdivision is one (1) unit per five (5) acres.
  
- 6. Determining Lot Sizes. The minimum lot size allowed in a conservation subdivision is determined by whether the property will use septic systems or tie into a sanitary sewer system.
  - a. Septic System Developments.
    - i. One (1) acre minimum lot size or the Fremont County Department of Public Health and the Environment standard (whichever is greater).
  - b. Public Sewer System Developments.
    - i. Ten thousand (10,000) square foot minimum lot size for units not adjacent to open space.
    - ii. Eight thousand (8,000) square foot minimum lot size for units adjacent to open space.
  
- 7. Septic System Requirements.
  - a. A development exceeding fifty (50) units must be served by public sewer.
  - b. The type of septic systems allowed shall utilize the most environmentally sensitive technology available at the time of installation.

- c. The developer must require the homeowners association or another City-approved group to ensure all of the septic systems are inspected and maintained on an annual basis. The homeowners association or other City-approved group must keep records of when and who completes the inspections and maintenance.

**C. Conservation Subdivision Incentives and Benefits.**

1. Landowner Incentives for Developing Conservation Subdivisions:

- a. Possible increase in land value by creating open space.
- b. Flexibility in site design.

2. Community and Landowner Benefits:

- a. Preserves Cañon City's agricultural lands, rural character and view corridors.
- b. Maintains wetlands, wildlife habitat and other environmental resources.
- c. Maintains land contiguous with adjacent open space.
- d. May allow public access to open space.

**D. Conservation Subdivisions Open Space Ownership Standards.** Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to approval by the City Council.

- 1. Common Areas. Ownership and maintenance of common areas designated for the enjoyment of residents of the conservation subdivision shall be the responsibility of a homeowners association, unless a different binding arrangement is determined to be adequate by City Council. Membership in the association shall be automatic for all purchasers of lots therein and their successors. The association members shall share equitably in the costs of maintaining the open space. However, the City Council may agree to accept and maintain the common areas for the enjoyment of residents of the City.
- 2. Dedication of Easements. The City may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land provided the following requirements are met:

- a. The title shall remain in ownership by the homeowners association unless otherwise approved by the City Council;
  - b. The land is accessible to the public;
  - c. There is no acquisition cost other than any costs incidental to the transfer of ownership, such as title insurance; and
  - d. A satisfactory maintenance agreement is reached between the developer, homeowners association and the City.
3. Management Plan. In all cases, a management plan that defines the roles and responsibilities for managing open space shall accompany and be approved as part of the final plat.
  4. Failure to Properly Maintain Open Space. Failure to adequately maintain the open space in reasonable condition constitutes a violation of this code. The City of Cañon City is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, of any violation, directing the owner to remedy the violation within twenty (20) days.

**E. Application Processes for Conservation Subdivisions.**

Please refer to the Application Processes for Sketch Plan (4.6.B.), Preliminary Plat (4.7.B.) and Final Plat (4.8.B.) that apply to Major Subdivisions. The sketch plan review process is mandatory for a conservation subdivision.

**F. Review Criteria for a Conservation Subdivision.** The City shall use the following criteria to evaluate the applicant's request:

1. The land use mix within the project conforms to, and furthers the goals and objectives of, the City's Comprehensive Plan, as applicable:
  - a. The proposed development will preserve open space, environmental resources and/or agricultural land.
  - b. The proposed development promotes Canon City's unique character.
  - c. The proposed residential development takes into account the City's need for a diversity of housing opportunities.
  - d. Parks, open space and trails are incorporated into the site design.

- e. The proposed project protects Canon City's environmental quality.
  - f. The development enhances cultural, historical, educational and/or human service opportunities.
2. The subdivision represents a functional system of land use consistent with the purpose set forth in the City's zoning ordinance, and with the City's Comprehensive Plan.
  3. The utility and transportation design is appropriate, given existing and planned capacities of those systems.
  4. Negative impacts on adjacent land uses have been identified and mitigation techniques have been defined with respect to each such negative impact.
  5. There is a need or desire within the community for the applicant's development, and the development will help achieve a balance of land use and/or housing types within City, according to the goals and objectives in the City's Comprehensive Plan.
  6. The conservation subdivision, compared with more conventional site development plans, better attains the policies of the City's land use code and the City's Comprehensive Plan, such as providing more open areas, preserving existing trees and vegetation, protecting wildlife habitats and preserving sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.
  7. The proposed conservation subdivision will have no significant adverse impacts on adjacent properties, or the applicant has agreed to appropriate mitigation measures such as landscaping, screening, illumination controls and other design features as recommended by the City to buffer and protect adjacent properties from the proposed development.
  8. The architecture, height, building materials, building colors and other design features of the conservation subdivision are compatible with adjacent properties and existing development and blend with the natural landscape.