



# CODE OF THE WEST



**Introduction:**

It is important for you to know that life in the country is different from life in the city. County governments are not able to provide the same level of service that municipal governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision when choosing to purchase rural land outside the boundaries of the City of Alamosa.

**Access:**

The fact that you can drive to your property today does not necessarily guarantee that you, your guests and emergency service vehicles can achieve that same level of access at all times. Please consider the following:

1. Emergency response times (sheriff, fire suppression, medical care, etc.) cannot be guaranteed. Under some extreme conditions, you may find that emergency response is extremely slow and expensive. Be sure to post your home address so it is visible for emergency response as well as package deliverers, etc.
2. There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand the easements that may be necessary when these types of questions arise.
3. You can experience problems with the maintenance and cost of maintenance of your road. Alamosa County maintains 720 miles of roads, but private and public roads serve many rural properties. Individuals or private road associations maintain these roads. Additionally, there are many miles of county roads that are not maintained by the county, which means no grading or snow plowing. There are even some public roads that are not maintained by anyone. Make sure you know what type of maintenance to expect and who will provide that maintenance.
4. Extreme weather conditions can destroy roads. Many roads were not built to current standards, and the combination of the weather and increased loading will result in high maintenance costs.
5. Many large construction vehicles cannot navigate small, steep, narrow roads. If you plan to build, it is prudent to check out construction access.
6. School buses travel only on maintained county roads that the school district has designated as school bus routes. You may need to drive your children to the nearest county road so they can get to school.
7. In extreme weather, even county maintained roads can become impassable. You may need a four-wheel drive vehicle with chains on all your wheels to travel during those episodes, which could last for several days.
8. Natural disasters, especially floods, can destroy roads. A dry creek bed can become a raging torrent and wash out roads, bridges, and culverts. The repairs of these private roads are the responsibility of the landowners who use those roads. Alamosa County by law can only repair and maintain roads in the County Road system.
9. Unpaved roads generate dust when traffic reaches specific levels. Alamosa County does not treat county roads to suppress the dust. Dust is a factor of life for most rural residents. If you reside near unpaved Alamosa County roads, you may be able to obtain a permit from the Road and Bridge Department to treat the road for dust suppression using a county approved contractor at your expense.

10. If your road is unpaved, it is highly unlikely that Alamosa County will pave it in the foreseeable future. Check carefully with the Alamosa County Road and Bridge Department when any statement is made by the seller of any property that indicates an unpaved road will be paved.
11. Unpaved roads are not always smooth and are often slippery when they are wet. You will experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.
12. Mail delivery is not available to all areas of the county. Ask the postmaster to describe the system for your area.
13. Newspaper delivery is not always available to rural areas. Check with the newspaper of your choice before assuming you can get delivery.
14. Standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm with the service providers as to your status.

### **Utilities:**

Water, sewer, electric, telephone, trash pick-up and other services may be unavailable or may not operate at urban standards. Repairs can often take much longer than in towns and cities. Please review your options from the non-exhaustive list below:

1. Telephone communications can be a problem, especially in the mountain areas. Telephone service, even cellular service, may not be available in all areas
2. Outside of water and sanitation districts, sewer service is not available to your property. It also may be expensive to maintain the system you use.
3. If sewer service is not available, you will need to use an approved on-site septic system or other treatment process. The type of soil you have available for a leach field will be very important in determining the cost and function of your system. Have the system checked by a reliable sanitation firm and ask for assistance from the Alamosa County Land Use Department.
4. If you have access to a supply of treated domestic water, the tap fees can be expensive. You may also find that your monthly cost of service can be costly when compared to municipal systems.
5. If you do not have access to a supply of treated domestic water, you will have to locate an alternative supply. The most common sources of water in rural areas are private wells. Private Wells are regulated by the Colorado State Engineer. The cost of drilling and pumping can be considerable. The quality and quantity of well water can vary considerable from location to location and from season to season. It is strongly advised that you research this issue very carefully.
6. Not all wells can be used for watering of landscaping and /or livestock. If you have other needs, make certain that you have the proper approvals before you invest. It may also be difficult to find enough water to provide for your needs even if you can secure the proper permit.
7. Electric service is not available to every area of Alamosa County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas or undeveloped areas of the County.
8. It may be necessary to cross property owned by others in order to extend electric service to your property in the most cost efficient manner. It is important to make sure that the proper easements are in place to allow lines to be built to your property.

9. Electric power may not be available in phase two and phase three service configurations. If you have special power requirements, it is important to know what level of service can be provided to your property.
10. If you are purchasing land with the plan to build at a future date, there is a possibility that electric lines (and other utilities) may not be large enough to accommodate you if others connect during the time you wait to build.
11. The cost of electric service is usually divided into a fee to hook up the system and then a monthly charge for energy consumed. It is important to know both costs before making a decision to purchase a specific piece of property.
12. Power outages can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can also interrupt your supply of water from a well. You may also lose food in freezers or refrigerators and power outages can cause problems with computers as well. It is important to be able to survive for up to a week in severe cold with no utilities if you live in the country.
13. Trash removal can be much more cumbersome and expensive in a rural area than in a city. It is illegal to create your own trash dump, even on your own land. It is good to know the cost for trash removal as you make the decision to move into the country. In some cases, your only option may be to haul your trash to a solid waste transfer station yourself or a landfill.
14. The State of Colorado has laws which prohibit and/or restrict the open burning of trash and yard debris. You will need to contact the applicable local fire protection district and the Alamosa County Public Health Department to determine your ability to burn these types of materials on your property.

### **The Property:**

There are many issues that can affect your property. It is important to research these items before purchasing land.

1. Construction of most buildings in Alamosa County requires county issued building permits. Depending on the building location and use, other permits and approvals may also be required, such as conditional use, zone change, or subdivision approval. You should verify all permits required by contacting the Alamosa County Building Inspector or by calling the Alamosa County Land Use office.
2. Not all lots or parcels are buildable. The Alamosa County Assessor has many parcels that are separate for the purpose of taxation and are not legal lots in the sense that a building permit will not be issued. You must check with the Alamosa County Planning Department to know that a piece of land can be built on.
3. Easements may require you to allow construction of roads, power lines, water lines, sewer lines, etc. across your land. There may be easements that are not on record. Check these issues carefully.
4. You may be provided with a plat of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate.
5. Fences are not necessarily property lines. A survey of the land is the only way to confirm the location of your property lines. A "historic" fence may define property ownership and take precedence over a "legal" survey.

6. Many subdivisions and planned unit developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems with neighbors. Alamosa County does not become involved in the enforcement of covenants.
7. Homeowners Association (HOAs) are required to take care of common elements, roads, open space, etc. A dysfunctional homeowners association or poor covenants can cause problems for you and even involve you in expensive litigation.
8. Dues are almost always a requirement for those areas with HOA. The by-laws of the HOA will tell you how the organization operates and how the dues are set.
9. The surrounding properties will probably not remain the same, as they are indefinite. You can check with Alamosa County Planning Department to find out how the properties are zoned, find out what kind of buildings and uses are allowed, and to see what future developments may be in the planning stages. The view from your property may change. The current Alamosa County Land Development Guide is available for review at the Alamosa County Land Use office.
10. The development of lots or portions of lots may be affected by geological hazards, frequent flooding, wetlands, streams, rivers, and lakes. Additionally, priority fish and /or wildlife habitats and species may limit the type and location of development you may perform on your property. Development constraints, extra costs, special studies and/or permits may be required for development of lots or portions of lots affected by the above physical characteristics and attributes.
11. The location of a new residence is a particularly important decision because it is so permanent. Recent arrivals often build their homes on the highest ridge or hilltop on their property. However, what they may not realize is that farther they can see from their picture window, the farther their home can be seen by others. Weather conditions, like wind and snow, can affect your utility expenses if your residence is out in the open and subject to the elements.
12. When well designed and properly installed, outdoor lighting can be very useful in improving visibility and safety and creating a sense of security, while at the same time minimizing energy use and operating costs. If outdoor lighting is not well designed and properly installed, it can be costly, inefficient, glaring and harmful to the nighttime environment. Poorly designed or poorly installed lighting can cause a great deal of glare that can severely hamper the vision of pedestrians, cyclists, and drivers, creating a hazard rather than increasing safety. Glare occurs when you can see light directly from the fixture (or bulb). Unshielded and over lamped outdoor lighting shines onto neighborhood properties and into bedroom windows, reducing privacy, hindering sleep, and creating an unattractive look to the area. Much of our outdoor lighting wastes energy because it is not well designed. This waste results in high operating costs and increased environmental pollution from the extra power generation needs. We waste over a billion dollars a year in the United States alone lighting up the sky at night. A large fraction of poor lighting shines directly upwards, creating the adverse sky glow above our cities that washed out our view of the dark night sky, taking away an important natural resource. In addition to the cost savings, less sky glow will allow future generations to enjoy the beauty of the stars, and children will be inspired to learn and perhaps to enter the field of science.
13. If you have a ditch running across your property, the owners of the ditch have the right to come onto your property with heavy equipment to maintain the ditch and to access the ditch and the water source. The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it. Flowing water can be a hazard, especially to your children. Before you decide to locate your home near an active ditch, consider the possible danger to your family. Ditch owners are not legally responsible for accidents. Also, flow levels may be changed

abruptly without warning. Irrigation ditches tend to raise the ground water level. Be sure to check if there is a seasonal ground water fluctuation that may affect your basement or well.

### **Mother Nature:**

Residents of the county usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider.

1. The physical characteristics of your property can be positive and negative. Trees are a wonderful environmental amenity, but can also involve your home in a forest fire. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. "Defensible perimeters" are very helpful in protecting buildings from forest fire and, conversely, can protect the forest from igniting if your house catches on fire. If you start a forest fire, you are responsible for paying for the cost of extinguishing that fire. For further information, you can contact the applicable local fire district.
2. Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.
3. Expansive soils can buckle concrete foundations and twist steel I-beams. You can determine the soil conditions on your property if you have a soil test performed, or consult a geologist or geotechnical engineer.
4. North facing slopes or canyons rarely see direct sunlight in the winter. There is a possibility that snow will accumulate and not melt throughout the winter.
5. The topography of the land can tell you where the water will go in the case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through that ravine now drains through their house. Low areas will collect water when snow melts or large rain events occur. Take your property's topography into account when setting structures and other development.
6. A flash flood can occur, especially during the summer months, and turn a dry gully into a river. It is wise to take this possibility into consideration when developing your property or building.
7. Spring runoff can cause a very small creek to become a major river. Many residents use sand bags to protect their homes. The county does not provide sand bags, equipment or people to protect private property from flooding.
8. Nature can provide you with some wonderful neighbors. Most, such as deer and eagles are positive additions to the environment. However, even "harmless" animals like deer can cross the road unexpectedly and cause traffic accidents. Rural development encroached on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, prairie dogs, bears, mosquitoes and other animals that can be dangerous and you need to know how to deal with them. In general, it is best to enjoy wildlife from a distance and know that if you do not care for your pets and trash properly, it may cause problems for you and the wildlife. The Colorado Division of Wildlife has many free publications to help educate you about rural living.
9. Many areas in Alamosa County are open for hunting. Hunting, while providing recreational opportunities, is a tool for managing wildlife populations. It also involves individuals who may trespass, litter, and fire guns. Don't assume that an adjacent property is a "no shooting" area.

### **Agriculture:**

The people who tamed this wild land brought water to the barren, arid east slope of the Sangre de Cristo Mountains through an ingenious system of water diversion. This water has allowed agriculture to become an important part of our environment. Owning rural land means knowing how to care for it. There are few things you need to know:

1. It is possible that adjoining agriculture uses can disturb your peace and quite.
2. Land preparation and other operations can cause dust, especially during windy and dry weather.
3. Farms occasionally burn their ditches to keep them clean of debris, weeds and other obstruction. This burning creates smoke that you may find objectionable.
4. Chemicals are often used to grow crops. You may be subject to spray drift or over spray. You may be sensitive to these substances and many people actually have severe allergic reactions. Many of these chemicals are applied by airplanes that fly early in the morning.
5. Animals and their manure can cause objectionable odors. What else can we say?
6. Agriculture is an important business in Alamosa County. If you choose to live among the farms and ranches of our rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agricultural business neighbors. In fact, Colorado has "Right to Farm" legislation that protects farmers and ranchers from nuisance and liability lawsuits.
7. The State of Colorado has an open range law. In general, if your property is located in an open range and you do not want cattle, sheep or other livestock on your property, it is your responsibility to fence them out. It is not the responsibility of the rancher to keep his/her livestock off your property.
8. Before buying land you should know if it has noxious weeds that may be expensive to control and you may be required to control. Some plants are poisonous to horses and other livestock. In July 1990, the Colorado Legislature passed a bill commonly called the "Colorado Weed Management Act." This weed bill requires all landowners to manage "undesirable plants which present a threat to the continued economic and environmental value of the lands of the state".
9. Animals can be dangerous. Bulls, stallions, rams, boars, etc. can attack human beings. Children need to know that it is not safe to enter pens where animals are kept.
10. Alamosa County receives an average of 12-14 inches of precipitation per year. As a result, we have a problem with overgrazing, and fugitive dust. Without irrigation, grass does not grow very well. There is a limit to the amount of grazing the land can handle. The Alamosa County Cooperative Extension office can help you with these issues.

## **In Conclusion**

Even though you pay property taxes to the county, the amount of tax collected does not cover the cost of the services provided to rural residents. In general, tax revenues derived from oil and gas production, commercial, industrial, agricultural and forest uses and activities in the County subsidize the lifestyle of those who live in the country by making up the shortfall between the cost of services and the revenues received from rural dwellers.

This information is by no means exhaustive. There are other issues that you may encounter that we have overlooked and we encourage you to be vigilant in your duties to explore and examine those things that could cause your move to be less than you expect.

We at Alamosa County have offered these comments in the sincere hope that it can help you enjoy your

decision to reside in the country. It is not our intent to dissuade you, only to inform you. If you have any questions, please do not hesitate to call us.



*The Code of the West* was first chronicled by the famous western writer, Zane Grey. The men and women who came to this part of the country during the westward expansion of the United States were bound by an unwritten code of conduct. The values of integrity and self reliance guided their decisions, actions and interactions. In keeping with that spirit, we offer this information to help the citizens of Alamosa County who wish to follow in the footsteps of those rugged individualists by living outside city limits.

This brochure is for informational purposes only. It is not intended, nor should it be construed as a legal advice and should not be relied upon in lieu of consultation with a qualified legal representative

Amended March 2017



**ALAMOSA COUNTY**  
**LAND USE DEPARTMENT**  
**Certification of the Code of the West**

The Code of the West is an informational pamphlet that Alamosa County created to inform you that life in the country is different from life in the city. County governments are not able to provide the same level of service that municipal governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision when choosing to purchase rural land outside the boundaries of the City of Alamosa.

By signing below you are acknowledging that you have  
received a copy of the Code of the West.

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**(Signature)**

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**(Date)**

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**(Date)**

This form must be completed and returned to the Land Use Department  
in order to continue with your Land Use Application.