

Article VII MINOR SUBDIVISION PERMIT PROCESS

A minor subdivision is roughly defined as any low impact subdivision which involves the division of land into no more than seven additional parcels (total of 8 Parcels after subdivision), lots, tracts, spaces or interest, all of which can be accessed and served with roads and utilities, whether intended for eventual sale or not, and not adversely affecting the remainder of the parcel or any adjoining properties. It should be clarified here, that neither state nor county regulations give a property owner the right to divide his property. The Board of County Commissioners has the authority to grant or deny any request for a minor subdivision of property, based on density concerns, neighborhood impacts, environmental and wildlife considerations, as well as for a range of other reasons, or for no reason at all.

7.1 QUALIFICATIONS

No more than 8 total lots can be created on any property through this minor subdivision process. These lots shall be held in compliance to zoning regulations that apply to the district that the original parcel is in.

This is applicable to the land, and not to different land ownerships of the parcel.

Parcel, lots or tracts previously or at any time, created through the minor subdivision process or an exemption to the subdivision regulations, do not qualify for further division, for at least fifteen years, through this Minor Impact Subdivision process, or by any other means.

7.2 DESIGN

7.2.1 No parcel can be smaller than the minimum parcel size for the zone that it lies in.

(A minor subdivision in the rural zone might be where a two hundred acre tract is split into four fifty acre parcels. State law allows division of land where the smallest parcel is 35 acres or more, to occur without going through this minor subdivision process)

7.2.2 Parcels with steep slopes (15% or greater), unstable land and land subject to hazards such as landslides, rockfalls, ground subsidence, wildfire or flooding shall not be considered for approval for residential or other uses, unless acceptable provisions are approved by the Planning Commission and the Board of County Commissioners to alleviate such hazards to health, safety, and welfare.

7.2.3 Parcels that contain wetlands or in a riparian area will not be considered for minor subdivision

7.3 SUBMISSION OF THE PRELIMINARY PLAN

The applicant shall submit to the Land Use Office twelve (12) copies of the preliminary Plan or Map, and twelve (12) copies of the supplemental data for the proposed subdivision and two (2) Minor Impact Subdivision Preliminary Plan applications. Public notice to have this plan and supplemental data reviewed by the Planning Commission and by the public shall be given as follows:

- 7.3.1 The applicant must be the owner of the property, or must submit a letter signed by the owner, stating the he or she has the authority to legally and financially bind the owner of the property, and act on behalf of the owner, in regard to this minor subdivision process.
- 7.3.2 Notice published at least once, a minimum of fourteen (14) calendar days prior to the meeting (or public hearing), in a newspaper of general circulation in the county. Such notice shall include a description of the proposed subdivision, an invitation to the public for comment on it, and the address and phone number for the County Land Use Office.
- 7.3.3 The same notice, a minimum of fourteen (14) calendar days prior to the meeting, shall be sent by first class mail to all property owners within a 300 foot radius of the outer perimeter of the location of the proposed minor subdivision.
 - 1. Ownership shall be determined by the current records of the County Assessor's office.
 - 2. Copies of the original print-out and map from the Assessors records showing current owner address and legal description, and lot number, shall be submitted to the County Land Use Office, by the subdivider, prior to any notification of landowners or the public, by the Land Use Office, and prior to the scheduling of any public hearing.
 - 3. A non-refundable processing fee in the amount set by the Board of County Commissioners and on file in the office of said Board. The fee will include a flat fee for each application plus an additional fee for each parcel.
 - 4. In submitting this application, the subdivider and applicant must acknowledge in writing, that he or she obtains no vested rights at any time in this process prior to recording of the Final Plat with the approval of the County Commissioners.

7.4 PRELIMINARY PLAN REQUIREMENTS

All of the following exhibits shall be submitted with the Minor Subdivision Preliminary Plan Application. Incomplete submissions will be returned to the subdivider by the County Land Use Office, prior to any consideration by the Planning Commission.

- 7.4.1 Information on topography, hazard areas which may exist including: flood plain or flood prone areas, concentrated runoff areas, inadequate drainage areas, wildlife hazard areas, steep slopes, lakes, streams and vegetation. Each of these features or characteristics must be shown on the map or proposed plat being submitted. The average and maximum slopes must be stated.
- 7.4.2 Property survey and ownership of the land to be subdivided including mineral rights and mineral leases; and ownership of all lands within three hundred (300) feet of the proposed subdivision.
- 7.4.3 The legal Description of the property proposed for a minor subdivision must be attached as Exhibit A.
- 7.4.4 A map drawn to approximate scale, and other documentation showing the layout of the proposed minor subdivision, including:
 - 7.4.4.1 Total acreage of land to be subdivided; number and size of proposed lots, access to each lot, proposed lot lines and lot sizes, and a street address for each, determined according to the county address system. Platted streets shall not be included in the size of the lots.
 - 7.4.4.2 Evidence to establish that definite provision will be made for a water supply that is sufficient in terms of quantity, dependability and quality to provide an appropriate water supply for all lots, parcels and tracts within a proposed subdivision. This must be in the form of a report signed by a professional engineer registered in the State of Colorado, and must include, at a minimum the following information: (Amendment adopted by Mineral County Commissioners, February 1, 1999)
 - 7.4.4.2.1 The expected water requirements of the subdivision now and at full development including the various water uses to be permitted.
 - 7.4.4.2.2 The estimated consumptive uses of water by the subdivision at full development
 - 7.4.4.2.3 The supply system for the subdivision and the dependability of this system.
 - 7.4.4.2.4 Evidence of ownership or right of acquisition of adequate water rights or the right to use adequate water supply. Except for subdivisions that will rely on individual exempt domestic wells, final plat approval will not occur until the water rights of the plan of augmentation necessary to the supply of water requirements of the subdivision have been conveyed to a public entity, quasi-public entity or homeowners association, the purpose of which is to retain title to the water rights which

supply the subdivision and provide water service to the subdivision or until a mechanism is in place that assures that individual purchasers of lots acquire a proportionate share of the water rights and plan of augmentation with the purchase of each lot. Such rights must be conveyed in fee simple, free and clear of liens or encumbrances of any kind or character except a dedication in an augmentation plan.

- 7.4.4.2.5 Historic use and yield of water rights which will supply the subdivision.
- 7.4.4.2.6 Amenability of existing water rights to Water Court decreed change of use and plan of augmentation, if necessary.
- 7.4.4.2.7 The reliability of the source and the legal availability of the water rights for use as a subdivision water supply.
- 7.4.4.2.8 An evaluation of the potential for material injury to existing rights as a result of the subdivision usage, including the cumulative effect of on-lot exempt domestic wells.
- 7.4.4.2.9 A plan of augmentation whereby any material injury to existing water rights is prevented.
- 7.4.4.2.10 Evidence that an offsite public water owner and supplier can and will supply water to the proposed subdivision stating the amount of water available for use by the proposed subdivision and the feasibility of extending service to the new area.
- 7.4.4.2.11 Evidence concerning the potability of the proposed water supply for the subdivision.
- 7.4.4.2.12 Information as to what entity will operate and be responsible for the plan of augmentation and water system on a continuing basis.

7.4.4.3 Type of sewage disposal and treatment system proposed for the subdivision and a written report from a certified Professional Engineer that this proposed method is compatible with the soil, topography, governmental requirements and other characteristics of the parcels to be created, and that it complies with all applicable public health laws for each proposed lot.

7.4.4.4 Information concerning fire protection, solid waste disposal, telephone and electricity. (All proposed subdivisions which are within a fire district shall have the Fire Chief/ Fire Marshall of the appropriate Fire Protection District review the plans.

- 7.4.4.5 Assurance of legal, all-weather access to each proposed parcel from an adequate, existing road. Show the location of access on the plat submitted. If access is to a state highway, a copy of the written access permit must be attached to this application. State the percent grade of existing and proposed roads.
- 7.4.4.6 If the proposed subdivision lies within an airport influence area, navigation Easement shall be required, and it shall be determined if any portion of the lots may be unbuildable, due to the required compliance with F.A.R. part 77.
- 7.4.4.7 Evidence that the land included within the proposed plat is properly zoned for the purposed use and lot size. Indicate how the property is zoned. State the present, proposed and immediate past use of the property. List the uses presently being made of the properties immediately adjacent to the property planned for subdivision.
- 7.4.4.8 That the proposed plat or subdivision has not previously been subdivided within in the fifteen year period immediately prior to the filling of this proposed plat.
- 7.4.4.9 Name the owner of the property, address and phone number of the owner. Add the name, title, address and phone number of the applicant. Include the names, addresses, titles and phone numbers of any others who are able to speak for and legally bind the applicant in matters related to this minor subdivision request.
- 7.4.4.10 Attach as Exhibit B, a list of all persons, companies, political subdivisions, etc., who hold a legal interest in the property, and show their mailing address, and the nature of legal interest held.
- 7.4.4.11 Include a narrative statement which include information not contained above, which will give persons reviewing your application a complete accurate picture of your proposal.

7.5 PROCESSING OF THE PRELIMINARY PLAN

- 7.5.1 After county land use office has determined that the application meets all or substantially all requirements, the Land Use Administrator shall call a scheduled meeting or public hearing before the Planning Commission. At this meeting the Planning Commission shall review the Minor Subdivision Preliminary Plan and may request a wildlife Impact Review from the Colorado Division of Wildlife, and after considering the exhibits submitted, comments from the general public, and impacts on adjoining areas, and the county as a whole, from factors such as natural resources, natural hazards, environmental impact, erosion, county services, access, utilities,

general public health and welfare, and compatibility with the surrounding area, the Planning Commission shall give approval, disapproval or conditional approval of the plan, or may request additional information from the subdivider and applicant.

- 7.5.2 Once additional information has been provided to the Planning Commission, and additional criteria have been met, to the satisfaction of the Planning Commission, the Planning Commission may recommend a Preliminary Plan approval.

Without any further public notice, the Board of County Commissioners, at a regular or special meeting, may approve the Preliminary Plan, disapprove, or require changes or additions.

If a Preliminary Plan approval is obtained from the Board of County Commissioners, the approval is only valid for one year. In the Event that a Final Plat is not submitted to the Planning Commission within one year, the Preliminary Plan approval becomes null and void, and of no further force nor effect. An extension of time may be applied for on the basis of unforeseen circumstances, in which case:

- 7.5.2.1 The applicant shall, in writing, request an extension citing the specific reasons for such extension, and for how long the extension is needed.
- 7.5.2.2 Only one written extension of time may be granted by the Planning Commission.
- 7.5.2.3 If an extension of time is granted, the most current Minor Subdivision regulations shall apply.

7.6 SUBMISSION OF THE FINAL PLAT

- 7.6.1 Submission – An original reproducible plat and a minimum of twelve (12) copies of the proposed final Plat, as well as a minimum of twelve (12) copies of all required supplemental information, and two copies of the Minor Impact Subdivision Final Plat. Application shall be submitted by the subdivider to the County Land Use Office.
- 7.6.2 Submissions judged incomplete by the Count Land Use Administrator, will not be considered further, until additional or more accurate information has been submitted to make the application complete, as determined by the County Land Use Administrator.

- 7.6.3 Public notice shall appear in a newspaper of local circulation at least fourteen (14) days prior to the planning Commission meeting giving the date, time and location, at which the Final Plat will be considered by the Planning Commission.

7.7 FINAL PLAT PREPERATION

The subdivision design shall conform to the design standards in this document (sections 7.2 and 7.7), and to the preliminary Plan as approved.

- 7.7.1 The drawing shall be a Mylar, made at a scale of 1" = 200', with outer dimensions no less than 24" x 36". All information shall be accurate and legible.
- 7.7.2 The Final Plat shall contain the following information, and shall be prepared and signed by a registered Colorado Land Surveyor.
- 7.7.2.1 Subdivision name, scale, true north arrow, date of preparation and basis of bearings.
- 7.7.2.2 Legal description of the property and the total acreage. This should be part of the dedication statement
- 7.7.2.3 Complete survey data which shall include any information necessary to establish the boundaries in the field; a description of all monuments, both found and set, which mark the boundaries of the property; and a description of all control monuments used in conducting the survey. All monumentation shall be in place prior to final plat submittal to the County Land Use Office
- 7.7.2.4 Subdivision boundary lines; streets and other rights of way lines; easements, including irrigation ditches; property lines of lots, parcels and tracts; showing in all cases accurate distances, bearings, curve radii, central angles and arc length
- 7.7.2.5 All road easement must be at least forty (40) feet in width. Until such road meets the county road standard (60 feet wide) it will not be "accepted" by the county for maintenance, construction or any other matter pertaining to or affecting said roads or rights of way. All other matters pertaining to or affecting said roads and rights- of-way will be the sole responsibility of the owners of the land embraced within this subdivision. All road easements should be used as utility easement where utilities are supplied. Roads shall be designed so as to provide emergency access and egress for residents, occupants, and emergency equipment. Emergency access shall comply with provisions of the International Fire Code and requirements of applicable emergency services, such as fire protection, ambulance, and law enforcement.

- 7.7.2.6 A number or other means to identify each lot, and the area of each. In addition, the street address of each lot, determined according to the county address system.
- 7.7.2.7 The applicable zoning of the land that will be subdivided. Include a statement that only permitted uses per county zoning regulation will be allowed for each lot unless there has been a conditional use given.
- 7.7.2.8 A vicinity map, drawn at an appropriate scale, showing the perimeter outline of the platted area, accesses, abutting subdivisions or ownerships, surrounding section lines, and other relevant information so the subdivision location may be ascertained by persons unfamiliar with the area.
- 7.7.2.9 All appropriate plat notes and appropriate shading, including flood plain information, geological hazard, mineral resources, access information, and airport influence area.
- 7.7.2.10 The following certifications and dedications shall appear on the final plat:
 - 7.7.2.10.1 Dedication by the subdivider
 - 7.7.2.10.2 Surveyor's Certification
 - 7.7.2.10.3 Planning Commission Certificate
 - 7.7.2.10.4 County Commissioners Approval to Record Certification
 - 7.7.2.10.5 Clerk and Recorder Certification
 - 7.7.2.10.6 Signature of the applicant, subdivider and date
 - 7.7.2.10.7 All access easements (roads) to remain public
 - 7.7.2.10.8 All access easements (roads) must be a minimum of forty (40) feet in width with a maximum of sixty (60) feet in width as required by maintenance and topography.
- 7.7.2.11 An original Tax Certificate from the County Treasurer showing that no taxes are due or delinquent against this or any other property of either the owners or the subdividers.
- 7.7.2.12 An original Title Report from a licensed Colorado Title Company shall be provided, showing the names of all surface owners, lien holders, mineral owners and lessees of mineral rights in the platted area, as the names appear upon records in the County Clerk and Records Office. The Title Report shall also include all existing easements.

7.7.2.13 Letter of Credit or Bonding as set by the Board of County Commissioners.

7.8 PROCESSING AND APPROVAL OF THE FINAL PLAT

The County Land Use Office shall review all plats for accuracy at the applicants' expense, and shall require additions and or changes when necessary, in the opinion of the land use administrator, before passing the Final Plat on to the Planning Commission, and on to the Board of County Commissioners.

- 7.8.1 It shall be the applicant's responsibility to submit three copies of the final plat to the county land use office, a minimum of thirty calendar days prior to consideration of the final plat at a scheduled Planning Commission meeting.
- 7.8.2 The County Land Use Office shall review the plat and if any corrections are needed, the applicant shall have the corrections made and three copies of the corrected plat shall be re-submitted to the Land Use Office.
- 7.8.3 All additional costs of the Minor Impact Subdivision including, but not confined to legal notification, public hearings before the Planning Commission or Board of County Commissioners, plat preparation, surveying, recording, etc, shall be paid by the applicant prior to filing of the final plat.
- 7.8.4 Final Plat recommendation of the Planning Commission shall be valid no longer than one year. In the event the Final Plat is not submitted to the Board of County Commissioners within this time, the Planning Commission's Final Plat Approval Recommendation becomes null and void, and of no further force nor effect.
- 7.8.5 If the final plat has not been recorded in the County Clerk and Records Office within six months from the date of approval by the Board of County Commissioners, The Final Plat approval shall be null and void.
- 7.8.6 After the final plat has not been recorded in the County Clerk and Records Office within six months from the date of approval by the Board of County Commissioners, the Final Plat approval shall be null and void.
- 7.8.6 After the Final Plat approval recommendation has been made by the Planning Commission, the formal approval of the final plat by the Mineral County Board of County Commissioners shall occur at any regular monthly meeting or special call meeting of the Board of County Commissioners, without any further public notification.