Mineral County

MINOR SUBDIVISION APPLICATION

1201 N. Main – P.O. Box 70
Creede, CO 81130
719.658.2360

Fee: $1,000.00 + $100.00/Lot

Application Date: _____

Subdivision Name: _____

Section _____Township_____Range_____

General Description of Location:

_____

_____

Total Acreage: _____Proposed # of Lots: _____Zoning: _____

Owner(s) Name: _____
Phone #: _____
Email Address: _____
Mailing Address: _____
_____

Subdivider(s) Name: _____
Phone #: _____
Email Address: _____
Mailing Address: _____
_____

Registered Surveyor: _____
Phone #: _____
Email Address: _____
Mailing Address: _____
_____

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Estimated Water Requirement: _____gallons/day

Proposed Water Source(s): _____

Provide letter from DWR and/or Water Conservancy District authorizing wells and augmentation.

Estimated Sewage Disposal Requirement: _____gallons/day

Proposed Means of Sewage Disposal: _____

Provide letter from Professional Engineer as to suitability of sewage disposal method.

Estimated Electrical Requirements _____

Proposed Source of Electrical Service _____

Provide letter from provider as to availability.

Type of Subdivision:

	Dwelling Units	Area (Acres)	% of Total Acres
☐ Single			
☐ Commercial			
☐ Mobile Homes			
☐ Other			

	Area (Acres)	% of Total Acres
Street		
Walkways		
Other		
Total		

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Submitting Application

Application, maps and accompanying textual documents must be turned in to the Planning Department 21 days before the next Planning Commission Meeting. The Planning Commission meets the third Friday of each month. The application will be presented to the Planning Commission for their recommendation and then, on the second Tuesday of each month, to the Board of County Commissioners for final approval. A notice of these hearings will be mailed to all adjacent landowners and will be advertised in the Legal Section of the Mineral County Miner.

It will be the responsibility of the applicant/developer to notify, by certified mail, all mineral estate owners on any "Application for Development." This includes an application for a sketch plan, preliminary plan or final plan for a minor or major subdivision, exemption, conditional use permit, a planned unit development, any applications for zoning or rezoning to a planned unit development that would change or create lot lines where such applications are in anticipation of new surface development or any other similar land use designation that is used by Mineral County. The process is as follows:

Not less than thirty days before the date scheduled for the initial public hearing by a local government on an application for development, the applicant shall send notice, by certified mail, return receipt requested, or by a nationally recognized overnight courier, to:

A mineral estate owner who either:

A. Is identified as a mineral estate owner in the county tax assessor's records, if those records are searchable by parcel number or by section, township, and range numbers or other legally sufficient description; or

B. Has filed in the office of the county clerk and recorder in which the real property is located a request for notification.

Such notice shall contain the time and place of the initial public hearing, the nature of the hearing, the location and legal description by section, township, and range of the property that is the subject of the hearing, the name of the applicant and the local government considering the application for development.

The applicant/developer must certify to the Planning Department that notice has been provided to the mineral estate owner. **See attachment "A".**

_____

Signature of Owner or Applicant

Pursuant to CRS 30-28-110(4) any subdivision or agent of a subdivider who transfers or sells or agrees to sell or offers any subdivided land before a final Platt for such subdivided land has been approved by the BOCC & recorded or filed in the office of the County Clerk and Recorder shall be guilty of a misdemeanor.

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ACTION

Sketch/Preliminary Plat

Planning Department Recommendation: Approved ☐ Disapproved ☐
Comments:

_____

_____

_____ _____
Chairman, Planning Commission Date

Board of County Commissioners: Approved ☐ Disapproved ☐
Comments:

_____

_____

_____ _____
Chairman, County Commissioners Date

Final Plat

Planning Department Recommendation: Approved ☐ Disapproved ☐
Comments:

_____

_____

_____ _____
Chairman, Planning Commission Date

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Board of County Commissioners: Approved ☐ Disapproved ☐

Comments:

_____

_____

_____ _____

Chairman, County Commissioners Date

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Mineral Right Owner Notification

Effective July 1, 2008 it will be the responsibility of the applicant/developer to notify, by Certified mail, all mineral estate owners on any “Application for Development.” This includes an application for a sketch plan, a preliminary or final plat for a subdivision, a planned unit development, or any other similar land use designation that is used by a local government.

"Application for development" includes applications for general development plans and special use permits or any applications for zoning or rezoning to a planned unit development that would change or create lot lines where such applications are in anticipation of new surface development.

This does not include amendments to an urban growth boundary, applications for annexation and zoning, applications for zoning or rezoning that will not change or create lot lines, an application for development that is a special use permit for the extraction of construction materials, as that term is defined in section 34-32.5-103, C.R.S., building permit applications, applications for a change of use for an existing structure, applications for boundary adjustments, applications for platting of an additional single lot, applications for lot site plans, or applications with respect to electric lines, crude oil or natural gas pipelines, steam pipelines, chilled and other water pipelines, or appurtenances to said lines or pipelines.

24-65.5-101. Legislative declaration - intent.

The general assembly recognizes that the surface estate and the mineral estate are separate and distinct interests in real property and that one may be severed from the other. It is the intent of the general assembly that this article provide a streamlined procedure for providing notice to owners of mineral interests concerning impending surface development and to facilitate the negotiation of a surface use agreement providing for the joint use of the surface and a mechanism for resolution if an agreement is not reached. Further, it is the intent of the general assembly to include local governments in this process without creating additional liabilities for local governments.

PROCESS:

1.1 Not less than thirty days before the date scheduled for the initial public hearing by a local government on an application for development, the applicant shall send notice, by certified mail, return receipt requested, or by a nationally recognized overnight courier, to:

1.1.1 A mineral estate owner who either:

A Is identified as a mineral estate owner in the county tax assessor's records, if those records are searchable by parcel number or by

section, township, and range numbers or other legally sufficient description; or

B Has filed in the office of the county clerk and recorder in which the real property is located a request for notification in the form specified in subsection (3) of this section.

1.1.2 Such notice shall contain the time and place of the initial public hearing, the nature of the hearing, the location and legal description by section, township, and range of the property that is the subject of the hearing, the name of the applicant and the local government considering the application for development.

Such notice shall contain the name and address of the mineral estate owners to whom notices were sent in accordance with paragraph A of this subsection 1.

1.2 If an applicant files more than one application for development for the same new surface development with a local government, the applicant shall only be required to send notice pursuant to subsection

1.2.1 Of this section of the initial public hearing scheduled for the first Application for development to be considered by the local government. Local governments shall, pursuant to section 24-6-402 (7), provide notice of subsequent hearings to mineral estate owners who register for such notification.

1.3 A. The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the county tax assessor and clerk and recorder of the county in which the real property is located, including the appropriate request for notification pursuant to subsection (3) of this section. Notice shall be sent to the last-known address of the mineral estate owner as shown by such records.

B. If such records do not identify any mineral estate owners, including their addresses of record, the applicant shall be deemed to have acted in good faith and shall not be subject to further obligations under this article. The applicant shall not be liable for any errors or omissions in such records.

1.4 A mineral estate owner who requests or desires to obtain notice under this article or the mineral estate owner's agent may file in the office of the county clerk and recorder of the county in which the real property is located a request for notification form that identifies the mineral estate owner's mineral estate and the corresponding surface estate by parcel number and by section, township, and range numbers or other legally sufficient description. The clerk and recorder shall file request for notification forms in the real estate records for the county and shall also keep an index of request for notification forms by section, township, and range numbers or by subdivision lots and blocks.

1.5 Prior to convening an initial public hearing on an application for development, a local government shall require the applicant to certify that notice has been provided to the mineral estate owner pursuant to subsection (1) of this section.

1.6 A mineral estate owner may waive the right to notice under this section in writing to the applicant. Failure of a mineral estate owner to be identified in the records described in paragraph (a) of subsection (1) of this section or to file a request for notification under subsection (3) of this section shall not waive the right of such mineral estate owner to f ile an objection with the local government to such application for development no later than thirty days following the initial public hearing for approval of the application for development or to exercise the remedies set forth in section 24-65.5-104.

1.7 Before completing the sale of a mineral estate, a mineral estate owner who has received notice as the owner of the mineral estate of a pending public hearing with respect to an application for development pursuant to this section shall notify the buyer of the mineral estate of the existence of the application for development. A transfer of an interest in a mineral estate by a mineral estate owner following the filing of a request for notification pursuant to subsection (3) of this section shall not modify the address to which the applicant may deliver notice under paragraph (a) of subsection (1) of this section until the transferee of such interest has filed an amendment to the request for notification describing the address to which such notices shall be sent.