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Amy L. Fordyce Clerk/Recorder, Elbert County, Co

ELBERT COUNTY

SUBDIVISION REGULATIONS

Community
& Development
Services

Adopted June 18, 1993
Latest Revision: November 4, 2009

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Version 4, Adopted
ENACTING CLAUSES

SECTION I

A. Intent

These regulations are designed and enacted for the purpose of promoting the health, safety, convenience and welfare of the present and future inhabitants of Elbert County, Colorado, by encouraging the proper arrangements of streets, in relation to existing or planned streets and to the Growth Management Plan; providing for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, civil defense, recreation, sites for schools and educational facilities and related structures, light and air; avoiding congested population; minimizing adverse environmental impacts by development, and regulating such other matters as the County Planning Commission and Board of County Commissioners may deem necessary, in order to protect the best interests of the public. These general goals include, among others, the following specific purposes:

1. Each Subdivider - Will be aware of the Elbert County regulations, policies, procedures and Management Plan; will know in advance what general subdivision design is expected; will be able to use established principles of development for the improvement of said subdivision; will have an indication that lending agencies may favor said plan; feasibility and marketing studies may be required.

2. Adjoining Land Owners - Should have assurance that at a later date, their property can be subdivided without conflict with present plats; should be protected against poor practices which would impair or diminish the values of their property.

3. Should save money by coordinated, logical street right-of-way and utility extensions; should be able to secure necessary land for public purposes in advance of high land values; and achieve reduction in capital expenditures through proper planning.

4. Future Property Owners - Should be able to purchase sites in newly subdivided areas, with the knowledge that legal descriptions are accurate and that desirable design features have been used in the subdivision; should be protected against unexpected improvement costs, and that their property is accurately recorded with the County.

B. Authority

The Elbert County Subdivision Regulations are authorized by Title 30, Article 28, Colorado Revised Statutes, 1973, as amended, and is hereby declared to be in accordance with all provisions of these Statutes.

C. Acceptance of a Subdivision

The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in the review of all-preliminary plat, final plat, and minor development applications:

1. Whether the application is in compliance with the requirements of these regulations, the Elbert Co Zoning regulations and intent and policies of the Elbert County Master Plan.

2. Whether the application is in compliance with all applicable statutory provisions.

3. Whether the application is in compliance with the Colorado Health Department and the Colorado Department of Transportation Regulations.

D. Control Over Platting

1. All plans, plats, and replats of land laid out in a subdivision or building lots, and the streets, highways, alleys, or other portions of the same, intended to be dedicated to a public use, shall be submitted to the Board of County Commissioners for approval before they are recorded. Acceptance of said proposed dedication to the public shall be given by action of the Board of County Commissioners, following recommendation by the Elbert County Planning Commission.

2. Building Permits - No building or structure shall be erected, nor shall a building permit be issued within a subdivision, before the plat thereof shall have been approved by the Board of County Commissioners, and recorded with the County Clerk and Recorder.

3. The approval of said plan or plat by such Commission, shall not be deemed an acceptance of the proposed dedication by the public. Such acceptance, if any, shall be given by the Board of County Commissioners. The owners and purchasers of such lots shall be presumed to have notice of public plans, maps, and reports of such Commission, affecting such property within its jurisdiction.

4. Public Improvements and Maintenance - The Board of County Commissioners shall withhold all public street improvements and public maintenance from all rights-of-way which have not been accepted for maintenance purposes by the Board of County Commissioners.

E. Fees

The Board of County Commissioners shall establish and adopt a schedule of fees, to be paid by the subdivider, to defray the expenses of the County in reviews and hearing proposals, requiring their approval, and for public improvements and dedications contained therein. The Board of County Commissioners reserves the right to change any

fee structure after proper public notification.

F. Jurisdiction

These regulations shall apply to: Minor Developments, Amended and/or Adjusted Plats, Subdivisions, Amended Subdivisions, Planned Unit Developments and Replats.

G. Enforcement

The Elbert County Community & Development Services Director shall be responsible for the daily enforcement of these Regulations. When a violation is properly documented by Community & Development Services, the matter shall be brought to the attention of the County Attorney, and other appropriate County offices. The County Attorney, in conjunction with the Board of County Commissioners, shall determine the course of action(s) to be taken for resolution of the problem, and inform in writing, the Director of Community and Development Services and other involved County offices as to how to proceed on the matter.

No building permits, or other approvals, and/or processing shall occur on the affected property, until the violation is resolved and the property owner properly informed.

H. Variations and Modifications

The Board of County Commissioners may authorize variations and/or modifications from these regulations in cases where, due to exceptional topographical conditions and/or other conditions peculiar to the site, an unnecessary hardship would be placed on the applicant. Such variations or modifications shall not be granted, if it would be detrimental to the public good, or impair the intent and purposes of these Regulations. The conditions of any variation or modification authorized, shall be stated in writing, in the meeting minutes of the Board of County Commissioners, with the justifications set forth.

I. Violations and Penalties

Whoever, being the owner or agent of the Owner, of any land located within a subdivision, transfers or agrees to sell or negotiates to sell any land, by references to or exhibition of, or by use of a plan or plat of a subdivision, before such plan or plat has been approved by the County Planning Commission and Board of County Commissioners and recorded or filed in the office of the County Clerk, shall forfeit and pay a penalty not to exceed (see fee schedule) for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transactions from such penalties or from the remedies provided in these regulations. The Board of County Commissioners may enjoin such transfer or sale or agreement, by action for injunction, brought in any court of equity jurisdiction, or may recover the said penalty by civil action in any court or competent jurisdiction.

J. Interpretation

In the interpretation and application of the provisions of these Regulations, the following regulations shall govern:

1. Provisions are Minimum Requirements - In their interpretation and application, the provisions of these Regulations shall be regarded as the minimum requirements for the protection of the public health, safety, and welfare of the residents of Elbert County. These Regulations shall, therefore, be regarded as remedial, and shall be liberally construed to further its underlying purposes.

2. Application of Overlapping Regulations - Whenever both a provision of these regulations, and any other provisions of these Regulations, or any provision in any law, ordinance, resolution, rule, or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern, except those regulations covered within approved Development Guides for approved Planned Unit Developments.

3. Existing Permits and Private Agreements - The Elbert County Subdivision Regulations are not intended to abrogate or annul:

   a. Any permits issued before the effective date of these regulations; or

   b. Any easement, covenant or any other agreement.

K. Amendment

The Board of County Commissioners, following recommendation from the County Planning Commission, may amend the requirements of these Regulations, after giving public notice of any such proposed amendment, and after holding a public hearing thereon.

L. Severability

It is hereby declared to be the legislative intent that the provisions of these regulations shall be severable, in accordance with the provisions set forth below:

1. If Any Provision is Declared Invalid - If any provision of these Regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

   a. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

   b. Such decision shall not affect, impair or nullify these Regulations as a whole, or any other part thereof, but the balance of these Regulations not effected by said decision, shall continue in full force and effect.

2. If the Application of any Provision is Declared Invalid - If the application of any provision of these Regulations, to any tract of land, is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

   a. The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which judgment or decree of invalidity was rendered; and

   b. Such decision shall not affect, impair or nullify these Regulations as a whole, or the application of any provision thereof, to any other tract of land.

M. Repeals, Effective Date

1. These Regulations shall repeal the Subdivision Regulations of Elbert County, Colorado, adopted July 5, 1983, and amendments thereto.

2. Repeal of any of the above-mentioned Regulations does not revive any other resolution or portion thereof repealed by these Regulations.

3. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any Resolution repealed hereby, for an offense committed prior to the repeal.

4. These Regulations shall become effective on the date of adoption. Notice of public hearing hereon was advertised in the Elbert County News, Castle Rock, Colorado, on May 27, 1993. Public Hearing held on June 18, 1993, pursuant to said Notice. These Regulations adopted this 18th day of June 1993, at 6 p.m.

N. Amendments

Amendments to the Elbert County Subdivision Regulations were made on the dates listed below and are included in these Subdivision Regulations.

November 4, 2009
May 28, 2008
December, 14 2005
November 16, 2005
July 26, 2000
April 26, 2000
November 10, 1999
July 28, 1999
February 25, 1998
January 21, 1998
April 16, 1997
December 18,1996
June 18, 1993
July 5, 1983

GENERAL SUBDIVISION REQUIREMENTS AND RESPONSIBILITIES

SECTION II

A. Intent

The purpose of the subdivision requirements listed on the following pages, is to provide Elbert County and the State with sufficient information to review and make determinations on intended land uses within the unincorporated areas of the County.

B. General Requirements

1. Narrative - A general narrative report shall be required at each stage of review, to either explain pertinent information, and/or to elaborate on information shown on any submitted plans.

2. Subdivision Summary Form - This brief form, provided by and returned to Community & Development Services, is to be completed by the applicant at the Preliminary Plan/Flat and Final Plan/Plat application stages of review. The purpose of this information is initially to inform the appropriate State and regional agencies of the proposed development, and secondly, to allow the County to have an accurate summary and inventory of proposed and approved land uses for County planning purposes.

3. Proof of Ownership and Disclosure Letter - A significant amount of time and expense is involved in processing, reviewing and action on intended land uses within the County. To safeguard the interests of all parties involved, inclusive of the County's position, it is important for the owner of land within the jurisdiction of the Board of County Commissioners to be aware of, if not involved in, the applications and requests submitted to the Planning Commission and Board of County Commissioners for review and action. Additionally, the County should know from the outset of a request, that the applicant is the owner or contract owner for a proposed development or change in land use.

   When the applicant chooses to not represent themselves in requests before the County, then representatives knowledgeable about the proposal may speak on the owner's or potential owner's behalf, only if they are authorized to do so. Authorization shall be in the form of a written letter by the owner indicating who is authorized to process the request on their behalf. This information is required with the appropriate application at the Master Plan stage of review.

C. General Responsibilities

1. Applicant - Shall prepare plans and plats in accord with these Regulations, and shall process said plans/plats through the office of the Director of Community & Development Services and the Planning Commission.

2. County Departments - The County Community & Development Services Director is given principle responsibility for reviewing submitted plats for proper compliance relevant to each department, submitting their comments and/or recommendations and findings to the Planning Commission and Board of County Commissioners through the Director of Community & Development Services, when appropriate.

3. Planning Commission - Shall evaluate proposed developments, subdivisions, and other land uses and recommend approval, denial, or make suggestions on the request to the Board of County Commissioners.

4. Director of Community & Development Services - Shall advise the Planning Commission and Board of County Commissioners on the feasibility and concerns of developments proposed within the County, and to provide technical assistance on proposals made.

5. Board of County Commissioners - Shall provide final review and jurisdiction on all proposals and intended land uses recommended to them by the Planning Commission, Staff, and/or other agencies or individuals.

6. Adequacy of Submittals Made to the County - When there are disagreements between the applicant and the Director of Community & Development services concerning the adequacy of submittals made, and any requested additional information, the Director of Community & Development Services, upon written request of the applicant, or on there own initiative, may schedule a hearing time before the Board of County Commissioners, who shall make the final determination on the matter(s) disputed, prior to further processing on the request made to the County.

7. Concurrent Review – To expedite applications, other than the subdivision of land, the applicant may initiate a request for concurrent review and consideration by the County. Phasing and time allocations may vary, depending upon the type of submittal(s) made to the County by the applicant.

8. Staff Review – All applicants shall meet informally with the Community & Development Services Department Staff to discuss proposed developments, County regulations, and procedures, prior to making a formal submittal for review and processing.

When an application is made, Community & Development Services shall review the proposal and all supplemental information within the prescribed time periods allocated review. After Staff determinations are made, the applicant will be invited to the office for informal discussion of the Staff review made, and what is to be accomplished next. A written summary of Staff review will be made available to the applicant prior to the Planning Commission or Board of County Commissioners meeting, at which the request

is to be heard, and made part of the project file.

9. Scheduling – No project shall be scheduled for review by the Planning Commission or Board of County Commissioners until the application and required supplemental information are found to be complete by the Community & Development Services Department Staff.

10. Representation by Applicant – The applicant, or his authorized representative, shall attend all Planning Commission/Board of Adjustments and Board of County Commissioners meetings, at which the proposal or request is considered, discussed and acted upon. If the applicant, or authorized representative, is unable to attend any scheduled meeting, he must submit a written petition requesting the proposal to either be tabled or continued and a new hearing date scheduled, stating reasons for tabling or continuing. Said request shall be submitted to Community & Development Services no later than four (4) working days before the scheduled meeting. The Planning Commission/Board of Adjustments and Board of County Commissioners reserve the right to assess a fee (see fee schedule) or to deny the request and dismiss the application.

DEFINITIONS FOR SUBDIVISIONS

SECTION III

A. Intent

As used in this Regulation, the following words shall be interpreted and defined in accordance with the provisions set forth in this Section:

1. Rules of Construction of Language

   a. The particular controls the general;

   b. In case of any difference of meaning or implication between the text of these Regulations and the captions for each section, the text shall control;

   c. The word "shall" is always mandatory and the word "may" is permissive;

   d. Words used in the present tense include the future, unless the context clearly indicates the contrary;

   e. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

2. Applicant - Any owner, or option-holder of real property in the County who formally requests action on a land use proposal submitted in accord with County regulations.

3. Authorized Representative - Any individual(s) given written authorization by an applicant (owner) to process a proposal through the County. The individual(s) involved should have sufficient knowledge of the proposal being made by the applicant, to be able to answer questions pertinent to the application.

4. Qualified Person - Shall include, but not be limited to, Registered Architects, Landscape Architects, Engineers or Surveyors.

5. Disposition - A Contract of Sale, resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided or any other conveyance of an interest in subdivided land, which is not made pursuant to one of the foregoing.

6. Evidence - Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, and which evidence must be relevant and competent.

7. Open Space – Land dedicated to Elbert County, special district, non-profit entity, or other group that possesses the ability and resources required to administer and perpetually defend the open space for its intended use. Open space includes an unoccupied, unobstructed space, open to the sky, except for trees, shrubbery, vegetation or improvements relating to recreation, exclusive of buildings or drainage structures.

8. Concept Plan - A map of a proposed subdivision drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at a conceptual state in the planning of the proposal.

9. Preliminary Plat - The map(s) of a proposed subdivision and supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

10. Plat - A map and supporting materials of certain described land, prepared in accordance with subdivision regulations, as an instrument for recording of real estate interests with the County Clerk and Recorder.

11. Final Plat - The major maps of a proposed subdivision and supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit final evaluation of the proposal, including detailed engineering and design and recordation.

12. Streets - The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, land, place, or however otherwise designated. See Elbert County Road and Bridge specifications for definitions and construction standards, and Zoning definitions

13. Alleys - The term "alley" means a way which is used primarily for service access to the back or the side of Business, Light Industrial or General Industrial properties otherwise abutting on a street. A public or private vehicular passageway dedicated, or permanently reserved, as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.

14. Subdivision or Subdivided Land - The term "subdivision" or "subdivided land" means any parcel of land in the State which is divided into two (2) or more parcels, separate interest, or interests in common, unless exempted by law and/or Board action in compliance with State law.

a. The terms "subdivision" and "subdivided land" as defined, shall not apply to any division of land which creates parcels of land, each of which comprise thirty-five (35) or more acres of land, none of which is intended for use by multiple owners.

b. Unless the method of disposition is adopted for the purpose of evading this article, the term "subdivision" and "subdivided land", as defined above, shall not apply to any division of land:

(1) Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres, per interest;

(2) Which is created by order of any court in this State or by operation of law;

(3) Which is created by a lien, mortgage, deed of trust or any other security instrument;

(4) Which is created by a security or unit of interest in any investment trust, regulated under the laws of this State, or any other interest in an investment entity;

(5) Which creates cemetery lots;

(6) Which creates an interest or interests in oil, gas minerals or water, which are now or hereafter, severed from the surface ownership of real property;

(7) Which is created by the acquisition of an interest in land, in the name of a husband and wife, or other persons in joint tenancy, or as tenants in common, and any such interest shall be deemed for purposes of this Regulation.

15. Subdivision Improvements Agreement - Subdivision improvements agreement means one or more security arrangements, which may be accepted by a County to secure the construction of such public improvements, as are required by the approval of a subdivision, and shall include security acceptable by the Board of County Commissioners.

SUBMITTAL PROCESS

SECTION IV

A. Process

The following steps shall be followed in submitting a Concept Plan, Preliminary Plat, Final Plat, Planned unit Development or rezone review process:

Pre-Application Meeting – This process was developed to improve communication between the applicant and County staff. The intended result is a more efficient application review process. Community & Development Services should be contacted for submittal requirements. A Case Planner will be assigned after the Pre-Application Meeting is held.

Community Meeting - Applicants are required to conduct a community meeting prior to submitting a formal Concept Plan, PUD, or rezoning application. This meeting must be conducted in the general vicinity of the property involved in the rezoning application and serves to provide a forum for information exchange between applicants and citizens. By conducting the community meeting prior to the formal application submittal, it is anticipated that applicants will be able to address community concerns and incorporate community input in the formal application. The presentation at the community meeting is the responsibility of the applicant. The Case Planner will attend the meeting to address procedural matters only. The applicant will be responsible for notifying adjacent property owners within 1,320 feet of the subject property boundary at least fourteen (14) days prior to the community meeting. The subject property must be posted a minimum of ten (10) days prior to the community meeting to inform citizens in the immediate area of the community meeting. Signage location, format, and language will be provided to the applicant by Community & Development Services.

Two Copy Submittal – Applicants shall meet with the assigned Case Planner to submit two copies of each item that is required to be submitted for the formal application. The Case Planner will conduct a review of the information to check for completeness and adequacy. Once the Case Planner determines that the items are complete and adequate, the applicant may proceed with the formal rezoning application submittal.

Formal Application Submittal – The applicant shall submit the completed application, fees, and required support documents in quantities identified by the Case Planner. The Case Planner will review the submittal package for completeness. A submittal package that is not complete in terms of type, quantity, and adequacy of required documents will not be accepted for review. The Case Planner will refer the application and support documents to County Departments and other referral agencies as identified by the Case Planner.

County and Referral Agency Response – The referral agencies will respond in writing to the applicant's submittal. The Case Planner will collect all referral comments.

Provide Comments to the Applicant – A summary of staff comments inclusive of other departments and agency responses will be forwarded to the applicant. A meeting between the Case Planner and the applicant may be held to review the referral responses. The applicant may also meet directly with the agency or agencies that have expressed concerns with the application. The Case Planner should be included in any meetings with referral agencies.

Applicant Responds to Comments – The applicant shall address, in writing, all issues and deficiencies identified by the Case Planner, any other County departments, and any referral agency. To continue the process in a timely manner, the applicant must complete the requested revisions and resubmit appropriate documents for a second review by the Case Planner, other County departments, and any applicable outside agencies as quickly as possible. If there is no written response to staff comments within sixty (60) calendar days after referral comments are provided to the applicant, the application will be considered withdrawn and the application fees forfeited. The applicant will then need to file a new application with the required fees and documents. The Community & Development Services Director may extend this sixty (60) day maximum response deadline for an additional sixty (60) day period, upon written request by the applicant, if, in his or her opinion the delay in response is justifiable. Any additional time required for the response deadline, beyond that granted by the Community & Development Services Director, shall require approval by the Board of County Commissioners.

Staff Review of Revised Submittal and Pre-Hearing Meeting – At the time of re-submittal of the revised information, the applicant may arrange a pre-hearing meeting with the Case Planner. The pre-hearing meeting is an opportunity for the applicant to receive additional input and explore alternatives with the Case Planner. This input may include re-stating the already established position of staff in regard to the proposal and/or a discussion of steps involved in completing the proposal. Additional review fees may be charged for re-submittals that do not address previously red-marked prints, comments, and recommendations. Additional fees may also be charged for re-submittals that include new changes that are not in response to staff or referral agency red-marked prints, comments, and recommendations. If there is no written response by the applicant within sixty (60) calendar days of the date that the applicant was forwarded staff comments, the application will be considered withdrawn and the application fees forfeited. The applicant will then need to file a new application with the required fees and documents. The Community & Development Services Director may extend this sixty (60) day maximum response deadline for an additional sixty (60) day period, upon written request by the applicant, if, in his or her opinion the delay in response is justifiable.

Public Hearing Documents Submittal – At such time as the Case Planner deems the application ready for public hearings, or the applicant advises the Case Planner in writing that no further revisions will be made, and the applicant desires to proceed to the Planning

Commission and Board of County Commissioners' public hearings, the applicant shall submit all documents requested by Case Planner necessary for the public hearings.

Planning Commission and Board of County Commissioners' Public Hearings Scheduled – Following the submittal of all required public hearing documents, the Case Planner will schedule Planning Commission and Board of County Commissioners' public hearing dates and notify the applicant in writing of the assigned dates. The Board of County Commissioners public hearing shall be a minimum of 21 days after Planning Commission recommendation.

Public Hearing Notification – The applicant will be responsible for preparing and posting the "Notice of Public Hearing" sign on the subject property, preparing and publishing the "Notice of Public Hearing" in a newspaper of general circulation, and mailing the "Notification of Adjacent Property Owners" letters, per the requirements of Part I, Section 6, "Rezoning Procedures and Requirements" section of the Zoning regulations.

Planning Commission Public Hearing – The Planning Commission shall review the request, staff report, other evidence, and public testimony. The Planning Commission shall recommend approval, conditional approval, or denial of the rezoning to the Board of County Commissioners. The Planning Commission may continue a request for a period of time not to exceed six (6) months from the completion of the presentation by the applicant at a public hearing.

Board of County Commissioners' Public Hearing – The Board of County Commissioners shall review the request, staff report, other evidence, and public testimony at one or more public hearings. Upon conclusion of the presentation of testimony and evidence in the hearing(s) before the Board of County Commissioners, the Board may render a decision which approves, conditionally approvals, or denies the rezoning application; unless the Board continues the case for further testimony and/or decision for a period of time not to exceed six (6) months from the date of the scheduled hearing.

Recordation of a Final Plat, Rezone Exhibit and verification of a Preliminary Plat – Not more than one hundred eighty (180) days after approval of a Preliminary Plat, Final Plat or Rezone Exhibit, the applicant shall satisfy the "conditions of approval." A preliminary plat will not be recorded, however; two paper copies of the plat will be submitted for verification that "conditions of approval" have been addressed in a satisfactory manner. The paper copies will include a sign-off for Elbert County Environmental Health, Road & Bridge, Engineering, and Community Development Services.

If the Preliminary Plat is not ready for sign-off or the Final Plat, or Rezone Exhibit, is not ready for recording within the one hundred eighty (180) day period, the approval shall automatically be rescinded as of the last day of the one hundred eighty (180) day period.

The applicant may make written request, (prior to the 180th day), to the Director of Community & Development Services for an extension of ninety (90) days in which to satisfy the "conditions of approval" for sign-off, showing good and just cause for the need of said extension. If granted, the applicant shall have an additional ninety (90) day period in which to complete the "conditions of approval."

If the "conditions of approval" are not satisfied during the ninety (90) day extension period, approval shall automatically be rescinded as of the last day of the extension period. (**270th day**)

Upon written request within thirty [30] days of the expiration date by the applicant, the Board of County Commissioners may reinstate approval, however, the application will now be subject to a reinstatement fee [Refer to fee schedule] and concurrence with any Master Plan updates and regulation updates that may have occurred since the project was initiated.

The applicant, at this point, shall be required to resubmit the application to the Planning Commission and Board of County Commissioners for approval at duly noticed public hearings. Written justification for failure to complete the "conditions of approval," must accompany the resubmitted application, and will be taken into account at the hearings.

Following expiration of the reinstatement period, only a new application and new fees would be accepted for processing.

B. Concept Plan

The following process shall be used when submitting a Concept Plan.

Pre-Application Meeting, [Reference: Section IV, A.]
Community Meeting, [Reference: Section IV, A.]
Two Copy Submittal, [Reference: Section IV, A.]
Formal Application: When the application is formally submitted, Community & Development Services shall review the proposal within ten (10) working days and provide the applicant with a list of any changes / corrections. Scheduling a work session before the Planning Commission will be done at the earliest available time, but not more than thirty-five (35) days from the date the application is found to be complete. Scheduling a work session before the County Commissioners will be done at the earliest available time, but not more than 35 days from meeting with the Planning Commission. No Public Hearing is required.

(See Section VII for additional information regarding Concept Plan)

C. Preliminary Plat

The following process shall be used when submitting a Preliminary Plat

Pre-Application Meeting, [Reference: Section IV, A.]
Two Copy Submittal, [Reference: Section IV, A.]
Formal Application, [Reference: Section IV, A.]
County and Referral Agency Response, [Reference: Section IV, A.]
Provide Comments to the Applicant, [Reference: Section IV, A.]
Applicant Responds to Comments, [Reference: Section IV, A.]
Staff Review of Revised Submittal and Pre-Hearing Meeting, [Reference: Section IV, A.]

Public Hearing Documents Submittal: The applicant needs to determine who owns the subsurface mineral interests (oil, gas and minerals, etc.) in land proposed to be subdivided. The applicant shall give notice of the subdivision application/hearings to the owners of subsurface mineral interests and their lessees, if any, as specified in Section 31-23-215 C.R.S. The County is obligated to recognize the rights and privileges of both surface owners and subsurface mineral interest owners. Objections to the subdivision application by subsurface mineral interest owners, may result in a denial of an application or the continuance of a subdivision application until the objections are withdrawn; presumably by the surface owner and subsurface mineral interest owner, having reached an agreement between themselves.

Planning Commission and Board of County, [Reference: Section IV, A.]
Commissioners' Public Hearings Scheduled, [Reference: Section IV, A.]
Public Hearing Notification, [Reference: Section IV, A.]
Planning Commission Public Hearing, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Recordation of a Final Plat and Rezone Exhibit and verification of a Preliminary Plat, [Reference: Section IV, A.]

(See Section VIII for additional information regarding Preliminary Plats)

D. Final Plat

The following process shall be used when submitting a Final Plat

Pre-Application Meeting, [Reference: Section IV, A.]
Two Copy Submittal, [Reference: Section IV, A.]
Formal Application, [Reference: Section IV, A.]
County and Referral Agency Response, [Reference: Section IV, A.]
Provide Comments to the Applicant, [Reference: Section IV, A.]
Applicant Responds to Comments, [Reference: Section IV, A.]

Staff Review of Revised Submittal and Pre-Hearing Meeting, [Reference: Section IV, A.]
Public Hearing Documents Submittal, [Reference: Section IV, A.]
Planning Commission and Board of County, [Reference: Section IV, A.]
Commissioners' Public Hearings Scheduled, [Reference: Section IV, A.]
Public Hearing Notification, [Reference: Section IV, A.]
Planning Commission Public Hearing, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Recordation of a Final Plat and Rezone Exhibit and verification of a Preliminary Plat, [Reference: Section IV, A.]

(See Section IX for additional information regarding Final Plat)

E. Planned Unit Development

The following process shall be used when submitting a Planned Unit Development

Pre-Application Meeting, [Reference: Section IV, A.]
Community Meeting, [Reference: Section IV, A.]
Two Copy Submittal, [Reference: Section IV, A.]
Formal Application, [Reference: Section IV, A.]
County and Referral Agency Response, [Reference: Section IV, A.]
Provide Comments to the Applicant, [Reference: Section IV, A.]
Applicant Responds to Comments, [Reference: Section IV, A.]
Staff Review of Revised Submittal and Pre-Hearing Meeting, [Reference: Section IV, A.]
Public Hearing Documents Submittal, [Reference: Section IV, A.]
Planning Commission Public Hearing, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Public Hearing Notification, [Reference: Section IV, A.]
Planning Commission Public Hearing, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Recordation of a Final Plat and Rezone Exhibit and verification of a Preliminary Plat, [Reference: Section IV, A.]

(See Zoning, Section 16 for additional information regarding Planned Unit Development)

F. Rezoning Requests

The following process shall be used when submitting a Rezoning request

Pre-Application Meeting, [Reference: Section IV, A.]

Community Meeting, [Reference: Section IV, A.]
Two Copy Submittal, [Reference: Section IV, A.]
Formal Application, [Reference: Section IV, A.]
County and Referral Agency Response, [Reference: Section IV, A.]
Provide Comments to the Applicant, [Reference: Section IV, A.]
Applicant Responds to Comments, [Reference: Section IV, A.]
Staff Review of Revised Submittal and Pre-Hearing Meeting, [Reference: Section IV, A.]
Public Hearing Documents Submittal, [Reference: Section IV, A.]
Planning Commission Public Hearing, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearings, [Reference: Section IV, A.]
Public Hearing Notification, [Reference: Section IV, A.]
Planning Commission Public Hearing, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Recordation of a Final Plat and Rezone Exhibit and verification of a Preliminary Plat, [Reference: Section IV, A.]

(See Zoning, Part I, 6 for additional information regarding Rezoning Requests)

G. Recording of Plats, Plans and Documents

The applicant is encouraged to inform the Community & Development Services Department of the expected date(s) of recording of any and all plats, plans, development guides, development plans, agreements, covenants and other required documents accompanying the final plat. Formal submittal of all items to be recorded, and the final documents, must be made five (5) working days before the next regularly scheduled meeting of the Board of County Commissioners, at which final signatures and approvals will be required before recording.

H. Exchange, Amendment, or Release of Securities for Required Improvements

All requests for exchange, amendment, release, or partial release of any security on file with the County, for a required subdivision improvement(s), must be submitted in writing to the Community & Development Services Department, a minimum of five (5) working days before the next regularly scheduled meeting of the Board of County Commissioners, at which formal consideration of the request will be given.

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Amy L. Fordyce Clerk/Recorder, Elbert County, Co

CERTIFICATIONS, DEDICATIONS AND ACKNOWLEDGMENTS

SECTION V

The following information, and appropriate signatures, shall be provided at the stages indicated on the plans or plats submitted:

A. Preliminary Plat

1. Complete legal description, tied to proper monumentation, and section or quarter-section line references.

2. Certification of ownership signed by property owner(s) and notarized.

3. Planning Commission.

   This Preliminary Plat was reviewed and recommended for approval by the Elbert County Planning Commission on the _____ day of _____ 20___, A.D.

   (name)_____
   Chairman, Planning Commission

4. Elbert County Engineering.

   This Preliminary Plat was reviewed and approved by the Elbert County Engineer on the_____ day of _____ 20 _____, A.D.

   (name) _____
   Elbert County Engineer

5. Elbert County Road & Bridge.

   This Preliminary Plat was reviewed and approved by Elbert County Road & Bridge on the _____ day of _____ 20 _____, A.D.

   (name) _____
   Director Elbert County Road & Bridge

6. Elbert County Environmental Health.

This Preliminary Plat was reviewed and approved by Elbert County Environmental Health on the _____ day of _____ 20 _____, A.D.

(name) _____
Director Elbert County Environmental Health

7. Elbert County Community & Development Services.

This Preliminary Plat was reviewed and approved by Elbert County Community & Development Services on the _____ day of _____ 20 _____, A.D.

(name) _____
Director Elbert County Community & Development Services

8. Elbert County Mapper

This Preliminary Plat was reviewed and approved by the Elbert County Mapper on the _____ day of _____ 20 _____, A.D.

(name) _____
Elbert County Mapper

9. Board of County Commissioners

This Preliminary Plat was reviewed and approved by the Elbert County Board of County Commissioners on the _____ day of _____ 20___, A.D.

(name)_____
Chairman, Board of County Commissioners

B. Final Plat

1. Complete legal description, tied to proper monumentation, and section or quarter-section line references.

2. Clerk and Recorder's Certificate

State of Colorado)
) ss
County of Elbert)

I hereby certify that this Plat was filed in my office on this _____ day of _____ 20___, A.D., at _____ a.m./p.m., and was recorded per Reception Number _____, Book _____, Page _____.

(name)_____
County Clerk and Recorder

3. Elbert County Engineering.

This Plat was reviewed and approved by the Elbert County Engineer on the _____ day of _____ 20 _____, A.D.

(name) _____
Elbert County Engineer

4. Approval of County Commissioners

This plat was approved by the Board of County Commissioners of Elbert County, Colorado, on the _____ day of _____, 20___, A.D.

(name)_____
Chairman
Board of County Commissioners

5. Utility Easement Acknowledgment

Those portions of real property, which are labeled as utility easements on this plat, whether private or public, are hereby dedicated, for the installation and maintenance of utilities and drainage facilities, including, but not limited to electric lines, gas lines, telephone lines, cable television; together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines; said easements and right to be utilized in a responsible and prudent manner, subject to utility placement permitting procedures from Elbert County.

6. Attorney's Opinion

I, _____, an Attorney at Law, duly licensed to practice before the courts of record within the State of Colorado, do hereby certify that I have examined the title of all land platted hereon and that title to such land is in the dedicators.

(date)_____ (name)_____
Attorney at Law

(OR)

Title Verification

We, _____, a qualified title insurance company, do hereby certify that we have examined the title of all lands platted hereon, and that title to such land is in the dedicator free and clear of all lien, taxes, and encumbrances.

(date)_____ (by)_____,as_____

(of) _____

7. Surveyor's Certificate

I, _____, a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey of _____ _____ was made under my direct supervision and the accompanying plat accurately and properly shows said subdivision.

(name)_____
Registered Land Surveyor
(SEAL)

8. Community & Development Services

This Plat is approved by Elbert County Community & Development Services this ____ day of _____, 20___, A.D.

(name)_____
Director Community & Development Services

9. Statements and Signatures by:

a. Holder(s) of Deed of Trust or Mortgage, notarized.
b. Owner and Option Holder, notarized.

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Amy L. Fordyce Clerk/Recorder, Elbert County, Co

PRE-APPLICATION CONFERENCE

SECTION VI

A. Intent

This process was developed to improve communication between the applicant and County staff. The intended result is a more efficient application review process. Community & Development Services should be contacted for submittal requirements. A Case Planner will be assigned after the Pre-Application Meeting is held.

All applicants who wish to submit a project application, shall contact Community & Development Services about the process. Upon receipt of the requested number of project information documents, Community & Development Services will distribute the project information documents to appropriate departments and agencies and schedule the project for review within two weeks or as soon as possible thereafter. Notes from the meeting will be submitted to the applicant within ten business days following the meeting. The applicant will be able to utilize the comments and notes when preparing the formal application should they proceed.

B. Procedure

1. The applicant shall make an appointment with Community and Development Services to discuss the proposal being considered.

2. Community and Development Services shall provide the applicant with the Pre-Application checklist. When the applicant submits the necessary information, CDS will distribute the Preplan information to appropriate departments and agencies and schedule the project for review within two weeks or as soon as possible thereafter.

3. The informal meeting would be held, with the applicant providing a brief presentation of the proposed land use to those present. The goal is to have constructive dialogue, and for the applicant to receive some guidance on the request to be made formally to the County at a later date. Notes from the meeting will be submitted to the applicant within ten business days following the meeting.

4. Should the applicant decide to proceed, formal submission; based upon the recommendations of the pre-application conference, County regulations and the applicant's desires, should then occur.

5. Prior to submission of the Concept Plan, the Elbert County "Application Agreement Form" wherein the applicant agrees to pay for reasonable additional engineering and / or consultation when requested by the Community & Development Services Department, Planning Commission or Board of County

Commissioners when, in their opinion, additional information, studies, or investigations are needed to help clarify the proposal made, shall be signed by applicant or his designee.

CONCEPT PLAN

SECTION VII

A. Intent

This step is a formal requirement for all applications to the County. It is utilized to discuss a conceptual plan, to obtain the Planning Commission's and County Commissioners reaction to the appropriateness of an intended land use, and to raise reasonable concerns, prior to more detailed work being done. At this stage of formal review, the applicant should be advised by Community & Development Services, Planning Commission and/or County Commissioners, of major issues of concern or interest which are separate and apart from technical requirements yet to be met. The Planning Commission and County Commissioners shall make a recommendation on the conceptual plan presented, in order for the applicant to know how best to proceed.

B. Requirements

Pre-Application Meeting, [Reference: Section IV, A.]
Community Meeting, [Reference: Section IV, A.]
Two Copy Submittal, [Reference: Section IV, A.]
Formal Application: When the application is formally submitted, Community & Development Services shall review the proposal within ten (10) working days ad provide the applicant with a list of any changes / corrections. Scheduling a work session before the Planning Commission will be done at the earliest available time, but not more than thirty-five (35) days from the date the application is found to be complete. Scheduling a work session before the County Commissioners will be done at the earliest available time, but not more than 35 days from meeting with the Planning Commission. No Public Hearing is required.

Following the community meeting, the formal concept plan application shall be submitted. It shall include the completed application form, proof of ownership, disclosure letter, fee, and two (2) paper copies of the required Concept Plan map, and related supplemental information. Community & Development Services shall review the proposal within ten (10) working days and provide the applicant with a list of any changes / corrections together with a request for Staff and Commissioner copies needed. Community & Development Services may reject and return any application, which, in their opinion, does not display the required information, or is done in an unacceptable manner (e.g., poor drafting). Scheduling a work session before the Planning Commission will be done not more than thirty-five (35) days from the date the application is found to be complete. Scheduling a work session before the County Commissioners will be done not more than 35 days from meeting with the Planning Commission. No Public Hearing is required.

The rezoning procedures and submittal requirements under Part I, Section 6 of the Elbert County Zoning Regulations, shall be followed at this stage.

The Concept Plan-

1. Shall show all adjacent land owned by the developer; land not part of the proposed request shall be noted as an exception, and indicate intended future use of the land.

2. Shall be prepared at a scale allowing for maximum clarity. 1" = 100', 1" 200' or another scale approved by the Director of Community & Development Services.

3. Shall graphically define all natural and manmade wetlands, retention areas, streams and lakes. Any known 100-year flood plains should be delineated, giving source documents or studies, if known.

4. Shall show topography on the site at ten (10) foot contours, generally, with delineation of areas having excessive slopes twenty percent (20%) or more, and other significant topographic conditions at more defined contours.

5. Shall show public access to the proposed project/ development.

6. Shall show all existing structures on the site, their uses, and whether they are to remain on the site.

7. Shall delineate (to appropriate scale) existing easements on the site, their use, and who holds or owns easements.

8. Shall have a North arrow, note the scale utilized, and indicate preparation date.

9. Shall have a location map (drawn to scale), which shows the proposed site, in relationship to the surrounding area within two (2) miles.

10. Shall indicate the name, address and telephone number of the property owner, applicant (if not the owner), and the person(s) who prepared the submittal.

11. Shall provide the widths, lines, and names of all existing and proposed streets, drives, and roads on or affecting the site, and names of existing streets on or adjoining property. When the names of the streets and alleys are known, they shall be provided, as well as the use of easements and water courses impacting the site.

12. Shall note existing land uses as well as the zoning on adjoining properties.

13. When utilized for a proposed structure or structures, the plan shall reflect proposed setbacks from all property lines, required off-street parking, areas for landscaping, proposed use, gross square footage of structure(s) and number of employees (when known), if commercial or industrial uses.

14. Shall note existing zoning of the site, the proposed zoning, average lot size, proposed density, and all public or private source(s) of utility services and facilities.

15. Shall provide a complete legal description of the property being subdivided, tied to proper monumentation, and section or quarter-section line, referenced and placed on the Concept Plan Map.

16. Shall delineate phases of proposed development, when the project is not being done at one time.

17. Name of the proposal. No two (2) proposals in the County shall have the same or confusingly similar names, except the same name may be used if the proposal is a logical extension of an adjoining or adjacent subdivision and the applicant utilizes consecutive filing numbers.

18. Shall indicate any County dedication of land on map, or designate, in narrative, request for cash-in-lieu of land.

19. Shall note on map unique features on the site (historical, landforms, views, etc.) which might enhance the site and proposed use.

20. The narrative shall contain the name and address of mineral right owners and lessees, and water rights owners, on the affected property.

In addition, at the request of the Community & Development Services Department, the applicant shall provide any reasonable additional information on the plan, or as a supplement to the application, when needed to help clarify the proposal being made.

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PRELIMINARY PLAT

SECTION VIII

A. Intent

1. After the applicant has reached initial conclusions concerning the feasibility and design of his proposed subdivision, a Preliminary Plat and required supplemental data shall be prepared for presentation and review by the Elbert County Planning Commission and action taken by the Board of County Commissioners.

2. The purpose of this preliminary review is to check the proposed subdivision against the technical requirements, design standards, and improvement requirements of the County, to be sure that the conditions imposed can be met. Additionally, the Planning Commission and Board of County Commissioners shall review the proposal for site planning characteristics and compatibility with adjoining land uses. The detailed review at this stage will help determine if the plan concurs with County Master Plan, zoning requirements and subdivision regulations.

B. The Preliminary plat shall be processed as follows

The following process shall be used when submitting a Preliminary Plat

Pre-Application Meeting, [Reference: Section IV, A.]
Community Meeting: Only if not accomplished for Rezone or PUD, [Reference: Section IV, A.]
Two Copy Submittal, [Reference: Section IV, A.]
Formal Application, [Reference: Section IV, A.]
County and Referral Agency Response, [Reference: Section IV, A.]

1. Timeline for identifying referral agencies.

a) Cities, towns or adjoining counties located within three miles of the area to be developed;

b) School District serving the area;

c) To any utility, local improvement and service district, or ditch company, when applicable; fire district serving area, law enforcement.

d) To the Colorado State Forest Service;

e) To the appropriate County Soil Conservation District;

f) Appropriate Planning Commission;

g) Colorado State Highway Department;

h) To the Division of Water Resources for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with said water supply evidence. The Division shall consider the cumulative effect of on-lot wells on water rights and existing units;

i) To the Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land;

j) Colorado Division of Wildlife;

k) Elbert County Water Advisory Board

l) Elbert County Open Space Committee

m) Appropriate County Departments and other agencies or affected parties as maybe required or determined necessary by the Case Manager. .

The review fee, required by any referral agency for their review, shall be the responsibility of the applicant.

1. Time Frame

The agencies named in this Section, excepting the Planning Commission, shall make recommendations within thirty-five (35) days after the mailing by Community & Development Services. Failure of a referral agency to submit comments, in writing, within the thirty-five (35) day referral period, shall constitute approval by that agency. Community & Development Services may still consider referral comments from the agency however, and request appropriate mitigating responses from an applicant.

Upon written request by a referral agency, the Community & Development Services Director may extend the thirty-five (35) day review process up to an additional fifteen (15) days. However, for proposals in excess of seven hundred (700) acres or one thousand (1,000) population in size, the Community & Development Services Director reserves the right to extend the review period up to an additional thirty-five (35) days upon written notice to the applicant.

Provide Comments to the Applicant, [Reference: Section IV, A.]
Applicant Responds to Comments, [Reference: Section IV, A.]
Staff Review of Revised Submittal and Pre-Hearing Meeting, [Reference: Section IV, A.]

Public Hearing Documents Submittal: The applicant needs to determine who owns the subsurface mineral interests (oil, gas and minerals, etc.) in land proposed to be subdivided. The applicant shall give notice of the subdivision application/hearings to the owners of subsurface mineral interests and their lessees, if any, as specified in Section 31-23-215 C.R.S. The County is obligated to recognize the rights and privileges of both surface owners and subsurface mineral interest owners. Objections to the subdivision application by subsurface mineral interest owners, may result in a denial of an application or the continuance of a subdivision application until the objections are withdrawn; presumably by the surface owner and subsurface mineral interest owner, having reached an agreement between themselves.

Planning Commission Public Hearing, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Public Hearing Notification, [Reference: Section IV, A.]
Planning Commission Public Hearing, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Recordation of a Final Plat and Rezone Exhibit and verification of a Preliminary Plat, [Reference: Section IV, A.]

C. The Preliminary Plat shall be prepared as follows

1. The overall design of the Plat shall be in accordance with the approved Concept Plan, with modification(s) based on County recommendation(s) and applicant objectives for actual development. The Plat shall be a true representation of the subdivision, which may be eventually recorded. Some adjustments to the Plat are anticipated in the review process, inclusive of, but not limited to, designated open space, County dedicated land, street/ road alignments and lot configurations.

2. The Preliminary Plat

   a. The drawing shall be made on mylar at a scale of 1" = 100', 1" = 200' or another scale approved by the Community & Development Services Department, which shows the entire proposal clearly. See Mapping Requirements and Fees. Multiple sheets may be utilized, with a cover sheet, referencing and indexing the separate sheets involved. The outside dimensions of the sheets utilized shall be 24 inches by 36 inches (24"x 36").

   b. The Plat shall be prepared by qualified professionals.

3. The Preliminary Plat shall be accompanied by the following:

a. Completed application form;

b. Appropriate fee;

c. Copy of proposed covenants, if applicable;

d. Copy of completed Elbert County Request for Additional Engineering/Planning Consultation form;

e. A written narrative concerning the proposed project, describing its general impacts on the adjoining and surrounding land uses within two (2) miles, and specifically;

(1) A preliminary development schedule for required improvements;

(2) A preliminary phasing plan when, the proposal is not being developed in more than one phase;

(3) Proposed means of financing all public improvements;

(4) Total number of proposed dwelling units, and breakdown by type;

(5) Lands to be retained as open space, specific uses to include schools, fire protection and other public land or other uses, including County dedicated land; cash-in-lieu of the purpose for which it is to be used, and how it is to be maintained;

(6) Zoning of land adjacent to the parcel or tract proposed for development; land uses on and adjacent to the proposed development shall also be shown;

(7) Such reasonable additional information as may be needed and requested by the Community & Development Services Department and/or the combined Boards, in order to better understand the proposed development or elements of it

4. After initial review of the proposal, the Community & Development Services Department shall let the applicant know how many additional paper copies of the document and supportive information shall be provided for distribution to the Planning Commission, Board of County Commissioners and appropriate referral agencies.

D. The Preliminary Plat submittal shall contain

1. All the acreage involved in the proposed development, with areas not part of the request, being noted as exceptions;

2. Proposed name of the subdivision, filing number, if applicable, and stage of review;

3. Location map showing the relationship of the proposed plan to the surrounding area within two (2) miles;

4. Location of the subdivision, as a part of a larger subdivision or tract of land, with reference to permanent survey monument(s), with a tie to a section corner or a quarter-section corner; the full legal description of the proposed site shall be placed on the plat;

5. Name(s) and complete addresses of the applicant/developer and architect/engineer or surveyor who prepared the plan and related information;

6. Total acreage of the subdivision;

7. Location and principle dimensions for all existing and proposed streets, alleys, easements, off-street parking areas, water courses and other significant features within, and adjacent to, the proposed development;

8. Areas to be dedicated and/or deeded to Elbert County for public use;

9. Date of preparation, scale, and North sign (designated as true North);

10. Subdivision lots 9.999 acres and up may use existing current USGS topography maps if it can be shown that the map(s) sufficiently defines the topography, to address the concerns of the Community & Development Services Director. Subdivision lots smaller than 9.999 acres shall provide current aerial mapping at a contour interval of two (2) feet.

11. Designation of areas where the slope exceeds twenty percent (20%);

12. Shall note geologic characteristics on the site, and their impact on/by the proposed development, including existing or potential geologic hazards;

13. Delineation of one-hundred (100) year flood plain(s), stating quantities and methods and areas subject to flooding or in a natural drainage;

14. Shall note vegetation types on the proposed site;

15. Total number of gallons per day of sewage to be treated, if a central sewage treatment facility is proposed;

16. Shall graphically note predominant soil types and list their characteristics;

17. Location and results of soil percolation tests, if individual sewage disposal systems are proposed, or other methods and suitability of sewage disposal, if no central system is proposed;

18. Total number of gallons per day of water system requirements, if a distribution system is proposed;

19. Site data, in chart form, giving the number of residential lots, net size of average lot, excluding area within road way right-of-way and minimum lot size. Site data shall designate areas of land proposed for residential use and additional types of land use;

20. Proposed sites, if any, for multiple-family residential use, business areas, industrial areas, churches and other non-public uses, exclusive of one-family residential areas, shall be labeled appropriately, and indicate net acreage of the sites;

21. Total number of square feet of non-residential floor space, when applicable;

22. Total number of off-street parking spaces, excluding those associated with single family detached residential development, when applicable;

23. Adequate evidence that a water supply is sufficient, in terms of quality, quantity, and dependability, as required by the State Water ACT, CRS 32-1-103 [20]. Evidence of an adequate supply of water for the type of subdivision proposed, that cannot be severed from the proposed subdivision for a minimum of 300 years is required. Such evidence may include, but shall not be limited to:

    a. Evidence of ownership, or rights of acquisition of, or use of existing and proposed water rights;

    b. Historic use and estimated yield of claimed water rights;

    c. Amenability of existing rights to a change in use;

    d. Evidence that public or private water owners can, and will, supply water to the proposed subdivision stating the amount of water available for use within the subdivision, and the feasibility of extending service to that area;

    e. Evidence concerning the portability of the proposed water supply

for the proposed subdivision;

f. An evaluation of the potential for material injury to existing vested water rights, as a result of the use of ground water in the proposed subdivision. If domestic wells are proposed for supply, their cumulative effect shall be considered;

g. In cases where tributary ground water or surface water is proposed for a water supply, the developer must present a plan of augmentation, or plan of exchange, whereby material damage caused by the wells to existing vested water rights is prevented.

24. Proof of ownership, such as a deed, title policy, attorney's title opinion, tax receipt(s) for current year or other acceptable means of proof;

25. A list of current property owners of record, and their complete certified mailing addresses, within five hundred (500 feet), (1320 feet where 1041 applies) of the property being considered for development. The distance may be extended by the Community & Development Services Department when the proposed site is within a larger parcel of land, not part of the request being made;

26. A list indicating both the surface and mineral owners of record, and lease for the affected property; when not held by the applicant, the name(s) and complete addresses of the parties shall be provided;

27. A written statement, prepared by a qualified financial professional, for the financing of the proposed development, and a time schedule for completion. The time schedule for completion shall be in one year increments for the duration of the total buildout. The time schedule for completion shall be a maximum of five (5) years, per filing unless another plan is agreed upon between the developer and the Board of County Commissioners.

28. For proposals with multiple filings, new filings will not be accepted for review until a seventy percent (70%) buildout has been achieved in the previous filing.

29. Preliminary drainage plans, conceptual drawings, and site locations for all public improvements, shall be submitted to the Community & Development Services Department for their review (2 copies of each). Erosion and Sedimentary Control Plan, see Section XII, A.8. Any plans and drawings shall be prepared by an engineer licensed/registered in the State of Colorado;

30. The proposed method of financing all public improvements;

31. Proposed roads and road grades shall be shown on Preliminary Plat. Any plans and drawings shall be prepared by an engineer licensed/registered in the State of Colorado.

32. Delineation of all buildings and structures, easements and major drainage courses within one hundred (100) feet of the subject property;

33. Access of all lots/parcels created by the subdivision must be provided to public roads/public highways pursuant to 30-28-133.1 CRS 1973 as amended 1982;

34. In areas, of potential radiation hazard to the proposed future land use, evaluations of these potential radiation hazards. Any plans and drawings shall be prepared by an engineer licensed/registered in the State of Colorado;

35. Names and principal dimensions of any adjoining subdivisions and names of owners of adjoining unplatted property;

36. Preliminary phasing lines and sequence delineated, when the proposal is not being developed at one time;

37. Preliminary Development Guide, see Part II, Section 17, C.2.

38. Digital submittal as per Map Requirements, see Section XV., A., 10.

E. Subdivision Public Notice Provisions

Public notice provisions contained in the Elbert County Zoning Regulations, Part I, Section 6, related to a public legal notice to the newspaper, a certified letter legal notice to adjoining property owners, and a sign, will apply to any Preliminary Plat and Final Plat considered together and Minor Subdivisions of any kind. Where applicable, these public notice provisions may be consolidated with a rezoning or 1041 public notice provision. *The public notice provisions will apply to Plat Amendments as found in Section XVII B.* The Public notice provisions are not applicable to Concept Plans.

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Amy L. Fordyce Clerk/Recorder, Elbert County, Co

FINAL PLAT

SECTION IX

A. Intent

1. This is the last stage of review and action on a proposed subdivision of land in the County, prior to appropriate recordation of the Plat. All plans for development, public dedication, improvements to the site and other concerns affecting the land, including the State Water ACT, CRS 32-1-103 [20] and related Special District concerns and agreements, are resolved prior to approval and/ or recordation of the Final Plat by the County.

2. The purpose of this review is to see that the plan of development is in keeping with the previous approvals given, recommendations and alternative considerations recognized, and the legal documentation, (a Subdivision Improvements Agreement, [SIA], for completion of all facilities and amenities described in the Plan and a provision for necessary water for 300 years), accurately provided, for action and signature.

B. The Final Plat shall be processed as follows

1. A Final Plat application will not be accepted until all "conditions of approval pertaining to the Preliminary plat, have been satisfied and signed off

   Not more than twelve (12) months after satisfying the "Conditions of Approval for the Preliminary Plat, and "sign-off" by the appropriate parties, a complete Final Plat application, two (2) paper copies of the Final Plat, required fee(s) and other required materials, shall be submitted to Community & Development Services for review and processing. Research digital submittal language

   Final Plats may be phased, in accordance with a general phasing plan suggested by the applicant, and approved by Community & Development Services. Phasing of the Final Plat for a proposed development will not jeopardize preliminary approval of later phases of the development, unless the actual work being done on the site is not in accordance with the approved plans. Approved Preliminary Plats are subject to periodic review as needed by Community & Development Services.

2. Failure to submit a complete Final Plat application and required materials within twelve (12) months after Preliminary Plat approval, shall automatically void County approval of the Preliminary Plat. The applicant may make written request, (prior to one year), to the Director of Community & Development Services for a one year extension in which to submit a Final Plat, showing good and just cause for the need of said extension. If granted, the applicant shall have an additional twelve months in which to submit a Final Plat.

If a complete Final Plat application is not submitted during the extension, the Preliminary Plat approval shall automatically be rescinded as of the last day of the extension period. (Two years from satisfaction of "Conditions of Approval).

Upon written request by the Applicant / Owner – (within thirty [30] days of the expiration date of the extension, the Board of County Commissioners may reinstate the plat, however, the plat will now be subject to a reinstatement fee [Refer to fee discussion,] and concurrence with any Master Plan updates and regulation updates that may have occurred since the project was initiated. Such request and Board action will be made part of the applicant's file.

A fee (see fee schedule) – shall be due and payable at the time an extension request is submitted to the Community & Development Services Department. A fee equal to twice the extension fee may be charged, at the County's discretion, if the request for extension is received following the expiration date of the Preliminary Plat, or any prior extension. Extensions shall be for a period of one year, unless a longer period of time is granted by the Board of County Commissioners.

Extensions may be granted for, but not limited to, the following reasons: pending legal action; estate settlements; economics beyond the control of the applicant; natural disasters; or for good cause, shown in the discretion of the Planning Committee.

It shall be the responsibility of the subdivider to comply with all time limitations as herein provided, additional fees may be charged, as provided in the above hereof, in the event requests are not timely filed. Extensions may be granted for, but not limited to, the following reasons:

i pending legal action;
ii estate settlements;
iii economics beyond the control of the applicant;
iv. natural disasters; or
v. for good cause shown,

in the discretion of the Board of County Commissioners.

In the event an extension is granted, the County may require increased security for performance, under an applicable subdivision agreement performance bond, or letter of credit for increased cost of materials and labor, as may be determined at the discretion of the County Road & Bridge Department.

Subdividers, granted extensions in accordance with this resolution, will be required to comply with any additional, new, amended or modified County subdivision regulations that may have been adopted subsequent to their original approval, and will have to comply with all subdivision regulations

requirements in effect at the time of application for Final Plat. A request for waiver of these requirements may be requested by the Applicant, to the Board of County Commissioners.

3. Submission Process

Pre-Application Meeting, [Reference: Section IV, A.]
Two Copy Submittal, [Reference: Section IV, A.]
Formal Application, [Reference: Section IV, A.]
County and Referral Agency Response, [Reference: Section IV, A.]
Provide Comments to the Applicant, [Reference: Section IV, A.]
Applicant Responds to Comments, [Reference: Section IV, A.]
Staff Review of Revised Submittal and Pre-Hearing Meeting, [Reference: Section IV, A.]
Public Hearing Documents Submittal: In addition to information referenced here, a Subdivision Improvement Agreement, Road bond and any other related agreements shall be deemed ready for public hearing under this step of the process. .

Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Public Hearing Notification, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Recordation of a Final Plat and Rezone Exhibit and verification of a Preliminary Plat, [Reference: Section IV, A.]

C. The Final Plat shall be prepared as follows:

1. The design shall conform to the Preliminary Plan, as approved. Should the applicant desire to phase final platting, rather than final plat the entire development, the applicant may do so, in accordance with an approved phasing plan.

2. The drawing shall be done at a scale of 1" = 100', or 1" = 50', or another scale approved by the Planning Department, which clearly shows the entire proposal, with outer dimensions of 24" x 36". Multiple sheets may be utilized, with a cover sheet, referencing and indexing all required graphic information. Good draftmanship shall be required, with all required graphic information. All drawings shall be accurate and legible. The drawings shall conform to the Map Requirements (Section XV of these Regulations), or an approved equal lettering. Plats not found acceptable by the Community & Development Services Department shall be returned to the applicant for resubmission. The final plat shall be submitted only after the Community & Development Services Department determines it to be adequate for scheduling before the Board of County Commissioners.

D. The Final Plat shall contain the following information

1. Title, scale, North arrow, and preparation date;

2. Legal description of the proposed development, together with a complete reference to the Book and Page of Records with the County;

3. Primary control points, or descriptions, and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;

4. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radius, arcs, and central angles of all curves;

5. Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility;

6. Location, dimensions, purpose, and the owner/holder of any easements;

7. Number to identify each lot or site, such as lot and block numbers;

8. Purpose for which sites, other than residential lots, are dedicated or reserved;

9. Location and description of monuments;

10. Certification of title, showing the applicant is the land owner or option-holder;

11. Statement by owner dedicating streets, rights-of way, and any sites for public use;

12. Certification for approval of the Board of County Commissioners;

13. Certification by the project surveyor, certifying to the accuracy of the survey and plat;

14. Location or vicinity map, to scale;

15. Statement of attorney for the owner, attesting to accuracy and appropriateness of the proposal and title;

16. Certification for the Elbert County Clerk and Recorder;

17. Comments and recommendations regarding legal, planning, or engineering matters from a qualified person(s), as plat notes approved by the Planning Commission;

18. Designation of lots where special studies are required, prior to obtaining a building and/or driveway permit;

19. Delineation of any flood plains and building envelopes, for affected properties within the subdivision;

20. Certification of Community & Development Services Department.

21. Certification of the County Engineer.

22. Certification of County Attorney.

23. Digital submittal as per Map Requirements, see Section XV., A., 10.

E. The Final Plat shall be accompanied by the following

1. Two (2) copies of streets/roads plans and profiles;

2. A copy of the approved covenants to be recorded;

3. Estimated construction cost and proposed method of financing of the
   a. Streets and related facilities,
   b. Water distribution system,
   c. Sewage collection system,
   d. Storm drainage facilities, and
   e. Such other utilities, as may be required of the developer, by the County;

4. Completed Subdivision Summary Form (provided by the Community & Development Services;

5. Disclosure letter, if applicable;

6. Narrative;

7. Subdivision Improvement Agreement;

8. Development Guide;

9. Erosion Control and Drainage from SCS;

10. Developed lot valuation from a qualified appraiser. Valuation and appraiser will be approved by the Elbert County Assessor;

11. Certification of taxes paid;

12. Two copies of any and all required and requested information.

F. Subdivision Public Notice Provisions

Public notice provisions contained in the Elbert County Zoning Regulations, Part I, Section 6, related to a public legal notice to the newspaper, a certified letter legal notice to adjoining property owners, and a sign, will apply to any Preliminary Plat and Final Plat considered together and Minor Subdivisions of any kind. Where applicable, these public notice provisions may be consolidated with a rezoning or 1041 public notice provision. *The public notice provisions will apply to Plat Amendments as found in Section XVII B.* The Public notice provisions are not applicable to Concept Plans.

MINOR RESIDENTIAL DEVELOPMENTS

SECTION X

Exemptions from the regular subdivision process

A. Intent

To allow for flexibility in the subdivision of land for proposed residential developments, which are minor in impact, and to adjust the platting process for the scale of the intended development. Projects classified as minor developments are exemptions from the regular subdivision process required, but shall comply with the standards established by the Board of County Commissioners governing this use, in accordance with Section 30-28-101 (10) Colorado Revised Statutes, 1973.

B. Minor Residential Developments

1. The creation of one (1) to seven (7) residential lots, parcels or tracts of land with one (1) principal use on each lot, and adjoining a public street/road. Any proposal may be subject to additional studies, or provision of additional information.

2. The Planning Commission may classify other minor residential developments as exemptions from the regular platting process, when there is sufficient evidence provided as to the minor nature of the proposed subdivision.

3. In those instances when the applicant is found to be utilizing the minor development allowance to circumvent the regular process of review, the applicant shall be required to comply with the regular process of review and provide all related submittal requirements. The creation of more than one minor residential development adjoining another may require compliance with the standards of the regular subdivision process or additional studies or regulations.

C. Required Submittal Information for Minor Residential Developments

Applicants shall provide such information as deemed necessary by the Planning Commission. Such information shall include, but not be limited to:

1. Proof of ownership - Copy of deed, title policy, or other sufficient information.

2. Proof of water availability - May be a letter from the Division of Water Resources, indicating a well permit has been or will be issued, or a copy of an approved well permit for an individual well on the parcel, or a letter from water/sanitation district, or another source approved by the Planning

Commission.

3. Responses from established referral/review agencies within the allowed thirty-five (35) day review period. The Community & Development Services Director shall be responsible for determining the referral agencies to be contacted. When questioned, the matter will be decided by the Planning Commission, prior to further processing. The review fee required by any referral agency for their review, shall be paid by applicant in advance, in the amount normally charged by the agency, and included in the packet when it is sent.

4. Topographic information may be requested of applicant for the site.

5. A Final Plat, submitted in accord with the Final Plat requirements; signatures need not be provided until after Planning Commission action. Signatures shall be provided prior to recordation.

6. FEE - Refer to fee schedule.

7. If taken with a rezoning request, that procedure/process and fee for rezoning is not altered.

8. Dedication of public land to Elbert County or cash-in-lieu thereof.

9. Digital submittal as per Map Requirements, see Section XV., A., 10.

D. Criteria for Approving or Denying Minor Residential Developments

Community & Development Services shall make written recommendations and findings of fact, as to any minor residential development. The Applicant may respond to such recommendations and findings.

The Planning Commission, at a duly noticed public hearing, shall consider the recommendations of the Director of Community & Development Services in their review of the application.

E. Procedure (when rezoning is NOT involved)

Pre-Application Meeting, [Reference: Section IV, A.]
Two Copy Submittal, [Reference: Section IV, A.]
Formal Application: Time Frame

Referral agencies, excepting the Planning Commission, shall make recommendations within thirty-five (35) days after the mailing by the County Community & Development Services. Failure of a referral agency to submit comments, in writing, within the thirty-five (35) day referral period, shall constitute approval by that agency. Community &

Development Services may still consider referral comments from the agency however, and request appropriate mitigating responses from an applicant.

Upon written request by a referral agency, the Community & Development Services Director may extend the thirty-five (35) day review process up to an additional fifteen (15) days.

County and Referral Agency Response, [Reference: Section IV, A.]
Provide Comments to the Applicant, [Reference: Section IV, A.]
Applicant Responds to Comments, [Reference: Section IV, A.]
Staff Review of Revised Submittal and Pre-Hearing Meeting, [Reference: Section IV, A.]
Public Hearing Documents Submittal, [Reference: Section IV, A.]
Planning Commission Public Hearing, [Reference: Section IV, A.]
Board of County Commissioners' Public Hearing, [Reference: Section IV, A.]
Public Hearing Notification, [Reference: Section IV, A.]

F. Subdivision Public Notice Provisions

Public notice provisions contained in the Elbert County Zoning Regulations legal notice to adjoining property owners, and a sign, will apply to any Preliminary Plat, Part I, Section 6, related to a public legal notice to the newspaper, a certified letter and Final Plat considered together and Minor Subdivisions of any kind. Where applicable, these public notice provisions may be consolidated with a rezoning or 1041 public notice provision. *The public notice provisions will apply to Plat Amendments as found in Section XVII B.* The Public notice provisions are not applicable to Concept Plans.

Recordation of a Final Plat and Rezone Exhibit and verification of a Preliminary Plat, [Reference: Section IV, A.] In a Minor Development, the Plat is prepared directly to Final Plat specifications.

MINOR BUSINESS/COMMERCIAL/LIGHT INDUSTRIAL SUBDIVISION

SECTION XI

Exemptions from the regular subdivision process

A. Intent

To allow for flexibility in the subdivision of land for proposed business/commercial/light industrial developments, which are minor in impact, and to adjust the platting process for the scale of the intended development. Projects classified as minor developments, are exemptions from the regular subdivision process required, but shall not comply with the standards established by the Board of County Commissioners governing this use, in accord with Section 30-28-10 (10) (d) Colorado Revised Statutes.

B. Minor Business/Commercial/Light Industrial Developments

1. The Creation of one (1) business/commercial/light industrial lot, parcel, or tract of land that is two and one-half (2½) acres or less in size; with one (1) principal use, and adjoining a public street/road, will be considered as a Minor Business/Commercial/Light Industrial development. Any proposal may be subject to additional information.

2. The Planning Commission may recommend and/or the Board of County Commissioners may classify other minor commercial/light industrial developments as exemptions from the regular platting process, when there is sufficient evidence provided, as to the minor nature of the proposed subdivision.

3. In those instances when the applicant is found to be utilizing the minor development allowance to circumvent the regular process of review, the applicant shall be required to comply with the regular process of review and provide all related submittal requirements. The creation of more than one minor business/commercial/light industrial development adjoining another, may require compliance with the standards of the regular subdivision process, or additional studies or regulations.

4. Where a Minor Business/Commercial/Light Industrial Subdivision proposal would be used for a development that generates more than 200 vehicle trips per day, or a building(s) planned to be built larger than 10,000 square feet, and even though the proposed development meets the above mentioned requirements in items one and two, the regular subdivision process would be required, that involves a concept plan, preliminary plat, and final plat.

5. The business/commercial/light industrial minor development process shall not be used in conjunction with a Planned Unit Development (PUD).

C. Required Submittal Information for Minor Business/Commercial/Light Industrial Developments

Applicants shall provide such information as deemed necessary by the Planning Commission. Such information shall include, but not be limited to:

1. Proof of ownership - copy of deed, title policy, or other sufficient information.

2. Proof of water availability - May be proof from the Division of Water Resources, indicating that the proposed water use will to materially affect water rights, or a copy of an approved well permit for an individual well on the parcel, or a letter from the water/sanitation district, or another source approved by the Board of County Commissioners.

3. Responses from established referral/review agencies within the allowed thirty-five (35) day review period: Community & Development Services shall be responsible for determining the referral agencies to be contracted. When questioned, the matter will be recommended by the Planning Commission and decided by the Board of County Commissioners for further processing. The review fee, required by any referral agency for their review, shall be paid by applicant in advance, in the amount normally charged by the agency, and included in the packet when it is sent.

4. Topographic information, with contour lines, will be requested of applicant for the site.

5. A final plat, submitted in accord wit the final plat requirements- Signatures shall be provided prior to recordation.

6. Fee - Refer to fee schedule. (Would be the same fee as minor residential development)

7. If taken with a zoning request, that procedure/process and fee for rezoning is not altered.

8. A site plan and landscape plan will be provided.

9. Off street parking requirements shall be in accord with Elbert County Zoning Regulations.

D. Criteria for Approval of Denial or Minor Business/Commercial/Light Industrial Developments

1. The Community & Development Services Department shall make written recommendations and findings of fact, relating to any minor

business/commercial/light industrial development. The applicant may respond to

such recommendations and findings.

2. The Planning Commission and Board of County Commissioners, at duly noticed public hearings, shall consider all evidence presented and applicable statutes, in their review of the application.

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NOTICE OF PUBLIC HEARING

"Notice is hereby given that on_____(day of week)_____, _____(month and date)_____, 20__, at ____(time –A.M./P.M.)_____, or as soon as possible thereafter, a Planning Commission hearing will be conducted, and the Board of County Commissioner's hearing is to be held on _____date_____at_____ or as soon as possible thereafter, in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as these hearings may be adjourned. Public Hearings will be heard upon the application on file with Elbert County Community & Development Services Courthouse, Kiowa, Colorado, 303-621-3136, by _____(name of applicant) _____, for a Minor Subdivision and/or Zoning Regulations. The affected property is located approximately _____(distance and direction from nearest major intersection)____."

Reason:_____
Project name and number:_____
Legal description of property:_____
Date of application:_____
Published in:_____(name of newspaper) on _____(date of publication).

****

* Publisher's affidavit, verifying the above publication shall be submitted to the Community & Development Services Department at least five (5) working days prior to the day of the public hearing.

3. The applicant shall mail a written notice of said hearing by certified mail, return receipt requested, at least thirty (30) days prior to the hearing date before the Planning Commission, to the owners of property adjoining and within five hundred (500) feet of the property for which the request for a Minor Subdivision Development has been requested. The names and addresses for those properties affected shall be obtained from the current records of the County Assessor's Office.

   a. At least twenty-four (24) days prior to the date of the public hearing before the Planning Commission, the applicant shall submit to the Community & Development Services Department the following: the white postal receipts for Certified Mail mailed to the adjacent property owners and property owners within five hundred (500) feet of the proposed site, as required by these Minor Subdivision Development Procedures and Requirements; a copy

of the notice mailed to said property owners; a list, in alphabetical order, of the adjacent property owners within five hundred (500) feet of the proposed site; and a map illustrating the location and proximity of the adjacent property owners within five hundred (500) feet of the proposed site. When a notice is mailed to a property owner at an address other than the property adjacent to the Minor Subdivision Development, the applicant shall match notification with lot and block number, legal description or other manner which clearly locates the notified parties.

b. At least five (5) working days prior to the date of the Public Hearing before the Planning Commission, the applicant shall submit to the Community & Development Services Department the green postal Domestic Return Receipts mailed to the adjacent property owners and property owners within five hundred (500) feet of the proposed site, as required by these Minor Subdivision Development Procedures and Requirements.

4. Community & Development Services may require additional public notice prior to any determination by the Planning Commission, in a manner consistent with the laws of the State of Colorado, which may include posting of the property. Such notice shall be posted thirty (30) days prior to the day of the public hearing before the Planning Commission. Such notice shall consist of at least one (1) sign facing parallel to each adjacent road right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' X 4'), size of letters shall be a minimum of three (3) inches high and such signs shall be erected no further than ten (10) feet beyond the edge of the adjacent right-of-way on posts which shall locate the bottom of the sign no less than three (3) feet above ground. All signs shall be clearly legible to the persons on the adjacent right-of-way, and shall be completed and installed in a neat, professional manner. All signs shall be visible and legible throughout the entire period and shall read as follows:

****

NOTICE OF PUBLIC HEARINGS

'Notice is hearby given that the property upon which this sign is posted shall be considered for a Minor Subdivision for _____, pursuant to the current Elbert County Subdivision and or Zoning Regulations. Further information may be obtained by calling the Community & Development Services Department at 303-621-3136. The Planning Commission hearing is to be held on _____ (date), at (time)_____ or as so thereafter as possible, and the Board of Commissioner's hearing is to be held on _____ (date) _____ at (time) _____, or as soon thereafter as possible. Said hearings are to be held in the Commissioner's Hearing Room.

Name of Proposal:_____

****

Further requirements include:

a. Notarized affidavit, verifying the date of the sign posting (required at least thirty (30) days prior to the hearing date).

b. This affidavit must be submitted to Community & Development Services at least twenty-four (24) days prior to the Public Hearing date.

c. Signs advertising the Minor Subdivision Development of property in Elbert County must be photographed and submitted for the applicant's file in Community & Development Services as per the following form:

Elbert County Community & Development Services Department
P.O. Box 7
Kiowa, CO. 80117
303-621-3136

Attach Photo Here

The above sign was posted on _____, pursuant to the current Elbert County Subdivision and Zoning Regulations by _____.

Project name and number:_____.
Signature of Applicant/Representative:_____.
Signed and sworn before me this date:_____.

NOTARIZED BY:

Project Review:_____

d. A rezoning request made with this request may lengthen the process in accord with County regulations. When both the Rezoning and Minor Subdivisions Development process are required, the Rezoning Procedures and Regulations shall have predominance.

e. The Community & Development Services Department shall review the request within ten (10) days of submittal. An informal meeting with the applicant will be scheduled to go over the review. Scheduling before the Planning Commission will occur at the next available time period at a regular

scheduled Planning Commission Hearing, after the receipt of all appropriate information, the file being found complete, and after a field inspection of the site has occurred.

f. Removal of the sign shall be done by the applicant within thirty (30) days of approval or denial of the application by the Board of County Commissioners.

AMENDMENTS AND ADJUSTMENTS TO APPROVED AND/OR RECORDED PLANS OR PLATS (MINOR)

SECTION XII

A. Intent

To provide a refined process of review and reasonable procedure to be followed for those proposals involving minor changes to approved plans.

B. Applicability

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, an applicant shall provide such information as deemed necessary by the Board of County Commissioners. Such information shall include, but not be limited to:

1. Proof of ownership: Copy of deed, title, policy or other sufficient information;

2. Responses from referral/review agencies, which the County feels, are appropriate;

3. Site Plan: Submitted in accord with Final Plat requirements and indication that the plat is amended and/or adjusted;

4. See Fee Schedule.

Minor amendments and adjustments shall not include revisions or modifications to approved plans or plats, which significantly alter the intended land uses, density, number of lots, transportation system, dedicated land, or encompasses modification to more than twenty-five (25) percent of the overall site.

C. Procedure

1. An informal conference shall be held with the Community & Development Services Department Staff to discuss the proposed development and/or adjustments, determination of the materials and/or information needed for submittal, and to work out the process to be followed;

2. Formal submittal to the Community & Development Services Department, inclusive of the completed application form, appropriate supplemental information and fee(s);

3. Review of the request by the Community & Development Services Department Staff, inclusive of a site inspection, if applicable;

4. Public Notice, See Section XVII, Subdivision Public Notice Provisions of the Elbert County Subdivision Regulations;

5. Action by the Board of County Commissioners;

6. Filing of any required documents with the County Community & Development Services Department, or the recordation with the County Clerk and Recorder's Office.

D. Administrative Lot Line Adjustment/Plat Amendment Process

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:

1. The Board of County Commissioners will delegate the review and approval of certain Lot Line Adjustments to an administrative process, to be conducted within the Community & Development Services Department.

2. The following specific conditions must be met in order to apply for an Administrative Lot Line Adjustment/Plat Amendment:

   a. Both property owners are agreeable to the Lot Line Adjustment/Plat Amendment affecting both of their properties.

   b. No change in zoning will take place on either property.

   c. Where applicable, a letter from the Homeowners Association, that indicates that they do not have a problem with the Lot Line Adjustment/Plat Amendment.

3. The applicant will be responsible for the following documentation and fees:

   a. Completed Land Use Application for applicable sections, signed by both property owners.

   b. Narrative which contains:

      (1) Description of Lot Line Adjustment/Plat Amendment
      (2) Reason for Lot Line Adjustment/Plat Amendment
      (3) Proof of ownership

   c. Site Plan prepared according to Final Plat standards.

d. Application fee from the current fee schedule, Elbert County Zoning Regulations, Part 1, Section 8.

e. Public Notice, See Section XVII, Subdivision Public Notice Provisions of the Elbert County Subdivision Regulations.

4. The Elbert County Administrative Hearing Offices will make a determination on the request for an Administrative Lot Line Adjustment/Plat Amendment, after review of submitted documentation and determination of completeness, at an Administrative Hearing, conducted by the Community & Development Services Department.

5. The applicant will record Lot Line Adjustment/Plat Amendment Final Plat within thirty (30) days of approval by the Administrative Hearing Officer.

E. The Administrative Hearing Officer (AHO), or Board of County Commissioners (BOCC), may at their discretion exempt from the definition of the terms "subdivision" or "subdivided land" as set forth in C.R.S., 20-28-101, C.R.S., as amended, the following cases if the requirements are met:

1. Illegal Transfer – Legalization of an illegal division of land, where the applicant demonstrates all of the following:
   a. That the applicant swears that he was unaware of the illegality of the sale at the time of transfer.
   b. That the applicant can demonstrate a diligent and unsuccessful attempt to obtain relief from the illegal sale through normal judicial procedures.
   c. Limitation: The applicant shall be allowed only one such legalization of an illegal transfer, the understanding being that once the legislative intent, provisions, and requirements of Par I, Section 28, Title 30 C.R.S. have been discovered by the applicant, said applicant would be aware of such problems in future land acquisitions.
   d. Parcel is not currently, and has never been, platted as "Open Space" as defined in the Elbert County Zoning Regulations.

2. Limitations – all requests for exemptions from platting shall be subject to the following limitations:
   a. All lands exempted from platting shall comply with the Elbert County Zoning Regulations.
   b. Preparation for Recording – The Exemption Survey shall be recorded upon compliance with all conditions of approval of the exemption from platting pursuant to the decision by the Administrative Hearing Officer/Board of County Commissioners. The applicant/owner shall take such action that is necessary to comply with the conditions of approval within one (1) year of the hearing decision date. If such compliance is not accomplished within said one-year period, the approval of said exemption from platting shall be deemed null and void.

3. Application Requirements – At the time of application for exemption, the following information shall be submitted:
   a. An application form provided by the County.
   b. Proof of Ownership.
   c. Water Study.
   d. Proof of Septic – parcel must comply with Elbert County's rules on septic systems.
   e. Proof of Access – At a minimum, a copy of an easement of record, at least 60 feet in width, providing access from a dedicated or maintained County road to the parcel.
   f. Proof of Fire Protection – A letter from the local fire protection district indicating approval of the proposed application.
   g. Legal Description – A legal description of the entire property to be divided.
   h. Survey – An Exemption Survey in a format acceptable to the County. The number of copies to be determined by the Community & Development Services Department.
   i. Other Reports – Other reports, studies, or plans deemed necessary by the Community & Development Services Department to address issues unique to the application such as drainage reports and geotechnical studies. Any fees generated from such studies to be paid by the applicant/owner.
   j. All Exemptions from Platting which include property inside a floodzone shall have such areas clearly outlined on the exhibit, and place a note on the exhibit indicating such areas as no build areas.
   k. Any deeds for dedication of right-of-way or easements or any performance guarantees for public improvements as required by the Elbert County Zoning Regulations.
   l. Weed Management and Grazing Plans.

4. Fees
   a. A nonrefundable application fee per the current adopted Fee Schedule.
   b. Applicant/owner is responsible for the payment of any fees generated by outside agencies.
   c. Open Space (dedication or cash-in-lieu).
   d. Growth Impact Fees.
   e. Transportation Analysis Zone Fees (TAZ).

5. Appeals Process
   a. If an applicant/owner wishes to appeal the decision of the Administrative Hearing Officer, they must submit their request in writing to the Board of County Commissioners within 15 days of the Administrative Hearing Officer's decision.

SECTION XIII DESIGN: STANDARDS AND STUDIES

A. The following shall apply to all new subdivisions of land in Elbert County

1. Any land with a slope of twenty percent (20%) or greater, shall be noted on the preliminary plat and final plat. No building or driveway permit shall be allowed on a slope of twenty percent (20%) or greater, without the applicant submitting a special engineering feasibility study to the Building Department, with a building permit application. The study shall show the feasibility of the site to be engineered, to allow for construction on the site impacted by the excessive slope, and what methods are to be utilized.

2. Unstable land, and land having inadequate drainage, and not being a part of County dedicated land, shall be noted, and, unless acceptable provisions are made for elimination or control of any problems which may endanger health, life, or property, should be discouraged from being platted. Such uses as parks, conservation areas, farm land, recreation sites, or private open space for the residents of the proposed development may be considered.

3. Any land located within a defined, mapped or otherwise designated one hundred (100) year flood plain, flood regulatory area, floodway area, flood breach area, flood prone area, or flood storage area, as defined by officially approved flood plain maps and/or studies provided by the U.S. Army Corps of Engineers, or other agency or authority, whose work is endorsed by the Board of County Commissioners, shall be subject to all applicable regulations and/or restrictions.

4. Any land which is not within a mapped and designated one hundred (100) year flood plain, existing stock water and erosion control dams, but which are nevertheless subject to flooding or in a natural drainage channel, shall not be platted for occupancy until adequate provisions to eliminate or control hazards are made and approved. Protection and maintenance of wastewater retention areas should be preserved. A competent, independent, professional engineer may be engaged by Elbert County, at the expense of the subdivider, for the purpose of verifying the technical requirements. These provisions shall be made to protect the health, safety and welfare of the public, as well as to eliminate any flood hazard, resulting from the development of the area. Those areas subject to flooding shall be left as open space, or reserved as easements.

5. Where any proposed development borders on a railroad right-of-way or a State or Federal Highway, major utility transmission lines, major drainage way, flood control dams, rock fall areas or manmade or natural characteristics, facilities or conditions which may be potentially hazardous or detrimental to the health or safety of the residents on the adjoining properties, the County Planning Commission may recommend to the Board of County Commissioners that a parallel standard be established for the effected properties, by the applicant, or in conjunction with the County, to such an extent and type as may be practical to alleviate the problem or concern.

6. Any significant natural feature of the site which would enhance the proposed development; i.e., unusual rock formations, ponds, water retention areas, lakes, rivers, streams, major stands of trees and other natural features, should be preserved whenever it is practical and realistic to accomplish.

B. Streets/Roads, Alleys and Easements

1. All streets/roads proposed for dedication to Elbert County shall conform with the specifications and criteria in the current Elbert County Roadway Design and Construction Standards.

2. Streets/roads shall be aligned to join with existing or planned streets/roads as nearly as is practical, and to provide future access to adjacent undeveloped land.

3. Streets/roads shall be designed to bear a logical relationship to the topography of the site and significant natural or manmade features.

4. Intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than eighty (80) degrees.

5. Local roads leading to a cul-de-sac, providing access to lots averaging one (1) acre or less in size, shall be not more than five hundred (500) feet in length.

Local roads leading to a cul-de-sac, providing access to lots averaging more than one (1) acre and less than ten (10) acres in size, shall not be more than one thousand three hundred and twenty (1320) feet in length.

Local roads leading to a cul-de-sac, providing access to lots averaging more than ten (10) acres and less than (20) acres in size, shall not be more than two thousand six hundred and forty feet (2640) feet.

Local roads leading to a cul-de-sac, providing access to lots averaging more than twenty (20) acres in size and less than thirty five (35) acres in size, shall not be more than five thousand two hundred eighty (5280) feet in length.

Drainage shall be toward the road edge, unless a drainage easement is platted along side lot lines, to carry surface runoff safely away for the cul-de-sac.

6. Dead-end streets/roads (not including cul-de-sacs) shall be prohibited, unless they are platted to the boundary of the subdivision, and are located to provide logical connection to future streets/roads in adjacent, undeveloped land. All dead-end street/roads shall be provided with a temporary turnaround.

7. Adequate, approved access from existing State, Federal or County Highways shall be provided by developers to all projects.

8. Restriction of access shall be required when a subdivision, or portion thereof, adjoins a major arterial road. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots with additional or similar treatment, shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thorough fares.

9. When proposed developments adjoin existing streets/roads, the County may require the developer to dedicate additional right-of-way and/or improve that section of the street/road adjoining the development.

10. Half streets/roads shall be discouraged. When a proposed half street/road in a subdivision is adjacent to another property, the approval of the adjacent owner shall be obtained, and the entire street/road shall be platted when possible. The County may seek to improve adjoining half streets/roads only when necessary, and assess said owners accordingly.

11. Reverse curves on major arterials shall be joined by a tangent at least two hundred fifty (250) feet in length.

12. Reserve strips or non-vehicular access easements controlling access to streets/ roads, are permitted only when the control of such strips is given to the County under conditions approved by the Planning Commission/Board of Commissioners.

C. Minimum widths and grades

Refer to the Elbert County Roadway Design and Construction Standards.

D. Alleys and Easements

1. Alleys in residential subdivisions shall be prohibited, unless they are necessary to continue an existing pattern.

2. Alleys shall be provided in commercial and industrial areas. This provision may be waived, when other provisions are made, and approved for service access.

3. Utility, drainage and public easements shall be provided as required.

E. Lots

1. Each lot shall have adequate access to a public street/road within the subdivided area.

2. No lots shall be divided by County or Municipal boundaries, roads, or other lots.

3. Side lot lines shall be substantially at right angles or radial to street/road right-of-way lines.

F. Water and Sanitation

1. Sewers, percolation tests, on-lot sewage disposal and water systems, shall all be designed and/or conducted according to State Health Standards, and when applicable, conform with Colorado State Water Pollution Control Standards, and/or Elbert County Land Use Regulations, whichever is more stringent.

2. No water hydrant shall bypass the meter on wells that require meters.

G. Vacating Streets, Rights-of-Ways or Public Easements

Any request to vacate, in whole or part, any dedicated right-of-way, public thoroughfare or public easement, shall require the applicant to consult with the Planning Department, appropriate utilities and any persons or agencies who may utilize the right-of-way, prior to formal application with the County Planning Department.

1. Conditions:

a. The plat, right-of-way or easement, or portions thereof to be vacated, are to be of record with the Elbert County Clerk and Recorder's office.

b. The vacation of said item will not interfere with development of, nor deny access via a public thoroughfare, to existing structures, within the recorded plat, adjoining properties, utilities, or other improvements.

c. Notification of the request to vacate said item is sent to all affected parties, by the applicant.

2. Procedure:

a. The applicant shall meet with Community & Development Services on an informal basis to discuss the intended proposal and to learn the requirements for application.

b. The applicant will inform and meet with any affected party regarding

the request.

c. The applicant shall make formal application with Community & Development Services to include, but not limited to:

(1) a completed application;

(2) full legal description of the property, right-of-way, or easement to be vacated;

(3) the reason(s) for the request;

(4) an accurate drawing by a qualified professional, showing the affected property, right-of-way, or easement to be vacated, including a location map;

(5) all required fees and twenty (20) copies of items "(1)" through "(4)" (herein called "the packet"). Upon receipt of the completed packets, Community & Development Services shall review the application within ten (10) days, and contact the applicant, if any additional information is required.

d. At least thirty (30) days prior to a regular meeting of the Board of County Commissioners, Public Notice shall be provided in a newspaper of general circulation in Elbert County. The publication is the sole responsibility of the applicant. Notification of the meeting, and its purpose, shall be sent to adjoining property owners thirty (30) days in advance of the meeting, by certified mail.

The Board of County Commissioners shall approve, conditionally approve, table for further study, or deny the request. The Board of County Commissioners shall not vacate any plat, right-of-way, or easement without the approval of any affected party.

e. If approved, the vacated plat, right-of-way, easement or portions thereof, shall be recorded at the applicant's expense with the County Clerk and Recorder's Office.

f. Upon vacation of a recorded plat, the property zoning will automatically revert to the appropriate zoning, based on the total gross acreage of the affected property, or portions thereof, unless application for a zoning change has been filed with the Planning Department.

H. Erosion and Sediment Control Plan

An erosion and sediment control plan shall be submitted, which addresses the existing and potential erosion and sediment problems created by the proposed development, and the conservation measure to be utilized to mitigate these problems or concerns.

1. A performance bond may be required by the Planning Commission/Board of County Commissioners on a case by case basis, in order to enforce the approved erosion and sediment control plan.

2. The Elbert County Soil Conservation District shall be consulted, in order to obtain assistance and guidelines for the development of the erosion and sediment control plan.

3. It is required that these agencies approve the erosion and sediment control plan prior to the scheduling of the final plat hearing. Letters from these agencies shall be submitted to Community & Development Services, acknowledging their approval.

4. Applicant shall conform with applicable State and Federal regulations regarding erosion and sediment control.

I. Drainage and Flood Hazard Study

A drainage and flood hazard study shall be submitted to the Community & Development Services Department as part of the Preliminary Plat requirements.

1. This study shall include, but not be limited to the following items:

   a. One hundred (100) year flood plain delineation, indication of any flood control dams and their breach flood.

   b. Hazard areas.

   c. Grading plan.

   d. Anticipated storm drainage improvements.

   e. Drainage map.

2. The Elbert County Soil Conservation District shall be consulted, in order to obtain assistance and guidelines for the development of the drainage and flood hazard study.

3. The Soil Conservation Service method for the calculation of the surface runoff shall be utilized for subdivisions of one hundred (100) acres and larger. The rational method is to be used for subdivisions less than one hundred (100)

acres.

4. There shall be no subdivision of land or development within any designated flood regulatory area, or flood breach hazard areas of flood control dams, without specific engineering considerations and other reasonable constraints imposed by the Planning Commission and the Board of County Commissioners.

5. It is required that appropriate County approved agencies approve the drainage and flood hazard study, prior to scheduling the final plat hearing before the Planning Commission. Letters from these agencies shall be submitted to Community & Development Services, acknowledging their approval.

6. Applicant shall conform with applicable State and Federal regulations regarding drainage and flood hazards.

J. Minor Residential Developments

The Elbert County Soil Conservation District shall be consulted regarding erosion and sediment problems, drainage, and flood hazard potentials affecting the proposal. The District shall also be consulted by the applicant for grazing management assistance.

K. Landscaping

1. All areas zoned B, C, LI and GI shall have a fifteen percent (15%) minimum landscaped area, per tract or parcel, in accordance with an approved landscape plan.

2. The approved landscape plan shall list the types of planting materials to be used and a schedule of seeding and planting.

Additionally, the means of irrigation shall be indicated. Required landscaping shall be maintained in the manner and degree necessary to keep plants healthy and presentable, including pruning, mowing, weeding, fertilizing, watering, and replacement of plants, when necessary. Low water usage and low-maintenance native and adaptive plant species should be utilized. Developer shall attempt to use natural topographical features for fifteen percent (15%) requirement.

L. Public Sites, Reservations and Dedications

The following standards shall be the minimum requirements for dedicated land, pursuant to Section 30-28-133(4) (a) Colorado Revised Statutes as amended.

1. School Site Dedication Requirements:

Number of elementary students generated X .017 acres/student = elementary

school dedication requirement.

Number of junior high students generated X .021 acres/student = junior high school dedication requirement.

Number of senior high students generated X .027 acres/student = senior high school dedication requirement.

The minimum site acreage for schools is as follows:

High School	40	acres
Junior High School	25	acres
Elementary School	10	acres

Type of Dwelling Unit	Lot Size	No. of Students	
Single Family Dwelling	1 acre and above	K-6	.6
		7-9	.3
		10-12	.25
	Total Students D/U		1.15
Single Family Dwelling	1-6 DU/AC	K-6	.52
		7-9	.24
		10-12	.22
	Total Students D/U		.98
Single Family Dwelling/Duplexes			
	5-7 DU/AC	K-6	.4
		7-9	.19
		10-12	.16
	Total Students D/U		.75
Multi-Family		K-6	.21
	8-14 DU/AC	7-9	.1
		10-12	.16
	Total Students D/U		.40
Multi-Family, Condominiums, & Apartments			
	15 DU/AC	K-6	.15
		7-9	.08
		10-12	.07
	Total Students D/U		.30

2. Park and Recreation Dedication Requirements

Neighborhood Parks
Standard = 2.5 acre/1,000 people

Size: Minimum = 5 acres
Preferred = 10 acres
Maximum= 50 acres
Service Radius = 1 mile

Community Park
Standard = 7 acre/1,000 people
Size: Minimum = 15 acres
Preferred = 25 acres
Service Radius = 3 miles

Total Park Land Requirement
9.75 acres/1,000 people

3. Other

Additional requirements may become necessary, if a proposed development creates significant impacts above and beyond the norm. These additional requirements may include dedication for fire protection services, police protection services, emergency medical services, waste treatment and disposal facilities, water treatment facilities, storm water facilities, governmental buildings and other public facilities, including impact to existing County roads. Such requirements shall have no defined standards, but will be evaluated on a case-by-case basis by affected agencies and the Board of County Commissioners. In no event shall dedication exceed twenty percent (20%) of the gross acreage.

M. Open Space

As a general guideline for subdivisions, the open space requirement may be twenty percent (20%) of the gross land area, which gross land area shall not include land used for roads. Dedicated open space, equestrian, pedestrian and open space easements, or cash-in-lieu of dedicated land, may be used to fulfill the open space requirement.

IMPROVEMENTS

SECTION XIV

A. Surface Improvements

1. Residential Street/Road, Parking Areas and Access

   a. For appropriate specifications see applicable zoning regulations.

   b. Paved roads will be required for those subdivisions that generate two hundred (200) vehicle trips per day. Trip generation to be calculated using trip generation data from the current edition of the Institute of Transportation Engineers.

2. Residential Curbs, Gutters, Sidewalks, and Street Lights

   a. In subdivisions with an average net residential lot size greater than one and one-half (1½) acres: curbs, gutters, and sidewalks shall not be required. Streetlights may be required.

   b. In subdivisions with an average net residential lot size of one and one-half (1½) acres or less: curbs, gutters, sidewalks, and streetlights may be required, in accord with Elbert County Road and Bridge standards.

3. In subdivisions with an average net residential lot size of ten thousand (10,000) square feet or less: curbs, gutters, sidewalks, and street lights shall be required, in accord with Elbert County Road and Bridge standards.

3. Surface Improvements for lots Zoned B, C, LI, GI and portions of PUD's devoted to these uses

   a. Non-residential Street/Road, Parking Area and Access

   (For appropriate specifications see applicable zoning regulations)

   b. Non-residential Curbs, Gutters, Sidewalks, and Street Lights

   Curbs, gutters, sidewalks and street lights shall be required, as determined by the Community & Development Services Director, Planning Commission, and Board of County Commissioners. Requirements for these improvements shall be determined on the

   basis of use, location, topography, anticipated drainage patterns, and anticipated vehicular and pedestrian traffic.

B. Utilities

1. Water lines, where required, shall be designed to connect each lot with main lines, in accord with the standards of the water district in which the proposal may be located, (or standard of appropriate County, Regional, or State Agency).

2. Fire hydrants shall be required in subdivisions, which have central water. Hydrants shall be spaced per the Uniform Fire Code requirements and provided with adequate water pressure for fire fighting purposes. Fire cisterns and wells may be required, per the Uniform Fire Code and local fire department.

3. Drainage improvements shall be in accordance with final drainage/storm sewer approved plans.

4. Underground placement of utility distribution and service lines are encouraged by the County in all other areas to preserve the natural character of the general community.

C. Other Improvements

Other reasonable improvements, such as cluster mailboxes, not specifically mentioned herein, and found appropriate and necessary by the Planning Commission/Board of County Commissioners, shall be constructed at the applicant's expense, within such time and in conformance with such specifications as deemed necessary and appropriate.

D. Guarantee of Public Improvements

No final plat shall be recorded until the applicant has submitted, and the Board of County Commissioners has given their approval, to one or a combination of the following:

1. Subdivision improvements agreements, agreeing to construct any required public improvements shown in the Final Plat documents, together with collateral which is sufficient, in the judgment of the County Commissioners, to make reasonable provisions for the completion of said improvements in accordance with design and time specifications; or

2. Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the Final Plat documents which, in the judgment of the County Commissioners, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

3. As improvements are completed, the subdivider may apply to the Board of

County Commissioners for a release of part, or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish the applicant a list of specific deficiencies, and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board of County Commissioners determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the Board of County Commissioners may withdraw from the agreement, and employ someone to build from the improvement or improvements, in accordance with the specifications.

4. After Final Plat is recorded, the County will restrict the issuance of Residential Associated building permits for all lots in the approved Final Plat until all infrastructure is installed, all roads built and as appropriate agencies sign off approving the appropriate infrastructure as being installed and operational.

5. The developer, before recording the final plat shall provide the appropriate security acceptable to the Board of County Commissioners. The amount of security required is one hundred fifteen percent (115%) of the estimated construction cost, supported by a minimum of two (2) written construction bids.

E. County Policy for Road Acceptance

The current Roadway Design and Construction Standards provide procedure for acceptance of roads for County maintenance. Exception may be made on a case-by-case basis when approved by the Board of County Commissioners.

F. Deviations to Improvements

The applicant, upon showing of good and compelling cause(s), may receive an exemption to one (1) or more of the criteria set forth above by the Board of County Commissioners.

MAP REQUIREMENTS

SECTION XV

A. Assessor's Map

1. Sheet size twenty-four (24) inches wide by thirty-six (36) inches long. The North and South orientation to be along the twenty-four inch (24") side of the mylar, in the bottom left corner of the map. (see examples)

2. Map is to be on photo mylar. Two originals are required.

3. The southeast corner of the map is to be located two (2) inches from the right side of the photo mylar and three (3) inches from the bottom of the photo mylar.

4. Section corners and quarter corners are to be clearly indicated.

5. Section lines or quarter lines, depending on scale, constitute the borders of the map, and shall be a continuous line drawn with a number two (#2) pen or equivalent.

6. The subdivision shall be properly located within the section boundaries.

   a. When the subdivision extends into another section, quarter-section or sixteenth-section, a separate map is required for each section involved.

   b. The subdivision and filing boundaries shall be a continuous line drawn with a number three (#3) pen.

   c. Lot and parcel lines shall be drawn with a number one (#1) pen.

   d. Lettering a lot and block number should be clearly legible, with minimum letter size of .14 high characters.

   e. Lettering of bearings and dimensions shall be clearly legible, with minimum letter size of .08 high characters.

   f. Areas of parcels are to be in gross acres and one hundredth of an acre, with minimum letter size of .10 high characters.

7. The map shall contain the following information:

a. Subdivision name and filing number or name should be shown within the subdivision boundary.

b. Assigned block numbers.

c. Bearings and exact dimensions of parcels should be on the map in the proper placement of each lot. No legends.

d. Blocks and Lots (as applicable) shall be shown with the block numbers appearing with consecutive numbering.

e. County lines (as applicable).

f. Delineation of drainage easements.

g. Show all County Roads.

h. Highway and road right-of-way (bearings and dimensions).

i. Lot number.

j. Streets and names.

k. Gross lot area.

l. Subdivision and addition boundaries.

m. Public property designations (schools, parks, etc.).

n. Center line of section.

8. Scale of map

a. For section map 1:2400 (1 inch = 200 feet), lot size, three (3) acres to 40 acres.

b. For quarter section map, 1:1200 (1 inch = 100 feet), lot size, one (1) acre to 2.999 acres.

c. For high density map, 1:600 (1 inch = 50 feet), lot size less than one (1) acre.

9. Address Map

One (1) sheet, size eleven inches (11") wide by seventeen inches (17") long.

The north and south orientation should go vertically or horizontally, which ever direction allows the section, half-section or quarter-section to be as large as possible.

a. This can be essentially a reduction of the Assessor's map, providing that in the reduction, the smallest lot or parcel is to be no smaller than one (1) inch on its smallest side.

b. Bearings and exact dimensions of parcels should be shown on each lot.

c. In the case of more than one map, a cover map should be provided, which allows an overview of the subdivision.

10. Digital Submission/CADD File Standards

Elbert County, in its desire to expedite the review of proposed development projects, is requesting that all information be submitted in a digital format for incorporation and comparison with the County's GIS database. These submission requirements do not suffice for any legal transfer of property or for formal submission and/or acceptance of property subdivision or conveyance. These submission standards are for the sole purpose of expediting review and database updates at the local government level. Formal submission to the appropriate county agency, Elbert County Assessor's Office, must be provided in this requested format. The following requirements will aid in review of data:

Surveyors should request a CADD file of the "clipped data" surrounding their current project from the GIS parcel database before proceeding with survey. This can be requested from the Elbert County Mapper. In the absence of Real World Coordinates or other specific control, this CADD file should provide the basis for the linework of the survey. Although it may not match exactly to the bearings of the survey, it is intended that this CADD file be used so that an updated file can be transmitted back to the county mapper for inclusion in the parcel database.

Digital data should be provided to the County Mapper in the following software/format:

Best: **ArcView 3.1a or higher** shapefiles
Theme 1 = parcels or cadastral information
Theme 2 = utility information
Theme 3 = general annotation
Theme 4 = control/monumentation
Theme 5 = zoning or land use information

Better: **Autocadd Release 14 or higher DXF** files
Layer 1 = parcel or cadastral information

Layer 2 = percel or cadastral annotation
Layer 3 = water utility information
Layer 4 = sewer utility information
Layer 5 = electric utility information
Layer 6 = control/monumentation
Layer 7 = zoning or land use information
Layer 8 = zoning or land use annotation

Projection: (all files must be in)
Colorado Stateplane Coordinate: Central
Units of feet
Zone 3476
NAD83
Spheroid GRS 1980

Additional notes:

- Files names must be no longer than 8 characters, with the additional default three-character extension.
- Item names (for GIS files) must be 10 characters or less.
- The name and phone number of a technical contact, as well as the date and name of the dataset, including any specific file names, must be provided in hardcopy to accompany the data.

* These standards apply only to development within Elbert County limits and/or where plans are subject to review by Elbert County.

B. New Subdivision Final Plat

1. Upon submittal of the final plat, the subdivider shall pay to the Elbert County Treasurer, a minimum fee of (see fee schedule) for services in connection with investigation of the final plat, plus (see fee schedule) per parcel, lot or track for Assessor's parcel numbering fee, plus (see fee schedule) per parcel, lot or tract for addressing fee. In addition, the subdivider shall provide two (2) photo mylar copies to meet the Assessor's map requirements, as above, and two (2) photo mylar copies to meet address book requirements, as above.

2. Minor Developments, Rezoning Applications, Etc.

   A flat fee of (see fee schedule) per parcel, maximum limit four (4) parcels, is required to be paid to the Elbert County Treasurer upon approval of such application. When five (5) or more parcels are involved, the map requirements and fees provided herein shall be applicable.

VESTED PROPERTY RIGHTS

SECTION XVI

A. Purpose

The purpose of this chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

B. Definitions

As used in this chapter, unless the context otherwise requires:

1. Application - Means a substantially complete application for approval of a Site Specific Development Plan that has been submitted to the County, in compliance with applicable established requirements. The "application" the County recognizes will be the *original application at the first stage in any process that may culminate in the ultimate approval of a site specific development plan.*

2. Landowner - Means any owner of a legal or equitable interest in real property, and includes heirs, successors and assigns of such ownership interests.

3. Local government - Means any county, city and county, city or town, whether statutory or home rule, acting through its governing body or any board, commission or agency thereof, having final approval authority over a site specific development plan, including, without limitation, any legally empowered urban renewal authority.

4. Property - Means all real property subject to land use regulation by a local government.

5. Site Specific Development Plan - Means A Planned Unit Development Plan, Subdivision Final Plat, Minor Development Plat, or a development agreement.

6. Site Specific Development Plan - Shall not include a variance, a preliminary plan, as defined in section 30-28-101 (6), CRS, or any of the following:

   a. A sketch plan, as defined in Section 30-28-101 (8), CRS.

   b. A final architectural plan.

   c. Public utility findings.

   d. Final construction drawings and related documents specifying

materials and methods for construction of improvements.

e. *A rezoning application involving a subdivision.*

f. *A Concept Plan, as defined in Elbert County's Subdivision Regulations.*

7. Vested property right - Means the right to undertake and complete the development and use of property, under the terms and conditions of a Site Specific Development Plan.

C. Applications - Rules and Regulations

1. Except as otherwise provided in subsection (2) of this section, an application for a Site Specific Development Plan shall be governed by the adopted Zoning, Subdivision, 1041 Regulations and Master Plan in effect at the time the "Application" is deemed *substantially* complete by the Planning Department.

2. Notwithstanding the limitations contained in subsection (1) of this section, Elbert County may adopt a new or amended law or regulation when necessary, for the immediate preservation of public health and safety, and may enforce such law or regulation in relation to applications pending at the time such law or regulation is adopted.

D. Vested Property Right - Duration - Termination

A property right, which has been vested, as provided for in this section, shall remain vested for a period of three years. This vesting period shall not be extended by any amendments to a Site Specific Development Plan.

E. Development Agreements

The Board of County Commissioners *may* enter into a Development Agreement with the landowner for the extension of Vested Property Rights, where, in the sole discretion of the of the Board of County Commissioners, an extension is warranted, due to project size and/or phasing of the development. The Board of County Commissioners may also consider an extension of Vested Property Rights for economic cycles and/or market conditions.

F. Approval, Effective Date, Amendments

A Site Specific Development Plan shall be deemed approved upon the effective date of the Board of County Commissioners' approval action relating thereto, following a public hearing, as set forth in Section XVII Subdivision Public Notice. In the event amendments to a Site Specific Development Plan are proposed and approved, the effective dates of such amendments, for purposes of duration of a vested property right, shall be the date of

the approval of the original Site Specific Development Plan, unless the Board of County Commissioners specifically finds to the contrary, and incorporates such findings in its approval of the amendment. The Board of County Commissioners may approve a Site Specific Development Plan upon such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare. The approval shall result in a Vested Property Right, although failure to abide by such terms and conditions will result in forfeiture of the Vested Property Right. *All approved Site Specific Development Plans shall be subject to subsequent reviews and approvals, to assure compliance with the terms and conditions of site specific development.*

G. Notice of approval

Each plat, or other document, constituting a site specific development plan, as defined herein, and approved by the Board of County Commissioners, in accordance with its resolution, shall contain the following language: "Approval of this plan may create a Vested Property Right, pursuant to Article 68 of Title 24 C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the Vested Property Right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a Vested Property Right has been created, shall be published once, not more than fourteen (14) days after approval of the Site Specific Development Plan, in a newspaper of general circulation within the County of Elbert, State of Colorado.

H. Payment of costs

In addition to any and all other fees and charges imposed by the Subdivision Regulations and the Zoning Regulations of Elbert County, Colorado, the applicant, for approval of a Site Specific Development Plan, shall pay all costs incurred, to the Treasurer of Elbert County, as a result of the Site Specific Development Plan review, including publication of notices, public hearing and review costs. The costs which are imposed is a flat fee of (see fee schedule).

I. Other provisions unaffected

Approval of a Site Specific Development Plan shall not constitute an exemption from, or waiver of, any other provisions of the regulations, pertaining to the development and use of property (Zoning and Subdivision Regulations).

J. Limitations

Nothing in this chapter in intended to create any Vested Property Right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article, or a judicial determination that said article is invalid or unconstitutional, this chapter shall be deemed to be repealed, and the provisions no longer effective.

SUBDIVISION PUBLIC NOTICE

Section XVII

A. Subdivision Public Notice Provisions

Public notice provisions contained in the Elbert County Zoning Regulations, Part I, Section 6,related to a public legal notice to the newspaper, a certified letter legal notice to adjoining property owners, and a sign, will apply to any Preliminary Plat and Final Plat considered together and Minor Subdivisions of any kind. Where applicable, these public notice provisions may be consolidated with a rezoning or 1041 public notice provision. *The public notice provisions will apply to Plat Amendments as found in Section XVII B.* The Public notice provisions are not applicable to Concept Plans.

B. Public Notice Procedure for a Plat Amendment

1. Notice of Public Hearing

a. Publication
At least fifteen (15) days prior to a public hearing before the Board of County Commissioners, notice of hearing shall be published in a newspaper of general circulation in Elbert County at least once. Publication of said notices shall be the responsibility of the applicant and shall read as follows:

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NOTICE OF PUBLIC HEARING

"Plat Amendment"
"Notice is hereby given that on _____(day of the week), _____(month), ____(year), at _____(time PM), or as soon as possible thereafter, the Board of County Commissioners will consider a plat amendment pursuant to the current Elbert County Subdivision Regulations. Further information may be obtained by calling Elbert County Community & Development Services, 215 Comanche Street, Kiowa, Colorado 80117, Telephone: 303-621-3136. Said hearings are to be held in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado."

Project Name and Number:_____
Legal Description of Property:_____
Reason for Amendment_____
Date of Application:_____
Published In: _____ (Name of Newspaper),

_____ (Date of Publication).

****

*Publisher's affidavit verifying the above publication shall be submitted to the Community & Development Services Department file at least five (5) working days prior to the public hearing.

b. Notification of Adjacent Property Owners
At least fifteen (15) days prior to the day of the Public Hearing before the Board of County Commissioners, the applicant shall mail a notice of said hearing by Certified Mail, Return Receipt Requested, to owners of property adjacent to and within five hundred (500) feet of the property under consideration for the plat amendment are related to, or a business associate of the applicant, the applicant shall then notify by return, receipt mail all property owners in closest proximity north and south and east and west that are not related to, or a business associate of, the applicant.

(1) At least five (5) days prior to the date of the Public Hearing before the Board of County Commissioners, the applicant shall submit to Community & Development Services, the following: the white postal receipts for Certified Mail mailed to the adjacent property owners and the property owners within five hundred (500) feet of the proposed site as required by these Subdivision Procedures and Requirements; a copy of the note mailed to said property owners; a list, in alphabetical order, of the adjacent property owners and a map illustrating the location and proximity of the adjacent property owners and property owners within five hundred (500) feet of the proposed site.

(2) At least five (5) working days prior to the date of the Public Hearing before the Board of County Commissioners, the applicant shall submit to Community & Development Services, the green postal Domestic Return Receipts mailed to the adjacent property owners and property owners within five hundred (500) feet of the proposed site as required by these Subdivision Procedures and Requirements.

Mail the following notice:

****

"NOTICE OF PUBLIC HEARING"

"Plat Amendment"

"Notice is hereby given that on _____(day of the week), _____(month), ____(year), at _____(time PM), or as soon as possible thereafter, the Board of County Commissioners will consider a plat amendment pursuant to the current Elbert County Subdivision Regulations. Further information may be obtained by calling Elbert County Community & Development Services, 215 Comanche Street, Kiowa, Colorado 80117, Telephone: 303-621-3136. Said hearings are to be held in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado."

Project Name and Number:
Legal Description of Property:
Reason for Amendment:
Date of Application:

****

C. Public Notice Procedure for an Administrative Plat Amendment

1. Notice of Hearing

a. Publication
At least fifteen (15) days prior to a public hearing before the Administrative Hearing Officer notice of hearing shall be published in a newspaper of general circulation in Elbert County at least once. Publication of said notice shall be the responsibility of the applicant and shall read as follows:

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"NOTICE OF PUBLIC HEARING BEFORE THE ADMINISTRATIVE HEARING OFFICER"

"Administrative Plat Amendment"

Notice is hereby given that on the __th day of _____, ____, at _____, or as soon as possible thereafter, the Community & Development Services Director will act upon the Administrative Plat Amendment application on file with Elbert County Community & Development Services, 215 Comanche Street, Kiowa, Colorado 80117, Telephone: 303-621-3136, by _____ for a plat amendment pursuant to the current Elbert County Subdivision Regulations. The affected property is located at _____. Any comments must be submitted in writing to Elbert County Community & Development Services, P.O. Box 7, Kiowa, CO 80117, by _____.

Project Name and Number:
Legal Description of Property:
Reason for Amendment:
Date of Application:
Published in: (name of newspaper & date of publication)

****

*Publisher's affidavit verifying the above publication shall be submitted to the Community & Development Services Department.

b. Notification of Adjacent Property Owners
The applicant shall mail a written notice of said hearing by certified mail, return receipt requested, at least fifteen (15) days prior to the hearing date before the Administrative Hearing Officer to the adjoining property owners of the property for which the plat rezoning has been requested. The names and addresses for those properties affected shall be obtained from the current records of the Elbert County Assessor's Office.

Mail the following notice:

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NOTICE OF PUBLIC HEARING BEFORE THE ADMINISTRATIVE HEARING OFFICER

"Administrative Plat Amendment"

Notice is hereby given that on the __the day of _____, ____, at _____, or as soon as possible thereafter, the Planning Director will act upon the Administrative Plat Amendment application on file with Elbert County Community & Development Services, 215 Comanche Street, Kiowa, Colorado 80117, Telephone: 303-621-3136, by _____ for a plat amendment pursuant to the current Elbert County Subdivision Regulations. The affected property is located at _____. Any comments must be submitted in writing to Elbert County Community & Development Services, P.O. Box 7, Kiowa, CO 80117, by _____.

Project Name and Number:
Legal Description of Property:
Reason for Amendment:
Date of Application:

****

(1) At least five (5) working days prior to the date of the public hearing before the Administrative Hearing Officer, the applicant shall submit to the Community & Development Services Department, the following:

(a) The white postal receipts for Certified Mail mailed to the adjacent property owners of the proposed site as required by the Subdivision procedures and regulations.

(b) A copy of the notice mailed to said property owners.

(c) An alphabetical list and map illustrating the location and proximity of owners of property adjacent to, and within five hundred (500) feet of the proposed site.