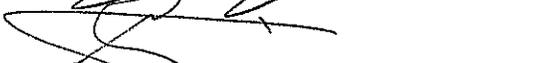


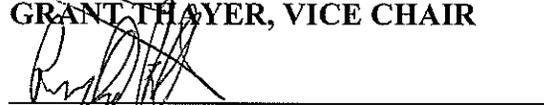
NOW, BE IT THEREFORE RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF ELBERT as follows:

- a. That the Board of County Commissioners hereby approves and adopts the proposed amendments to the Elbert County Subdivision Regulations, as specifically set forth herein as Exhibit A, as recommended for approval by the Elbert County Planning Commission and as amended by the Board of County Commissioners during the December 19, 2018 and January 23, 2019 public hearing.
- b. That all prior decisions and all prior approvals made under the current Elbert County Subdivision Regulations are expressly validated and shall survive the enactment of these Elbert County Subdivision Regulations.
- c. The implementation of the newly adopted Elbert County Subdivision Regulations is effective as of February 1, 2019.
- d. That these Elbert County Subdivision Regulations do repeal all prior versions of the Elbert County Subdivision Regulations and any amendments thereto.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:


CHRISTOPHER RICHARDSON, CHAIR


GRANT THAYER, VICE CHAIR


RICK PETTITT, COMMISSIONER

ATTEST: RACHEL BUCHANAN
DEPUTY COUNTY CLERK

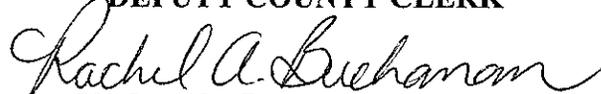
BY: 
Deputy Clerk to the Board



EXHIBIT A

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ELBERT COUNTY SUBDIVISION REGULATIONS

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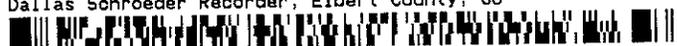
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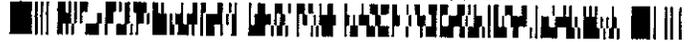


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Article I. ENACTING CLAUSES



A. Intent

1. 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 Comprehensive Plan; providing for adequate and convenient open spaces for traffic, utilities, access of firefighting 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:

- (a) Each Subdivider – Should be aware of the Elbert County regulations, policies, procedures and Comprehensive Plan; should know in advance what general subdivision design is expected; should be able to use established principles of development for the improvement of said subdivision; should have an indication that lending agencies may favor said plan;.
- (b) 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.
- (c) Supports logical street right-of-way and utility extensions; and ability to secure necessary land for public purposes
- (d) 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

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

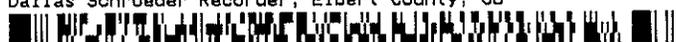
C. Acceptance of a Subdivision – Approval Criteria

1. The following criteria shall be considered by the Elbert County Community and Development Services (CDS) Director, the Planning Commission, and the Board of County Commissioners in the review of applications for subdivision:

- (a) Whether the subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide a water supply in accordance with all applicable state laws and local regulations, including these Elbert County Subdivision Regulations;
- (b) Whether the subdivider has provided evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system and, if other methods of sewage disposal are proposed, evidence that such systems will comply with state and local laws and regulations which are in effect at the time of submission of the Preliminary Plat or Final Plat;
- (c) Whether the subdivider has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.
- (d) Whether the application is in compliance with the requirements of:
 - (1) The Elbert County Subdivision Regulations; and
 - (2) The Elbert County Zoning Regulations.
- (e) Whether the application is generally consistent with the intent, policies, and goals of the Elbert County Comprehensive Plan.

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 recommendation of said plan or plat by the Planning 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 the Planning 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 all divisions of land within unincorporated Elbert County which create a division of land smaller than 35 acres in size including: Preliminary Plats, Final Plats, Minor Subdivisions, Amendments to Plats, and Subdivision Exemptions.

G. Enforcement

1. The Elbert County CDS Director shall be responsible for the daily enforcement of these Regulations. When a violation is properly documented by the CDS Director, the matter shall be brought to the attention of the County Attorney, and other appropriate County offices. The County Attorney, in conjunction with the County Manager, shall determine the course of action(s) to be taken for resolution of the problem, and inform in writing, the CDS Director and other involved County offices as to how to proceed on the matter.
2. 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

1. The Board of County Commissioners may authorize minor 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.
2. Minor variation(s) from strict application of the provisions of a zoning requirement may be allowed at the discretion of the CDS Director in order to facilitate the reasonable and expeditious processing of a development application. A minor variation must be requested concurrent with the submittal of a subdivision application, and fees may apply. A minor variation may be granted for both onsite and offsite requirements for any

subdivision application. Such minor variations shall be allowed only after a finding by the CDS Director that:

- (a) Such variation(s) do(es) not constitute a substantial change to the permitted land use(s); and
- (b) No substantial detriment to the public good nor harm to the general purpose and intent of these Regulations will be caused thereby; and
- (c) The variation(s) do(es) not constitute a variance greater than ten percent (10%) to a numerical standard.

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 Board of County Commissioners and recorded or filed in the office of the County Clerk, shall forfeit and pay a penalty not to exceed an amount determined by the Board of County Commissioners in the 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

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

- (a) 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.
- (b) 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.
- (c) Existing Permits and Private Agreements - The Elbert County Subdivision Regulations do not abrogate or annul:

- (1) Any permits issued before the effective date of these regulations;
or
 - (2) Any easement, covenant or any other agreement.
2. 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.
 - (f) The word "he" includes "she" and the word "his" includes "her."

K. Severability

1. 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:
- (a) 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:
 - (1) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
 - (2) 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.

L. Repeals, Effective Date

1. These Regulations shall repeal the Subdivision Regulations of Elbert County, Colorado, adopted June 18, 1993 and last revised June 6, 2017, and other 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 1st day of February, 2019. Notice of public hearing hereon was advertised in the Elbert County News on November 1, 2018, November 15, 2018 and December 6, 2018 and in the Ranchland News on October 25, 2018, November 15, 2018 and December 6, 2018. The Board of County Commissioners public hearing was held on December 19, 2018, pursuant to said Notice and these Regulations were adopted the 23rd day of January, 2019.

M. Amendments

1. 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.
2. Amendments to the Elbert County Subdivision Regulations were made on the dates listed below.

January 23, 2019	July 28, 1999
June 6, 2017	February 25, 1998
November 4, 2009	January 21, 1998
May 28, 2008	April 16, 1997
December, 14 2005	December 18, 1996
November 16, 2005	June 18, 1993
July 26, 2000	July 5, 1983
April 26, 2000	
November 10, 1999	

3. Amendments and Clarification of Definitions

- (a) The Board of County Commissioners may direct the addition, modification, or clarification of terms defined in these Regulations.
- (b) Such changes must be deemed by the Board of County Commissioners to be necessary to ensure the consistent application of these Regulations.
- (c) Such changes shall be made in a properly noticed regular public meeting of the Board of County Commissioner.

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Article II. GENERAL SUBDIVISION REQUIREMENTS AND PROCEDURES

A. Intent and Purpose

1. The purpose of this Article is to provide Subdividers with an overview of the applicant's and Elbert County's responsibilities during the processing of a subdivision application. This Article provides applicants with a clear description of the documents that will be required to be submitted for specific development processes. This Article differentiates between documents that must be submitted as a part of the development application, those documents that must be submitted prior to hearing or administrative decision, and those documents that need to be submitted after hearing or administrative decision. This Article also identifies required submittal documents and additional documents that are required based on the specific circumstances of the proposed development.

B. General Requirements

1. The table below identifies the documents that are to be submitted as a part of the development application. The tables within this Section B identify the submittal requirements for each specified application type. Each submittal document is listed as either a required document (R) or an additional document (A). A required document is a document that is required to be submitted for a specific application. An additional document is a document that can be required by CDS Director or Public Works Director based on the specific circumstances of the application.

Submittal Document	CONCEPT PLAN	PRELIMINARY PLAT	FINAL PLAT	PLAT AMENDMENT	MINOR SUBDIVISION	SUBDIVISION EXEMPTION	VACATION	EDZ SUBDIVISION
1. Land Development Application Form	R	R	R	R	R	R	R	R
2. Cover Letter/Narrative	R	R	R	R	R	R	R	R
3. Vicinity Map (separate from site plan)	R	R	R	R	R	R	R	R
4. Proof of Ownership: Deed	R	R	R	R	R	R		R
5. Proof of Ownership: O&E	R							
6. Proof of Ownership: Title commitment		R	R	R	R	R		R
7. List and map of property owners and addresses	R	R	R	R	R	R	R	R
8. Written Legal Description of property boundary	R	R	R	R	R	R	R	R

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Submittal Document	CONCEPT PLAN	PRELIMINARY PLAT	FINAL PLAT	PLAT AMENDMENT	MINOR SUBDIVISION	SUBDIVISION EXEMPTION	VACATION	EDZ SUBDIVISION
9. Proof of Water	A	R	R	R	R	R		R
10. Proof of Sewer	A	R	R	R	R	R		R
11. Proof of Fire Protection	R	R	R	R	R	R		R
12. Proof/Explanation of Access		R	R	R	R	R		R
13. Statement of Taxes Due		R	R	R	R	R		R
14. Concept Plan Exhibit	R							
15. Preliminary Plat		R						
16. Final Plat (Major or Minor)			R	R	R	R		R
17. Right-of-Way Vacation Exhibit							R	
18. Survey of the property	R	R				R		
19. Preliminary Drainage Report and Plan OR Drainage Letter		R						
20. Final Drainage Report and Plan OR Drainage Letter			R	A	A	A		A
21. Floodplain Development Permit		A	A	A	A	A		A
22. Geologic Report		R	R					
23. Grading and Erosion Control Plan			R	A	A	A		A
24. Civil Construction Plans for on site improvements			R		A			A
25. Preliminary Plans for Public Improvements		R						
26. Final Plans for Public Improvements			R	A	A	A		A
27. Quantities and cost estimates for public improvements			R	A	A	A		A
28. Traffic Analysis or Traffic Study		R	R	A	R	A	A	R
29. Wetlands Delineation Report		A						
30. Soils Report		A						
31. Utility Report/Plan		R	R					
32. Landscape Plan			R					
33. Subdivision Summary Form		R	R	R	R			R
34. Developed lot valuation (property appraisal)			R		R			R
35. Subdivision Phasing & Financial Plan		R	R					
36. Development Agreement, Subdivision Improvement Agreement, etc.			A	A	A	A		A

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	CONCEPT PLAN	PRELIMINARY PLAT	FINAL PLAT	PLAT AMENDMENT	MINOR SUBDIVISION	SUBDIVISION EXEMPTION	VACATION	EDZ SUBDIVISION
Submittal Document								
37. Certification of notice from property owner to mineral estate owners of record pursuant to CRS 24-65.5-103		R	R	R	R	R		R
38. Written letter of consent signed by 100% of the property owners abutting proposed vacation							R	

2. The CDS Director, County Manager, the Planning Commission, or the Board of County Commissioners may require the applicant to submit additional documents, not listed in the tables above, in response to unique circumstances or based upon information received from referral agencies or other sources.

3. An applicant should review the submittal requirements with the CDS Department prior to submitting an application. A review of the submittal requirements can be accomplished by meeting with Staff and discussing the proposed application and by going through the Pre-Application Process.

4. The CDS Director may waive submittal requirements if he/she determines that the information would not materially aid in reviewing the application.

5. All documents submitted for a referral process must be submitted electronically by the applicant. Should a referral agency request paper copies, the applicant is responsible for providing the requested number of paper copies and any postage to send referrals by mail.

6. The submittal requirements for the Pre-Application Meeting Process are listed in Article III, of these Regulations.

7. The submittal of notification materials is required in accordance with Article II, Section E.

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 CDS Director and the Planning Commission.

2. County Departments - The County Community & Development Services (CDS) 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 CDS Director, 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, unless the subdivision is administratively approved and authority for final decision has been delegated to the CDS Director as specified in these regulations.

4. CDS Director - 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. In certain situations as specified in these Regulations shall provide final review on administrative decisions.

5. Board of County Commissioners - Shall provide final review and adjudication on all appropriate subdivision proposals as may be forwarded to them by the Planning Commission, Staff, and/or other agencies or individuals, and as specified in these Regulations.

6. Adequacy of Submittals Made to the County - When there are disagreements between the applicant and the CDS Director concerning the adequacy of submittals made, and any requested additional information, the CDS Director, upon written request of the applicant, or on his/her 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 the applicant may initiate a request for concurrent review and consideration by the County of zoning and subdivision applications and/or Preliminary and Final Plats. 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.

9. 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.

10. Scheduling - No project shall be sent on referral, or 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.

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11. Representation by Applicant - The applicant, or his authorized representative, shall attend all Planning Commission and/or 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 and/or Board of County Commissioners reserve the right to assess a fee or to deny the request.

D. Referral Process for Land Use Applications

1. Intent. This section describes the procedures for obtaining referral comments from County and external agencies for subdivision applications. At the time of application submittal, the Community and Development Services Department (CDS) will provide these requirements to the applicant. This section does not supersede applicable State or Federal requirements.

2. Applicability.

(a) Development proposals requiring referral notice include but are not limited to the following categories of land use applications:

- (1) Preliminary Plat
- (2) Final Plat
- (3) Minor Subdivision Plat
- (4) Amendments & Adjustments to an Approved Plat
- (5) Exemption
- (6) Vacation of Public Right-of-Way
- (7) At the time of Pre-Application Meeting the CDS Director may determine that other processes require a referral notice.
- (8) Referral periods shall be twenty-one (21) days. Subsequent referral periods after the first referral period shall be fourteen (14) days. Unique referral periods may be specified and required by written agreement with a certain referral agency.

3. Procedure.

(a) For proposed development applications requiring a referral notice, CDS shall require a referral notice be sent to the required and discretionary referral agencies via first class U.S. mail or by electronic delivery via email or other means.

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- (1) Required referral agencies are identified in each land use application's process requirements.
 - (2) Other agencies may be sent referral notice at the discretion of CDS at the time of referral.
- (b) The referral notice shall include a request for comment, a comment form, and a copy of the relevant application materials for each review agency. Reference Article II.F.4.
 - (c) The CDS Director will use best efforts to distribute referral notices. Failure of a referral agency to receive a referral notice shall not constitute inadequate notice, and shall not delay scheduling or conducting public hearings or administrative decisions.
 - (d) A referral agency may comment on development proposals within the referral period. Upon written request, a referral agency may request a referral period extension to be approved at the discretion of CDS.
 - (e) A referral agency's failure to respond during the referral period implies that the agency has no objections to the proposal. The CDS Director will consider all non-responses as non-objections after best efforts to obtain a response.
 - (f) Referral agency comments will be summarized and provided to applicants by CDS after the end of each referral period and provided to the deciding and reviewing bodies for their consideration in the disposition of the application.

E. Public Notice Requirements for Land Use Applications

1. Intent. This section describes the public hearing notification requirements for subdivision applications. At the time of application submittal, the Community and Development Services Department (CDS) will provide these requirements to the applicant. This section does not supersede any applicable State or Federal requirements.
2. Applicability.
 - (a) Notice of public hearing and administrative decisions is required for the subdivision applications identified in the table below. Notice may be required by newspaper publication, sign posting, and/or mailings. The day of the hearing or decision day shall be included in the number of days required in advance of the hearing or decision or postmark date on a mailing.

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Land Use Application	Newspaper Publication (days)	Sign Posting (days)	Mailed Notice (distance, days)
Community Meeting	N/A	14	1320', 14 days
Concept Plan	14	14	1320', 14 days
Preliminary Plat	14	14	1320', 14 days
Final Plat	14	14	1320', 14 days
Minor Subdivision	14	14	1320', 14 days
Plat amendment	N/A	N/A	500', 14 days
Admin lot line adjustment	N/A	N/A	500', 14 days
Vacation of Right-of-Way	14	14	Adjoining, 14 days
EDZ Subdivision	14	14	1320', 14 days

3. Newspaper Publication Procedure

- (a) When required, the applicant is responsible to ensure that a notice of public hearing shall be published the designated newspaper of record and any other paper as specified by the CDS Director.
- (b) Once meeting, hearing or decision dates are confirmed, CDS staff shall prepare notice language based on the Newspaper Publication Template.
- (c) The applicant shall submit the approved notice language to the newspaper of record for publication by the appropriate deadline for the required publication(s).
- (d) The applicant must obtain an affidavit of publication and provide it to CDS staff no less than seven (7) days in advance of the first public hearing or administrative decision. Failure to provide completed affidavit of posting may result in rescheduling and re-noticing of hearings or decision.
- (e) Newspaper publication shall be based upon the following templates:

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(1) Newspaper Publication for Public Hearings

NOTICE OF PUBLIC HEARING

FOR _____ (Project Type)

(CASE NUMBER _____)

NOTICE IS HEREBY GIVEN THAT THE **(PROPERTY ADDRESS)** PROPERTY SHALL BE CONSIDERED FOR A **(TYPE OF CASE)**, PURSUANT TO ELBERT COUNTY REGULATIONS. FURTHER INFORMATION CONCERNING THIS PROPOSAL MAY BE OBTAINED BY CALLING THE CDS DEPARTMENT OFFICE AT (303) 621-3185.

THE HEARING IS TO BE HELD BEFORE THE PLANNING COMMISSION ON THE _____ DAY OF _____ (MONTH), _____ (YEAR), IN THE ELBERT COUNTY BUILDING, COMMISSIONERS' BOARD ROOM, 215 COMANCHE STREET, KIOWA, COLORADO, AT _____ A.M./P.M., OR AS SOON THEREAFTER AS POSSIBLE.

- AND -

THE HEARING IS TO BE HELD BEFORE THE BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____ (MONTH), _____ (YEAR), IN THE ELBERT COUNTY BUILDING, COMMISSIONERS' BOARD ROOM, 215 COMANCHE STREET, KIOWA, COLORADO, AT _____ A.M./P.M., OR AS SOON THEREAFTER AS POSSIBLE.

CONTACT ELBERT COUNTY COMMUNITY DEVELOPMENT SERVICES FOR MORE INFORMATION: 303-621-3185

{legal description}



(2) Newspaper Publication for Administrative Decisions

NOTICE OF ADMINISTRATIVE DECISION

FOR _____ (Project Type)

(CASE NUMBER _____)

NOTICE IS HEREBY GIVEN THAT THE (PROPERTY ADDRESS) PROPERTY SHALL BE CONSIDERED FOR A (TYPE OF CASE), PURSUANT TO ELBERT COUNTY REGULATIONS. FURTHER INFORMATION CONCERNING THIS PROPOSAL MAY BE OBTAINED BY CALLING THE CDS DEPARTMENT OFFICE AT (303) 621-3185.

AN ADMINISTRATIVE DECISION WILL BE MADE BY THE DIRECTOR OF COMMUNITY & DEVELOPMENT SERVICES ON THE REFERENCED APPLICATION BY

DATE:

CONTACT ELBERT COUNTY COMMUNITY DEVELOPMENT SERVICES FOR MORE INFORMATION: 303-621-3185

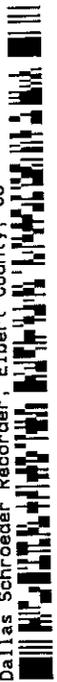
{legal description}

(3) The newspaper notice shall be accompanied by a valid legal description of the property upon which the land use action is proposed.

4. Sign Posting Procedure

- (a) When required, the applicant is responsible to ensure a notice of a meeting or public hearing shall be posted on a sign on the subject property or visible from the adjacent nearest public right-of-way.
- (b) Once meeting or hearing dates are confirmed, CDS staff shall create the notice sign(s). CDS staff shall determine the number of and posting location(s) of the sign(s). The Applicant shall post the sign(s) in the approved location(s) in accordance with the Sign Posting Requirements.
- (c) The applicant shall obtain the sign(s) from CDS and pay any applicable fees for said sign(s).
- (d) The Applicant shall post the approved sign(s) in the approved location(s) within the timeframes specified in the table above.
- (e) The Applicant shall provide the affidavit of posting, with legible photo, to CDS staff no less than seven (7) days in advance of the first public hearing or administrative decision. Failure to provide completed affidavit of posting may result in rescheduling and re-noticing of hearings or decision.

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(2) Mailing Notice Template for Administrative Decisions

NOTICE OF ADMINISTRATIVE DECISION

(Date)
(Addressee)
(Case #)

Please be advised that on behalf of *(owners name)*, *(applicant)* has made application to Elbert County for a *(project type)* on the above referenced property.

(Description of the site and the uses proposed, in simple, concise language, without unexplained abbreviations.)

An administrative decision will be made by the Director of Community & Development Services will be made on the referenced application by:

(_____ Date: _____)

Location: Elbert County Building, Board Hearing Room, 215 Comanche Street, Kiowa, Colorado.

As a neighboring landowner and member of the public you are encouraged to submit comments concerning this application. To review the full application, contact the Elbert County CDS Department, Elbert County Government, at (303) 621-3185.

Sincerely,

(Name) _____ *(Representative Capacity)* _____

(f) Once the notice language is completed by CDS, the Applicant shall send the notice by First Class Mail to the identified property owners by the appropriate deadline.

(g) The Applicant shall provide the affidavit of mailing to CDS staff no less than seven (7) days in advance of the first public hearing or administrative decision. Failure to provide completed affidavit of mailing will result in rescheduling of hearings or decision.

6. Mineral Notice. Applicants shall fulfil all requirements of Colorado State Statutes pertaining to notification of surface development to mineral interest holders. An affidavit shall be submitted no more than seven (7) days in advance of the first public hearing or administrative decision.

F. Submittal Process

The following steps shall be followed in submitting a Subdivision application, as specified in each application's Article in these Regulations:

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1. **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 CDS Case Planner will be assigned after the Pre-Application Meeting is held.
2. **Community Meeting.** Applicants are required to conduct a community meeting prior to submitting a formal Concept Plan. This meeting must be conducted in the general vicinity of the property involved in the Concept Plan 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 shall consider if they can adjust their application related to community input in the formal application. The presentation at the community meeting is the responsibility of the applicant. A member of the CDS Department staff will attend the meeting to address procedural matters only.
3. **Formal Application Submittal.** The applicant shall submit the completed application, fees, and required support documents in quantities identified by the CDS Department. The CDS Department staff 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 and will be deemed incomplete until all required submittal items are provided.
4. **Referral.** The CDS Department will refer the application and support documents to County Departments and other referral agencies as identified by the CDS Department. The referral agencies will respond in writing to the applicant's submittal. The CDS Department will collect all referral comments.
5. **Provide Comments to the Applicant.** A summary of referral comments will be forwarded to the applicant. A meeting between the CDS Department 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 CDS Department should be included in any meetings with referral agencies.
6. **Applicant Responds to Comments.** The applicant shall address, in writing, all issues and deficiencies identified by the CDS Department, 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 CDS Department, other County departments, and any applicable outside agencies as quickly as possible. If there is no written response and a complete resubmittal package to staff comments within one hundred twenty (120) calendar days after referral comments are provided to the applicant, the application will be considered withdrawn and the application fees forfeited. The applicant shall then need to file a new application with the required fees and documents. The CDS Director may extend this one hundred twenty (120) day maximum response deadline for an additional one hundred twenty (120) 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

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response deadline, beyond that granted by the CDS Director, shall require approval by the County Manager.

7. **Staff Review of Revised Submittal.** Staff may utilize multiple referrals if necessary to determine the application is satisfactory for review before the Planning Commission and Board of County Commissioners. 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, as enumerated on the current fee schedule.

8. **Public Hearing Documents Submittal.** At such time as the CDS Department deems the application ready for public hearings, or the applicant advises the CDS Department in writing that no further revisions will be made, and the applicant desires to proceed to public hearings, likely with unresolved issues, the applicant shall submit all documents requested by the CDS Department necessary for the public hearings and the CDS Department shall then schedule the case to a next available agenda.

9. **Planning Commission and Board of County Commissioners' Public Hearings Scheduled.** Following the submittal of all required public hearing documents, the CDS Department 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 fourteen (14) days after Planning Commission recommendation, unless waived by the County Manager.

10. **Public Hearing Notification.** The applicant will be responsible for posting the "Notice of Public Hearing" sign on the subject property, publishing the "Notice of Public Hearing" in a newspaper of general circulation, and preparing the mailing for the "Notification of Adjacent Property Owners" letters, per the requirements of these Regulations.

11. **Planning Commission Public Hearing.** The Planning Commission shall review the request, staff report, other evidence, and public testimony during one or more public hearings. The Planning Commission shall recommend approval, conditional approval, or denial of the subdivision to the Board of County Commissioners. The Planning Commission may continue a request for a period of time not to exceed three (3) months from the completion of the presentation by the applicant at a public hearing.

12. **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 approves, or denies the subdivision application; unless the Board continues the case for further testimony and/or decision for a period of time not to exceed three (3) months from the date of the scheduled hearing.

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13. **Decision Documents Submittal.** For administratively approved applications, at such time as the CDS Department deems the application ready for decision, or the applicant advises the CDS Department in writing that no further revisions will be made, and the applicant desires to proceed to the administrative decision, the applicant shall submit all documents requested by the CDS Department necessary for the administrative decision.

14. **Administrative Decision Notification.** The applicant will be responsible for posting the "Notice of Administrative Decision" sign on the subject property, publishing the "Notice of Administrative Decision" in a newspaper of general circulation, and preparing the mailing for the "Notification of Adjacent Property Owners" letters, per the requirements of these Regulations.

15. **Administrative Decision.** If the additional revisions are required to comply with County standards, the CDS Department will return a letter to the applicant identifying the revisions that must be made in order to gain Staff support for the proposal. The CDS Director shall review the request and staff recommendation and approve, approve with conditions, or deny the application. If the application includes a subdivision improvements agreement upon approval by the CDS Director, the Chairman of the Board of County Commissioners shall be authorized to sign the agreement and place the agreement of record. An approval by the CDS Director may be subject to the applicant meeting certain conditions before the issuance of any building permits.

16. Recordation of Preliminary Plat and Final Plat.

- (a) Not more than one hundred eighty (180) days after approval of a Preliminary Plat or Final Plat the applicant shall satisfy the "conditions of approval."
- (b) A Preliminary Plat shall be recorded in the records of the Elbert County Clerk and Recorder. A final electronic or paper check print shall be submitted to CDS prior to printing final copies on mylar for verification that "conditions of approval" have been addressed in a satisfactory manner. Upon approval by CDS, two (2) copies printed on mylar with the appropriate recording fee shall be submitted to CDS. The mylar shall be signed by all non-County agencies prior to submittal. CDS shall obtain the final County signatures and record the mylar after verification that the conditions of approval have been satisfied. The final copies will include a sign-off for Elbert County Planning Commission, Environmental Health, County Mapper, County Engineer, Department of Public Works, Community & Development Services Department, and the Board of County Commissioners.
- (c) A Final Plat (and minor subdivision, plat amendment, or other final document) shall be recorded in the records of the Elbert County Clerk and Recorder. A final electronic or paper check print shall be submitted to CDS prior to printing final copies on mylar for verification that "conditions of approval" have been addressed in a satisfactory manner. Upon approval by CDS, two (2) copies printed on mylar with the appropriate recording fee shall be submitted to CDS. The mylar shall be signed by all non-County agencies prior to submittal. CDS shall obtain the final County signatures and record the mylar after verification that the conditions of approval have been

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satisfied. The final copies will include a sign-off for Elbert County Clerk and Recorder, County Engineer, Department of Public Works, Community & Development Services Department, and the Board of County Commissioners.

- (d) If the Preliminary Plat or the Final Plat 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.
- (e) The applicant may make written request, (prior to the 180th day), to the CDS Director 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."
- (f) 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)
- (g) 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 Comprehensive Plan updates and regulation updates that may have occurred since the project was initiated.
- (h) The applicant, at this point, shall be required to resubmit the application to the Planning Commission and Board of County Commissioners for potential 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.
- (i) Following expiration of the reinstatement period, only a new application and new fees will be accepted for processing.

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Article III. PRE-APPLICATION MEETING

A. Intent and Purpose.

1. Prior to the formal submittal and review of applicable land use applications, an applicant shall meet with the CDS Department staff to determine the applicable zoning and subdivision process for the specific development. CDS shall also review the procedure and submittal requirements necessary to process the requested application. The review by staff is intended to provide the type of information that will assist an applicant in making key decisions about the development proposal prior to making application. The Pre-application Meeting will also assist the applicant in gaining a more thorough understanding of the County’s process and issues relative to the land use request.

B. Procedure

1. The applicant shall submit a complete pre-application package to CDS with the information identified in this Article. Application shall be made as one (1) paper copy of the information requested as well as one (1) digital copy submitted on disc or flash-media device.
2. Upon receipt of the pre-application, CDS staff shall review the documentation for completeness. When the application is deemed ‘complete’, CDS staff will schedule a pre-application meeting. CDS should use best efforts to invite the applicable fire protection district to the pre-application meeting.
3. Once the pre-application period has ended, the CDS Department summarizes the notes from the pre-application meeting and delivers them to the applicant within fourteen (14) days after the meeting. The notes summary will also provide a list of steps and submittal items needed to submit the formal application as well as an outline of the required fees.

C. Submittal Requirements

1. Completed pre-application form
2. Written summary of the request (cover letter)
3. Vicinity Map identifying the location of the subject property
4. Deed or other proof of ownership
5. A Sketch Plan document identifying specific site issues related to the particular development. This information may include but is not limited to:
 - (a) Location of proposed improvements
 - (b) Access, circulation, and traffic improvements;
 - (c) Parking;
 - (d) Lighting;

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- (e) Storm water drainage, detention, and proposed sanitation facilities
 - (f) If an approved Site Development Plan or EDZ Site Development Plan exists it may be submitted in place of items (a) through (e).
6. Pre-application meeting fee per the fee schedule.

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Article IV. CONCEPT PLAN

A. Intent and Purpose

1. The Concept Plan is a formal requirement for certain proposals. The Concept Plan 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 comment on the conceptual plan presented, in order for the applicant to know perspectives and insights with the proposed concept plan.

B. Application

1. The following procedure, requirements and criteria shall apply to all subdivision proposals creating five (5) or more lots for single family detached residential units or any number of single family attached units and/or multi-family units.
2. The Concept Plan may be waived if one (1) year or less has elapsed from the last public meeting concerning the proposal or a substantially similar proposal. For the purposes of this clause, public meeting shall mean a Concept Plan work session or rezone/planned unit development public hearing.
3. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.
4. Notification is required in accordance with the notification provisions of these Regulations.

C. Process

(Refer to Article II.F.)

1. Pre-Application Meeting
2. Community Meeting
3. Formal Application Submittal
4. Planning Commission & Board of County Commissioners Work Session. 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(s) is required.

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D. Submittal Requirements

1. Refer to Article II, Section B for the required submittal items.

E. The Concept Plan Map:

1. Shall show all adjacent land owned by the developer; land not part of the proposed request shall be noted as an exception.
2. Shall be prepared at a scale allowing for maximum clarity. 1" = 100', 1" = 200' or another scale approved by the CDS Director.
3. Shall graphically define all natural and manmade 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 foot (10') 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 roadways on or affecting the site, and names of existing roadways on or adjoining property. When the names of the roadways 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 use^{ee}

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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 (1) 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/ hinder the site and proposed use.
20. Shall note the name and address of mineral right owners and lessees, and water rights owners, on the affected property.
21. 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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Article V. PRELIMINARY PLAT

A. Intent and Purpose:

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, availability of utility services, and improvement requirements of the County to be sure that the conditions imposed can be met. A provision for necessary water for 300 years, as described in these Regulations must be demonstrated. 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 Comprehensive Plan, zoning requirements and subdivision regulations.

B. Application

1. The following procedure, requirements and criteria shall apply to all subdivision proposals creating five (5) or more lots.
2. The CDS Director may waive the Preliminary Plat if he/she determines that the information would not materially aid in reviewing the application. Any request shall be made in writing.
3. Concurrent review of a Preliminary Plat and Final Plat may be considered.
4. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.
5. Notification is required in accordance with the notification provisions of these Regulations.

C. Process

(Refer to Article II.F)

1. Pre-Application Meeting
2. Formal Application Submittal
3. Referral
4. Provide Comments to the Applicant
5. Applicant Responds to Comments

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6. Staff Review of Revised Submittal
7. Public Hearing Documents Submittal
8. Planning Commission and Board of County Commissioners' Public Hearings Scheduled
9. Public Hearing Notification
10. Planning Commission Public Hearing
11. Board of County Commissioners' Public Hearing
12. Recordation of Preliminary Plat

D. Referral Agencies

The following agencies shall be sent referrals for Preliminary Plat applications:

1. Cities, towns or adjoining counties located within three (3) miles of the area proposed to be developed, measured from the edge of the subdivision;
2. School District serving the area;
3. Fire District serving the area or property;
4. Any utility, local improvement and service district, or ditch company, when applicable;
5. Local law enforcement;
6. Colorado State Forest Service;
7. The appropriate Soil Conservation District;
8. Colorado Department of Transportation;
9. The Division of Water Resources for an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed subdivision and adequacy of proposed water supply to meet requirements of the proposed subdivision;
10. The Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land;
11. Colorado Parks and Wildlife;
12. Appropriate County Departments and other agencies or affected parties as maybe required or determined necessary by the CDS Department.

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E. Submittal Requirements

Refer to Article II, Section B for the required submittal items. Proof of Water shall be submitted in accordance with C.R.S. § 30-28-133(3)(d), which requires subdividers to submit to the county adequate evidence that a proposed water supply is sufficient in terms of quality, quantity, and dependability to ensure an adequate supply of water for the type of subdivision proposed; evidence of ownership or right of acquisition of or use of existing and proposed water rights; and 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.

F. The Preliminary Plat application shall be prepared as follows:

1. The overall design of the Plat shall be in accordance with the approved Concept Plan (if any), 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 approved and then 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.

G. The Preliminary Plat exhibit.

1. The Preliminary Plat exhibit shall contain:

- (a) All the acreage involved in the proposed development, with areas not part of the request, being noted as exceptions;
- (b) Proposed name of the subdivision, filing number, if applicable, and stage of review;
- (c) Location map showing the relationship of the proposed plat to the surrounding area within one (1) mile;
- (d) 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;
- (e) Name(s) and complete addresses of the applicant/developer and architect/engineer or surveyor who prepared the plan and related information;
- (f) Total acreage of the subdivision;
- (g) Location and principle dimensions for all existing and proposed roadways, easements, off-street parking areas, water courses and other significant features within, and adjacent to, the proposed development;
- (h) Areas to be dedicated and/or deeded to Elbert County for public use;
- (i) Date of preparation, scale, and North sign (designated as true North);

- (j) Subdivision proposals 35 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 any issues or concerns of the CDS Director. Subdivision lots smaller than 35 acres shall provide current aerial mapping at a contour interval of at least two feet (2').
- (k) Designation of areas where the slope exceeds twenty percent (20%);
- (l) Shall note geologic characteristics on the site, and their impact on/by the proposed development, including existing or potential geologic hazards;
- (m) Delineation of one-hundred (100) year flood plain(s), stating quantities and methods and areas subject to flooding or in a natural drainage;
- (n) Shall note vegetation types on the proposed site;
- (o) Total number of gallons per day of sewage to be treated, if a central sewage treatment facility is proposed;
- (p) Shall graphically note predominant soil types and list their characteristics;
- (q) 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);
- (r) Total number of gallons per day of water system requirements, if a distribution system is proposed;
- (s) 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;
- (t) Proposed sites, if any, for multi-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;
- (u) Total number of square feet of non-residential floor space, when applicable;
- (v) Total number of off-street parking spaces, excluding those associated with single family detached residential development, when applicable;
- (w) Zoning of land adjacent to the parcel or tract proposed for development; land uses on and adjacent to the proposed development.

2. 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 Appendix A Mapping Requirements. Multiple sheets may be utilized, with



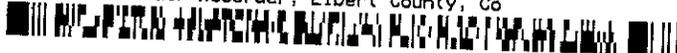
a cover sheet, referencing and indexing the separate sheets involved. The outside dimensions of the sheets utilized shall be 24 inches by 36 inches (24" x 36").

3. The Plat shall be prepared by qualified professionals.

H. The Preliminary Plat written narrative shall contain:

1. A description of the proposal and general nature of the adjoining and surrounding land uses within two (2) miles;
2. A preliminary development schedule for required improvements;
3. A preliminary phasing plan when, the proposal is not being developed in more than one (1) phase;
4. Proposed means of financing all public improvements;
5. Total number of proposed dwelling units, and breakdown by type;
6. 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;

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Article VI. FINAL PLAT

A. Intent and Purpose:

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 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, for completion of all facilities and amenities described in the Plan and a provision for necessary water for 300 years, as described in these Regulations) is accurately provided, for action and signature.

B. Application

1. The following procedure, requirements and criteria shall apply to all subdivision proposals creating five (5) or more lots.
2. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.
3. Notification is required in accordance with the notification provisions of these Regulations.
4. Timing
 - (a) A Final Plat application will not be accepted until all conditions of approval pertaining to the Preliminary plat, have been satisfied and signed off. Concurrent review of Preliminary and Final Plats may be allowed at the discretion of the CDS Director but in no case shall the Final Plat be heard at a public hearing prior to approval and of the Preliminary Plat.
 - (b) 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 shall be submitted to Community & Development Services for review and processing.
 - (c) Concurrent review of a Preliminary Plat and Final Plat may be considered.
 - (d) 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.



- (e) 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 (1) year), to the CDS Director for a one (1) 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 (12) months in which to submit a Final Plat.
- (f) 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 (2) years from satisfaction of "Conditions of Approval).
- (g) A fee 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 CDS Director'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 (1) year, unless a longer period of time is granted by the County Manager.
- (h) 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:
 - (1) pending legal action;
 - (2) estate settlements;
 - (3) economics beyond the control of the applicant;
 - (4) natural disasters; or
 - (5) for good cause shown,
- (i) 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 Public Works Department.
- (j) 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.
- (k) Upon written request by the Subdivider - 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 and concurrence with any Comprehensive 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.

C. Process

(Refer to Article II.F)

1. Pre-Application Meeting
2. Formal Application Submittal
3. Referral
4. Provide Comments to the Applicant
5. Applicant Responds to Comments
6. Staff Review of Revised Submittal
7. Public Hearing Documents Submittal
8. Planning Commission and Board of County Commissioners' Public Hearings Scheduled
9. Public Hearing Notification
10. Planning Commission Public Hearing
11. Board of County Commissioners' Public Hearing
12. Recordation of Final Plat

D. Referral Agencies

The following agencies shall be sent referrals for Final Plat applications:

1. Cities, towns or adjoining counties located within three (3) miles of the area to be developed, measured from the edge of the subdivision;
2. School District serving the area;
3. Fire District serving the area or property;
4. Any utility, local improvement and service district, or ditch company, when applicable;
5. Local law enforcement;
6. The appropriate Soil Conservation District;
7. Colorado Department of Transportation;



8. The Division of Water Resources for an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed subdivision and adequacy of proposed water supply to meet requirements of the proposed subdivision, but only if the proposed water supply has significantly changed from that proposed with the preliminary plat;

9. Appropriate County Departments and other agencies or affected parties as may be required or determined necessary by the CDS Department.

E. Submittal Requirements

Refer to Article II, Section B for the required submittal items.

F. The Final Plat application shall be prepared as follows:

1. The design shall substantially conform to the Preliminary Plat, 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 Final Plat shall contain all adjacent contiguous land under the ownership of the Subdivider, to the extent the land is considered a separate parcel by the Elbert County Assessors office, up to one quarter (1/4) section. Remaining land shall be included in the Final Plat and may be reserved for future development or phases. At no time shall a plat propose to create remnants of existing parcels that amount to less than 35 acres.

G. The Final Plat exhibit.

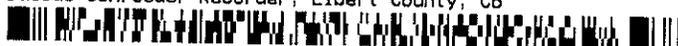
1. The Final Plat submittal shall contain:
 - (a) Title, scale, North arrow, and preparation date;
 - (b) Legal description of the proposed development, together with a complete reference to the Book and Page of Records with the County;
 - (c) Location or vicinity map, to scale;
 - (d) Primary control points, or descriptions, and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
 - (e) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of lots and other sites, with accurate dimensions, bearings or deflection angles, and radius, arcs, and central angles of all curves;
 - (f) Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility;
 - (g) Location, dimensions, purpose, and the owner/holder of any easements with notation of Book and Page or Reception Number;

- (h) Number to identify each lot, such as lot and block numbers;
- (i) Letter to identify each tract;
- (j) Purpose for which tracts, other than residential lots, are dedicated or reserved;
- (k) Location and description of monuments;
- (l) Comments and recommendations regarding legal, planning, or engineering matters from a qualified person(s), as plat notes approved by CDS and Public Works;
- (m) Designation of lots where special studies are required prior to obtaining a building and/or driveway permit;
- (n) Delineation of any flood plains, no- build areas, and building envelopes, for affected properties within the subdivision;
- (o) Certification by owner dedicating streets, rights-of way, and any sites for public use;
- (p) Certification for approval of the Board of County Commissioners;
- (q) Certification by the project surveyor, certifying to the accuracy of the survey and plat;
- (r) Certification for the Elbert County Clerk and Recorder;
- (s) Certification of attorney for the owner OR certification of title company, attesting to accuracy and appropriateness of the proposal and title;
- (t) Certification of Community & Development Services Department.
- (u) Certification of the County Engineer.

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 draftsmanship shall be required, with all required graphic information. All drawings shall be accurate and legible. The drawings shall conform to the Map Requirements (Appendix A 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 Planning Commission and the Board of County Commissioners.

3. The Plat shall be prepared by qualified professionals.

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Article VII. MINOR SUBDIVISION PLAT

A. Intent and Purpose:

1. To allow for flexibility in the subdivision of land for four (4) or fewer lots which are minor in impact, and to adjust the platting process for the scale of the intended development. Minor subdivision plats 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. A provision for necessary water for 300 years, as described in these Regulations must be demonstrated.

B. Application

1. The following procedure, requirements and criteria shall apply to all subdivision proposals creating one (1) to four (4) lots for single family residential homes or non-residential uses with one (1) principal use on each lot, and any number of tracts, adjoining a public street/road. Each proposed lot must take access from a public right-of-way or private road meeting county standards together with a public access easement.

2. The Board of County Commissioners delegates the review and approval of Minor Subdivisions to the CDS Director through the administrative process.

3. In those instances when the applicant is found to be utilizing the minor subdivision process to circumvent the regular process of review, the applicant shall be required to comply with the Preliminary Plat and Final Plat process of review and provide all related submittal requirements. The creation of a minor subdivision adjoining and taking access through an existing subdivision shall require compliance with the standards of the regular subdivision process..

4. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.

5. Notification is required in accordance with the notification provisions of these Regulations.

C. Process

(Refer to Article II.F)

1. Pre-Application Meeting
2. Formal Application Submittal
3. Referral
4. Provide Comments to the Applicant
5. Applicant Responds to Comments

6. Staff Review of Revised Submittal
7. Decision Documents Submittal
8. Administrative Decision Notification
9. Administrative Decision
10. Recordation of Minor Subdivision

D. Referral Agencies

The following agencies shall be sent referrals for Minor Subdivision applications:

1. Cities, towns or adjoining counties located within three (three) miles of the area to be developed, measured from the edge of the subdivision;
2. School District serving the area;
3. Fire District serving the area or property;
4. Any utility, local improvement and service district, or ditch company, when applicable;
5. Local law enforcement;
6. The appropriate Soil Conservation District;
7. Colorado Department of Transportation;
8. The Division of Water Resources for an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed subdivision and adequacy of proposed water supply to meet requirements of the proposed subdivision;
9. Appropriate County Departments and other agencies or affected parties as maybe required or determined necessary by the CDS Department.

E. Submittal Requirements

Refer to Article II, Section B for the required submittal items.

F. The Minor Subdivision application shall be prepared as follows:

1. The Minor Subdivision shall contain all adjacent contiguous land under the ownership of the Subdivider, to the extent the land is considered a separate parcel by the Elbert County Assessors office, up to one quarter (1/4) section. Remaining land shall be included in the Minor Subdivision plat and may be reserved for future development or phases. At no time shall a plat propose to create remnants of existing parcels that amount to less than 35 acres.

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2. The Minor Subdivision plat shall be prepared in accordance with the Final Plat standards and requirements.
3. The Plat shall be prepared by qualified professionals.

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Article VIII. ECONOMIC DEVELOPMENT ZONE SUBDIVISION PLAT

A. Intent and Purpose:

1. To allow the subdivision of lands described by approved EDZ Site Development Plans and to adjust the platting process for these intended developments.
2. EDZ subdivision plats are exempted from the regular required subdivision process, 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. Application

1. The following procedure, requirements and criteria shall apply to all subdivision proposals of land zoned Economic Development Zone (EDZ) overlay creating one (1) or more new lots for uses included in an approved EDZ Site Development Plan.
2. In order to use this administrative process, the approved EDZ Site Development Plan must include proposed future lot lines and other information generally required on a Minor Subdivision Final Plat. Each proposed lot must take access from a public right-of-way or private road meeting county standards together with a public access easement.
3. The Board of County Commissioners delegates the review and approval of EDZ Subdivisions to the CDS Director through the administrative process.
4. The creation of a EDZ Subdivision adjoining and taking access through an existing subdivision shall require compliance with the standards of the regular subdivision process.
5. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.
6. Notification is required in accordance with the notification provisions of these Regulations.

C. Process

(Refer to Article II.F)

1. Pre-Application Meeting
2. Formal Application Submittal
3. Referral
4. Provide Comments to the Applicant
5. Applicant Responds to Comments
6. Staff Review of Revised Submittal

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7. Decision Documents Submittal
8. Administrative Decision Notification
9. Administrative Decision
10. Recordation of EDZ Subdivision Plat

D. Referral Agencies

The following agencies shall be sent referrals for EDZ Subdivision applications:

1. Cities, towns or adjoining counties located within three (three) miles of the area to be developed, measured from the edge of the subdivision;
2. School District serving the area;
3. Fire District serving the area or property;
4. Any utility, local improvement and service district, or ditch company, when applicable;
5. Local law enforcement;
6. The appropriate Soil Conservation District;
7. Colorado Department of Transportation;
8. The Division of Water Resources for an opinion on the proposed water supply;
9. Appropriate County Departments and other agencies or affected parties as maybe required or determined necessary by the CDS Department.

E. Submittal Requirements

Refer to Article II, Section B for the required submittal items.

F. The EDZ Subdivision application shall be prepared as follows:

1. The EDZ Subdivision plat shall be substantially consistent to the EDZ Site Development Plan approved by the Board of County Commissioners and shall contain the entire parcel or parcels included in the approved EDZ Site Development Plan.
2. At no time shall a plat propose to create remnants of existing parcels outside the approved EDZ Site Development Plan that amount to less than the minimum parcel size required by the underlying zoning. (NOTE: Rezoning of such remnants will be required – or property owner may eliminate such need by requesting inclusion of entire effected parcels into the EDZ concurrent with the EDZ Site Development Plan and fully plat such parcels.)
3. The EDZ Subdivision plat shall be prepared in accordance with the Final Plat standards and requirements and may be administratively approved by the CDS Director. It is expected

that the EDZ Site Development Plan will contain most, if not all, of the information required on the final plat if subdivision was originally contemplated.

4. The Plat shall be prepared by qualified professionals.

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Article IX. AMENDMENTS TO APPROVED PLATS

A. Intent and Purpose:

1. To provide a refined process of review and reasonable procedure to be followed for those proposals involving minor changes to approved plats of record, such as a replat, lot line adjustment between platted lots, and correction of errors.

B. Application

1. The following procedure, requirements and criteria shall apply to all amendments of recorded subdivision of record including final plats, minor subdivisions (including minor residential development plats and minor business/commercial/light industrial development plats approved under previous regulations), subdivision exemptions, and any other subdivision plat determined by the CDS Director and the County Attorney to be a legal subdivision plat of record in accordance with State Statutes, provided the amendment proposes one (1) or more of the following:

- (a) Adjustments to property lines and the elimination of interior property lines involving any combination of lots, parcels or tracts, which does not increase the number of existing legal building sites and does not increase the number of lots, parcels or tracts.
- (b) Adjustments to any approved and legal subdivision plat, as enumerated above, to correct errors.
- (c) Adjustments or eliminations of previously established building envelopes regarding location and configuration.
- (d) Adjustments to previously established non-buildable areas and non-disturbance areas regarding size, location and configuration.
- (e) Creation of non-buildable tracts.
- (f) Changes to or elimination of notes, restrictions and certificates which do not adversely affect traffic safety, visual impact, wildlife, drainage, soil erosion, wildfire hazard, noise, or the provision of open space, unless it can be shown that the effect can be adequately mitigated.

2. The Board of County Commissioners delegates the review and approval of Plat Amendments to the CDS Director through the administrative process.
3. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.
4. Notification is required in accordance with the notification provisions of these Regulations.

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C. Process

(Refer to Article II.F)

1. Pre-Application Meeting
2. Formal Application Submittal
3. Referral
4. Provide Comments to the Applicant
5. Applicant Responds to Comments
6. Staff Review of Revised Submittal
7. Decision Documents Submittal
8. Administrative Decision Notification
9. Administrative Decision
10. Recordation of Plat Amendment. The plat shall be recorded within 60 days of approval.

D. Referral Agencies

The following agencies shall be sent referrals for Plat Amendment applications:

1. Cities, towns or adjoining counties located within three (3) miles of the area to be developed, measured from the edge of the subdivision;
2. School District serving the area;
3. Fire District serving the area or property;
4. Any utility, local improvement and service district, or ditch company, when applicable;
5. Local law enforcement;
6. The appropriate Soil Conservation District;
7. The Division of Water Resources for an opinion on the proposed water supply;
8. Appropriate County Departments and other agencies or affected parties as maybe required or determined necessary by the CDS Department.

E. Submittal Requirements

Refer to Article II, Section B for the required submittal items.

F. The Plat Amendment application shall be prepared as follows:

1. The Plat Amendment shall be prepared in accordance with the Final Plat standards and requirements.
2. The name and title of the Plat Amendment shall reference the original plat being amended and/or adjusted, in sequence with any past plat amendments.
3. In situations involving multiple lots, parcels, or tracts with differing owners each owner must be party to the application and be a signatory to the plat.

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Article X. EXEMPTIONS

A. Intent and Purpose:

1. The Exemption process is intended to allow approval of development proposals that have minimal impacts to the health, safety and welfare of the citizens of Elbert County. The process was developed based on the statutory allowance for the Board of County Commissioners to exempt certain development activities from the terms "subdivision" or "subdivided land" as set forth in Section 30-28-101, C.R.S., as amended.

B. Application

1. The following procedure, requirements and criteria shall apply to all Subdivision Exemptions. If an application does not meet the qualifications of Subdivision Exemption, the application shall be required to comply with the Preliminary Plat and Final Plat process or the Minor Subdivision process as set for in these Regulations.

2. A Subdivision Exemption may be processed for the following types of activities:

(a) Improper division of land / illegal transfer: The correction of an improper division of land or transfer of land without subdivision approval from the Elbert County Board of County Commissioners or CDS Director (as allowed), if a subdivision were required by State Statutes and these Regulations, where the applicant demonstrates compliance with all the following limitations:

- (1) The applicant swears in writing that he/she was unaware of the illegality of the sale at the time of transfer; and
- (2) The applicant has demonstrated a diligent and unsuccessful attempt to obtain relief from the sale of the improperly divided parcel through normal judicial procedure; and
- (3) The applicant has not used the Exemption Process in the past to correct another improper division that was caused to be created by the same applicant; and
- (4) The parcel is not currently, and never has been, platted as "Open Space" as defined in the Elbert County Zoning Regulations.

Or

- (5) The land is being used for public or quasi-public purposes including but not limited to: utility facility, park, open space, fire station, sheriff substation, library, metro district office, water/sewage facility, cemetery, and school district facilities; and
- (6) The land is owned or leased by a political subdivision of the State of Colorado such as a county, city, town, or special district.

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(b) A boundary line adjustment between unplatted parcels where:

- (1) No additional parcels are created; and
- (2) Both properties are zoned Agriculture (A); and
- (3) Both properties have not been previously platted; and
- (4) No change in zoning will take place on either property.

3. Limitations. A request for Exemption shall be subject to the following limitations:

(a) All lands exempted from platting shall comply with the Elbert County Zoning Regulations.

4. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.

5. Notification is required in accordance with the notification provisions of these Regulations.

C. Process

(Refer to Article II.F)

1. Pre-Application Meeting
2. Formal Application Submittal
3. Referral
4. Provide Comments to the Applicant
5. Applicant Responds to Comments
6. Staff Review of Revised Submittal
7. Public Hearing Documents Submittal
8. Board of County Commissioners' Public Hearings Scheduled
9. Public Hearing Notification
10. Board of County Commissioners' Public Hearing
11. Recordation of Exemption Plat. The plat shall be recorded within 30 days of approval.

D. Referral Agencies

The following agencies shall be sent referrals for Subdivision Exemption applications:

1. Cities, towns or adjoining counties located within three (3) miles of the area to be developed;
2. School District serving the area;
3. Fire District serving the area or property;
4. Any utility, local improvement and service district, or ditch company, when applicable;
5. Local law enforcement;
6. The appropriate Soil Conservation District;
7. The Division of Water Resources for an opinion on the proposed water supply;
8. Appropriate County Departments and other agencies or affected parties as may be required or determined necessary by the CDS Department.

E. Submittal Requirements

Refer to Article II, Section B for the required submittal items.

F. The Subdivision Exemption application shall be prepared as follows:

1. The Subdivision Exemption Exhibit shall be prepared in accordance with the Final Plat standards and requirements.
2. The Plat shall be prepared by qualified professionals.

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Article XI. VACATION OF RIGHT-OF-WAY, PUBLIC EASEMENTS, AND PLATS

A. Intent and Purpose:

1. The Vacation process is a review process allowing for the vacation of publicly owned rights-of-way, public easements, or a recorded plat in order to vacate Elbert County's interest without harm to the public health, safety, and welfare, in accordance with C.R.S. 43-2-301, et seq.

B. Application

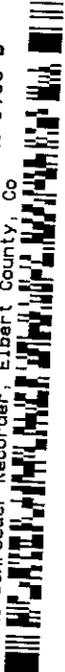
- 1. The following procedure, requirements and criteria shall apply to all request to vacate the County's interest in public rights-of-way, public easements, and to vacate an approved plat.
- 2. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.
- 3. Notification is required in accordance with the notification provisions of these Regulations.

C. Process

(Refer to Article II.F)

- 1. Pre-Application Meeting
- 2. The applicant shall inform and meet with any affected party regarding the request prior to Formal Application Submittal. Affected parties may be landowners adjacent to the proposed vacation, or neighbors adjoining a plat vacation.
- 3. Formal Application Submittal
- 4. Referral
- 5. Provide Comments to the Applicant
- 6. Applicant Responds to Comments
- 7. Staff Review of Revised Submittal
- 8. Public Hearing Documents Submittal
- 9. Board of County Commissioners' Public Hearings Scheduled
- 10. Public Hearing Notification
- 11. Board of County Commissioners' Public Hearing
- 12. Recordation of Vacation Exhibit. The plat shall be recorded within 60 days of approval.

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D. Referral Agencies

The following agencies shall be sent referrals for Vacation applications:

1. Cities, towns or adjoining counties located within three (3) miles of the area to be developed;
2. School District serving the area;
3. Fire District serving the area or property;
4. Any utility, local improvement and service district, or ditch company, when applicable;
5. Local law enforcement;
6. Colorado Department of Transportation
7. Appropriate County Departments and other agencies or affected parties as may be required or determined necessary by the CDS Department.

E. Submittal Requirements

Refer to Article II, Section B for the required submittal items.

F. Vacation Exhibit

1. For Vacation of Right-of-Way the Vacation Exhibit for shall contain:
 - (a) Title, scale, North arrow, and preparation date;
 - (b) Legal description of the proposed vacation, together with a complete reference to the Book and Page of Records with the County;
 - (c) Location or vicinity map, to scale;
 - (d) 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;
 - (e) Depiction of the right-of-way to be vacated, with accurate dimensions, bearings or deflection angles, and radius, arcs, and central angles of all curves;
 - (f) Names and right-of-way width of each adjacent street or other right-of-way, even if for private maintenance and responsibility;
 - (g) Location, dimensions, purpose, and the owner/holder of any easements with notation of Book and Page or Reception Number;
 - (h) Location and description of monuments;
 - (i) Comments and recommendations regarding legal, planning, or engineering matters from a qualified person(s), as plat notes approved by CDS and Public Works;

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- (j) Designation of lots where special studies are required prior to obtaining a building and/or driveway permit;
- (k) Delineation of any flood plains, no- build areas, and building envelopes, for affected properties within the subdivision;
- (l) Certification by owner vacating the rights-of way;
- (m) Certification for approval of the Board of County Commissioners;
- (n) Certification by the project surveyor, certifying to the accuracy of the survey and plat;
- (o) Certification for the Elbert County Clerk and Recorder;
- (p) Certification of Community & Development Services Department.
- (q) Certification of the County Engineer.

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 draftsmanship shall be required, with all required graphic information. All drawings shall be accurate and legible. The drawings shall conform to the Map Requirements Appendix A of these Regulations), or an approved equal lettering. Exhibits 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.

3. The Vacation Exhibit shall be prepared by qualified professionals.

G. Approval Criteria

- 1. In reviewing vacations the Board of County Commissioners shall find that
 - (a) The right-of-way or easement, or portions thereof, or plat are of record with Elbert County Clerk and Recorder's Office.
 - (b) The vacation 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 was provided in accordance with these Regulations
 - (d) The vacation is in accordance with any original conditions of approval for a plat, rezoning, planned unit development, or other applicable documents;
 - (e) The vacation is in keeping with the spirit and intent of these County Subdivision Regulations.

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H. Post Approval

1. Vesting of title. Upon vacation of right-of-way title shall vest in accordance with Section 43-2-302 C.R.S., as amended.
2. Zoning. Upon vacation of a plat, there is no change in the property's zoning unless an application for Rezoning has been processed and approved per the Elbert County Zoning Regulations.

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Article XII. 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 built on. 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 Federal Emergency Management Agency 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 licensed 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. 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 and private roads shall conform to the specifications and criteria in the current Elbert County Roadway Design and Construction Standards and current Elbert County Roadway Plan.
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.

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3. Streets/roads shall be designed to bear a logical relationship to the topography of the site and significant natural or manmade features.
4. Local roads leading to a cul-de-sac:
 - (a) Local roads leading to a cul-de-sac, providing access to a maximum of three (3) lots averaging one (1) acre or less in size, shall be not more than five hundred feet (500') in length.
 - (b) Local roads leading to a cul-de-sac, providing access to lots averaging more than one (1) acre and less than twenty (20) acres in size, shall not be more than one thousand three hundred and twenty feet (1320') in length.
5. 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.
6. Adequate, approved access from existing State, Federal or County Highways shall be provided by developers to all projects.
7. 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.
8. 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 to meet current standards and specifications.
9. When proposed development adjoins existing street/roads and no verification of dedication of right-of-way can be identified, the County may require the subdivider to dedicate right-of-way to the County.
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. 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 and/or Board of Commissioners.
12. At the time of development right-of-way shall be dedicated for:
 - (a) Existing roads if no proof of previous dedication can be located;

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- (b) Roads along Public Land Survey System section lines;
- (c) Future roads or expansion of existing roads according to a current Elbert County Future Road System Map

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 discouraged, 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.

Water and Sanitation

1. In order to assure a long term water supply, and given the concern with dependence on bedrock ground water, and the difficulty in supplying future surface sources outside the urbanized areas, the following additional criteria apply to all proposed subdivisions. The Applicant shall present a water supply plan that provides for a 300-year aquifer lifespan when aquifer groundwater is the proposed water source, notwithstanding the following:

- (a) Residential subdivisions of homes in standard zone districts (non-Planned Unit Development) shall be designed with an assumed factor of 0.4 acre feet per year per residence.
- (b) For Planned Unit Developments, actual designed household consumption rates may be used to ensure aquifer lifespan. Aquifer usage can be reduced through designs that incorporate reuse/recycling and/or water conservation.
 - (1) Reuse/Recycle. Applicants proposing subdivisions in the Planned Unit Development zone district may submit for review of community designs that use some quantity of recycled or reused water in order to reduce reliance on aquifer groundwater, so long as this recycling or reuse does not interfere with any State

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approved aquifer augmentation plan. If the reused water is treated to the outside use standard, 40% of the determined outside use volume may be considered as part of the total available water supply. If the reused water is treated to a potable standard, and used for domestic consumption, 100% of the volume reused may be considered as part of the total available water supply.

(2) Conservation. In subdivisions in the Planned Unit Development zone district, conservation of water through use of high-efficiency plumbing fixtures, low water demand landscaping or xeriscaping, restrictions on outdoor use, or other design techniques can further reduce residential water needs and may be considered in determining the overall water consumption factor per household.

(3) Justification for such a reduction must be presented for appropriate professional engineering review and approval by the Board of County Commissioner before final calculation of aquifer usage..

(4) All review of Reuse/Recycle and/or Conservation plans shall be by an appropriate professional engineering review through the Public Works Department in coordination with the CDS Department, the cost of third-party engineering reviews shall be charged to the applicant.

(c) When central water supply systems are proposed for residential subdivisions of 100 residences or more, Elbert County may require the monitoring of one or more wells near the boundaries of the proposed subdivision to assess impacts over time to existing wells of adjacent landowners.

(d) Elbert County will rely on the review of the Colorado Division of Water Resources for an opinion as to the adequacy of a proposed water supply.

2. 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.

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

G. 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.

H. 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 darns 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.

I. 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.

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- 2. The approved landscape plan shall list the types of planting materials to be used and a schedule of seeding and planting.
- 3. 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.

J. 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. Specific dedication and/or cash-in-lieu requirements shall be determined at the time of referral to the applicable school district serving the development.
- 2. Park and Recreation Dedication Requirements. Specific dedication and/or cash-in-lieu requirements shall be determined at the time of referral to the applicable park and or/recreation district serving the development.
- 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, law enforcement 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.

K. Open Space

- 1. The following standards address maximum density and minimum open space for both Conservation Communities and Conventional Residential Developments.
- 2. All new subdivisions are subject to open space requirements. Dedicated open space, equestrian, pedestrian or open space easements, or cash-in-lieu of dedicated land, may be used to fulfill the open space requirement.
- 3. Subdivisions less than 80 acres in size shall provide cash-in-lieu of open space dedication, unless site-specific circumstances warrant the expansion of an existing open space area or protection of a unique natural feature.

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4. Open space shall be calculated as a percentage of gross land area, not including land used for roads.
5. Conventional Residential Development
 - (a) The minimum open space shall be twenty percent (20%) of the gross land area. For subdivisions with lots of ten (10) acres or greater, the minimum open space shall be twenty percent (20%) of the gross land area.
 - (b) For subdivisions with lots less than ten (10) acres, the minimum open space shall be forty percent (40%) of the gross land area.
6. Conservation Community
 - (a) The minimum open space shall be fifty percent (50%) of the gross land area.
 - (b) Open space should have logical contiguity and connectivity to existing or likely future open space on adjacent parcels.
 - (c) Open space shall be used as follows.
 - (1) All open space areas must include a substantial component intended to preserve natural resources (forest, wildlife, migratory corridors, creeks, drainages, wetlands) and/or historic, cultural, or archeological resources. Any remaining open space outside of these preserved areas may be used as described in paragraphs 2, 3 and 4 below.
 - (2) Passive recreation, limited to hiking, non-motorized biking, or equestrian trails, in which the open space is generally left in its undisturbed natural condition. This use shall also include amenities such as benches and restrooms.
 - (3) Active recreation, including ball fields, community centers, recreation centers, equestrian centers, sport courts, playgrounds, exercise courses, and associated parking lots.
7. Open space shall be dedicated to either a special district, qualifying non-profit entity, Elbert County, or any other entity that has the ability and resources required to administer and perpetually defend the open space for its intended purpose.
8. Residential Density.
 - (a) New residential development shall conform to the following densities based on the provision of water and sewer.

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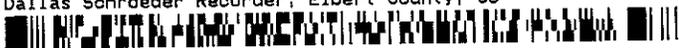

Conventional Residential Development	
Well & OWTS*	One (1) primary** dwelling unit per 10 acres minimum
Central Water & OWTS* or Central Sewer and Wells	One (1) primary** dwelling unit per 5 acres minimum
Central Water & Central Sewer	One (1) primary** dwelling unit per 0.85 acres maximum
Conservation Community	
Central Water & Central Sewer	Number of dwelling units shall not exceed the 300-year aquifer allocation

* OWTS = Onsite Wastewater Treatment System (a.k.a. septic system)

** Accessory Dwelling Units (ADU) may also be authorized. See Elbert County Zoning Regulations.

- (b) Developments of 320 dwelling units or more should provide more than one housing type (i.e. single-family, townhouses, patios homes, duplex, etc.), with opportunities for people of all ages and for a variety of incomes. Planned Unit Development (PUD) zoning is required.
- (c) Conservation of water resources is encouraged. As noted in the chart above, higher dwelling density, within Conservation Communities, may be approved providing that the applicant provide an analytical study, prepared by a qualified professional, that the applicant’s water conservation practices, including reuse, will result that adequate water resources will support such density. Proposed densities that result in projected depletion of allocated aquifers within a 300-year period shall not be approved.

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Article XIII. IMPROVEMENTS

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 one hundred (100) vehicle trips per day or connect to an existing paved road. Trip generation to be calculated using trip generation data from the current edition of the Institute of Transportation Engineers.

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 adopted fire code requirements and provided with adequate water pressure for firefighting purposes. Fire cisterns and wells may be required, per the adopted fire code and local fire district.
3. Drainage improvements shall be in accordance with final drainage/storm sewer approved plans.
4. Underground placement of utility distribution and service lines is required in all other areas to preserve the natural character of the general community.

C. Other Improvements

Other reasonable improvements, such as cluster mailboxes, and other items not specifically mentioned herein, and found appropriate and necessary by the CDS Director or Public Works Director, shall be constructed at the applicant's expense, within such time frame agreed to in a development agreement and in conformance with such specifications as deemed necessary and appropriate.

D. Guarantee of Public Improvements

No final plat shall be approved 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 (SIA), agreeing to construct required public improvements shown in the Final Plat documents, together with collateral which is sufficient, in the judgment of the County Commissioners and a recommendation from County staff, 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, 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 the improvements, in accordance with the specifications.

4. After Final Plat is recorded, the County will restrict the issuance of Residential Associated building permits for such homes 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 as prepared by a licensed professional engineer and approved by the Director of Public Works.

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 only after reviewing such request with County staff as a resource before making such decisions.



Article XIV. VESTED PROPERTY RIGHTS

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 Subdivision Plat, EDZ Subdivision, Site Development Plan, EDZ Site Development Plan, 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.

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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 Comprehensive 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 Article, shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a Site Specific Development Plan, unless otherwise approved in a Development Agreement.

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 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 Article II of these Regulations. 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

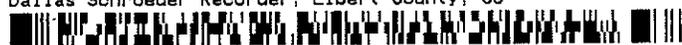
In addition to any and all other fees and charges imposed by the Subdivision Regulations and the Zoning Regulations of Elbert County, Colorado, the applicant, for approval of a Site Specific Development Plan, shall pay all costs incurred, to the Treasurer of Elbert County, as a result of the Site Specific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

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 is 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.



Appendix A. MAP REQUIREMENTS

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.
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 0.10 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.
 - (d) Blocks and Lots (as applicable) shall be shown with the block numbers appearing with consecutive numbering.

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- (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) Roadways 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/CAD File Standards

- (a) 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

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

- (1) AutoCAD DWG
- (2) ArcMap GIS

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Appendix B. CERTIFICATIONS, DEDICATIONS, AND ACKNOWLEDGEMENTS

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 or lot and block of an existing recorded subdivision.
- 2. Certification of ownership signed by property owner(s) and notarized.
- 3. Elbert County Public Works

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

Director, Elbert County Public Works

- 4. 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.

Director, Elbert County Community & Development Services

- 5. Planning Commission

This Preliminary Plat was reviewed by the Elbert County Planning Commission on the _____ day of _____, 20____, A.D.

Chair, Planning Commission

- 6. 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.

Chair, Board of County Commissioners

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7. Clerk and Recorder's Certificate

State of Colorado)
) ss
County of Elbert)

I hereby certify that this Preliminary 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 _____.

Elbert County Clerk and Recorder

B. Final Plat

1. Dedication Statement

Know all by these presents that the undersigned, being the owner(s) (and the holder(s) of deed of trust [if applicable] of the land described hereon has (have) laid out, platted, and subdivided into [blocks, lots, tracts, rights-of-way, and easements as the case may be] as shown hereon under the name and style of _____ [name of subdivision], and does (do) by these presents, of (our, my, its) own free will and voluntarily, without coercion, threat, or business compulsion,

(a) Public Streets/Roads

grant, dedicate, and convey to the County of Elbert, State of Colorado, in fee simple, tract(s) _____, (and) all streets/roads together with all appurtenances thereto for public use.

(b) County Easements

And further grant, dedicate, and convey to the County of Elbert, State of Colorado all easements, except those of prior record, as shown hereon and/or described in the note(s) _____ and _____.

(c) Legal Description:

Insert complete legal description, tied to proper monumentation, and section or quarter-section line references. Description may be metes and bounds; aliquot description; or lot, parcel, and/or tract of a recorded approved subdivision.

(d) Acknowledgment

After the description, all owners and holders of deeds of trust, mortgages, etc. shall sign the plat and have notarized as follows:

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- All individuals shall sign their name as shown on the deed of ownership or the deed of trust, etc. and any and all required officers of any corporation, partnership, general partnership, limited liability company, or joint venture, as the case may be, shall sign their name as required.

State of _____)
) ss
 County of _____)

The foregoing dedication was acknowledged before me this _____ day of _____ 20 _____, by (name of individual or authorized person [see below]).

WITNESS my hand and official seal.

SEAL

 NOTARY PUBLIC

My Commission expires: _____

- Officers signing for a Corporation shall be acknowledged as follows:
(name-printed), as President (or Vice-President) of (name of corporation), a (name of state) corporation.
- Partners signing for a general partnership shall be acknowledged as follows (note that all partners must sign plat unless the partnership agreement authorizes otherwise):
(name-printed), as partner and (name-printed), as partner of (name of partnership), a (name of state) partnership.
- General partners signing for a limited partnership shall be acknowledged as follows (note that all general partners must sign the plat unless the limited partnership agreement authorizes otherwise):
(name-printed), as general partner and (name-printed), as general partner of (name of general partnership), a (name of state) general partnership.
- Members signing for a limited liability company shall be acknowledged as follows (note that all members or managers must sign the plat unless the operating agreement or other signature authority document and recorded statement of authority authorizes otherwise):
(name-printed), as a member and (name-printed), as a member of (name of limited liability company), a (name of state) limited liability company, OR

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(name-printed), as manager of (name of limited liability company), a (name of state) limited liability company

- Joint venturers signing for a joint venture shall be acknowledged as follows (note that all joint venturers must sign the plat unless the document that established the joint venture authorizes otherwise):

(name-printed), as a joint venturer and (name-printed), as a joint venturer of (name of joint venture), a (name of state) joint venture.

2. Elbert County Community & Development Services

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

Director, Elbert County Community & Development Services

3. 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.

Registered Land Surveyor
(SEAL)

4. 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.

(name) _____ (date) _____
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

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title to such land is in the dedicator free and clear of all lien, taxes, and encumbrances.

(by) _____, as _____
of _____ (date) _____

5. Planning Commission

This Final Plat was reviewed by the Elbert County Planning Commission on the _____ day of _____, 20____, A.D.

Chair, Planning Commission

6. Approval of County Commissioners

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

Chair, Board of County Commissioners

7. Acceptance by County Commissioners (Minor Subdivision Plat)

This Minor Subdivision Plat was accepted by the Elbert County Board of County Commissioners on the _____ day of _____, 20____, A.D.

Chair, Board of County Commissioners

8. Clerk and Recorder's Certificate

State of Colorado)
) ss
County of Elbert)

I hereby certify that this Final 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 _____.

Elbert County Clerk and Recorder

9. 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

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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.

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Appendix C. DEFINITIONS

- Alleys - The term "alley" means a way which is used primarily for service access to the back or the side of a residence, or 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
- 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.
- Authorized Representative - Any individual(s) given written authorization by an Applicant 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.
- 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.
- Conservation Community - Developments which are characterized by large amounts of common open space and clustered, compact lots.
- Conventional Residential Development - Developments that are not Conservation Communities will be considered Conventional Residential Developments. These communities will typically have larger lots than Conservation Communities.
- 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.
- Economic Development Zone (EDZ) Subdivision – A subdivision of land located within the Economic Development Zone (EDZ) Overlay Zone District, as shown on the Official Zoning Map and created in accordance with Article VIII of these Subdivision Regulations.
- 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.
- 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.
- Lot - A designated parcel of land established by a recorded subdivision plat, subdivision exemption plat, recorded deed or court order, which is recognized as a separate legal entity for purposes of transfer of title.

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- Open Space - Open Space is a classification of land in Elbert County obtained by approval of application or designated by right, that: 1) has been preserved and protected by severance of development rights to a third party through purchase, conservation easement, dedication, and/or donation to a public agency or land trust; or 2) upon application meets one or more of the purposes of open space set forth in the Elbert County Subdivision and/or Zoning Regulations, and will be preserved by future protects as approved in the application.
- Plat - A map and supporting materials of certain described land, prepared in accordance with subdivision regulations and Colorado State Statute as an instrument for recording of real estate interests with the County Clerk and Recorder.
- 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.
- Qualified Person - Shall include, but not be limited to, registered architects, registered landscape architects, licensed professional engineers, licensed professional surveyors, or professional planners.
- Streets and Road- The terms "street" and "road" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thorough way, road, avenue, boulevard, land, place, or however otherwise designated. See Elbert County Road and Bridge specifications for definitions and construction standards, and Zoning definitions
- 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;

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- (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 these Regulation.
- 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.
 - Tract - A designation applied to a parcel of land where such land serves as open space, drainage, landscaping, common area or as otherwise identified on a recorded subdivision plat.

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