

# **GRAND COUNTY SUBDIVISION REGULATIONS**



**LAST AMENDED  
July 2016**

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## **ARTICLE I**

### **APPLICATION OF REGULATION**

#### **1.1 TITLE**

These Regulations shall be known as the "Grand County Subdivision Regulations".

#### **1.2 AUTHORITY**

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

#### **1.3 PURPOSE**

These Regulations are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Grand County, Colorado. This is done by encouraging the proper arrangement of streets in relation to existing or planned streets to allow access of fire fighting apparatuses and traffic; providing for adequate and convenient open spaces for light, air, utilities, civil defense, recreation, sites for schools and educational facilities and related structures, and avoiding congested population. The Planning Commission and Board of County Commissioners may also regulate such other matters as deemed necessary in order to protect the best interests of the public.

#### **1.4 CONTROL OVER PLATTING**

- (1) All plans of streets or highways for public use, and all plans, plats, plots and re-plots 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 or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission for approval before they are recorded. Acceptance of all proposed dedications shall be given by action of the Board of County Commissioners.
- (2) No lands shall be subdivided or divided as set forth in Section 1.5 hereof and no subdivision plat shall be approved unless and until one (1) or more streets or roads providing access to the tract of land to be subdivided or divided is either:
  - (a) Dedicated to the public and the dedication accepted and constructed to County road standards, and accepted for maintenance by Resolution of the Board of County Commissioners; or
  - (b) Recognized as a public right-of-way by deed, dedication or prescriptive use, and is a part of the designated County road system provided for by Article 2, Title 43, Colorado Revised Statutes, 1973, amended, and is regularly maintained by the County; or
  - (c) Dedicated or conveyed to the owners of the subdivision and their successors in title and constructed to County road standards, and a property owners' association or other legal entity acceptable to the Board of Commissioners is legally obligated to maintain such road to County standards; or
  - (d) As an alternative to the completion of said road prior to the time of filing the final plat, the developer may submit one of the guarantees set forth in Section 3.6

of these Regulations to the Board of County Commissioners to guarantee the completion of said road within one (1) year from the date the final plat is recorded.

- (3) No final plat of a subdivision shall be approved by the Planning Commission and the Board of County Commissioners unless it conforms to the provisions of this Resolution.
- (4) The Board of County Commissioners shall withhold all public street improvements and public maintenance from all rights-of-way which have not been dedicated to the public and accepted for such purposes by the Board of County Commissioners, or, if dedicated to the public, which have not been constructed to Grand County Road and Bridge Standards and Grand County Storm Drainage Design and Criteria Manual.
- (5) Once submittal of a sketch plan has been made to the Grand County Planning Department for review of a subdivision, no disturbance of the site, nor installation of any improvements associated with the proposed subdivision is allowed until after approval of the final plat by the Board of County Commissioners, or prior approval of any site disturbance or installation of required improvements has been authorized by the Board of County Commissioners. The developer will be allowed to do any soils and geologic testing, soils borings, surveying, etc. that are needed to provide the technical reports required for review of the subdivision.

## **1.5 JURISDICTION**

These Regulations shall apply to any of the following activities within the unincorporated areas of Grand County, Colorado:

- (1) Any division of lands into a subdivision as defined in Section 1.6(4) of these Regulations.
- (2) Any re-subdivision or re-platting of a lot, tract or parcel of land.

## **1.6 DEFINITIONS**

### **(1) Rules of Construction of Language**

- (a) The particular controls the general.
- (b) In case of any difference of meaning or implication between the text of these Regulations and the captions for each section, the text shall control.
- (c) The word "shall" is always mandatory and not directory. The word "may" is permissive.
- (d) Words used in the present tense include the future, unless the context clearly indicates the contrary.
- (e) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

### **(2) Streets and Alleys**

- (a) The terms "street" and "road" mean a way for vehicular traffic, whether

designated as a street, highway, thoroughfare, parkway, thorough way, road, avenue, boulevard, land, place or however otherwise designated.

- (b) "Arterial Highways" are those rights-of-way which are used primarily for fast or heavy traffic volumes for long distances and usually are or would be designated as State Highways.
- (c) "Major Roads" are those rights-of-way which carry traffic from homes to arterial highways and major roads and to schools and shopping centers.
- (d) "Local Streets" are those rights-of-way which are used primarily for access to the abutting properties.
- (e) "Alleys" are minor ways which are used primarily for vehicular service access to the back side of properties otherwise abutting on a street.
- (f) "Drives" are minor ways used primarily for vehicular access to residential or business properties not otherwise abutting on a publicly dedicated or traveled street or road, and may be private easement rights-of-way.

(3) **Subdivider**

The terms "subdivider" or "developer" mean any person, partnership, joint venture, association, trust, syndicate or corporation who shall participate as owner, promoter, developer, sales agent or leasing agent in the planning, platting, development, promotion, sale or lease of a subdivision.

(4) **Subdivision or subdivided land**

- (a) "Subdivision" or "subdivided land" means any parcel of land in the State which is to be used for condominiums, apartments, or any other multiple-dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of these Regulations with substantially the same density, or which is divided into two (2) or more parcels, separate interests, or interests in common, unless exempted under Paragraph (b), (c), or (d) of this sub-section, "interests" includes any and all interests in the surface of land but excludes any and all sub-surface interests.
- (b) The terms "subdivision" and "subdivided land", as defined in paragraph (a) of this sub-section (4), shall not apply to any division of land which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.
- (c) Unless the method of disposition is adopted for the purpose of evading these Regulations, the terms "subdivision" and "subdivided land", as defined in paragraph (a) of this sub-section (4), shall not apply to any division of land:
  - (i) 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;
  - (ii) Which could be created by any court in this State pursuant to the law of

eminent domain, or by operation of law, or by order of any court in this State if the Board of County Commissioners of the County in which the property is situated is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of these Regulations prior to entry of the court order, and if the Board does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court;

- (iii) Which is created by a lien, mortgage, deed of trust, or any other security instrument;
  - (iv) 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;
  - (v) Which creates cemetery lots;
  - (vi) Which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property;
  - (vii) Which is created by the acquisition of an interest in land in name of a husband and wife or other persons in joint tenancy, or as tenants in common, and any such interest shall be deemed for purposes of this subsection (4) as only one interest; or
  - (viii) Which is created by the combination of continuous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres of land area, only one interest in such land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph (viii).
- (d) The Board of County Commissioners may, pursuant to rules and regulations or resolution, exempt from this definition of the terms "subdivision" and "subdivided land", any division of land if the Board of County Commissioners determines that such division is not within the purpose of these Regulations.

(5) **Planning Commission**

The Grand County Planning Commission.

(6) **Apartment House**

- (a) The term "Apartment House" shall mean any single structure containing five (5) or more individual dwelling units.
- (b) The term "Dwelling Unit" means one (1) or more rooms in a dwelling designed for permanent occupancy by one (1) family for living purposes and having not

more than one (1) kitchen. All dwelling units shall contain at least four hundred (400) square feet of floor area measured on the outside walls.

- (c) The term "Dwelling" means any building or portion thereof which is used as the private residence or sleeping place of one (1) or more human beings, but not including mobile homes, hotels, motels, tourist courts, hospitals, or similar uses.

(7) **Condominium**

- (a) The term "Condominium" as used herein refers to a type of ownership which consists of a separate fee simple estate in an individual air space unit of a multi-unit property together with an undivided fee simple interest in common elements.
- (b) The term "Individual Air Space" shall consist of any enclosed room or rooms occupying all or part of a floor or floors in a building of one (1) or more floors to be used for residential, professional, commercial or industrial purposes.
- (c) The term "Common Elements", unless otherwise provided in the declaration or by written consent of all the condominium owners, means: the land or the interest therein on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of such building or buildings; the basements, yards, gardens, parking area, and storage spaces; the premises for the lodging of custodians or persons in charge of the property; installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, central air conditioning, and incinerating; the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance, safety, or normally in common use.
- (d) The term "Condominium Unit" means an individual air space unit together with the interest in the common elements appurtenant to such unit.
- (e) The term "Declaration" refers to an instrument which defines the character, duration, rights, obligations and limitations of condominium ownership.

(8) **Subdivision Improvements Agreement**

One (1) or more security arrangements which a County shall accept to secure the actual cost of construction of such public improvements plus an additional ten percent (10%) held as warranty security as required by County Subdivision Regulations within the subdivision. The "Subdivision Improvements Agreement" may include any one or a combination of the types of security or collateral listed in this sub-section (8) and the subdivider may substitute security in order to release portions of the subdivision for sale. The types of collateral which may be used as security under the "Subdivision Improvements Agreement" are as follows: restrictions on the conveyance, sale, or transfer of any lot, lots, tract, or tracts of land within the subdivision as set forth on the plat or as recorded by separate instrument; performance bond; private or public escrow agreements; letters of credit; deposit of certified funds; or other similar surety agreements. Security other than plat restrictions, required under the "Subdivision



Improvements Agreement" shall equal in value the cost of improvements to be completed plus an additional ten percent (10%) held as warranty security but shall not be required on the portion of the subdivision subject to plat restriction. The County shall not require security arrangements with collateral arrangements in excess of the actual cost of construction plus an additional ten percent (10%) held as warranty security of the public improvements. The amount of security may be incrementally reduced as subdivision improvements are completed.

(9) **Sketch Plan**

A map of proposed subdivision drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early stage in the planning.

(10) **Preliminary Plan**

The map or maps of a proposed subdivision and specified 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.

(11) **Plat**

A map and supporting materials of certain described land prepared in accordance with Subdivision Regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

(12) **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, which evidence must be relevant and competent and must support the position maintained by the subdivider.

(13) **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 any assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.

(14) **Townhouse**

(a) The term "Townhouse" as used herein refers to a type of ownership which consists of a fee simple interest in an individually deeded lot and dwelling, plus a membership right in a homeowners' association which shall own in fee simple the common areas subject to all rights and duties as provided in the declaration of the homeowners' association.

(b) The term "Dwelling" as used herein means a single family dwelling constructed on an individually deeded lot, but as part of a series of two (2) or more dwellings, each of which is either attached to the adjacent dwelling or dwellings by party walls or is located immediately adjacent thereto with no visible separation between walls or roof.

(c) The term "Common Areas" will be defined in each declaration and will include such items as the following: any open spaces, green belts, yards, parking areas, or storage spaces, located on the property owned and controlled by the

homeowners through the homeowners' association, but which are not part of individual townhouse lots, and all community and commercial facilities or other parts of the property necessary or convenient to the existence, maintenance, or safety of all townhouses.

(d) The term "Declaration" refers to an instrument which defines the character, duration, rights, obligations and limitations of townhouses ownership.

(15) **Dwelling**

Except as used herein in reference to townhouses, means any building or portion thereof which is used as the private residence or sleeping place of one (1) or more human beings.

(16) **Dwelling Unit**

As used herein means one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having not more than one (1) kitchen.

(17) **Family**

An individual or two (2) or more persons related by blood or marriage, or a group not exceeding five (5) persons living together as a single housekeeping unit in a dwelling unit.

(18) **Parking Space**

The area occupied by an automobile when not in use and for purposes of these Regulations is a rectangular area ten feet by twenty feet (10' x 20').

(19) **Parking Area**

The parking space plus that contiguous driving surface adjacent to each parking space necessary to provide ingress and egress to the parking space.

(20) **Open Space**

Land dedicated to the common use of all residents of a subdivision, condominium or townhouse development which is intended to provide visual openness and recreational use for that development. Permitted and Not Permitted uses within dedicated open space are outlined as follows:

PERMITTED

1. Uncovered swimming pools
2. Sports Fields\*
3. Pathways, Trails
4. Tennis courts with non-view blocking fencing
5. Volleyball Courts
6. Playgrounds
7. Picnic grounds
8. Shuffleboard, Horseshoes, Badminton
9. Golf Courses
10. Unenclosed Basketball Courts
11. Ponds, lakes, creeks
12. Pedestrian bridges
13. Gardens
14. Horse corrals (no enclosed stables)

NOT PERMITTED

1. Covered swimming pools
2. Bleachers
3. Driveways
4. Tennis courts with view blocking fence
5. Racquet Ball Courts
6. Handball Courts
7. Bandstands, Theaters
8. Gazebos
9. Club Houses
10. Sauna, Hot Tubs
11. Solid fences
12. Auto bridges
13. Greenhouses
14. Decks\*\*\*

15. Patios\*\*

\* Includes Baseball, Soccer, Football, Rugby

\*\* Independent of structure and at grade

\*\*\* Connected to structures and at or above grade

(21) **Central Sewage Facility**

An integrated system of pipes, conduit, treatment plants and other necessary equipment to transport and treat raw sewage. All central sewage facilities must conform to the Grand County Administrative Regulations for Major Extensions of Existing Domestic Water and Sewage Treatment Systems. Conventional Septic Systems are not considered a central sewage facility.

(22) **Sewer Main**

The principal artery of a system to convey sewage to which laterals are connected.

(23) **Sewer Lateral**

That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a sewer main.

(24) **Central Water System**

An integrated system of wells, pipes, storage tanks, treatment plants, diversion structures and other necessary equipment used to supply pressurized potable water. All central water systems must conform to the Grand County Administrative Regulations for Major Extensions of Existing Domestic Water and Sewage Treatment Systems.

(25) **Water Main**

The principal artery of a central water system used to convey pressurized water, from a central source to junctions where laterals are connected.

(26) **Water Lateral**

That part of the horizontal piping of a central water system which extends from the water main to the building served.

(27) **Net Density**

The dwelling unit density calculated in a subdivision excluding acreage allotted to open space, roads and other common areas.

(28) **As-Built Plat**

The plats or maps required for all common interest communities by C.R.S. §38-33.3-209 under the Colorado Common Interest Ownership Act, to evaluate compliance of the development with its approved and recorded final plat.

**1.7 INTERPRETATION**

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

- (1) Provisions are Minimum Requirements: In their interpretation and application, the provisions of these Regulations shall be regarded as the public health, safety, comfort,

morals, convenience, prosperity and welfare, and shall therefore be regarded as remedial, and shall be liberally construed to further their underlying purposes.

- (2) Application of Overlapping Regulations: Whenever both a provision of these Regulations and any other provisions of these Regulations, or any provision in any other 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.
- (3) Existing Permits and Private Agreements: These Regulations are not intended to abrogate or annul any permits issued before the effective date of these Regulations or any applicable amendment thereto, or any easement, covenant or other private agreement.
- (4) Grand County Road and Bridge Standards and Grand County Storm Drainage Design and Criteria Manual: These standards have been integrated into the Subdivision Regulations wherever applicable. Since these road and drainage standards are more comprehensive in nature than previous County standards, these new standards under separate cover, will take precedence and govern.

## **1.8 VIOLATIONS, PENALTIES AND ENFORCEMENT**

- (1) Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the Grand County Clerk and Recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) nor less than Five Hundred Dollars (\$500.00) for each parcel of or interest in subdivided land which is sold. All fines collected under this paragraph shall be credited to the general fund of the County. No person shall be prosecuted, tried, or punished under this paragraph unless indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen (18) months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land. The Board of County Commissioners may provide for the enforcement of subdivision regulations by means of withholding Building Permits. No plat for subdivided land shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.
- (2) The Board of County Commissioners of the County in which the subdivided land is located has the power to bring an action to enjoin any subdivider from selling subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners. In addition, the Board of County Commissioners may take such other legal action as may be authorized by the laws of the State of Colorado.
- (3) Any violation of paragraph (1) of this subsection 1.8 is prima facie evidence of fraudulent land transaction and shall be grounds for the purchaser to void the transfer or sale.

## **ARTICLE II DESIGN STANDARDS**

Each new subdivision platted in Grand County will, to some degree affect the character and environmental appeal of the land, the cost of services and maintenance to the purchasers and the County government, and the interests of investors in the subdivided land and surrounding areas. New subdivisions shall provide safe, convenient travel routes to and from and within the subdivision. Each lot shall provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Area needs for flood channels, open spaces, parks, schools, fire stations, water and sewage treatment facilities and similar community facilities must be provided depending on the location and density of each development. Although Article VIII of these Regulations provides for variances under certain circumstances, the following design standards shall be followed wherever possible.

### **2.1 SPECIAL SITE CONSIDERATIONS**

- (1) Steep, unstable or swampy land, and land subject to inadequate drainage, avalanche or rock slides, and geological hazards, shall be identified and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such sites shall not be platted for residential occupancy. Land not usable for residential purposes may be set aside for open land uses as for parks, conservation areas or various agricultural uses. Building and Development is prohibited on slopes in excess of 30%.
- (2) Developments in suspected geological hazard areas will be designed or reviewed by a qualified professional geologist.
- (3) Any land subject to flooding or located in a natural drainage channel shall not be platted for occupancy until adequate provisions to eliminate or control hazards are made and approved by the Planning Commission. 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. Areas subject to flooding may be left as open space or reserved as easements.
- (4) Where a residential subdivision borders a railroad or highway right-of-way, the Planning Commission may require a buffer strip of such an extent and type as may be practical, or other adequate protection against the hazards and undesirable effects of the railroad or highway.
- (5) Provision shall be made to preserve natural features of the site which would enhance the subdivision, such as unusual rock formations, lakes, rivers, streams and trees, and the subdivider may be required to dedicate such features to the use of lot owners or provide easements for the preservation thereof.
- (6) The Planning Commission may require the developer to furnish appropriate technical data and other information necessary to determine applicability to and evaluations of developments on any land subject to flooding or located in a natural drainage channel. Technical data and other information requested by the Planning Commission will be prepared and certified by a professional qualified in the appropriate field of expertise. If it is determined that a proposed development or a portion thereof lies within a flood

hazard area, said area shall not be used unless the following standards and prohibitions are complied with:

- (a) Storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life, shall be prohibited.
- (b) Solid waste disposal shall be prohibited within flood hazard areas.
- (c) Development of any nature must be designed so as to prevent: Substantial solid debris from being carried down stream, enlargement of a flood plain, or damage to or on lands other than those being proposed for development.
- (d) Structures proposed in a flood plain must be adequately flood proofed to or over one foot above the maximum water elevation of an intermediate regional flood and be anchored to prevent flotation, collapse or lateral movement.

## **2.2 STREETS, ALLEYS AND EASEMENTS**

- (1) Streets shall be aligned to join with planned or existing streets adjacent to the subdivision. The Planning Commission may require streets and roads to provide direct, continuous routes to all adjacent lands, whether such adjacent lands have been subdivided or not, where no other legal access exists. The location of streets providing access to adjacent lands shall be selected by the subdivision planner provided such location shall be reasonably calculated to provide usable access to the adjacent lands. Temporary cul-de-sacs shall be provided at the end of any streets giving access to adjacent lands until connecting streets on the adjacent lands have been constructed.
- (2) Streets shall be designed to bear a logical relationship to the topography.
- (3) Whenever streets are not aligned, off-sets shall be at least one hundred thirty-five feet (135'), centerline to centerline.
- (4) Intersections shall be as nearly at right angles as possible with no intersections designed at an angle of less than seventy-five (75) degrees.
- (5) Cul-de-sacs: Refer to the Grand County Road and Bridge Standards.
- (6) Dead-end streets, with the exceptions of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent land.
- (7) Restriction of access shall be required when a subdivision or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots 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 arterial highways.
- (8) Half streets shall be prohibited. When a proposed half street in one subdivision is adjacent to another property, the approval of the adjacent owner shall be obtained and the entire street shall be platted and dedicated by the owners. The responsibility for acquiring the additional right-of-way shall be with the subdivider.

- (9) Reverse Curves: Refer to the Grand County Road and Bridge Standards.
- (10) Reserve strips, controlling access to streets, are permitted only when the control of such strips is given to the County under conditions approved by the Planning Commission.
- (11) Street Classification and Design Element Criteria: Refer to the Grand County Road and Bridge Standards.
- (12) Alleys and Easements
  - (a) Alleys in residential subdivision shall be prohibited unless they are necessary to continue an existing pattern.
  - (b) Alleys shall be provided in commercial and industrial areas, except that this provision may be waived when other provisions are made and approved for service access.
  - (c) Easements of not less than twenty feet (20') in width shall be provided along all rear lot lines and along certain side lot lines for utilities when alleys are not provided. Such easements may be provided by ten foot (10') easements on each of adjoining lots. Utility easements at different locations may be provided upon recommendation by the affected utility companies and approval of the Planning Commission.
- (13) Radius of Curvature: Refer to the Grand County Road and Bridge Standards.
- (14) Subdivision road systems shall be designed with two (2) or more dedicated access roads for separate, multiple ingress and egress.

### **2.3 BLOCKS**

- (1) Blocks should be more than four hundred feet (400') in length but less than one thousand feet (1,000').
- (2) Block lengths and widths shall be suitable for the uses contemplated and the zoning or other land use requirements pertaining to minimum lot sizes and dimensions.

### **2.4 LOTS**

- (1) Lot dimensions and sizes shall conform to applicable zoning or other land use requirements.
- (2) Each lot shall have access to a dedicated street.
- (3) Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or incompatible land uses.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.

### **2.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS**

- (1) Dedication and rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements, shall be required.
- (2) The Planning Commission shall require the dedication, reservation or conveyance of acres or sites suitable for public purposes such as parks, flood channels, scenic areas and green belts, of twenty percent (20%) of the total area of the subdivision. The location of all such areas or sites shall be mutually agreed upon by the subdivider and the Planning Commission. The Planning Commission may consider recommendations from other public agencies which would be directly involved in the development and service of these areas. The type of dedication, reservation or conveyance required will be determined by the Planning Commission depending upon the proposed use. A reservation or dedication of areas for the use of owners of lots within the subdivision may be acceptable for parks, scenic and open areas. In the event of a reservation or dedication of any areas, or streets for the use of the owners of lots within the subdivision, the subdivider shall provide for the creation of an owners' association with powers of assessment for maintenance, improvements and upkeep of such areas and street.
- (3) Reference shall be made to the Grand County Comprehensive Plan in order to determine general locations for various public facilities.
- (4) Approval of a subdivision shall not constitute an acceptance by the County of the roads, streets, alleys, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted by the County only by specific action of the Board of County Commissioners.

## **2.6 SCHOOL LANDS**

- (1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations.
- (2) Provision of land areas for schools shall be at the rate of .045 acres per single family dwelling unit and .018 acres per multi-family dwelling unit allowable within the subdivision. Such provision may include, subject to the Board of County Commissioners' approval:
  - (a) Reservation of such sites and land areas, for acquisition by the County.



- (b) Dedication of such sites and land areas to the County, or in lieu thereof, payment of a sum of money not exceeding the fair market value of such sites and land areas. Any such sums, when required, shall be held by the Board of County Commissioners and shall be used as provided for in Colorado Revised Statute §30-28.133 (4) and (4.3) as now enacted and hereafter amended. Dedication of such sites and land areas shall be made at the time of final platting in one (1) or any combination of the following ways:
  - (i) By dedicating to the County of Grand, a body politic incorporate, in fee simple, on the final plat.
  - (ii) By granting the land areas in fee simple on General Warranty Deeds to the County.
  
- (3) In lieu of dedication of land areas for public school sites, the County may require the payment of a sum of money not to exceed the fair market value of such sites and land areas at the time of final plat submittal.
  - (a) Fair market value shall be determined by mutual agreement between the subdivider and the Board of County Commissioners. In the event of inability of any of the above parties to agree on the fair market of the sites, an independent party, being a qualified appraiser in the County of Grand, shall be selected by mutual agreement of the disagreeing parties. Said independent party's findings on fair market value of the site shall be final and binding on all parties. A qualified appraiser shall be a member of the Appraisal Institute (MAI) or a member of the Society of Real Estate Appraisers (SRA). The developer shall pay the costs of said appraiser.
  - (b) Payments made under the requirements of this Section shall be made payable to the County of Grand. The Board of County Commissioners shall receive such funds at the time of the final plat approval and deposit them with the County Treasurer who may in turn deposit such funds in any County approved and designated financial institution.
    - (i) Such funds shall be deposited to special interest bearing escrow accounts, one such account for each school district within Grand County. Each deposit shall be credited to the name of the subdivision for which the payment was made and shall be deposited in the account of the school district in which the subdivision is located. The status of these accounts shall be reported annually to the Board of County Commissioners and shall be made available to the school districts and the general public.
    - (ii) Funds may be withdrawn from the special escrow accounts by the Board of County Commissioners and shall be used as provided for in Colorado Revised Statute §30-28.133 (4) and (4.3) as now enacted and hereafter amended.

- (c) The Board of County Commissioners shall, from time to time, adopt a Resolution setting forth the formula to be used to determine the sums of money to be paid in lieu of dedication of land areas.
- (4) Land conveyed to the County for public school sites shall be transferred and conveyed to the appropriate school district upon written request by the District. Funds paid to County in lieu of dedication of land areas for public school sites shall be made available to the appropriate school district, and shall be used as provided for in Colorado Revised Statute §30-28.133 (4) and (4.3) as now enacted and hereafter amended.
- (5) Land areas that shall not be acceptable in determining the fulfillment of the requirements for the provision of land areas for public school sites shall include the following:
  - (a) Natural drainage ways, streams, gullies, and rivers including all lands within the one hundred (100) year flood plain. (Note, unless the school district specifically accepts a certain portion for a reasonable use and it is approved by the Board of County Commissioners.)
  - (b) Rights-of-way and/or easements for irrigation ditches and aqueducts.
  - (c) Steep or rugged land areas, hazardous geological land areas, hazardous wildfire land areas and such other areas as are not conducive for use as school sites.
- (6) Improvements that shall be constructed or installed on or adjacent to designated school sites shall be as follows:
  - (a) Curb, gutter, and pavements, in accordance with the Grand County standards in those subdivisions requiring same.
  - (b) Utilities shall be extended to the property line.
  - (c) All drainage structures and facilities.

The following formula is to be used to calculate school fees in lieu of dedication of land areas:

- (1) The determined unit value for the purpose of the dedication of school sites for money in lieu of school sites for Grand County is determined and established through educational criterion in both East Grand School District and West Grand School District.
- (2) When money in lieu of land is recommended by the appropriate Board of Education, the following formula shall be applied:
  - (a) Dwelling units or lots up to an including four (4) units: 50% per unit/lot of the fixed rate of .090.
  - (b) Dwelling units or lots 5 or more: 20% per unit/lot of the affixed .090 rate.
- (3) To determine the cost per unit/lot, multiply the dedication percentage (50% or 20% of the total units/lots from 2 above) times the determined unit/lot value (.090) times the fair market value per acre of the developed land.

Example: 4 lots/units  
4 x .50 = 2  
2 x .090 = .18  
.18 x \$4,000/acre = \$720.00 school fees

Example: 100 lots/units  
100 x .20 = 20  
20 x .090 = 1.8  
1.8 x \$4,000/acre = \$7,200.00 school fees

(\$4,000/acre is an arbitrary number used for this example. When calculating this formula on a specific project, the fair market value per acre of the developed land would be used in place of the \$4,000/acre shown above.)

## 2.7 DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER

### (1) Storm Drainage

Land within an existing one hundred (100) year flood plain or land which is subject to inundation shall not be platted for occupancy unless the flooding condition is alleviated according to plans approved by the Grand County Planning Commission and the Board of County Commissioners. Refer to the Grand County Storm Drainage Design and Criteria Manual.

### (2) Sewer Plans and Designs

- (a) On-lot sewage disposal systems shall comply with the current Grand County Individual Sewage Disposal Regulations (under separate cover) adopted by the Grand County Board of Health and shall be designed and located so as to minimize or eliminate infiltration, avoid their impairment, or their contamination to surrounding areas during or subsequent to flooding.
- (b) Sanitary sewer plans other than on-lot sewage disposal systems shall comply with applicable standards and technical procedures adopted by the Colorado State Board of Health (Document Title: "Design Criteria for Wastewater Treatment Works, @ 1973, 1979 and as amended or supplemented.") and the "Grand County Administrative Regulations for New and Major Extensions of Existing Domestic Water and Sewage Treatment Systems."
- (c) Central sewage collection, treatment and disposal facilities shall be required in subdivisions with a net density of greater than one (1) dwelling unit per acre, including conversions of existing structures into apartment houses (greater than four (4) units), townhouses and/or condominiums. Such facilities may be required in other subdivisions of lower density where percolation tests, well depths or other indications reveal soils unsuitable for individual septic tank systems. Subdividers, and others interested in land development are responsible for investigating sewage disposal capabilities and/or problems prior to land acquisition. Conventional Septic Systems are not allowed.
- (d) Sewer line sizes shall conform to the applicable building code or as a minimum to the following standards:

Sewer Mains: Eight (8) inches diameter  
Sewer Laterals: Four (4) inches diameter up to twenty-nine (29) units.  
Six (6) inches diameter for thirty (30) units or more.

(3) **Water Supply**

- (a) Water supply systems shall be provided consistent with the standards of the requirements of these Regulations. Where the subdivider proposes that individual on-lot water supply systems be constructed within the subdivision, the subdivider shall install such facilities, or shall require by deed restriction or otherwise as a condition of the sale of each lot within the subdivision, that the facilities be installed by the purchaser of said lot at the time the principal building is constructed. Proof of adequate water supply for any proposed development shall be submitted pursuant to §29-20-103 Colorado Revised Statutes.
- (b) Water supply systems, whether on-lot or otherwise, located in flood plain areas, shall be designed and located so as to minimize or eliminate infiltration and avoid their impairment during or subsequent to flooding.

(4) **Central Water Systems**

- (a) "Design Criteria for Potable Water Systems" this State of Colorado Publication is to be used in total (document available from Colorado Department of Public Health).
  - (b) Other regulations for central water systems are contained in the document: "Grand County Administrative Regulations for Major Extensions of Existing Domestic Water and Sewage Treatment Systems" (document under separate cover, available from Grand County).
  - (c) Central water systems conforming to the standards herein listed are required in subdivisions of a net density greater than one (1) unit per acre, including conversions of existing structures into apartment houses (greater than four (4) units), townhouses and/or condominiums.
- (5) Development of or conversion of existing structures to townhouses, condominiums, or apartment houses (greater than four (4) units) in linear subdivisions that have plats that were approved and recorded prior to the adoption date of these regulations, may be exempted from the central water system requirements providing all of the following provisions are met:
- (a) That the water supply conforms to all the standards for on-lot potable water systems listed in previous sections of these regulations;
  - (b) That central sewage collection is provided in conformance with the standards listed in previous sections of these regulations;
  - (c) That on-lot water storage for fire protection be provided in conformance with the standards listed in the following sections of these regulations;

- (6) All lines are to be looped; dead ends are not allowed.
- (7) Water line sizes shall conform to the applicable building code or as a minimum to the following standards:

<u>Water Mains</u>	Six (6) inches diameter <u>minimum</u>
<u>Water Laterals</u>	
1-2 living units:	Three quarters (3/4) inch diameter
3-12 living units:	One (1) inch diameter
13-24 living units:	One and one-half (1-1/2) inch diameter
25+ living units:	Two (2) inch diameter

**2.8 DESIGN STANDARDS FOR FLOOD HAZARD, FIRE HAZARD AND GEOLOGICAL HAZARD AREAS**

In areas determined to have significant flood, fire or geological hazards the Planning Commission may, in the interest of public safety, require developers to submit for review plans to eliminate or reduce hazards to a reasonable level. Such plans may include, but are not limited to engineering designs, fuel modification, emergency water systems, etc.

**2.9 DESIGN STANDARDS FOR MINERAL RESOURCE AREAS**

- (1) Prior to initiation of exploration of site operation the operator or developer will provide a general exploration or development plan to the Planning Commission for review to insure compliance with applicable federal, state and county regulations.
- (2) In areas where surface and mineral rights are divided, the surface developer will show proof that the mineral owner has been notified of proposed surface development or improvement C.R.S.§24-65.5-103. Said proof may be in the form of a legal publication, one time, in a newspaper of general circulation in Grand County.
- (3) Surface development may not preclude development of mineral resources, however, preference may be given to another use if sufficient technical or other evidence demonstrates that the economic value of the minerals present is less than the value of the other use.
- (4) Mineral extraction and exploration are prohibited if such activity would cause significant danger to the public health and safety.

**2.10 ADDRESSING REQUIREMENTS FOR ENHANCEMENT OF 911 EMERGENCY SYSTEM**

Prior to approval of the final plat:

- (1) The developer will provide, at his expense, a black line mylar(s) 14" x 18", depicting each lot number along with addresses for each lot created according to a formula provided by the Planning and Zoning Department. The mylar(s) will also contain the name of the subdivision and the section(s), township(s) and range(s) in which the subdivision is located.

- (2) Corner lots and double facing lots are to be given an address off of each street adjacent to said lot.
- (3) Named streets will also be assigned a County Road number. The developer will be required to meet with the Grand County Road and Bridge Supervisor to determine appropriate road numbers. The developer will be required to install road signs of the size required by the Grand County Road and Bridge Supervisor and in the location required by the Grand County Road and Bridge Supervisor. The developer will be required to install these signs at his expense.

#### **2.11 SLASH REMOVAL/DISPOSAL**

- (1) The preferred method for removal of excess forest materials (slash) in subdivisions requiring the clearing of forested areas for lots, roads, utilities, etc., is mulching and chipping. Supplemental methods for slash removal are to separate for firewood collection, remove all saleable lumber or use other methods which do not involve burning of slash from subject property. Excess slash may not be disposed of at any Grand County landfill. All stumps shall be buried. Cost estimates for mulching and chipping or other slash removal methods, whether used or not, are required at preliminary plat submittal of the subdivision.
- (2) If burning methods are used to dispose of slash materials from subject property, the subdivider of said property must contact the Colorado State Forest Service and the local fire protection district, if any, to receive guidelines and technical direction on burning methods before recording of the final plat.

#### **2.12 SOLID FUEL BURNING DEVICES – REPEALED Resolution 2016-7-34**

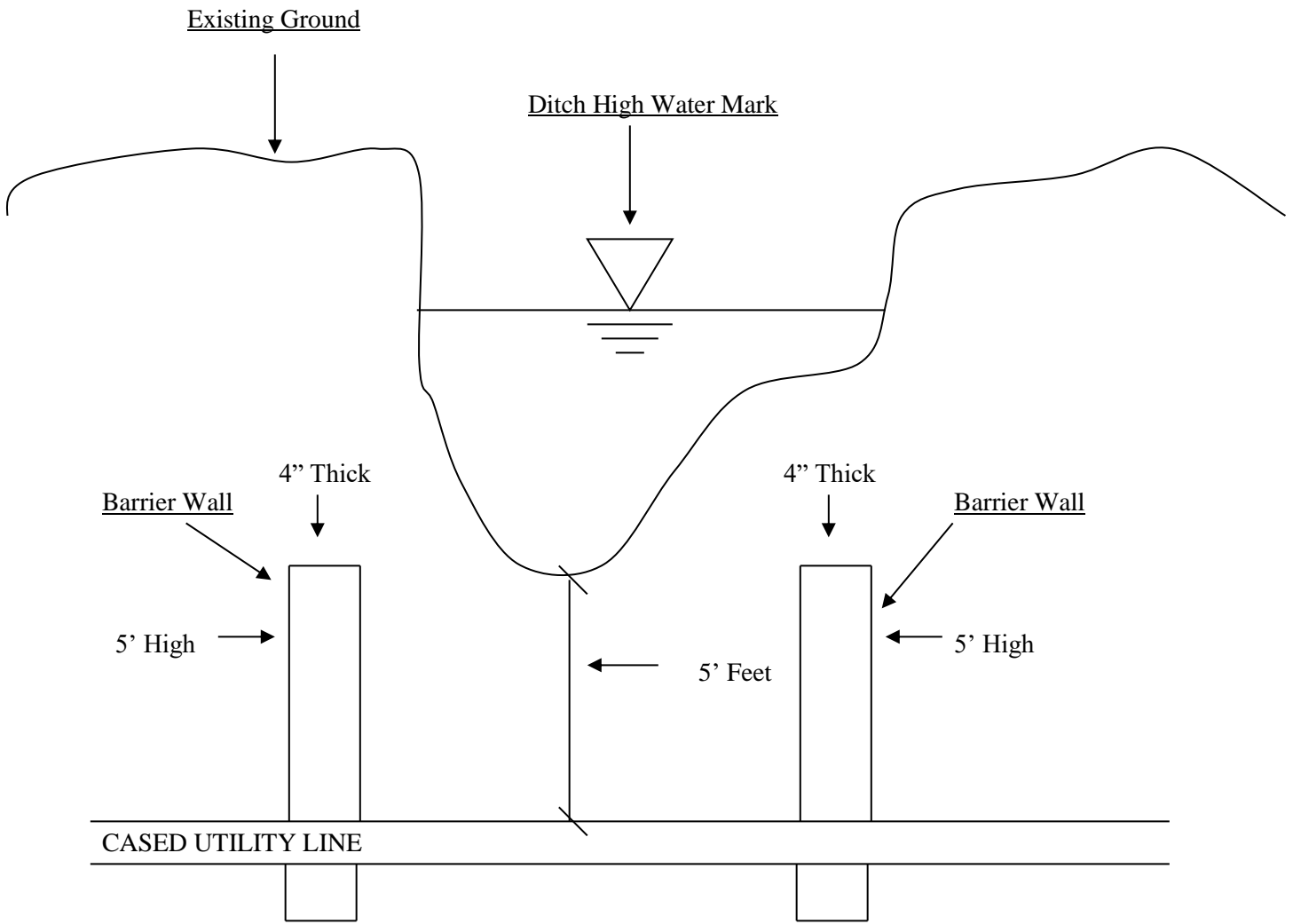
#### **2.13 DITCH CROSSINGS**

Development of land that contains irrigation ditches requires that the developer and all future land owners respect the rights of the ditch owner(s) to access and maintain the ditch without any increased burden of maintenance or liability due to the development of the land. Subdivision plans shall minimize ditch crossings. If crossings are necessary, at a minimum, the following rules shall apply:

- (1) Crossing shall be at roads or driveways whenever possible.
- (2) The crossing shall be sized so as to not interfere with the ditch operation or alter the existing flow characteristics (e.g. width, depth, slope, velocity or pattern).
- (3) Provide access to the ditch from all roads that allows vehicles and maintenance equipment access to the ditch, on both sides.
- (4) Approval from the ditch owner or ditch company to cross the ditch easement prior to any disturbance of the ditch may be required. The developer shall be required to provide the ditch easement owner with design drawings and hydraulic analysis of the proposed crossing. The developer or owner is responsible for all costs associated with any review of plans or specifications for ditch crossings by the ditch company.
- (5) An executed agreement binding the property owner and all successor property owners to accept all liability for damage caused by any improvements installed within the ditch or ditch easement.

- (6) An executed agreement that requires current and successor property owners to maintain the ditch crossing and to keep it and the ditch access easement safe and clean at all times. Maintenance shall include but not be limited to trash removal as well as repair or replacement of the crossing when necessary. Ditch owners or easement owners shall be notified in writing by certified mail prior to any disturbance within the ditch easement.
- (7) The Board of County Commissioners, through the Planning and Zoning Department, may require specific improvements to the ditch crossings in order to limit the liability of ditch owners or ditch easement owners caused by any approved ditch crossings or improvements. These improvements may be required in order to minimize the possibility of flooding or to protect downstream water rights. The cost of these improvements shall be paid by the developer.
- (8) All utilities crossing the ditch must be cased, at as near a right angle as feasible and installed at a minimum of five (5) feet from the bottom of the ditch to the top of the casing. This is to allow for future cleaning and ditch maintenance.
- (9) Any approved ditch crossing by any utility company shall be cased so future maintenance of the carrier pipe will not interfere with the operation of the ditch. Additionally, the location of any crossing shall be clearly marked on each side of the irrigation ditch.
- (10) All open cuts across any irrigation ditch are only allowed during the off season while the ditch is dry and shall be replaced with a four (4) inch thick barrier wall constructed of impermeable soil. The barrier walls shall meet soil classification CL or ML-CL and shall be compacted to 95 percent of the standard proctor density. The barrier wall shall be constructed so as to prevent water flow along the utility trench.
- (11) Utilities installed during the irrigation season while the ditch is in operation must be bored as to not interrupt the operation of the ditch.

# IRRIGATION DITCH UTILITY CROSSING





## ARTICLE III

### IMPROVEMENTS REQUIRED

In each new subdivision the subdivider and the Planning Commission shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationships to surrounding areas. Improvements shall be made by the subdivider at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Planning Commission. Security for improvements must be acceptable to the County Attorney. Letter of Credit must be secured by a Colorado Bank. The Applicant(s)/Developer(s) will be responsible for paying all engineering fees associated with any new subdivision. In addition to the initial costs associated with the development the applicant/developer will be responsible for ongoing engineering fees throughout the project (i.e. traffic study reviews, subdivision improvement inspections, etc.).

#### 3.1 SURFACE IMPROVEMENTS

- (1) Permanent survey monuments shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado Registration number of the land surveyor responsible for the establishment of said monument.
- (2) **Street Paving**  
Paving will be required in all Business and Unclassified zone districts. All roads in a subdivision having a planned development greater than three (3) units per acre (not including platted streets in such calculations) shall be paved. All new roads having a trip generation of 1,500 ADT's shall be paved. Refer to Grand County Road and Bridge Standards.
- (3) **Curbs, Gutters and Sidewalks**  
Refer to the Grand County Road and Bridge Standards.
- (4) County Road number signs shall be installed at all intersections in the subdivision according to the County Road numbers assigned by the Grand County Road and Bridge Supervisor. Street name signs may also be installed, as approved by the Planning Commission, but must be placed under the road number designation sign required. The developer will be required to install road signs of the size required by the Grand County Road and Bridge Supervisor and in the location required by the Grand County Road and Bridge Supervisor. The developer will be required to install these signs at his expense.
- (5) Trees may be planted and are encouraged in all new subdivisions in open areas. All road cuts and fills shall be replanted or seeded to grass by the subdivider.
- (6) All combustible materials and other debris, including fallen trees and stumps removed from the subdivision roads shall be removed from the subdivision to avoid disease and fire hazards.

#### 3.2 UTILITIES

- (1) A potable water supply shall be provided as per Article II, Section 2.7, (3 & 4).

- (2) **Fire Protection - Non-Centralized Water Systems**  
Developments not served by a municipal, district, or private water distribution system capable of supplying required fire flow shall be served with fire protection facilities which at least meet the following:
- (a) An accessible water storage facility equivalent to at least seven hundred and fifty (750) gallons per unit in multi-family, includes conversions of existing structures to apartment houses (greater than four (4) units), condominiums and townhouses developments is required.
  - (b) Such water shall be available and accessible for fire protection use on a year-round basis. Each facility shall be marked with a posted sign stating "Fire Department Use No Parking".
  - (c) The storage facility shall be separate from the structure at an accessible location and shall have a valve on the line that fills the water storage tank.
  - (d) The storage facility shall be underground at sufficient depth or within the confines of a separate building to prevent freezing.
  - (e) This water storage facility may be shared with other buildings in up to a fire engine driving distance of no greater than five hundred (500) feet. The number of shared units are to be determined by the local Fire Department.
- (3) **Fire Protection - Centralized Water Systems (as defined in Article II, Section 2.7 (4))**
- (a) Required fire protection facilities shall be in place and fully operational prior to the commencement of any building construction.
  - (b) All areas served by a centralized water distribution system shall be required to provide a minimum of six (6) inch water main lines and six (6) inch water inlets on all hydrants with a minimum residual water pressure of twenty (20) pounds per square inch.
  - (c) Fire hydrants shall not be more than five hundred (500) feet from any single family residential structure or three hundred and fifty (350) feet from any multi-family residential, commercial, institutional, or industrial structure. All hydrant outlet connections shall be compatible with local fire district diameter and thread sizes. The hydrant will be of a traffic hazard type with safety features to prevent barrel breakage.
  - (d) Fire hydrants must deliver a water flow rate of five hundred (500) gallons per minute or better for residential areas and seven hundred and fifty (750) gallons per minute or better for commercial areas.
  - (e) The quality and material specifications for fire protection systems as well as review approvals from local Fire Districts must be submitted for review and are subject to the approval of the Board of County Commissioners. Proposed specifications should include the following:

- (i) The strength rating for distribution piping and fittings with fire flow demand is to have a minimum safety factor of four (4) times the anticipated internal operating pressure.
- (ii) The system is to be designed for a minimum service life of fifty (50) years.
- (iii) Provisions for sufficient cover to prevent freezing.
- (f) Each fire district or Fire Department must review these plans in event of any individual problems or additional fire protection requirements. These plans then will be submitted to the Board of County Commissioners during the Preliminary Plat Stage review.

### 3.3 EMERGENCY SERVICE IMPACT FEES

#### Sections

- (1) Purpose
- (2) Definitions
- (3) Imposition of Impact Fees
- (4) Impact Fee Amount
- (5) Alternative Calculation Study
- (6) Time for Payment of Impact Fee
- (7) Use of Impact Fees
- (8) Credit for Improvements
- (9) Unpaid Impact Fees
- (10) Adjustment and Review of Impact Fees
- (11) Application

#### (1) Purpose

The purpose of this Section is to:

- (a) Provide a rational system for identifying and mitigating growth-related costs associated with growth and development and the expansion of emergency services and facilities made necessary by land development activities, a growing population and economic activity levels.
- (b) Ensure that the impact fees established by this Section are based on, and do not exceed, the cost of providing additional Capital Improvements necessitated by new development.
- (c) Regulate the use and development of land to ensure that new development bears a roughly proportionate share of the cost of capital expenditures necessary to provide adequate emergency services within Grand County.
- (d) Assure that the system of impact fees implemented in this Section is linked to a Capital Improvements program designed to provide the facilities and equipment for which the impact fees are imposed.

#### (2) Definitions

##### (a) Capital Improvement

##### (i) Includes

- (1) Fire Protection or emergency medical, rescue and ambulance service planning, preliminary architectural and engineering services, architectural and engineering design studies, land surveys, land acquisition, site improvements and off-site improvements associated with new or expanded facilities used for fire protection or emergency medical, rescue and ambulance service;
  - (2) Construction of buildings and facilities used for fire protection or emergency medical, rescue and ambulance services;
  - (3) Purchase of fire suppression or emergency medical, rescue and ambulance apparatus and equipment, including communications equipment, with an average useful life of at least five years, necessary to adequately protect and defend new development and its inhabitants.
- (ii) **Excludes**  
 Periodic or routine maintenance of facilities and equipment, personnel costs or operational expenses.
- (b) **Developer**  
 A person or entity that commences a Land Development Activity Requiring Additional Emergency Services and Development Approval.
- (c) **Development Approval**  
 The approval of any final planned unit development or subdivision plat following the effective date of this Section. Development Approval also included the approval of any building permit for building activities for which an Impact Fee has not been previously paid.
- (d) **Impact Fee**  
 A fee for fire protection or emergency medical, rescue and ambulance service established by this Section.
- (e) **Emergency Services Provider**  
 A governmental entity providing public fire protection, emergency medical, rescue and ambulance services or any combination of such services.
- (f) **Fire Protection**  
 The prevention and extinguishment of fire, protection of life and property from fire, and enforcement of municipal, county, district, and state fire protection codes.
- (g) **Fiscal Impact Fee Study**  
 A study prepared by an outside engineer or consultant that mathematically calculates the fiscal impact of future demand for services on existing facilities of the applicable Emergency Service Provider, as approved by resolutions of the Board of County Commissioners.

(h) **Land Development Activity Requiring Additional Emergency Services**  
Any activity requiring a Development Approval that requires additional Capital Improvements as identified in the Fiscal Impact Study. When a change of use, redevelopment or modification of an existing use requires Development Approval, the Impact Fee shall be based upon the net increase in the Impact Fee for the new use as compared to the previous use.

(3) **Imposition of Impact Fees**

Any Developer who seeks a Development Approval for a Land Development Activity Requiring Additional Emergency Services is required to pay an Impact Fee in the manner and amount set forth in this Section.

(4) **Impact Fee Amount**

The amount of any Impact Fee to be charged shall be set and revised from time to time by resolution of the Board of County Commissioners.

(5) **Alternative Calculation Study**

In lieu of computation of the Impact Fee in accordance with the formula in Section (d) above, the Developer may prepare and submit, to the applicable Emergency Service Provider for review and recommendation to the County, a site-specific fiscal impact and Impact Fee calculation study for the Development Approval requested. The site-specific fiscal impact and Impact Fee calculation study shall follow the prescribed methodologies and formats established by the applicable Emergency Service Provider. The fiscal impact fee study submitted shall show the basis upon which the site-specific Impact Fee calculation was made, and such calculation shall reflect the same level of service and standards contemplated by the Fiscal Impact Fee Study. The site-specific fiscal impact and Impact Fee calculation study shall be prepared and presented by professionals qualified in their respective fields. The County Planner shall consider the documentation submitted by the Developer and recommendation of the Emergency Service Provider, but is not required to accept such documentation or recommendation. If the County Planner determines that an acceptable site-specific fiscal impact and Impact Fee calculation study has not been presented, the Developer shall pay the Impact Fee based upon the amount set pursuant to Section (d) above. Determinations made by the County Planner pursuant to this paragraph may be appealed to the Board of County Commissioners by filing a written request with the Clerk to the Board of County Commissioners within ten (10) days of the County Planner's determination. Following the submittal of such request, the Board of County Commissioners shall hold a public hearing to determine the amount of the Impact Fee that shall be paid prior to the Development Approval.

(6) **Time for Payment of Impact Fee**

A Developer requesting approval of a Land Development Activity Requiring Additional Emergency Services shall pay the Impact Fee according to the following timeline, except as otherwise provided in this Section when the total Impact Fee cannot be calculated:

(a) In the case of a planned unit development, subdivision, subdivision exemption or rural land use process approval, at the time of recording of a final plat or plan.

(b) In the case of a building permit for which an Impact Fee has not previously been paid, prior to issuance of the building permit.

(7) **Use of Impact Fees**

- (a) All Impact Fees collected pursuant to this Section shall, within sixty (60) days following payment to the County, be transferred to the applicable Emergency Service Provider for which the Impact Fee was established by the resolution adopted pursuant to Section (4) above.
- (b) All Impact Fees collected pursuant to this Section shall be deposited by the applicable Emergency Service Provider, in an interest-bearing account which clearly identifies the category, account, or fund of capital expenditure for which such charge was imposed. Each such category, account, or fund shall be accounted for separately. The Emergency Service Provider shall determine whether the accounting requirement shall be by category, account, or fund and by aggregate or individual land development. Any interest or other income earned on moneys deposited in said interest-bearing account shall be credited to the account.
- (c) Impact Fees shall be used exclusively for Capital Improvements.
- (d) No Impact Fees shall be used for periodic or routine maintenance, personnel costs, or operational expenses.
- (e) In the event bonds or similar debt instruments are used to fund Capital Improvements prior to collecting the necessary Impact Fees, once collected, Impact fees may be used to pay debt service on such bonds or similar debt instruments.
- (f) The County may enter into an intergovernmental agreement with the applicable Emergency Service Providers regarding the method of collection and administration of the Impact Fee program.

(8) **Credit for Improvements**

Upon approval by the Board of County Commissioners, the applicable Emergency Service Provider shall calculate the amount of any credit that shall be granted to any Developer for the amounts due or to become due for Capital Improvements installed, purchased, and paid for by such Developer when such Capital Improvements offset the need or amount of the Impact Fee that would otherwise be required.

(9) **Unpaid Impact Fees**

The Board of County Commissioners reserves the right to withhold or revoke any permits, certificates, or other approvals for any land or building for which the payment of Impact Fees is delinquent.

(10) **Adjustment and Review of Impact Fees**

The amount of the Impact Fee shall be reviewed and adjusted as follows.

- (a) The Impact Fee shall be adjusted annually for inflation, effective January 15 of each year. The adjustment shall be based upon the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index, or an equivalent

index applicable to Grand County.

- (b) The Board of County Commissioners shall, annually, in conjunction with the presentation of the County's proposed budget, recommend any further adjustments to the Impact Fee, following consultation with the applicable Emergency Service Provider.
- (c) No less frequently than every five (5) years, the applicable Emergency Service Provider shall provide an updated Fiscal Impact Fee Study.

(11) **Application**

The requirements of this Section shall apply only within the jurisdiction and boundaries of an Emergency Service Provider for which a resolution setting an Impact Fee has been adopted pursuant to Section (4), above.

**3.4 LANDSCAPING**

Landscaping/revegetation shall be included in the cost estimate. Landscaping/revegetation requirements may be subject to more restrictive standards set forth by other regulations within the County (for example: Three Lakes Design Review Area).

The objective of a Landscape Plan is to provide a sustainable approach to ensure revegetation of the disturbed site, and to improve aesthetics of the built facilities in a sustainable manner upon completion of a new development. A multi-family development will include landscape features for all open space tracts, and areas disturbed during installation of utilities. A single-family development may include landscape features at the point the development enters a county road, as well as areas disturbed during installation of utilities. Landscaping shall be designed anticipating mature vegetation and shall not interfere with roadway site distances or overhead lines. If necessary, irrigation designs and costs shall be included in the construction plans and cost estimate.

The design shall be completed and signed by a Landscape Architecture, Horticulturist, or revegetation specialist (resource specialist, engineer, etc.) approved by the County. The construction cost shall include all features shown in the landscape plan, maintenance requirements for established plantings, and a two-year warranty.

All landscaping shall not interfere with the intersection site triangle. The landscaping plan shall be designed anticipating fully mature plantings.

**3.5 OTHER IMPROVEMENTS**

Other improvements not specifically mentioned herein but found appropriate and necessary due to unusual conditions found on the site shall be constructed at the Subdivider's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Planning Commission.

**3.6 GUARANTEE OF COMPLETION**

No final plat shall be signed by the Board of County Commissioners until the improvements required by these Subdivision Regulations have been constructed and approved by the appropriate County Officials having jurisdiction over such improvements, or until one (1) of the following assurances is given to the Board of County Commissioners for the completion of the required improvements:

- (1) A Subdivision Improvements Agreement agreeing to construct any required public

improvements shown in the final plat documents together with collateral which is sufficient, in the judgment of said Board, to make reasonable provision 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 said Board, 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 on-site inspection and approval, the Board shall release said collateral. If the Board determines that any such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider 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 subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board of County Commissioners may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with such specifications.

### **3.7 POST CONSTRUCTION**

The County shall review and compare all construction with the Construction Plans approved at Final Plat and any design revisions made during construction. A request for construction review shall not be submitted between October 1<sup>st</sup> and April 1<sup>st</sup> due to variable weather conditions in Grand County, Colorado. A request for review may be denied if snow accumulation is present.

#### **PRELIMINARY ACCEPTANCE**

Prior to Preliminary Acceptance the following items shall be supplied to the County:

- (1) Record Drawings for the improvements shall be submitted at the time the letter requesting monies release is submitted. Release of monies shall not occur if the County determines deviations are present which have not received prior approval.
- (2) A letter or letters of acceptance and responsibility for maintenance of the improvements by the appropriate utility company, special district, or town for all utilities and roads.
- (3) A letter from the appropriate fire authority stating that fire hydrants are in place, in accordance with the approved plans. The letter shall also state that the fire hydrants are operational and provide the results of the fire flow tests.
- (4) Certifications.



- (5) Quality control test results shall be submitted for all phases of the project in accordance with the schedule for minimum materials sampling, testing, and inspection as found in CDOT's Materials Test Procedure Module.
- (6) Photos (if applicable).
- (7) Field Notes (if applicable).
- (8) Any addendums/changes to the Final Plat Submittal.
- (9) Any other pertinent information associated with the Construction.

If any substantial variations or discrepancies are discovered between the approved construction plans and the improvements actually constructed, the Engineer shall propose and recommend a solution or alternative solutions to the County for review and approval. If no proposed alternative will satisfy the requirements of these Standards, the Engineer shall submit a variance request or the Applicant shall reconstruct the deficient public improvements to comply with the approved construction plans.

Findings of Preliminary Acceptance may influence security release, as found in the Subdivision Improvements Agreement.

### **CERTIFICATIONS**

The following certifications shall be required on letterhead with stamp, seal, date and shall address the appropriate construction plans/ documents that the professional is approving.

#### **ENGINEER**

The licensed engineer of record shall review the information required in Section 2.6.1 to state that the actual construction and materials used are in substantial compliance with the county accepted construction design plans.

"I, \_\_\_\_\_, A DULY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF COLORADO, STATE THAT CONSTRUCTION HAS BEEN COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE CONSTRUCTION PLANS APPROVED BY GRAND COUNTY, AS DETERMINED BY REVIEW OF THE RECORD DRAWINGS AND DURING PERIODIC ON-SITE OBSERVATIONS DURING AND AFTER THE COURSE OF CONSTRUCTION AS DETERMINED BY ME OR UNDER MY DIRECT SUPERVISION. DATE: \_\_\_\_\_."

#### **GEOTECHNICAL ENGINEER**

THE GEOTECHNICAL ENGINEER OF RECORD SHALL SUPPLY GRAND COUNTY WITH A LETTER STATING THAT, BASED ON THE RESULTS OF THE QUALITY CONTROL TEST RESULTS, CONSTRUCTION WAS COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE PAVEMENT

DESIGN AND GEOTECHNICAL RECOMMENDATIONS APPROVED BY GRAND COUNTY.

"I, \_\_\_\_\_, A DULY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF COLORADO, STATE THAT CONSTRUCTION HAS BEEN COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE FINAL GEOTECHNICAL REPORT APPROVED BY GRAND COUNTY, AS DETERMINED BY COMPLETION AND REVIEW OF THE QUALITY CONTROL TEST RESULTS AND DURING PERIODIC ON-SITE OBSERVATIONS DURING AND AFTER THE COURSE OF CONSTRUCTION AS DETERMINED BY ME OR UNDER MY DIRECT SUPERVISION. DATE: \_\_\_\_\_."

**LANDSCAPE ARCHITECT**

The Landscape Architect of record will supply Grand County with a letter stating that, based on the actual landscaped place on site, the landscape was in substantial compliance with the county accepted construction design plans.

"I, \_\_\_\_\_, A DULY LICENSED LANDSCAPE ARCHITECT IN THE STATE OF COLORADO, STATE THAT CONSTRUCTION HAS BEEN COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE LANDSCAPE PLANS APPROVED BY GRAND COUNTY, AS DETERMINED BY PERIODIC ON-SITE OBSERVATIONS DURING AND AFTER THE COURSE OF CONSTRUCTION AS DETERMINED BY ME OR UNDER MY DIRECT SUPERVISION. DATE: \_\_\_\_\_."

**FINAL ACCEPTANCE**

Consideration for Final Acceptance shall be no less than two (2) years from Preliminary Acceptance. If upon final inspection of the Subdivision Improvements, the County finds the Subdivision Improvements are not substantially free of defects in materials and workmanship or have not been repaired or maintained as required under the Subdivision Improvements Agreement, the County shall issue a written notice of noncompliance within 14 days after the final inspection specifying the respects in which the Subdivision Improvements are not substantially free of defects in materials and workmanship or have not been repaired and maintained as required under the Subdivision Improvements Agreement. The Applicant shall thereupon take such action as is necessary to cure any noncompliance and, upon curing the same, shall request a new Final Re-inspection from the County. The release of monies shall be contingent on County review and acceptance. A letter requesting final acceptance from engineer/landscape architect/geotechnical engineer shall be signed, stamped and sealed.

## **ARTICLE IV PROCEDURE**

After the subdivider has reached preliminary conclusions concerning the feasibility and design of his proposed subdivision, he shall prepare and submit a sketch plan as provided in Section 4.1 below for the approval from the Grand County Planning Commission and the Board of County Commissioners of Grand County as to general layout, density, general location of buildings and open space for his proposed subdivision. The purpose of this review is to insure that the proposed development is in accordance with the Grand County Master Plan, that adequate utilities and access are available, and to insure that the property on which the subdivision is proposed is at least apparently suitable for subdivision in the manner contemplated by the subdivider.

After the approval, conditional approval, or disapproval from the Grand County Planning Commission and the Board of County Commissioners has been received, the subdivider shall, if he wishes to subdivide his land, prepare a preliminary plat and required supplemental material for presentation to and approval by the Planning Commission. The purpose of this preliminary review is to check the proposed subdivision against the design standards and improvement requirements and to be sure that the zoning standards have been met. Thorough analysis of the problem at this stage and the sketch plan stage will expedite approval of the final plat and will prevent the repeating of extensive calculations and drafting required for the final plat. The preliminary plat shall include all land intended for subdivision.

The final plat together with required supplemental material shall represent the subdivision actually to be developed. Guarantees of completion of required improvements will be necessary before the plat will receive final approval and be recorded, and before any lots may be sold.

### **4.1 SKETCH PLAN**

- (1) A subdivider shall consult with the County Planning Director regarding his proposed subdivision and shall submit a sketch plan of his subdivision prior to submission of the materials required for preliminary plat approval; the following items shall be submitted by the subdivider with the sketch plan:
  - (a) Relevant site characteristics and analyses applicable to the proposed subdivision.
  - (b) Reports concerning streams, lakes, topography, geology, soils and vegetation
  - (c) Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.
  - (d) In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.
  - (e) Repealed (December 20, 1977)
  - (f) A sketch drawing and other documentation showing the proposed layout or plan of development, including the total development area, the total number and types of dwelling units and other buildings, the total area of green belt and open space and their location, and the proposed area for school sites if applicable.
- (2) A sketch plan shall be processed as follows:

- (a) Fifteen (15) copies of the sketch drawing, together with required supplemental material, shall be presented by the subdivider to the Secretary of the Planning Commission and shall be accompanied by a processing fee that is required per the current Grand County Department of Planning and Zoning Fee Schedule.
- (b) The Planning Commission and its staff shall complete its review of the proposed development within thirty (30) days of the receipt of the sketch plan. At the next regular meeting following completion of its review, that is the first regular meeting thirty (30) days after submittal of the sketch plan, the Planning Commission shall discuss with the subdivider any changes deemed advisable in the proposed plan and shall approve, conditionally approve, or disapprove the proposed plan. Specific findings shall be made regarding the subdivision's compliance with the comprehensive master plan, the availability of utilities and access, and the apparent suitability of the site for subdivision. The Planning Commission shall specify the required review agencies to whom the preliminary plan shall be submitted as said agencies are identified in Section 4.2 (3) (c) of these Regulations. If the Planning Commission fails to designate the review agencies, the Director of the Department of Planning and Zoning or his authorized representative may specify said agencies. A decision by the Planning Commission may be delayed until a subsequent meeting date only with the consent of the subdivider. Approval or conditional approval of its sketch plan shall be valid for one (1) year and if no preliminary plat in conformance with the sketch plan is submitted to the Secretary of the Planning Commission, with all required accompanying material, within one (1) year, a new sketch plan shall be submitted. Extensions of the approval must be requested in writing prior to the one (1) year expiration date when good cause is shown.
- (c) Within thirty (30) days after the approval, conditional approval or disapproval of the sketch plan by the Planning Commission, it shall be presented to the Board of County Commissioners of Grand County for their approval, conditional approval or disapproval. They shall be presented to the Board of County Commissioners and a decision by the Board of County Commissioners shall not be delayed for more than thirty (30) days without the subdivider's consent. An approval or conditional approval of a sketch plan by the Board of County Commissioners shall be valid for the same period as the approval or conditional approval of the Planning Commission.
- (d) After submission and review of the sketch plan by the Planning Commission and Board of County Commissioners the subdivider shall, if he wishes to subdivide his property, submit a preliminary and final plat in conformance with the Grand County Subdivision Regulations.

**(3) POSTING AND MAILING NOTIFICATION REQUIREMENTS FOR SKETCH PLAN APPLICATIONS**

**(1) MAILING**

- (a) Written notice shall be mailed, first-class postage to adjacent property owners of the proposed development at least fifteen (15) days prior to the Planning Commission Meeting for sketch plan.

- (b) All fees and costs will be the responsibility of the applicant. The applicant will be billed and the payment must be received prior to the Sketch Plan Planning Commission meeting.

**(2) POSTING**

A sign shall be posted on the property using signs furnished by the Applicant at least fifteen (15) days prior to the Planning Commission Meeting for the sketch plan. The sign shall remain on the property for the duration of the project until Final Plat is recorded. Signs shall be set back no more than twenty five (25) feet from the street and shall be erected in full view of the public on each street side of the land subject to the application. Once posted, if anything would happen to the sign, (ex. large amounts of snow), the occurrence shall not be deemed a failure to comply with the standards or be grounds to challenge the validity of any decisions made on the application.

**(3) SIGN SIZE**

- (a) The size of the sign shall be 24"x 30". Proof of sign placement by way of photograph will be delivered to staff electronically or service mail.

- (b) All costs and placement of the signs will be the responsibility of the applicant

**(4) SIGN FORMAT**

The Sign shall follow the format:

NOTICE OF (DEVELOPMENT NAME, DATE)

APPLICANT NAME: \_\_\_\_\_  
APPLICANT PHONE: \_\_\_\_\_  
APPLICANT EMAIL: \_\_\_\_\_  
PROPOSED PROJECT: \_\_\_\_\_

LEGAL DESCRIPTION AND ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

Contact the Department of Planning and Zoning at 970-725-3347 x 140 or email [creynolds@co.grand.co.us](mailto:creynolds@co.grand.co.us) with questions or concerns. The Planning Commission Agenda's and Board of County Commissioner Agenda's are available online at [www.co.grand.co.us](http://www.co.grand.co.us)

**4.2 PRELIMINARY PLAT**

- (1) The preliminary plat shall be prepared as follows:

- (a) The design shall be in accord with the subdivider's plans for actual development and therefore shall be a true representative of the subdivision which may eventually be recorded.

- (b) The drawing shall be made at a scale of not less than one inch (1") equals one hundred feet (100'), on a reproducible medium with outer dimensions of not more than twenty-four inches (24") by thirty-six inches (36"), and shall be accompanied by one (1) overall map showing the entire development at a legible scale.

- (c) A vicinity map shall accompany the preliminary plat. The vicinity map shall be at a scale of not less than one inch (1") equals two thousand feet (2,000'), extending at least two (2) miles beyond the proposed subdivision, showing existing streets and highways, natural drainage courses, municipal and special district boundaries, sites for proposed water and sewage treatment facilities and similar major natural or man-made features of the area. In addition, areas needed for new streets, schools, parks and rezoning should be shown on the vicinity map when appropriate. U.S. Geological Survey Topographical maps are acceptable vicinity maps.
- (2) The preliminary plat shall contain or be accompanied by the following information:
- (a) Proposed name of the subdivision.
  - (b) Location of the subdivision as part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner.
  - (c) Names and addresses of the subdivider, the engineer or designer of the subdivision, and land surveyor (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land Surveyors).
  - (d) Total acreage of the subdivision and tabulation of acreage in parks, open spaces, commercial land, residential lots, single and multi-family lots, and all other uses of the land with their respective percentages of the total area.
  - (e) Date of preparation, scale and north sign (designated as true North).
  - (f) Topography at five foot (5') intervals where the average slope is less than fifteen percent (15%) provided the same interval is used throughout the subdivision (interval used to be clearly indicated on plat).
  - (g) Designation of areas subject to periodic flooding and the volume of water during such floods.
  - (h) Evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system, and if other method or 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; where septic tanks and drain fields are used, percolation tests will be taken on every lot; these tests will be submitted to the Colorado State Health Department prior to submitting for preliminary approval.
  - (i) The names of abutting subdivisions and the names of the owners of abutting unplatted property.
  - (j) Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses, and other important features within and adjacent to the tract to be subdivided.

- (k) Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools or other public use.
- (l) The location and size of existing and proposed utilities within or adjacent to the tract. Evidence that provisions have been made for facility sites, easements, and rights of access for electrical, natural gas, phone and cable utility services sufficient to ensure reliable and adequate service for the proposed subdivision when applicable. Submission of a letter of agreement between the subdivider and utility serving the site shall be deemed sufficient to establish that adequate provision for services to a proposed subdivision has been made.
- (m) Proposed sites, if any, for multiple-family residential use, business areas, industrial areas, churches, schools, parks and other public uses.
- (n) Site data, including the number of residential lots and typical lot sizes.
- (o) Proof of availability of adequate water supply to service the proposed development. If individual water supplies are to be used, a registered geologist's report confirming the adequacy of the supply and stating the expected aquifer depths shall be furnished, such report to be sufficiently comprehensive as to be appropriate for all lots in the subdivision.
- (p) Such additional preliminary information as may be required by the Planning Commission in order to adequately describe proposed utility systems, surface improvements or other construction projects contemplated within the area to be subdivided.
- (q) Application form for zoning the area to be subdivided or an application form for rezoning when so required.
- (r) A copy of any proposed Restrictive Covenants for the subdivision, and a copy of proposed Articles of Incorporation and any Bylaws of any lot owners' association.
- (s) Total number of square feet of proposed non-residential floor space.
- (t) Total number of proposed off-street parking spaces, excluding those associated with single family residential development.
- (u) Estimated total number of gallons per day of water system requirements where a distribution system is proposed.
- (v) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed or, sewage disposal means and suitability where no central sewage treatment facility is proposed.
- (w) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution systems, sewage collection systems, storm drainage facilities, and such other utilities as may be required of the developer by the County.

- (x) Adequate evidence that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include but shall not be limited to:
    - (i) An approved water augmentation plan in conjunction with the project from the Colorado Division of Water Resources - Office of the State Engineer.
    - (ii) Evidence of ownership or right of acquisition of or use of existing and proposed water rights.
    - (iii) Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.
    - (iv) Evidence concerning the potability of the proposed water supply for the subdivision.
  - (y) Maps and tables concerning suitability of types of soil in the proposed subdivision, in accordance with the National Cooperative Soil Survey as prepared by a qualified geologist.
  - (z) Proof of Compliance with the Colorado Common Interest Ownership Act, if applicable.
  - (aa) A title insurance commitment or attorney's title opinion showing that the subdivider is the owner of all land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use, or for common use by all lot owners are free and clear from all liens and encumbrances except patent reservations and except liens and encumbrances which cannot be extinguished, released, or purchased by the developer, it shall be sufficient if the mortgage joins in the dedication.
- (3) The preliminary plat shall be processed as follows:
- (a) Thirty-five (35) copies of the preliminary plat together with any required supplemental material, and a processing fee that is required per the current Grand County Department of Planning and Zoning Fee Schedule to cover the cost of County review, shall be presented by the subdivider to the Secretary of the Planning Commission at least fifty-five (55) days prior to the Planning Commission meeting at which the subdivider wishes his plat to be considered. In addition, sufficient copies of the plat and supplemental material shall be delivered to the Secretary of the Planning Commission so as to provide all necessary material for the review agencies as specified by the Planning Commission at the time of the approval of the sketch plan, or if not so specified, as specified by the Director of the Department of Planning and Zoning. The subdivider shall be responsible for all review fees. Said fees shall be provided to the County Planning Department prior to the Board of County Commissioners review of the preliminary plat.



- (b) The Subdivider shall certify that notice has been provided to the mineral estate owner pursuant to C.R.S. §24-65.5-101 et al., which includes time and place of the Preliminary Plat hearing before the Planning Commission, nature of the hearing, location of the property that is the subject of the hearing, and name of the applicant. The name and address of the mineral estate owner are required to be provided within said certification of notice. Grand County shall, pursuant to C.R.S. §24-6-402(7) et al., provide notice of subsequent hearings to Mineral Estate Owners who register for such notification.
  
- (c) Referral and review requirements. Upon receipt of a complete preliminary plan for submission, the Secretary of the Planning Commission or his authorized representative shall distribute copies of the plan to the agencies specified by the Planning Commission at the time of the sketch plan approval or if none were specified by the Planning Commission, as the Director of the Department of Planning and Zoning may specify. Said agencies may include the following:
  - (i) Cities, towns, or adjoining counties located within two (2) miles of the area to be subdivided.
  - (ii) School district serving the area.
  - (iii) Private utility companies (such as electric, gas, cable, ditch companies and telephone companies) serving the area.
  - (iv) Special districts (such as water, sanitation and fire districts) serving the area.
  - (v) When appropriate, to the Colorado State Highway Department, U.S. Forest Service, Bureau of Land Management and other State and Federal agencies to be designated by the Planning Commission.
  - (vi) The County Assessor.
  - (vii) To the Colorado State Forest Service, when applicable.
  - (viii) To the local soil conservation district board or boards within the county for explicit review and recommendations regarding soil suitability and flooding problems. Such referral should be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district.
  - (ix) When applicable, to the County, District, Regional, or State Department of Health, for their review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision.
  - (x) When applicable, to the State engineer for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with said

water supply evidence the State engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells.

- (xi) To the Colorado Geological Society for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land.
- (xii) The Middle Park Water Conservancy District for review of water rights and physical water supply information.

The agencies named in this Section shall make recommendations within twenty-one (21) days after the mailing by the County or its authorized representative of such plans unless a necessary extension of not more than thirty (30) days has been consented to by the subdivider and the Board of County Commissioners of the County in which the subdivision area is located. The failure of any agency to respond within twenty-one (21) days or within the period of an extension shall, for the purposes of the hearing on the plan, be deemed an approval of such plan; except that, where such plan involves twenty (20) or more dwelling units, a school district shall be required to submit within said time limit, specific recommendations with respect to the adequacy of school sites and the adequacy of school structures.

- (d) Along with the review by the interested agencies, the Planning Commission and its staff shall proceed with its own review. The Planning Commission shall endeavor to conclude its review prior to the meeting at which the subdivider wishes to have his development considered. Failure of the Planning Commission to approve, conditionally approve or disapprove the preliminary plat within two (2) successive regularly scheduled meetings at which the preliminary plan is considered shall constitute automatic approval, provided the subdivider or his authorized representative and the engineer or person who designed the preliminary plat shall have attended such regular meetings to discuss the plat. Provided, however, the Planning Commission may withhold approval of the plat for a longer period in order to await necessary rezoning or the accomplishment of any other essential requirements.
- (e) At the Planning Commission meetings following completion of the review provided for in the foregoing paragraphs, the Planning Commission shall discuss with the subdivider any changes deemed advisable and the kind and extent of improvements to be made by him. At such meeting the Planning Commission shall approve as submitted, disapprove, or approve with conditions, the preliminary plat, and shall provide the subdivider with a written statement of requirements to be met before final approval of the preliminary plat will be granted. Regardless of the type of approval, such approval of a preliminary plat shall be conditional for purposes of guidance and the preparation of a final plat which shall be submitted to the Planning Commission and Board of County Commissioners for final approval prior to recording. Approval of the preliminary plat shall be valid for no longer than one (1) year. An extension may be granted upon written request by the developer, for a good cause shown, or, in the case if a master plan preliminary plat showing a large, logically planned development, the period of approval may be valid for up to thirty-six (36)

months. This period of time shall be stated by the Planning Commission at the time of approval of the master plan preliminary plat. A timetable outline for final plat submission may be incorporated into the statement of requirement.

- (f) Any conditions of approval of the preliminary plat or a copy of the statement of requirements shall be noted in the minutes of the meeting of the Planning Commission. Within thirty (30) days after the approval, conditional approval or disapproval of the Preliminary Plat by the Planning Commission, it shall be presented to the Board of County Commissioners of Grand County for their approval, conditional approval or disapproval. The subdivider shall be advised of the date when the Preliminary Plat shall be presented to the Board of County Commissioners and a decision by the Board of County Commissioners shall not be delayed for more than thirty (30) days without the subdivider's consent. An approval or conditional approval of a Preliminary Plat by the Board of County Commissioners shall be valid for the same period as the approval or conditional approval of the Planning Commission.

#### **4.3 FINAL PLAT**

- (1) The final plat shall be prepared as follows:
  - (a) The design shall conform to the preliminary plat and the statement of requirements and, if desired by the subdivider, may constitute only that portion of the approved preliminary plat which is proposed for immediate recording.
  - (b) The drawing shall be made at a scale of one inch (1") equals one hundred feet (100'), on mylar with other dimensions of twenty-four inches (24") by thirty-six inches (36"). It shall be accompanied by one (1) overall map showing the entire development at a legible scale. Good draftsmanship will be required in order for all information to be accurate and legible. Any improvements needing engineering design, such as drainage requirements, requirements for stabilizing unstable land, and sewer and water system requirements, shall be designed by a duly licensed engineer hired by the developer, and such design shall be submitted with the final plat.
- (2) The final plat shall contain or be accompanied by the following information, and shall be submitted to the County Planner in the Department of Planning and Zoning at least four (4) weeks prior to the Planning Commission meeting at which the subdivider wishes his subdivision considered:
  - (a) Title, scale, North arrow, and date.
  - (b) Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the subdivider is recorded.
  - (c) Primary control points, or description and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  - (d) Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lot and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of

all curves with long chord bearings and distances.

- (e) Names and right-of-way width of each street or other rights-of-way.
- (f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.
- (g) Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre.
- (h) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (i) Location and description of monuments.
- (j) Current title commitment.
- (k) Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

**DEDICATION**

KNOWN ALL MEN BY THESE PRESENTS: That (Owner's Name) is the owner of that real property situated in Grand County, Colorado, more fully described as follows: (Legal Description). That he has caused said real property to be laid out and surveyed as (Subdivision Name), and does hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF (Owner's Name) has caused his name to be hereunto subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Owner's Name)

STATE OF COLORADO )

ss

COUNTY OF GRAND )

The foregoing instrument was acknowledged before me this\_\_ day of \_\_\_\_\_, 20\_\_ by (Owner's Name).

My Commission Expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public

- (l) Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final subdivision plat, to be in substantially the following form:

**SURVEYOR'S CERTIFICATE**

I, (Surveyor's Name) , a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of (Subdivision Name) truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

\_\_\_\_\_  
(Surveyor's Signature)

(Surveyor's stamp and registration number shall appear with this certificate)

- (m) Certificates for approval by the Planning Commission and the Board of County Commissioners as follows:

**PLANNING COMMISSION CERTIFICATE**

Approved this \_\_\_ day of \_\_\_\_\_, 20\_\_ by the Grand County Planning Commission, Grand County, Colorado.

\_\_\_\_\_  
Chairman

**COMMISSIONER'S CERTIFICATE**

Approved and all public dedications accepted this \_\_\_ day of \_\_\_\_\_, 20\_\_ by the Board of County Commissioners of Grand County, Colorado. Acceptance of this platted subdivision by the County of Grand does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County. Until such roads and rights-of-way meet County specifications and are specifically accepted for maintenance by Resolution of the Board of County Commissioners of Grand County, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within the subdivision. This approval does not guarantee that the size or soil conditions of any lot shown herein are such that a Building Permit may be issued.

\_\_\_\_\_  
Chairman  
Board of County

- (n) Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations, as follows:

**PLANNER'S CERTIFICATE**

I, (we), (Firm or Individual's Name), being a qualified professional engineer, or engineering, designing or planning firm, certify that this plat of (Subdivision Name) has been engineered, designed and planned in accordance with all applicable design standards and other requirements of the Grand County Subdivision Regulations.

\_\_\_\_\_  
(Authorized Signature)  
(Title)

- (o) A two and one-half by three inch (2-1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.
- (p) The executed original of the Restrictive Covenants and Articles of Incorporation and Bylaws of any owners' association showing filing of the Articles in the office of the Secretary of State of the State of Colorado.
- (q) A vicinity map.
- (r) The subdivider shall provide:
  - (i) Storm drainage plans and related designs, in order to insure proper drainage ways.
  - (ii) Property survey and proof of ownership.
  - (iii) Sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems. (Percolation test will be taken on every lot where individual sewage disposal systems are used and the depth of the ground water table will be indicated.)
- (s) The subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. Such provisions may include:
  - (i) Reservations of such sites and land areas for acquisition by the County.
  - (ii) Dedication of such sites and land areas to the County, or the public, or in lieu thereof, payment of a sum of money not exceeding the fair market value of such sites and land areas. Any such sums, when required, shall

be held by the Board of County Commissioners for the acquisition of said sites and land areas.

- (iii) Dedication of such sites and land areas for the use and benefit of the owners and future owners in the proposed subdivision.
  - (t) No subdivision shall be approved until such data, surveys, analyses, studies, plans, and designs as may be required by this section and by the County Planning Commission or the Board of County Commissioners have been submitted, reviewed and found to meet all sound planning and engineering requirements of the County contained in these Subdivision Regulations.
  - (u) Major Activity Notice. Whenever a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the governing body of the municipality in which the activity is proposed shall send notices to the Colorado Land Use Commission and the Board of County Commissioners of Grand County of the proposal prior to approval of any zoning change, subdivision, or building permit application associated with such a proposed activity.
  - (v) Each month the Board of County Commissioners or their appointed representative shall transmit to the Colorado Land Use Commission copies of the notice of filing and a summary of information of such subdivision preliminary plan and plat submitted to them together with a report of each exemption granted by the Board of County Commissioners on such form as may be prescribed by the Colorado Land Use Commission.
  - (w) A 14" x 18" black-line mylar(s) with approved addresses and road numbers as required.
  - (x) Statement of taxes due showing current taxes paid.
  - (y) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at [www.blm.gov/gcdb](http://www.blm.gov/gcdb). The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.
- (3) The final plat shall be processed as follows:
- (a) Within the period of time set forth after approval of the preliminary plat, the original and fifteen (15) prints of a proposed final plat, together with the original and twelve (12) copies of any Restrictive Covenants and any required supplemental materials, shall be filed by the subdivider with the Secretary of the Planning Commission. Such filing shall be at least four (4) weeks in advance of a regular Planning Commission meeting. The plat and accompanying documents shall be accompanied by a processing fee required per the current Grand County Department of Planning and Zoning Fee Schedule.

- (b) At the next regular meeting the Planning Commission shall review the final plat for conformity with the approved preliminary plat, the statement of requirements, and other requirements of these Regulations. The Planning Commission may refer the final plat to its staff for further review and verification. The Planning Commission may approve or disapprove the final plat at such meeting or may defer its decision until the second regular meeting following filing with the Secretary of the Planning Commission. If the Planning Commission shall disapprove the final plat, it shall prepare a written statement of defects, setting forth all of its reasons for disapproval. Such statement of defects shall be signed by the Chairman of the Planning Commission.
- (c) Following approval of the final plat by the Planning Commission, the secretary of the Planning Commission shall retain the plat together with all supplemental documents for presentation to the Board of County Commissioners at their next regular meeting. The Board shall check the final plat, especially with regard to required improvements and the acceptance of areas dedicated for public use and shall approve or disapprove the final plat. At such meeting the required guarantees of completion of the roads and improvements shall be provided by the subdivider.
- (d) If all required improvements have not been completed or guarantees of completion submitted and approved by the Planning Commission or the Board of County Commissioners, the plat shall be retained by the secretary of the Planning Commission pending such completion of guarantees.
- (e) Following approval of the final plat by the Board of County Commissioners and the completion of the required improvements, the secretary of the Planning Commission shall record the final plat, Restrictive Covenants and Articles of Incorporation and Bylaws of any owners' association in the office of the Clerk and Recorder of Grand County. The subdivider shall be responsible for all recording fees. Approval of any Final Plat shall expire after one (1) year if not recorded in the Office of the Grand County Clerk and Recorder following the date of the Board of County Commissioners Final Plat approval. One (1) year extensions may be requested in writing by the developer and will be considered by the Board of County Commissioners.
- (f) All subdividers and developers of land shall report all sales of parcels of land and subdivision lots by contract or otherwise to the County Planner twice a year, thirty (30) days prior to the end of the year; and thirty (30) days prior to the end of July.
- (g) Upon final approval, the County shall require the payment of \$1,000.00 per lot if served by Individual Sewage Disposal Systems, and \$500.00 per lot if served by central wastewater treatment for water quality impact fees to be used by the County as follows:
  - (i) Compliance with C.R.S. §30-28-136(1)(g), as now enacted or hereinafter amended.
  - (ii) Studies to establish need for new water or wastewater treatment facilities.



- (iii) Studies for expansion and upgrades to existing water and wastewater treatment facilities.
- (iv) Studies to establish impacts and causes of non-point source pollution to surface and ground water.
- (v) Purchase of water to help dilute surface or ground water pollution caused by either point or non-point source pollution.
- (vi) Studies to establish the impact of individual sewage disposal systems on ground and surface water.
- (vii) Purchase of property needed to accommodate new wastewater treatment facilities.
- (viii) Purchase of property to accommodate expansion of wastewater treatment facilities.
- (ix) Partial or total funding for expansion of wastewater main lines into areas deemed to significantly contribute to point or non-point source pollution when outside of approved special district boundaries.
- (x) Studies to determine impact of point or non-point source pollution on fish and aquatic invertebrate.
- (xi) 201 Facilities Plan or update.
- (xii) Any other item that would address water quality impacts, as deemed to be necessary, in the sole discretion of the Board of County Commissioners.

Contribution of these funds will be set forth in a Water Quality/Wastewater Agreement. Payment will be as set forth in this agreement.

#### **4.4 AMENDED FINAL PLAT**

No exterior boundary changes are allowed. Amended Final Plats shall be reviewed under the Final Plat provisions within these regulations unless the Board of County Commissioners determines that additional review is necessary. The Board of County Commissioners may require compliance with any additional items listed under the Preliminary Plat and/or Final Plat process.

## **ARTICLE V**

### **DESIGN STANDARDS FOR DEVELOPMENT OF, OR CONVERSION TO CONDOMINIUMS, TOWNHOUSES, AND APARTMENT HOUSES (GREATER THAN FOUR (4) UNITS)**

#### **5.1 SCOPE**

- (1) Except as herein provided, design standards for apartment houses, condominiums, townhouses or conversions to apartment houses, condominiums and/or townhouses shall be those required by Article II of these Regulations. In addition, the requirements in this Article shall also apply.
  
- (2) In each new apartment house, condominium, townhouse or conversion of existing structures to apartment houses, (greater than four (4) units) condominiums, and/or townhouses, constructed in Grand County will, to some degree, affect the character and environmental appeal of the land, the cost of services and maintenance to the purchasers and the County government, and the interests of investors in the subdivided land and the surrounding areas. New apartment houses, condominiums, townhouses and conversions of existing structures to apartment houses (greater than four (4) units), condominiums and/or townhouses shall provide safe, convenient travel routes to and from and within the apartment house, condominium, or townhouse area. Each area shall provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Area needs for flood channels, open space, parks, schools, fire stations, water and sewage treatment facilities and similar community facilities shall be considered and may be required depending on the location and density of each development. Although Article VIII of these Regulations provides for variances under certain circumstances, the Design Standards of Article II of these regulations and the following design standards shall apply.

#### **5.2 SPECIAL SITE CONSIDERATIONS**

- (1) Steep, unstable or swampy land, and land subject to inadequate drainage, avalanche or rock slides, shall be identified and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such sites shall not be platted for residential occupancy. Land not usable for residential purposes may be set aside for open land uses such as for parks, conservation areas, or various agricultural uses. Developments in suspected geological hazard areas will be designed or reviewed by a qualified professional geologist.
  
- (2) Any land subject to flooding or located in a natural drainage channel shall not be platted for occupancy until adequate provisions to eliminate or control hazards are made and approved by the Planning Commission. 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. Areas subject to flooding may be left as open space or reserved as easements.

- (3) Where a residential development borders a railroad or highway right-of-way, the Planning Commission may require a buffer strip of such an extent and type as may be practical, or other adequate protection against the hazards and undesirable effects of the railroad or highway.
- (4) Provision shall be made to preserve natural features of the site which would enhance the development, such as unusual rock formations, lakes, rivers, streams and trees, and the developer may be required to dedicate such features to the use of property owners or leases or provide easements for the preservation thereof.

### **5.3 STREETS, ALLEYS AND EASEMENTS**

All access roads to apartment houses, condominiums, or townhouses areas shall meet County standards. Those apartment houses, condominiums or townhouses placed on land which was in a recorded subdivision approved by the Grand County Planning Commission since May 6, 1970 shall be automatically approved, provided they conform to the other provisions of these Regulations. All apartment houses, condominiums, and townhouses to be placed on land not in an approved recorded subdivision since May 6, 1970 shall comply in full with the Regulations Article.

- (1) Streets shall be aligned to join with planned or existing streets adjacent to the development. The Planning Commission may require streets and roads to provide direct, continuous routes to all adjacent lands, whether such continuous routes to all adjacent lands, whether such adjacent lands have been subdivided or not, where no other legal access exists. The location of streets providing access to adjacent land shall be selected by the development planner, provided such location shall be reasonably calculated to provide usable access to the adjacent lands. Temporary cul-de-sacs shall be provided at the end of any street, giving access to adjacent lands until connecting streets on the adjacent lands have been constructed.
- (2) Streets shall be designed to bear a logical relationship to topography.
- (3) Whenever streets are not aligned, off-sets shall be at least one hundred thirty-five feet (135'), centerline to centerline.
- (4) All intersections shall be as nearly at right angles as possible.
- (5) Cul-de-sacs: Refer to the Grand County Road and Bridge Standards.
- (6) Dead-end streets, with the exception of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands.
- (7) Restriction of access shall be required when a development or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots 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 arterial highways.
- (8) Half streets shall be prohibited. When a proposed half street in one development is adjacent to another property, the approval of the adjacent owner shall be obtained and the

entire street shall be platted and dedicated by the owners. The responsibility for acquiring the additional rights-of-way shall be with the developer.

- (9) Reverse Curves: Refer to the Grand County Road and Bridge Standards.
- (10) Reverse strips controlling access to streets are permitted only when the control of such strips is given to the County under conditions approved by the Planning Commission.
- (11) Street Classification and Design Element Criteria: Refer to the Grand County Road and Bridge Standards.

#### **5.4 UTILITY METER INSTALLATIONS AND ACCESSES**

Every plat for an apartment house, condominium, or townhouse shall indicate at time of application, what type of utility metering system shall be installed (Separate-at-Unit or Gang-Box)

- (1) All plats describing installations of gang-box utility meters shall identify proper utility and private easements for installation, maintenance and emergency shut-off. All such easements shall be recorded and proofed thereof provided before final acceptance is given.
- (2) All plats describing installations of gang-box utility meters shall include detailed plans for such structures, including architecture, snow and ice ratings, intended accesses and any other design indication requested by the Planning Commission.

#### **5.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS**

- (1) Dedication of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements shall be required.
- (2) The Board of County Commissioners shall require the dedication, reservation or conveyance of areas or sites suitable for purposes such as parks, flood channels, scenic areas and green belts, of sixty percent (60%) of the total of land covered in the apartment house, condominium, or townhouse area dedication. That sixty percent (60%) of the land shall not include any buildings or parking areas. Driveways, however, as entrances to the parking areas may be permitted with Commission approval. Not more than forty percent (40%) of this project area, including common areas and roads, shall be taken up by buildings and parking areas. A reservation or dedication of areas for the use of owners of lots within the subdivision shall be acceptable for parks, scenic and open areas. In the event of reservation or dedication of any areas or streets for the use of owners of units within the apartment house, condominium, or townhouse area, the developer shall provide for the creation of an owners' association with powers of assessment for maintenance, improvements, and upkeep of such areas. The owners of an apartment house shall be responsible for upkeep in the apartment house area.

#### **5.6 DESIGN STANDARDS FOR FLOOD HAZARD, FIRE HAZARD, GEOLOGICAL HAZARD AND MINERAL RESOURCE AREAS**

- (1) The Planning Commission may require the developer to furnish appropriate technical

data and other information necessary to determine applicability to and other information necessary to determine applicability to and evaluation of developments on any land suspected of having significant flood hazard areas, fire hazard areas, geological hazard areas, and mineral resource areas. Technical data and other information requested by the Planning Commission will be prepared and certified by a professional, qualified in the appropriate field of expertise. If it is determined that a proposed development or a portion thereof lies within a hazard area or a mineral resource area, the Planning Commission may require, in the plans, to eliminate or reduce hazards to a reasonable level. Such plans may include, but are not limited to: engineering designs, fuel modification, emergency water systems, etc. In addition, if it is determined that a proposed development or a portion thereof lies within a flood hazard area or a mineral resource area, said area shall not be used unless the following standards and prohibitions are complied with:

(a) **Flood Hazard Areas**

- (i) Storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life, shall be prohibited.
- (ii) Solid waste disposal shall be prohibited within flood hazard areas.
- (iii) Development of any nature must be designed so as to prevent: substantial solid debris from being carried down stream, enlargement of a flood plain, or damage to or on lands other than those being proposed for development.
- (iv) Structures proposed in a flood plain must be adequately flood proofed to or over one foot (1') above maximum water elevation of an intermediate regional flood and be anchored to prevent flotation, collapse or lateral movement.
- (v) Development in a flood plain shall be consistent with the need to minimize flood damage.
- (vi) Sewage disposal systems shall be designed and located so as to minimize or eliminate infiltration, avoid their impairment, or their contamination of surrounding areas during or subsequent to flooding.
- (vii) Water supply systems located in flood plain areas shall be designed and located so as to minimize or eliminate infiltration and avoid their impairment during or subsequent to flooding.

(b) **Mineral Resource Areas**

- (i) Prior to initiation of exploration or site operation, the operator or developer will provide a general exploration or development plan to the Planning Commission for review to insure compliance with applicable federal, state and county regulations.
- (ii) In areas where surface and mineral rights are divided, the surface developer will show proof that the mineral owner has been notified of proposed surface development or improvements C.R.S. §24-65.5-103.

Said proof may be in the form of a legal publication, one (1) time, in a newspaper of general circulation in Grand County.

- (iii) Surface development may not preclude development of mineral resources, however, preference may be given to another use if sufficient technical or other evidence demonstrates that the economic value of the minerals present is less than the value of other use.
- (iv) Mineral extraction and exploration are prohibited if such activity would cause significant danger to the public health and safety.

## 5.7 SCHOOL LANDS

- (1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof in accordance with Article II, sub-section 2.6 above. The following formula is to be used to calculate school fees in lieu of dedication of land areas:

The determined unit value for the purpose of the dedication of school sites for money in lieu of school sites for Grand County is determined and established through educational criterion in both East Grand School District and West Grand School District.

- (2) When money in lieu of land is recommended by the appropriate Board of Education, the following formula shall be applied:
  - (a) Dwelling units or lots up to an including four (4) units: 50% per unit/lot of the fixed rate of .090.
  - (b) Dwelling units or lots 5 or more: 20% per unit/lot of the affixed .090 rate.
- (3) To determine the cost per unit/lot, multiply the dedication percentage (50% or 20% of the total units/lots from 2 above) times the determined unit/lot value (.090) times the fair market value per acre of the developed land.

Example:      4 lots/units  
                  4 x .50 = 2  
                  2 x .090 = .18  
                  .138 x \$4,000/acre = \$552.00 school fees

Example:      100 lots/units  
                  100 x .20 = 20  
                  20 x .090 = 1.8  
                  1.8 x \$4,000/acre = \$7,200.00 school fees

(\$4,000/acre is an arbitrary number used for this example. When calculating this formula on a specific project, the fair market value per acre of the developed land would be used in place of the \$4,000/acre shown above.)

## **5.8 ADDRESSING REQUIREMENTS TO ENHANCE 911 EMERGENCY SYSTEM**

- (1) The developer will provide, at his expense, a black-line mylar(s), 14" x 18", depicting each building and unit designation along with an individual address for each unit created, according to a formula provided by the Department of Planning and Zoning. The mylar(s) will contain the title of the development and the section(s), township(s) and range(s) in which it is located.
- (2) Units are to be addressed off of the street adjacent to the front of said buildings in which the units are located.
- (3) All plats containing gang-box utility meters shall identify emergency shut-off accesses.

## **5.9 SLASH REMOVAL/DISPOSAL**

- (1) The preferred method for removal of excess forest materials (slash) in subdivisions requiring the clearing of forested areas for lots, roads, utilities, etc., is mulching and chipping. Supplemental methods for slash removal are to separate for firewood collection, remove all saleable lumber or use other methods which do not involve burning of slash from subject property. Excess slash may not be disposed of at any Grand County landfill. All stumps shall be buried. Cost estimates for mulching and chipping or other slash removal methods, whether used or not, are required at preliminary plat submittal of the subdivision.
- (2) If burning methods are used to dispose of slash materials from subject property, the subdivider of said property must contact the Colorado State Forest Service and the local fire protection district, if any, to receive guidelines and technical direction on burning methods before recording of the final plat.

## **5.10 SOLID FUEL BURNING DEVICES – REPEALED Resolution 2016-7-34**

## **ARTICLE VI**

### **IMPROVEMENTS REQUIRED**

#### **6.1 SCOPE**

- (1) Except as herein provided, improvements required of apartment houses, condominiums, townhouses, and conversions of existing structures to apartment houses (greater than two (2) units), condominiums, and/or townhouses shall be those required by Article III of these Regulations. In addition, the requirements of this Article shall apply.
- (2) In each new apartment house, condominium, townhouse, or conversion of existing structures to apartment houses (greater than two (2) units), condominiums and/or townhouses, the developer and the Planning Commission shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to surrounding areas. Improvements shall be made by the subdivider at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Planning Commission.
- (3) Security for improvements must be approved by the County Attorney. Letter of Credit must be issued by a Colorado Bank.

#### **6.2 UTILITIES**

- (1) Storm drainage provisions shall be accomplished according to the conditions stated on the preliminary plat for easements, culverts, check dams, etc.
- (2) Underground placement of utility lines is required in order to preserve the natural character of the country, unless precluded by topographic conditions.

#### **6.3 EMERGENCY SERVICE IMPACT FEES**

Any developer of any subdivision wherein construction of an apartment, condominium or town house is anticipated, shall be responsible for payment of an emergency service impact fee. The regulations set forth under Section 3.3 of Article III, shall be applied in the same manner to this type of subdivision as any other type of subdivision.

#### **6.4 IMPROVEMENTS**

- (1) Off-street parking spaces shall be provided pursuant to zoning or other regulations adopted by the Board of County Commissioners of Grand County as of the date the preliminary plat is approved.
- (2) There shall be a maximum density of twenty (20) dwelling units per project acre.
- (3) Other improvements not specifically mentioned herein but found appropriate and necessary due to unusual conditions found on the site shall be constructed at the subdivider's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Planning Commission.



- (4) All driving surfaces designed in accordance with these regulations and as required by these regulations, including driveways and parking spaces, shall be surfaced with either concrete or asphalt to standards approved by the Grand County Road Engineer.
- (5) Prior to the issuance of a final Certificate of Occupancy by the Grand County Building Department, the developer will be responsible for attaching proper address plaques to each unit.

## **6.5 GUARANTEE OF COMPLETION**

No final plat shall be signed by the Board of County Commissioners until the improvements required by these Subdivision Regulations have been constructed and approved by the appropriate County officials having jurisdiction over such improvements, or until one of the following assurances is given to the Board of County Commissioners for the completion of the required improvements:

A cash deposit in escrow or corporate security bond in an amount sufficient to complete the Improvements plus an additional ten percent (10%) held as warranty security, with provision for payment of said amount to the Board of County Commissioners if developer fails to complete the improvements.

## **ARTICLE VII PROCEDURE**

After the developer has reached preliminary conclusions concerning the feasibility and design of his proposed apartment, condominium or townhouse, he shall prepare and submit a sketch drawing as provided in 7.1 below for the approval of the Grand County Planning Commission and Board of County Commissioners as to the general layout, density, general location of buildings and open space for his proposed subdivision. The purpose of this review is to insure that the proposed development is in accordance with the Grand County master plan, that adequate utilities and access are available, and to insure that the property on which the subdivision is proposed is at least apparently suitable for subdivision in the manner contemplated by the subdivider.

After the approval, conditional approval, or disapproval of the Grand County Planning Commission and the Board of County Commissioners has been received, the subdivider shall, if he wishes to subdivide his land, prepare a preliminary plat and required supplemental material for presentation to and approval by the Planning Commission. The purpose of this preliminary review is to check the proposed subdivision against the design standards and improvement requirements and to be sure that the zoning standards have been met. Thorough analysis of the problem at this stage and the sketch plan stage will expedite approval of the final plat and will prevent the repeating of extensive calculations and drafting required for the final plat. The preliminary plat shall include all land intended for subdivision.

The final plat together with required supplemental material shall represent the subdivision actually to be developed. Guarantees of completion of required improvements will be necessary before the plat will receive final approval and be recorded, and before any units may be sold.

Upon completion of construction for the development, the developer shall prepare and submit As-Built plats for review and approval by the Planning and Zoning Department. If the development has phased construction, As-Built plats are required at the end of each phase. The purpose of the As-Built plats is to check the development for compliance with its approved and recorded final plat. The As-Built plats are required to contain all information deemed necessary by the Board of County Commissioners, and contain all information required by C.R.S. §38-33.3-209. Approved and recorded As-Built plats are

required for Condominium Developments before a Certificate of Occupancy is issued by the grand County Building Department for the development. If review reveals a significant noncompliance with the final plat the developer is required to do an Amended Final Plat. An Amended Final Plat will have to meet all applicable criteria of Section 7.3, Final Plat, and requires approval from the Grand County Planning Commission and Board of County Commissioners.

## **7.1 SKETCH PLAN**

- (1) A subdivider shall consult with the County Planning Director regarding his proposed subdivision and shall submit a sketch plan of his subdivision prior to submitting the materials required for preliminary plat approval; the following items shall be submitted by the subdivider with the sketch plan:
  - (a) Relevant site characteristics and analyses applicable to the proposed subdivision.
  - (b) Reports concerning streams, lakes, topography, geology, soils and vegetation.
  - (c) Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.
  - (d) In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.
  - (e) Repealed (December 20, 1977).
  - (f) A sketch drawing and other documentation showing the proposed layout or plan of development area, the total number and types of dwelling units and other buildings, the total area of greenbelt, and open space and their location, and the proposed area for school sites if applicable.
- (2) A sketch plan shall be processed as follows:
  - (a) Fifteen (15) prints of the sketch drawing, together with required supplemental material, shall be presented by the subdivider to the Secretary of the Planning Commission and shall be accompanied by a processing fee required for the current Grand County Department of Planning and Zoning Fee Schedule.
  - (b) The Planning Commission and its staff shall complete its review of the proposed development within thirty (30) days of the receipt of the sketch plan. At the next regular meeting following completion of its review, that is the first regular meeting thirty (30) days after submittal of the sketch plan, the Planning Commission shall discuss with the subdivider any changes deemed advisable in the proposed plan and shall approve, conditionally approve, or disapprove the proposed plan. Specific findings shall be made regarding the subdivision's compliance with the comprehensive master plan, the availability of utilities and access, and the apparent suitability of the site for subdivision. The Planning Commission shall specify the required review agencies to whom the preliminary plan shall be submitted as said agencies are identified in Section 4.2 (3)(c) of these Regulations. If the Planning Commission fails to designate the review

agencies, the Director of the Department of Planning and Zoning or his authorized representative may specify said agencies. A decision by the Planning Commission may be delayed until a subsequent meeting date only with the consent of the subdivider. Approval or conditional approval of its sketch plan shall be valid for one (1) year and if no preliminary plat in conformance with the sketch plan is submitted to the Secretary of the Planning Commission, with all required accompanying material, within one (1) year, a new sketch plan shall be submitted.

- (c) Within thirty (30) days after the approval, conditional approval or disapproval of the sketch plan by the Planning Commission, it shall be presented to the Board of County Commissioners of Grand County for its approval. They shall make findings regarding the items referred to in (b) above. The subdivider shall be advised of the date when the sketch plan shall be presented to the Board of County Commissioners and a decision by the Board of County Commissioners shall not be delayed for more than thirty (30) days without the subdivider's consent. An approval or conditional approval by the Board of County Commissioners shall be valid for the same period as the approval or conditional approval of the Planning Commission.
- (d) After submission and review of the sketch plan by the Planning Commission and Board of County Commissioners the subdivider shall, if he wishes to subdivide his property, submit a preliminary and final plat in conformance with the Grand County Subdivision Regulations.

**(3) POSTING AND MAILING NOTIFICATION REQUIREMENTS FOR SKETCH PLAN APPLICATIONS**

**(1) MAILING**

- (a) Written notice shall be mailed, first-class postage to adjacent property owners of the proposed development at least fifteen (15) days prior to the Planning Commission Meeting for sketch plan.
- (b) All fees and costs will be the responsibility of the applicant. The applicant will be billed and the payment must be received prior to the Sketch Plan Planning Commission meeting.

**(2) POSTING**

A sign shall be posted on the property using signs furnished by the Applicant at least fifteen (15) days prior to the Planning Commission Meeting for the sketch plan. The sign shall remain on the property for the duration of the project until Final Plat is recorded. Signs shall be set back no more than twenty five (25) feet from the street and shall be erected in full view of the public on each street side of the land subject to the application. Once posted, if anything would happen to the sign, (ex. large amounts of snow), the occurrence shall not be deemed a failure to comply with the standards or be grounds to challenge the validity of any decisions made on the application.

**(3) SIGN SIZE**

- (a) The size of the sign shall be 24"x 30". Proof of sign placement by way of photograph will be delivered to staff electronically or service mail.

(b) All costs and placement of the signs will be the responsibility of the applicant

**(4) SIGN FORMAT**

The Sign shall follow the format:

NOTICE OF (DEVELOPMENT NAME, DATE)

APPLICANT NAME: \_\_\_\_\_

APPLICANT PHONE: \_\_\_\_\_

APPLICANT EMAIL: \_\_\_\_\_

PROPOSED PROJECT: \_\_\_\_\_

LEGAL DESCRIPTION AND ADDRESS

\_\_\_\_\_

Contact the Department of Planning and Zoning at 970-725-3347 x 140 or email [creynolds@co.grand.co.us](mailto:creynolds@co.grand.co.us) with questions or concerns. The Planning Commission Agenda's and Board of County Commissioner Agenda's are available online at [www.co.grand.co.us](http://www.co.grand.co.us)

**7.2 PRELIMINARY PLAT**

(1) The preliminary plat shall be prepared as follows:

- (a) The design shall be in accord with the developer's plans for actual development and therefore should be a true representation of the development which may eventually be recorded.
- (b) The drawing shall be made at a scale of not less than one inch (1") equals fifty feet (50') on a reproducible medium with outer dimensions of not more than twenty-four inches (24") by thirty-six inches (36").
- (c) The Subdivider shall certify that notice has been provided to the mineral estate owner pursuant to C.R.S. §24-65.5-101 et al., which includes time and place of the Preliminary Plat hearing before the Planning Commission, nature of the hearing, location of the property that is the subject of the hearing, and the name of the applicant. The name and the address of the mineral estate owner are required to be provided within said certification of notice. Grand County shall, pursuant to C.R.S. §24-6-402(7) et al., provide notice of subsequent hearings to Mineral Estate Owners who register for such notification.
- (d) A vicinity map shall accompany the preliminary plat. The vicinity map shall be at a scale of not less than one inch (1") equals two thousand feet (2,000'), extending at least two (2) miles beyond the proposed development, showing existing streets and highways, natural drainage courses, municipal and special district boundaries, sites for proposed water and sewage treatment facilities and similar major natural or manmade features of the area. In addition, areas needed for new streets, schools, parks, and rezoning should be shown on the vicinity map when appropriate. U.S. Geological Survey Topographical maps are acceptable vicinity maps.

- (a) A copy of an approved subdivision plat may be submitted in lieu of a vicinity map.
- (2) The preliminary plat shall contain or be accompanied by the following information:
- (a) Proposed name of the development.
  - (b) Location of the development as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner.
  - (c) Names and addresses of the developer, the architect, or designer of the development, and the land surveyor (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land Surveyors).
  - (d) The total area of the land to be affected by the apartment, condominium, or townhouse and the tabulation of square acreage in land to be built upon, parking area, open space, driveway; and each is to be stated as percentage of the total area.
  - (e) Date of preparation, scale and North sign (designated as true north).
  - (f) Topography at two foot (2') intervals where the average slope is less than fifteen percent (15%), provided the same intervals are used throughout the development (interval used to be clearly indicated on plat).
  - (g) Designation of areas subject to periodic flooding and the volume of water during such floods.
  - (h) Report of Colorado Department of Public Health approving soil percolation tests if individual sewage disposal systems are proposed.
  - (i) The names of abutting property owners except for condominiums which may be accomplished by having the condominium name, unit and building listed.
  - (j) Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses, and other important features within and adjacent to the tract to be subdivided.
  - (k) Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines, and areas to be reserved or dedicated for parks, schools, or other public uses.
  - (l) The location and size of existing and proposed utilities within or adjacent to the tract. Evidence that provisions have been made for facility sites, easements, and rights of access for electrical, natural gas, phone and cable utility services sufficient to ensure reliable and adequate service for the proposed subdivision when applicable. Submission of a letter of agreement between the subdivider and utility serving the site shall be deemed sufficient to establish that adequate provision for services to a proposed subdivision has been made.
  - (m) Proposed sites, if any, for multiple-family residential use, business area,

industrial areas, churches, schools, parks and other public uses.

- (n) Site data, including the number of residential units and typical floor plans.
  - (o) Proof of availability of adequate water supply to serve the development. This would be provided by documented proof of tap fees paid to the appropriate water service provider, or a letter of commitment from the water service provider guaranteeing service for the proposed subdivision. If the subdivision proposed requires the establishment of a central water system, proof of availability of adequate water supply to serve the development will be provided by the following:
    - i. An approved augmentation plan from the Colorado Division of Water Resources – Office of the State Engineer.
  - (p) Such additional preliminary information as may be required by the Planning Commission in order to adequately describe proposed utility systems, surface improvements or other construction projects contemplated within the area to be subdivided.
  - (q) Application form for zoning the area to be developed or an application form for rezoning when so required.
  - (r) A copy of any proposed Restrictive Covenants for the condominium and a copy of proposed Articles of Incorporation and Bylaws of any owners association.
  - (s) Maps and tables concerning suitability of types of soil in the proposed subdivision, in accordance with the National Cooperative Soil Survey as prepared by a qualified geologist.
  - (t) Proof of Compliance with Colorado Common Interest Ownership Act, if applicable.
  - (u) A title insurance commitment or attorney's title opinion showing that the subdivider is the owner of all land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use, or for common use by all lot owners are free and clear from all liens and encumbrances except patent reservations and except liens and encumbrances which cannot be extinguished, released, or purchased by the developer, it shall be sufficient if the mortgage joins in the dedication.
- (3) The preliminary plat shall be processed as follows:
- (a) Thirty-five (35) prints of the preliminary plat together with any required supplemental material, and a minimum processing fee required by the current Grand County Department of Planning and Zoning Fee Schedule to cover the cost of County review, shall be presented by the subdivider to the Secretary of the Planning Commission at least fifty-five (55) days prior to the Planning Commission meeting at which the subdivider wishes his plat to be considered. In addition, sufficient copies of the plat and supplemental material should be delivered to the Secretary of the Planning Commission so as to provide all

necessary material for the review agencies as specified by the Planning Commission at the time of the approval of the sketch plan, or if not so specified, as specified by the Director of the Department of Planning and Zoning. The subdivider shall be responsible for all review fees. Said fees shall be provided to the County Planning Department prior to the Board of County Commissioners review of the preliminary plat.

- (b) The subdivider shall obtain Letters of Evidence from his engineer, attorney, and one from himself, testifying that his subdivision meets all requirements of the Grand County Subdivision Regulations.
- (c) Referral and review requirements. Upon receipt of a complete preliminary plan for submission, the Secretary of the Planning Commission or his authorized representative shall distribute copies of the plan to the agencies specified by the Planning Commission at the time of the sketch plan approval or if none were specified by the Planning Commission, as the Director of the Department of Planning and Zoning may specify. Said agencies may include the following:
  - (i) Cities, towns or adjoining counties located with two (2) miles of the area to be subdivided.
  - (ii) School district serving the area.
  - (iii) Private utility companies (such as electric, gas, cable, ditch companies and telephone companies) serving the area.
  - (iv) Special districts (such as water, sanitation and fire districts) serving the area.
  - (v) When appropriate, to the Colorado State Highway Department, U.S. Forest Service, Bureau of Land Management and other State or Federal agencies to be designated by the Planning Commission.
  - (vi) County Assessor.
  - (vii) To the Colorado State Forest Service, when applicable.
  - (viii) To the local soil conservation district board or boards within the county for explicit review and recommendations regarding soil suitability and flooding problems. Such referral should be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district.
  - (ix) When applicable, to the County, District, Regional, or State Department of Health, their review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision.
  - (x) When applicable, to the State Engineer for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield

to supply the proposed development, and conditions associated with said water supply evidence. The State Engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells.

- (xi) The Middle Park Water Conservancy District; for review of water rights and physical water supply information.

The agencies named in this Section shall make recommendations within twenty-one (21) days after the mailing by the County or its authorized representative of such plans unless a necessary extension of not more than thirty (30) days has been consented to by the subdivider and the Board of County Commissioners of the County in which the subdivision area is located. The failure of any agency to respond within twenty-one (21) days or within the period of an extension shall, for the purposes of the hearing on the plan, be deemed an approval of such plan; except that, where such plan involves twenty (20) or more dwelling units, a school district shall be required to submit within said time limit specific recommendations with respect to the adequacy of school sites and, the adequacy of school structures.

- (d) Along with the review by the interested agencies, the Planning Commission and its staff shall proceed with its own review. The Planning Commission shall endeavor to conclude its review prior to the meeting at which the subdivider wishes to have his development considered. Failure of the Planning Commission to approve, conditionally approve or disapprove the preliminary plat within two (2) successive regularly scheduled meetings at which the preliminary plan is considered shall constitute automatic approval, provided the subdivider or his authorized representative and the engineer or person who designed the preliminary plat shall have attended such regular meetings to discuss the plat. Provided, however, the Planning Commission may withhold approval of the plat for a longer period in order to await necessary rezoning or the accomplishment of any other essential requirements.
- (e) At the Planning Commission meetings following completion of the review provided for in the foregoing paragraphs, the Planning Commission shall discuss with the subdivider any changes deemed advisable and the kind and extent of improvements to be made by him. At such meeting the Planning Commission shall approve as submitted, disapprove, or approve with conditions, the preliminary plat, and shall provide the subdivider with a written statement of requirements to be met before final approval of the preliminary plat will be granted. Regardless of the type of approval, such approval of a preliminary plat shall be conditional for purposes of guidance and the preparation of a final plat which shall be submitted to the Planning Commission and Board of County Commissioners for final approval prior to recording. Approval of the preliminary plat shall be valid for no longer than twelve (12) months except in the case of an extension granted upon application and for a good cause shown, or, in the case of a master plan preliminary plat showing a large, logically planned development, the period of approval may be valid for up to thirty-six (36) months. This period of time shall be stated by the Planning Commission at the time of approval of the master plan preliminary plat. A timetable outline for final plat submission may be incorporated into the statement of requirement.



- (f) Any conditions of approval of the preliminary plat or a copy of the statement of requirements shall be noted in the minutes of the meeting of the Planning Commission. Within thirty (30) days after the approval, conditional approval or disapproval of the Preliminary Plat by the Planning Commission, it shall be presented to the Board of County Commissioners of Grand County for their approval, conditional approval or disapproval. The subdivider shall be advised of the date when the Preliminary Plat shall be presented to the Board of County Commissioners and a decision by the Board of County Commissioners shall not be delayed for more than thirty (30) days without the subdivider's consent. An approval or conditional approval of a Preliminary Plat by the Board of County Commissioners shall be valid for the same period as the approval or conditional approval of the Planning Commission.

### **7.3 FINAL PLAT**

- (1) The final plat shall be prepared as follows:
  - (a) The design shall conform to the preliminary plat and the statement of requirements and, if desired by the developer, may constitute only that portion of the approved preliminary plat which is proposed for immediate recording.
  - (b) The drawing shall be made at a scale of one inch (1") equals one hundred feet (100'), on mylar with outer dimensions of twenty-four inches (24") by thirty-six inches (36"). Good draftsmanship shall be required in order for all information to be accurate and legible. Any improvements needing engineering design, such as drainage requirements, requirements for stabilizing unstable land, and sewer and water system requirements, shall be designed by a licensed engineer hired by the developer, and such design shall be submitted with the final plat.
- (2) The final plat shall contain or be accompanied by the following information:
  - (a) Title, scale, North arrow, and date.
  - (b) Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the subdivider is recorded.
  - (c) Primary control points, or descriptions and ties to such control point, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  - (d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances.
  - (e) Names and right-of-way width of each street or other rights-of-way.
  - (f) Location, dimensions and purpose of any easements, including reference by book and page to any pre-existing recorded easements.

- (g) Location and description of monuments.
- (h) Current title commitment.
- (i) Statement of owner platting the property and dedicating streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS: That (Owner's Name) is the owner of that real property situated in Grand County, Colorado, more fully described as follows:

(Legal Description)

That he has caused said real property to be laid out and surveyed as (subdivision name) , and does hereby dedicate and set apart all the streets, alleys, and other public ways and places shown on the accompanying plat for use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat.

IN WITNESS WHEREOF (Owner's Name) has caused his name to be hereunto subscribed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Owner's Name)

(STATE OF COLORADO)

ss

(COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this\_\_ day of\_\_\_\_\_, 20\_\_ by (Owner's Name) .

My commission expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public

- (j) Certification by a surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51 and the requirements of these Regulations in the preparation of the final condominium, apartment house, or townhouse plat, to be in substantially the following form:

**SURVEYOR'S CERTIFICATE**

I, (Surveyor's Name), a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of (Apartment, Condominium, or Townhouse name) truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statutes and by the Grand County Subdivision Regulations have been placed on the ground.

\_\_\_\_\_  
(Surveyor's Signature)

(Surveyor's stamp and registration number shall appear with this Certificate.)

- (k) Certificates for approval by the Planning Commission and the Board of County Commissioners as follows:

**PLANNING COMMISSION CERTIFICATE**

Approved this \_\_\_ day of \_\_\_\_\_, 20\_\_ by the Grand County Planning Commission, Grand County, Colorado.

\_\_\_\_\_  
Chairman

**COMMISSIONERS' CERTIFICATE**

Approved and all public dedications accepted this \_\_\_ day of \_\_\_\_\_, 20\_\_ by the Board of County Commissioners of Grand County, Colorado. Acceptance of this platted condominium (or apartment house or townhouse, if applicable) by the County of Grand does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County. Until such roads and rights-of-way meet County road specifications and are specifically accepted for maintenance by resolution of the Board of County Commissioners of Grand County, the maintenance, construction and all other matters pertaining to or affecting said roads or rights-of-way are the sole responsibility of the owners of the land embraced within this development. This approval does not guarantee that the size or soil conditions of any lot shown hereon are such that a Building Permit may be issued.

\_\_\_\_\_  
Chairman  
Board of County Commissioners  
Grand County, Colorado

- (l) Certification by a qualified professional engineering, designing or planning firm insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations, as follows:

**PLANNER'S CERTIFICATE**

I, (we), (Firm or Individual's Name), being a qualified professional engineer, or engineering, designing or planning firm, certify that this plat of (Condominium, Apartment House, or Townhouse Name) has been engineered, designed and planned in accordance with all applicable design standards and other requirements of the Grand County Subdivision Regulations.

\_\_\_\_\_  
(Authorized Signature)  
(Title)

- (m) A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder.
  - (n) The executed original of the Restrictive Covenants and Articles of Incorporation and Bylaws of any owners' association showing filing of the Articles in the office of the Secretary of State of Colorado.
  - (o) A vicinity map.
  - (p) Statement of taxes due showing current taxes paid.
  - (q) 14" x 18" black-line mylar(s) with approved addresses for each unit as required.
  - (r) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at [www.blm.gov/gcdb](http://www.blm.gov/gcdb). The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.
- (3) The final plat shall be processed as follows:
- (a) Within the period of time set forth after approval of the preliminary plat, the original and fifteen (15) prints of a proposed final plat, together with original and twelve (12) copies of any Restrictive Covenants and any required supplemental material, shall be filed by the developer with the Secretary of the Planning Commission. Such filing shall be at least four (4) weeks in advance of a regular Planning Commission meeting. The plat and accompanying documents shall be accompanied by a processing fee required per the current Grand County Department of Planning and Zoning Fee Schedule.

- (b) At the next regular meeting the Planning Commission shall review the final plat for conformity with the approved preliminary plat, the statement of requirements, and other requirements of these Regulations. The Planning Commission may refer the final plat to its staff for further review and verification. The Planning Commission may approve or disapprove the final plat at such meeting, or may defer its decision until the second regular meeting following filing with the secretary of the Planning Commission. If the Planning Commission shall disapprove the final plat, it shall prepare a written statement of defects, setting forth all of its reasons for disapproval. Such statement of defects shall be signed by the Chairman or Vice Chairman of the Planning Commission.
- (c) Following approval of the final plat by the Planning Commission, the secretary of the Planning Commission shall retain the plat together with all supplemental documents for presentation to the Board of County Commissioners at their next regular meeting. The Board of County Commissioners shall check the final plat, especially with regard to required improvements and the acceptance of areas dedicated for public use and shall approve or disapprove the final plat. At such meeting, the required guarantees of completion of the roads and improvements shall be provided by the subdivider.
- (d) If all required improvements have not been completed or guarantees of completion submitted and approved by the Planning Commission or the Board of County Commissioners, the plat shall be retained by the secretary of the Planning Commission pending such completion or guarantees.
- (e) Following approval of the final plat by the Board of County Commissioners and completion of the required improvements, the secretary of the Planning Commission shall record the final plat, Restrictive Covenants and Articles and Bylaws of any owners' association in the office of the Clerk and Recorder of Grand County. The developer shall be responsible for all recording fees. The subdivider shall be responsible for all recording fees. Approval of any Final Plat shall expire after one (1) year if not recorded in the Office of the Grand County Clerk and Recorder following the date of the Board of County Commissioners Final Plat approval. One (1) year extensions may be requested in writing by the developer and will be considered by the Board of County Commissioners.
- (f) Upon final approval, the County shall require the payment of \$500.00 per unit/lot for water quality impact fees to be used by the County as follows:
  - (1) Compliance with C.R.S. §30-28-136(1)(g), as now enacted or hereinafter amended.
  - (2) Studies to establish need for new water or wastewater treatment facilities.
  - (3) Studies for expansion and upgrades to existing water and wastewater treatment facilities.
  - (4) Studies to establish impacts and causes of non-point source pollution to surface and ground water.

- (5) Purchase of water to help dilute surface or ground water pollution caused by either point or non-point source pollution.
- (6) Studies to establish the impact of individual sewage disposal systems on ground and surface water.
- (7) Purchase of property needed to accommodate new wastewater treatment facilities.
- (8) Purchase of property to accommodate expansion of wastewater treatment facilities.
- (9) Partial or total funding for expansion of wastewater main lines into areas deemed to significantly contribute to point or non-point source pollution when outside of approved special district boundaries.
- (10) Studies to determine impact of point or non-point source pollution on fish and aquatic invertebrate.
- (11) 201 Facilities Plans or updates.
- (12) Any other item that would address water quality impacts, as deemed to be necessary, in the sole discretion of the Board of County Commissioners.

Contribution of these funds will be set forth in a Water Quality/Wastewater Agreement. Payment will be as set forth in this agreement.

#### **7.4 AS-BUILT PLATS AND MAPS**

- (1) The As-Built plats and maps shall be prepared as follows:
  - (a) The plats and maps shall show the development conforms to the approved and recorded final plat. Separate plats and maps are not required by this section if all information required is contained in either a plat or a map.
  - (b) The plats and maps shall be made at identical scale as the final plat of the apartment house, townhouse, or condominium, on Mylar with outer dimensions of twenty-four inches by thirty-six inches (24" x 36").
- (2) The As-Built plats shall contain all information required by C.R.S. §38-33.3-209, and also be accompanied with the following information:
  - (a) A Title, incorporating "As-Built Plat", scale, and North arrow.
  - (b) Legal description of property, together with a complete reference to the reception number of the recorded final plat.
  - (c) Primary control points, or descriptions and ties to such control point, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  - (d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, with accurate dimensions, bearings or deflection angles, and radii, arcs and

central angles of all curves with long chord bearings and distances.

- (e) Statement by developer certifying that the As-Built plat is in compliance with the approved and recorded final plat of the development:

KNOW ALL MEN BY THESE PRESENTS: That (Developers Name) hereby certifies that the As-Built Plat(s) of (Name of Development) is in compliance with the approved final plat, recorded at Reception number.

IN WITNESS WHEREOF (Developers Name) has caused his name to be hereunto subscribed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Developers Name

STATE OF COLORADO )

ss

COUNTY OF GRAND )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_ by (Developers Name).

My Commission Expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public

- (f) Certification by a Surveyor insuring accuracy of the As-Built Plat, and certifying that he has complied with the requirements of C.R.S. §38-33.3-209, Plats and maps, and the requirements of these regulations in the preparation of the As-Built Plat for the apartment house, townhouse, or condominium, to be in substantially the following form:

**SURVEYOR'S CERTIFICATE**

I, (Surveyor's Name), a duly licensed land surveyor in the State of Colorado, do hereby certify that this As-Built Plat of (Apartment House, Townhouse, or Condominium Name) truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with all applicable requirements of C.R.S. §38-33.3-209, Plats and maps, and Grand County Subdivision Regulations.

\_\_\_\_\_  
Surveyor's Signature

- (g) A two and one-half inch by three inch (2 ½" x 3") vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder.

- (h) A vicinity map.

**7.5 AMENDED FINAL PLAT**

No exterior boundary changes are allowed. Amended Final Plats shall be reviewed under the Final Plat provisions within these regulations unless the Board of County Commissioners determines that additional review is necessary. The Board of County Commissioners may require compliance with any additional items listed under the Preliminary Plat and/or Final Plat process.

**ARTICLE VIII  
ADMINISTRATIVE PROVISIONS**

**8.1 VARIANCES**

- (1) The Planning Commission may authorize variances from these Regulations in cases where, due to exceptional topographical conditions or other unusual conditions peculiar to the site, an unnecessary hardship is placed on the subdivider. Such variance 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 variance authorized shall be stated in writing in the minutes of the Planning Commission, with the justifications set forth.
  
- (2) These Regulations may be modified by the Planning Commission in the case of a plan for an entire neighborhood, community, town, or planned unit development having a development and building program that, in the judgment of the Planning Commission provides for adequate open spaces, traffic circulation and service needs when fully developed and populated. Variances may be granted subject to the approval of a site plan and the following provisions:
  - (a) The plan shall cover an area of not less than twenty (20) acres.
  - (b) Parks or open space platted within the large scale development plan shall be:
    - (i) Retained in title and maintained by the developer for the benefit of the residents through fees, lease arrangements or other acceptable methods; or
    - (ii) Deeded to an organization composed of the homeowners in the development and subsequently maintained by them.
  - (c) Covenants, restrictions, financial guarantees and other legal assurances to guarantee that the plan will be followed and developed shall accompany the plat.
  
- (3) Variances may be authorized only after due notice has been given and acknowledged by adjacent property owners.

**8.2 AMENDMENT**

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



### **8.3 SEVERABILITY**

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

- (1) If any provision of these Regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
  - (a) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
  - (b) Such decision shall not affect, impair or nullify these Regulations as a whole or the application thereof, but the rest of these Regulations shall continue in full force and effect.
- (2) 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 the 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.

### **8.4 REPEALS, EFFECTIVE DATE**

All Resolutions or Regulations of the Board of County Commissioners of Grand County inconsistent herewith, to the extent of such inconsistency, and no further, are hereby repealed. These Regulations and any amendments thereto shall be effective from the date of adoption or approval by the Planning Commission and the Board of County Commissioners of Grand County.

**SUBDIVISION REGULATIONS**  
**RESOLUTIONS**

ORIGINAL DEVELOPMENT STANDARDS ADOPTED by the Grand County Board of County Commissioners in 1970

ORIGINAL SUBDIVISION REGULATION ADOPTED by the Grand County Board of County Commissioners on October 27, 1971

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 1, 1972

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 31, 1972

AMENDED AND READOPTED by the Grand County Board of County Commissioners on March 22, 1973, Resolution No. 1973-3-10

AMENDED AND READOPTED by the Grand County Board of County Commissioners on December 3, 1973, Resolution No. 1973-12-2

AMENDED AND READOPTED by the Grand County Board of County Commissioners on January 22, 1974, Resolution No. 1974-1-4

AMENDED AND READOPTED by the Grand County Board of County Commissioners on June 29, 1976, Resolution No. 1976-6-14

AMENDED AND READOPTED by the Grand County Board of County Commissioners on March 15, 1977, Resolution No. 1977-3-3

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 17, 1977, Resolution No. 1977-5-4

AMENDED AND READOPTED by the Grand County Board of County Commissioners on December 20, 1977, Resolution No. 1977-12-19

AMENDED AND READOPTED by the Grand County Board of County Commissioners on April 3, 1978, Resolution No. 1978-4-5

AMENDED AND READOPTED by the Grand County Board of County Commissioners on April 22, 1980, Resolution No. 1980-4-4

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 5, 1981, Resolution No. 1981-7-8

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 18, 1981, Resolution No. 1981-8-4

AMENDED AND READOPTED by the Grand County Board of County Commissioners on April 20, 1982, Resolution No. 1982-4-9

AMENDED AND READOPTED by the Grand County Board of County Commissioners on March 1, 1983, Resolution No. 1983-3-18

AMENDED AND READOPTED by the Grand County Board of County Commissioners on June 14, 1983, Resolution No. 1983-6-7

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 23, 1983, Resolution No. 1983-8-6

AMENDED AND READOPTED by the Grand County Board of County Commissioners on November 22, 1983, Resolution No. 1983-11-8

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 7, 1985, Resolution No. 1985-5-1

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 24, 1985, Resolution No. 1985-9-11

AMENDED AND READOPTED by the Grand County Board of County Commissioners on March 12, 1991, Resolution No. 1991-3-8

CORRECTION MADE on January 15, 1992. Article III, Section 3.1 (2) was incorrect. When Resolution 1985-9-11 was passed, this section was not put into the regulations. This was corrected on 1-15-92

AMENDED AND READOPTED by the Grand County Board of County Commissioners on April 5, 1994, Resolution No. 1994-4-2

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 2, 1996, Resolution No. 1996-7-5 (Effective Date – May 28, 1996)

AMENDED AND READOPTED by the Grand County Board of County Commissioners on January 18, 1997, Resolution No. 1997-1-14 (Effective Date – January 28, 1997)

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 9, 1997, Resolution No. 1997-9-2 (Effective Date – July 22, 1997)

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 9, 1997, Resolution No. 1997-9-3 (Effective Date – May 6, 1997)

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 9, 1997, Resolution No. 1997-9-4

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 5, 1998, Resolution No. 1998-5-1

AMENDED AND READOPTED by the Grand County Board of County Commissioners on June 16, 1998, Resolution No. 1998-6-11 (Effective Date – May 19, 1998)

AMENDED AND READOPTED by the Grand County Board of County Commissioners on December 22, 1998, Resolution No. 1998-12-19 (Effective Date – December 22, 1998)

AMENDED AND READOPTED by the Grand County Board of County Commissioners Resolution No. 1999-4-12

AMENDED AND READOPTED by the Grand County Board of County Commissioners Resolution No. 2002-6-2

AMENDED AND READOPTED by the Grand County Board of County Commissioners Resolution No. 2002-7-45

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 20, 2005, Resolution No. 2005-9-20

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 21, 2007,  
Resolution No. 2007-8-20

AMENDED AND READOPTED by the Grand County Board of County Commissioners on April 1, 2008,  
Resolution No. 2008-4-24

AMENDED AND READOPTED by the Grand County Board of County Commissioners on November 3, 2008,  
Resolution No. 2008-11-12

AMENDED AND READOPTED by the Grand County Board of County Commissioners on April 15, 2014,  
Resolution No. 2014-4-29 aligning the school fee language with State Statute

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 5, 2015,  
Resolution No. 2015-5-55 aligning the school fee language with State Statute

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 26, 2016,  
Resolution No. 2016-7-34 Repealing language related to solid fuel burning devices

STATE OF COLORADO  
County of Grand

At a REGULAR meeting of the Board of County Commissioners for Grand County, Colorado, held at the Court House in Hot Sulphur Springs on Tuesday, the 17th day of August, A.D. 1999, there were present:

<u>James L. Newberry (Absent)</u>	Commissioner Chairman
<u>Robert F. Anderson</u>	Commissioner
<u>Duane E. Bailey</u>	Commissioner
<u>Anthony J. DiCola</u>	County Attorney
<u>Lurline Underbrink Curran</u>	County Manager
<u>Sara L. Rosens</u>	Clerk of the Board

when the following proceedings, among others were had and done, to wit:

RESOLUTION NO. 1999-8- 5

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO ESTABLISHING A "RIGHT TO FARM AND RANCH" POLICY.

WHEREAS, Production Agriculture in Grand County is defined as property that has produced not less than \$5,000.00 of gross market value agricultural product (food and/or fiber) in four of the past five years. Property that has been deemed to be in production agriculture will no longer be considered as such, if sold for development of any kind. Family transfers for estate purposes, etc., that continue to function as an integral part of the property deemed to be in Production Agriculture, will continue to be defined as Production Agriculture; and

WHEREAS, pursuant to Article 3.5, Title 35, C.R.S., it is declared policy of the State of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products; and further that the general assembly recognizes that when nonagricultural land uses extend into agricultural areas, agricultural operations are forced to cease operations and many others are discouraged from making investments in farm improvements; and that it is the purpose of the Article to reduce the loss to the State of Colorado of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance. It is further recognized that units of local government may adopt ordinances or pass resolutions that provide additional protection for agricultural operations consistent with the interests of the affected agricultural community, without diminishing the rights of any real property interest; and

WHEREAS, the Board of County Commissioners has determined that it is desirable to establish and adopt by resolution a "Right to Farm and Ranch" Policy involving the elements of protection of agricultural operations, education of property owners and the public; and resolution of disputes; and

WHEREAS, the establishment and adoption of such a "Right to Farm and Ranch" Policy would serve and promote the public health, safety and welfare of the citizens of Grand County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Grand County, Colorado, that:

1. Policy Statement. It is the policy of the Board of County Commissioners of Grand County, as set forth herein that: Ranching, farming and all manner of agricultural activities and operations within and throughout Grand County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, open space, lifestyle and culture. Given their importance to Grand County, Northwestern Colorado, and the State, agricultural land and operations are worthy of recognition and protection. Notice is hereby given as follows:
  - a. Colorado is a "Right to Farm" State pursuant to C.R.S. 35-3.5-101, et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Grand County's agricultural operations as a normal necessary aspect of living in a County with a strong

rural character and a healthy ranching sector. Those with an urban sensitivity may perceive such activities, sights, sounds and smells only as inconvenience, eyesore, noise and odor. However, State law and County policy provide that ranching, farming and other agricultural activities and operations within Grand County shall not be considered to be nuisances so long as operated in conformance with law and in a non-negligent manner. Therefore, all must be prepared to accept noises odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure predator control, on site storage and marketing of crops or livestock, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, pursuant to C.R.S. 35-5.5-101 and C.R.S. 35-5.5-104, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations.

- b. In addition, all owners of land, whether Agricultural Business, Farm, Ranch or Residence, have obligations under State law and County regulation with regard to the maintenance of fences, livestock must be fenced out (open range) as pursuant to C.R.S. 35-46-106, et. seq. Irrigators have the right to maintain ditches through established easements that transports water for their use and said irrigation ditches are not to be used for the dumping of refuse. Landowners are responsible for controlling weeds, keeping pets under control, using property in accordance with zoning, and maintenance of resources of the property wisely (water, soil, animals, plants, air and human resources). Residents and landowners are encourage to learn about these rights and responsibilities and act as good neighbors and citizens of the County. It is not the intent of this policy to require Production Agriculture to be "open space."
2. The Board of County Commissioners hereby establishes a dispute resolution procedure with mediators to informally resolve breach of property right conflicts that may arise between landowners or residents relating to agricultural operations or activities.
  - a. Breach of property rights include, but are not limited to: trespass; harassment of livestock and livestock losses due to free roaming dogs, pursuant to C.R.S. 35-43-126; trespass by livestock and pets; penalties for disrespect of water rights, pursuant to C.R.S. 37-89-101; and open gates or breaking fences, pursuant to C.R.S. 36-46-107.
  - b. Mediators must be knowledgeable with regard to land use conflicts. The Board of County Commissioners will maintain a list of qualified mediators.
  - c. No attorney shall be present at a mediation unless such attorney is the mediator or a party directly involved with the mediation.
3. Public Education and Information Campaign. The Board of County Commissioners, with the primary assistance of the Colorado State University Cooperative Extension, Grand County Office(s) and through the use of County Staff as needed, shall support efforts to educate and inform the public of the "Right to Farm and Ranch" Policy
4. Property Owner Notification: The Board of County Commissioners shall notify the owners of land within the County by the following means:
  - a. Whenever, a building permit is issued for new construction in the unincorporated area of Grand County, the Building Department shall provide owner educational material.

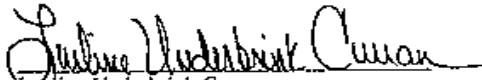
b. The Board of County Commissioners shall initiate amendments to the County subdivision regulations to provide that notification of the Policy and the Policy Statement shall be made at the time of subdivision ore related land use approval and note to the effect shall appear on any Plat outside municipalities urban growth areas so approved.

5. This resolution may be amended from time to time by the Board of County Commissioners, Grand County, Colorado.

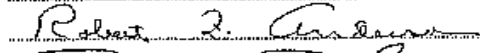
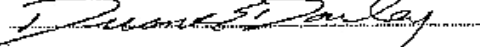
ADOPTED this 17<sup>th</sup> day of August, 1999.

BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO.

  
Robert F. Anderson, Chairman

  
Lorraine Underbrink Curran  
County Manager  
frr&@choco.spl.no.l

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

James L. Newberry (Absent)	.....	Aye	
	.....	Aye	
	.....	Aye	Commissioners

STATE OF COLORADO }  
County of Grand }  
} ss

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Hot Sulphur

Springs, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_\_  
\_\_\_\_\_  
County Clerk and ex-officio Clerk of the Board of County Commissioners.

STATE OF COLORADO  
County of Grand

At a REGULAR meeting of the Board of County Commissioners for Grand County, Colorado, held at the Court House in Hot Sulphur Springs on Tuesday, the 21st day of December, A.D. 1999, there were present:

<u>Janice L. Newberry</u>	Commissioner Chairman
<u>Robert F. Anderson</u>	Commissioner
<u>Bruce R. Halley</u>	Commissioner
<u>Anthony J. DiCola</u>	County Attorney
<u>Lurline Underhill Curran</u>	County Manager
<u>Sara L. Roseau</u>	Clerk of the Board

where the following proceedings, among others were had and done, to wit:

**RESOLUTION NO. 1999-12-3**

**A RESOLUTION PURSUANT TO C.R.S. § 24-68-102(4) SPECIFICALLY IDENTIFYING THE TYPE OR TYPES OF SITE SPECIFIC DEVELOPMENT PLAN APPROVALS WITHIN GRAND COUNTY'S JURISDICTION THAT WILL CAUSE PROPERTY RIGHTS TO VEST AS PROVIDED IN ARTICLE 68 TITLE 24 C.R.S.**

WHEREAS, in light of amendments made to the existing vested rights statutes by HB99-1280, this resolution is adopted to establish a vested property right for a subdivision final plat, subdivision exemption final plat, outright exemption final plat, final cluster development plan or as otherwise agreed between the Board of County Commissioners and the landowners for a specific project or development:

**DEFINITIONS**

**"Site Specific Development Plan"**

A final plat which has been submitted to the county as part of a subdivision final plat, subdivision exemption final plat, outright exemption final plat, final cluster development plan or as otherwise agreed between the Planning Commission, Board of County Commissioners and the landowner(s) for a specific project or development, to establish a vested right pursuant to Article 68 of Title 24, C.R.S., and which describes with reasonable certainty the type and intensity of the proposed land use for a specific parcel or parcels of property.

**"Development Agreement"**

The agreement between the owner and county which specifies the terms and conditions of approval. This agreement implements the site specific development plan which establishes vested rights under Article 68 of Title 24, C.R.S.

**VESTED RIGHTS**

- (A) A vested property right may be established pursuant to Article 68 of Title 24, C.R.S., as amended, after the following events occur:
- (1) A site specific development plan is reviewed by the Planning Commission and approved by the Board of County Commissioners as part of a subdivision final plat (or amended final plat), subdivision exemption final plat (or amended final plat), outright exemption final plat (or amended final plat), final cluster development plan (or amended final cluster development plan) or as otherwise agreed between the Board of County Commissioners and the landowners for a specific project or development
  - (B) The Board of County Commissioners shall sign a resolution approving the final plat or final cluster development (or amended final plat or amended final cluster development plan) and associated site specific development plan request, and the Chairman of the Board shall sign a development agreement in a form acceptable to the County or a development agreement where warranted in light of all relevant circumstances is entered into by the Board of County Commissioners with the landowner, which by its terms



specifically grants a vested property right. Those circumstances may include but are not limited to the type and intensity of use, the size and phasing of the development, economic cycles, and market conditions. If these documents are signed on different dates, the date of the later signature shall be the date of establishment of the vested rights.

- (C) Once established, the vested right shall remain in effect for three years, unless the Board of County Commissioners determines, as part of the site specific development plan approval, that a longer period is warranted in light of relevant circumstances. Those circumstances may include but are not limited to the type and intensity of use, the size and phasing of the development, economic cycles, and market conditions. Any amendment to an approved site specific development plan shall not extend the three year vesting period unless the Board of County Commissioners expressly authorizes an extension based on the foregoing criteria.
- (D) No activity or use authorized by an approval granted under this resolution shall be allowed to commence unless a vested right is first established as required in this resolution, and all other post-approval requirements have been met.

A notice shall be published in a local newspaper of general circulation no later than 14 days after the Board of County Commissioners approve and sign the resolution (Development Agreement).

- (B) This notice shall advise the general public that a development agreement has been approved and that a vested property right has been created pursuant to this resolution.
- (C) The notice shall read as follows:

NOTICE

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Grand County Board of County Commissioners approved by Resolution No. \_\_\_\_\_ a site specific development plan for the property and purpose described below, which approval may have created a vested property right pursuant to C.R.S. 24-68-101, et. seq.

Owner: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Type and intensity of proposed use: \_\_\_\_\_

Published in (newspaper) (date) \_\_\_\_\_

The effective date of this Resolution is December 31, 1999.

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

*James L. Newberry* ..... Aye

*Robert L. Gardner* ..... Aye

*Deanna E. Darby* ..... Aye

Commissioners

STATE OF COLORADO }  
 County of Grand } ss.

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of said County, at Fort Sulphur Springs, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_\_

County Clerk and ex-officio Clerk of the Board of County Commissioners.