

**CUSTER COUNTY
SUBDIVISION
REGULATION**

2003

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Section 1

General Provisions

1.1 Short Title

Short Title - This Regulation shall be known and may be cited as “The Custer County Subdivision Regulation” and is authorized by C.R.S. § 30-28-133.

1.2 Jurisdiction

This Regulation applies to all divisions of land into two (2) or more parcels less than thirty-five (35) acres in size for the purpose, whether immediate or future, of sale or building development or for resubdivision into smaller parcels. All subdivisions of land within the County, as defined herein, which result in the creation of two (2) or more separate lots, parcels or tracts of land ("Subdivision") shall be processed for review and approval, conditional approval or denial pursuant to the submission requirements and the procedure established in this Regulation. This Regulation is declared supplemental to the current Custer County Zoning Resolution, and it is the intent of the Board of County Commissioners that all subdivisions be considered and processed similar to Planned Unit Developments (P.U.D.).

Exemptions to the above Subdivision review procedures include: lot line and/or boundary adjustments; lot mergers; consolidations; vacations of interior lot lines; reconfiguration of lot lines, vacation and plat amendment; plat amendments, corrections, and revisions; (collectively called Administrative Process) shall be processed for review and approval, conditional approval or denial pursuant to the requirements and procedures set forth in Section 3.

1.3 Rules of Language Construction

For the purpose of this Regulation and when not inconsistent with the context:

- Words used in the present tense include the future;
- Words in the singular include the plural;
- Words in the plural include the singular;
- The masculine includes the feminine;
- The word "shall" is mandatory;
- The word "may" is permissive;
- The particular controls the general;
- Where not defined, words and phrases should be given their ordinary meaning;
- Text shall control captions, titles and maps.

1.4 Interpretation

Certain words and phrases are defined and certain provisions shall be interpreted as set forth, when not inconsistent with the context. The word "building" includes the word "structure"; the word "person" includes "firm", "associates", "corporation", "partnership", and "natural person"; the word "used" includes the words "occupied", "arranged", "designed", or "intended to be used"; the word "construct" includes the words "erect", "reconstruct", "alter", "move in", and "move upon".

In interpretation and application, the provisions of this Regulation shall be liberally construed for the promotion of the public health, safety and welfare.

1.5 Transitional Provisions for new regulation

This Regulation is effective on the date of its enactment and applies to all applications for approvals under this Regulation submitted after its enactment.

1.6 Severability Clause

Should any section, clause, or provision of this Regulation be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Regulation as a whole, or any part thereof other than the part declared to be invalid.

1.7 Conflict

Whenever the requirements of this Regulation are in conflict with the requirements of any other County ordinance, rule, regulation, or State statute, the more restrictive or that imposing the higher standards, shall govern. Private covenants and deed restrictions are not researched or enforced by Custer County and recourse is a civil matter.

1.8 Enforcement

No permits or other county land use approvals shall be issued for the construction of any building or any other improvements requiring a permit, upon any land for which a plat or Administrative Review Application approval is required by this Regulation, unless and until the requirements have been met. Any person, or entity, who transfers or sells or agrees to sell or offers to sell any parcel or lot subject to this Regulation that has not received final approval and recordation shall be guilty of a misdemeanor and shall be subject to a fine for each parcel or interest which is sold or offered for sale (C.R.S. § 31-23-201, et seq., and as amended.). The County may enjoin such transfer, or sale, or agreement, by action for injunction brought by civil action in any court of competent jurisdiction.

Section 2

Definitions

Except as set forth below, terms used in this Regulation shall have the meanings set forth in the Definition Section of the current Custer County Zoning Resolution.

Conservation Standard: Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the Natural Resource Conservation Service (a.k.a. Soil Conservation Service) for Custer County, adopted by the County Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

Consolidation: The combination of two or more parcels or previously-platted lots of real property into one such parcel or lot.

Custer County Area Soil Survey: A soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

Engineer: Shall mean Colorado Registered Engineer.

Lot Line and/or Boundary Adjustment: An administrative procedure used to transfer a part of one lot to another for the purpose of improving the lots; or correcting a lot line; or legal description; or settling a boundary line dispute. Shall not be used to change the number of lots.

Master Plan: The Master Plan of Custer County, Colorado, adopted by the Custer County Planning Commission pursuant to C.R.S. § 31-23-201, et seq., and as amended.

Permanent Monument: Any marker of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference to property lines, blocks and lots. Refer to C.R.S. § 38-51-104 for applicable locations and physical standards.

Plat Amendments, Corrections, and Revisions: Minor errors or necessary minor revisions on a recorded plat which do not affect the character of the Subdivision, including, but not limited to, the following:

1. Typographical and spelling errors or transpositions,
2. Incorrect seals,
3. Incorrect dates,
4. Monumentation incorrectly noted, drawn or missing,
5. Incorrect or missing bearings and/or dimensions on the drawing,
6. Missing or incorrectly displayed arrows or symbols,
7. Street name changes or corrections,
8. Vacation of or revisions to utility easements upon approval of all affected utility companies,
9. Additions to or deletions from the legal description or dedicatory language that are not typographical in nature,
10. Incorrect certificates or signatures, and
11. Other minor items or circumstances to be determined by the Planning Director.

Subdivider or Developer: Any person or entity who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a Subdivision.

Subdivision; Subdivided Land:

1. Meets the underlying Zone density. Division of land resulting in parcels smaller than the minimum lot size required in the Zoning Districts shall be subject to the requirements of a P.U.D. as detailed in the Custer County Zoning Resolution.
2. Any parcel of land in the State which is divided into two (2) or more parcels, separate interests, or interests in common, unless exempted herein.
3. The terms "subdivision" and "subdivided land" shall not apply to any division of land which creates parcels of land each of which comprise thirty-five (35) or more acres of land. See C.R.S. § 30-28-101.
4. Unless the method of disposition is adopted for the purpose of evading this Regulation, the terms "subdivision" and "subdivided land", shall not apply to any division of land:
 - a. Which is created by order of any court in this State or by operation of law;
 - b. Which is created by a lien, mortgage, deed of trust or any other security instrument;
 - c. 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 any investment entity;
 - d. Which creates cemetery lots;
 - e. Which creates a severable interest or interests such as oil, gas, minerals or

- water which are now or hereafter severed from the surface ownership of real property;
- f. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposes of this paragraph 4 as only one interest; or
 - g. **The Board of County Commissioners may, on recommendation of the Planning Commission and sufficient findings, exempt from this definition any division of land if the Board determines that such division is not within the purposes of this Regulation.**

Vacation and Plat Amendments: The process of changing lot lines or configurations in a platted Subdivision, which results in larger lots, that are the same or fewer in number, than originally platted.

Vacation of Interior Lot Line: The process of removing a boundary line between two or more lots to create a new single lot.

Section 3

Administrative Process

3.1 Eligibility for Administrative Review

The following actions may be processed using an Administrative Review Application:

1. Lot line and boundary adjustments.
2. Vacation and Plat Amendments, consisting of: lot mergers, consolidations, and reconfiguration of lot lines.
3. Vacation of Interior Lot Lines.
4. Plat amendments, corrections and revisions.

The conditions that must be met in order to qualify for the administrative process are:

1. The proposal does not increase net density.
2. Impact on neighboring properties, easements, or other severable rights is negligible.

3.2 Procedure

Upon receipt of an Administrative Review Application and the required documentation, as detailed in Section 8.1, the Planning Director or his staff shall review the application to determine whether it qualifies for Administrative Review. Once eligibility has been determined, the request shall be processed.

In the case of a Vacation and Plat Amendment, where lots are increased in size either by the consolidation of lots or by the addition of land, well and dwelling permits will be restricted to one (1) per lot and shall not exceed the original number allowed.

The Planning and Zoning Office shall consider the following criteria in reviewing the application:

1. The degree to which the application decreases net density, and whether such alteration renders the property more in compliance with the Zoning Resolution and the Master Plan;
2. The impact from the change in traffic expected as a result of the application;
3. The impact on adjacent property owners, neighbors and interested parties, as well as the County;
4. The applicant's purpose in submitting the application;
5. The impact on easements; and
6. Extenuating circumstances affecting the property(ies).

When the Planning and Zoning Office concludes its review and research, they shall grant approval, provided that there are no contravening circumstances, and shall report their actions to the Planning Commission at a public meeting. If there are contravening circumstances, or at the determination of Planning Commission or Board of County Commissioners the proposal shall be heard at a Public Hearing.

Unless the application is called up for Public Hearing, as stated above, the approval shall be recorded as detailed in Section 9.1.

Section 4

Vacation of a Plat of Record

4.1 Conditions to Apply

A land owner may submit an application to the Planning and Zoning Office to vacate any plat of record under the following conditions:

1. The plat to be vacated is a legal plat of record and all in the same ownership;
2. Vacation of the Subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties, utility services or other improvements; and
3. Vacation of the Subdivision will not be contrary to the Custer County Zoning Resolution or Master Plan.
4. All parties affected by the original plat, (i.e. utilities, roads), shall be signatories on any documentation vacating that plat.

4.2 General Procedures

The land owner shall present his proposal and plat containing the legal description of the Subdivision to the Planning and Zoning Office. The staff shall study the proposal and shall submit recommendations and the plat to the Planning Commission and Board of County Commissioners for signatures at a Public Meeting. The Board of County Commissioners has final authority to approve or deny the proposal. If they believe the proposal should be approved, they will sign the plat. Otherwise a Public Hearing will be required on the proposal. If the proposal is approved, it shall then be recorded in the office of the County Clerk as detailed in Section 9.2. All fees for the recording of such vacation shall be paid by the land owner/applicant.

4.3 Application Procedure

The general requirements for vacating a plat are:

- A. The applicant shall:
 1. Arrange a pre-application conference with the Planning and Zoning Office. The Chairman of the Planning Commission, or his representative, will be invited to participate. Other individuals may be included and a site evaluation may be required;
 2. Submit a written application, and provide sufficient copies of information to be sent to interested parties, to the Planning and Zoning Office at least sixty (60) days prior to a proposed hearing date, along with proper fees, and such evidence as may be necessary;

- B. The Planning and Zoning Office shall:
1. Meet with the applicants for the pre-application conference and the site tour evaluation;
 2. Review the application and associated documentation;
 3. Process the submitted fees;
 4. Research and verify the applicant's request and documentation;
 5. Prepare a report for the Planning Commission and Board of County Commissioners which includes the background information concerning the application, suggested conditions, approval recommendation and areas of concern;
 6. Review the documentation for completeness and include it in the information packets disseminated to the following interested parties:
 - a. Planning Commission members and associates;
 - b. Board of County Commissioners;
 - c. Regional Planning Commission;
 - d. Adjoining property owners and applicable home owners association.
 7. Send packets, including information from applicant, to the following interested parties, as applicable, in addition to the parties listed above:
 - County Engineer
 - County Surveyor
 - County Cartographer
 - Colorado Land Use Commission
 - Mineral rights owners
 - Propane/gas companies
 - Electrical companies
 - Each municipality within a two mile radius of the Subdivision
 - Area school district
 - Appropriate governmental agencies including, but not limited to, the following: US Forest Service, State Forest Service, US Bureau of Land Management, State Highway Department, State Land Board, area ditch companies, County Road & Bridge, County Sheriff's Office, and County Hospital District
 - Fire protection district
 - Colorado Division of Wildlife District Manager
 - County Attorney
 - Any other agency deemed necessary by the Planning Commission.

Failure to respond prior to the deadline specified on the certified notification letter by any entity signifies their acceptance and/or approval.

Section 5

General Standards

5.1 General Standards for a Subdivision

General standards for Subdivisions:

1. adequate water and sewer;
2. adequate design features to address any onsite drainage and to mitigate any runoff created by the development which exceeds the natural runoff;
3. underground utilities when ever possible;
4. adequate street and transportation improvements, to include ingress/egress points for emergency access, which accommodate traffic volume generated by the proposed development;
5. appropriateness and compatibility of the development to and with the surrounding area, neighbors and zone district with no adverse impacts on land values or land uses;
6. attractiveness of the development, and its preservation of the rural character of Custer County;
7. avoidance of development in geologically sensitive, hazardous or wetland areas
8. protection of the public health, safety and welfare;
9. project will not have a materially adverse effect on community capital improvement programs, require a level of community facilities and services greater than that which is available, or cause significant air, water, noise, or light pollution;
10. common use elements may require landscaping, buffering, and/or screening. The project will provide mitigation for adverse impacts on wildlife;
11. conformity with the approved County Master Plan;
12. designed to minimize fire hazards; and
13. if an outside entity, such as a fire department, requires land or structures, such requirement does not change the residential nature to one of multi-use.

5.2 General Procedures for a Subdivision

The procedure to obtain a permit for a Subdivision is split into three phases:

1. Sketch Plan
2. Preliminary Plan
3. Final Plan

The Sketch Plan phase will consist of a pre-application conference; appearance at a regularly scheduled public meeting and hearing; presentation of plan with appropriate documentation to enable the Planning Commission and Board of County Commissioners to review the plan for general scope and compliance. The concept may be rejected at this point, however, approval does not guarantee final approval. Upon completion of the Sketch Plan process, the applicant will have ninety (90) days to submit all data for the Preliminary Plan phase,

unless an extension is granted by the Planning Commission. If the application is allowed to lay dormant, by the applicant, for more than ninety (90) days, it will be considered to have been withdrawn by the applicant.

The Preliminary Plan phase will consist of the entire concept of the Subdivision. It requires the preliminary engineer reports including hydrology report, hazard maps, development guide, and evidence that a water supply will be available that is sufficient in terms of quality, quantity and dependability for the Subdivision. The purpose of this phase is to negotiate all the potential problems of the Subdivision. The Planning Commission and Board of County Commissioners may have several meetings or hearings with the developer before approval of the Preliminary Plan is granted. Approval at this point does not guarantee final approval. Upon approval of the Preliminary Plan, the applicant will have one hundred and eighty (180) days to submit all data for the Final Plan phase, unless extended by the Planning Commission. If the application is allowed to lay dormant, by the applicant, for more than one hundred and eighty (180) days, it will be considered to have been withdrawn by the applicant.

The Final Plan phase consists of final engineering and completed professional design of the Subdivision. The Final Plan requires road plans, final plat of the Subdivision, cost estimates, final copy of the covenants or deed restrictions and other specified documents. The Planning Commission and Board of County Commissioners may have several meetings with the developer before approval of the Final Plan is granted. In approving a Subdivision, the County Commissioners may impose additional conditions or approve incentives as agreed upon by all parties involved before the Final Plan is approved. The Planning Commission and Board of County Commissioners will hold a hearing within ninety (90) days of receiving the Final Plan. If an application is denied or the application lays dormant, by the applicant, for longer than ninety (90) days, it shall be considered to have expired by the County. If the applicant wants to re-institute the application, it will be treated as a new application.

Workshops may be required, at any phase, to allow the Planning Commission, Board of County Commissioners and the developer to reach agreement on specific actions or requirements.

Authorization for the Subdivision shall be void if improvements are not completed within three (3) years of the approval date or such time as the authorization may specify. Lots may not be sold prior to completion of improvements. The improvements should be accomplished in a professional manner in accordance with specifications and construction schedules established by applicant and approved by the Board of County Commissioners. The County Commissioners may extend authorization for an additional period on request.

5.3 Application Procedures

The general requirements to be followed for each phase of the Subdivision approval process are:

- A. The applicant shall:
1. Arrange a pre-application conference with the Planning and Zoning Office. The Chairman of the Planning Commission, or his representative, will be invited to participate. Other individuals may be included and a site evaluation may be included;
 2. Submit a written application, and additional required documentation, for each phase, to the Planning and Zoning Office at least sixty (60) days prior to a proposed hearing date. Applicant shall provide applicable fees, and such evidence as may be necessary to demonstrate compliance with the conditions and requirements set forth for the particular use according to this Regulation, along with sufficient copies of information to be sent to interested parties;
 3. Appear in person, or by authorized representative, at a regularly scheduled public meeting of the Planning Commission to present each phase of the plan;
 4. Appear in person, or by authorized representative, before the Custer County Regional Planning Commission to present the sketch plan phase and other phases as required by the Planning Commission;
 5. Appear in person, or by authorized representative, at the designated site tour, if deemed necessary by the Planning Commission or the Board of County Commissioners;
 6. Appear in person, or by authorized representative, at a Public Hearing of the Planning Commission and Board of County Commissioners to present each phase of the plan.
- B. The Planning and Zoning Office shall:
1. Meet with the applicants for the pre-application conference and the site tour evaluation;
 2. Review the application and associated documentation;
 3. Process the submitted fees;
 4. Schedule the application as an agenda item for a regularly scheduled Planning Commission meeting;
 5. Research and verify the applicant's request and documentation;
 6. Prepare a report for the Planning Commission that includes the background information concerning the application, a list of suggested conditions and areas of concern prior to the Planning Commission meeting at which the application is presented;
 7. Schedule a Public Hearing at the request of the Planning Commission and ensure a Public Notice appears in a newspaper of general circulation within Custer County at least thirty (30) days prior to hearing date;
 8. Review the above documentation for completeness and prepare the packets for dissemination to the following interested parties:
 - a. Planning Commission members and associates;

- b. Board of County Commissioners;
 - c. Regional Planning Commission;
 - d. Adjoining property owners and applicable home owners association.
9. Schedule the site tour, if deemed necessary;
 10. Send packets, including information from applicant, to the following interested parties, as applicable, for both the Preliminary Plan and Final Plan reviews, in addition to the parties listed above:
 - County Engineer
 - County Surveyor
 - County Cartographer
 - Colorado Department of Public Health and Environment
 - State Engineer, Colorado Division of Water Resources
 - Colorado Land Use Commission
 - Mineral rights owners
 - Propane/gas companies
 - Electrical companies
 - Each municipality within a two mile radius of the proposed Subdivision
 - Area school district
 - Area Soil Conservation District
 - Colorado Geological Survey
 - Appropriate governmental agencies including, but not limited to, the following: US Forest Service, State Forest Service, Bureau of Land Management, State Highway Department, State Land Board, area ditch companies, County Road & Bridge, County Sheriff's Office, and County Hospital District
 - Fire protection district
 - Colorado Division of Wildlife District Manager
 - State Historical Society
 - County Attorney
 - Any other agency deemed necessary by the Planning Commission.

Failure to respond prior to the deadline specified on the certified notification letter by any entity signifies their acceptance and/or approval.

- C. The Custer County Planning Commission shall:
 1. Review each phase of the application and accompanying evidence at a public meeting prior to publishing notice of a Public Hearing on the application. Included in the review process shall be:
 - a. The report prepared by the Planning and Zoning Office;
 - b. Information ascertained from the site tour, if necessary;
 - c. Additional expert advice, if deemed necessary;

- d. Any recommendations or questions by the Regional Planning Commission.
2. On each phase:
 - a. Negotiate and list alterations and conditions pertinent to the application;
 - b. Direct the Planning and Zoning Office to schedule and publish notice of the Public Hearing on the application;
 - c. Hold a Public Hearing to obtain input on the application and accompanying conditions;
 - d. Make a recommendation to the Board of County Commissioners, including pertinent findings supporting the recommended action and/or conditions if approved. The Planning Commission shall only recommend for approval, those plans which it finds to be developed in accordance with the intent, standards and criteria specified in this Regulation and in conformity to the Zoning Resolution.
- D. The Board of County Commissioners shall:
 1. Review each phase of the application and accompanying evidence before taking action on the application. Such evidence will include all items included in the review and study by the Planning Commission, as well as their recommendations. The County Commissioners may impose additional conditions or changes in any phase of the plan in order to comply with the purposes of this Regulation;
 2. Require that the applicant provide collateral such as, but not limited to, commitment of credit, performance or property bonds, private or public escrow, assignments of receivables, liens on property, certified funds or other surety agreements for all or part of the proposed improvements before granting final approval of the Subdivision;
 3. Act on each phase of the application.

5.4 Modification of an Approved Subdivision

Any proposed modifications, which do not increase density, to a Subdivision Plan that has received final approval from the Board of County Commissioners must follow Final Plan approval procedures as outlined in **Section 7**.

Any modification that would increase density or change an approved use must follow the approval requirements for preliminary and final plan reviews.

5.5 Fees

1. Fees for the Subdivision process or modification shall be established by the Board of County Commissioners and published in the Planning and Zoning Fee Schedule.
2. The developer shall pay all legal and professional fees incurred by the County in connection with reviewing the application and submissions. **Sufficient funds to cover required review by experts may be necessary.** Applicants will be required to pay additional postage, if postage for all applicable hearings exceeds twenty percent (20%) of each phase's application fee.
3. **Before any final approval shall be issued for a Subdivision, the County Commissioners shall require that the applicant furnish collateral as detailed in Section 6.3.D.2. Any such collateral shall be payable to: Custer County, and held in escrow by the Board of County Commissioners.**

Section 6

General Requirements

6.1 Subdivision Plan Elements

The criteria used to evaluate the Subdivision Plan shall include, but not be limited to, the following:

1. Approval of each phase prior to proceeding to the next phase.
2. The effect of the proposed Subdivision upon the immediate area.
3. Conformance with the general intent of the Zoning Resolution and Master Plan.
4. Existing and proposed utility services are adequate for the proposed development and that the methods of financing, construction and maintenance are sufficient to insure the on-going provision of those services.
5. The proposed Subdivision does not create unacceptable air, water, noise, light pollution, or any other undesirable effects.
6. Suitability of the overall Subdivision design as well as any general phasing scheme that may apply.
7. Other relevant matters related to the Subdivision as determined by the Planning Commission and Board of County Commissioners.

The Subdivision Plan must anticipate future growth and address the following topics:

- A. Water System
 1. The developer must submit engineer designed water collection and distribution systems and water treatment systems that provide for a physically available and legally adequate water supply, and meets the requirements of 2 and 3 below.
 2. All water systems shall be subject to applicable standards, technical procedures, and requirements of the Colorado Department of Public Health and Environment (CDPHE) and the Colorado Division of Water Resources.
 3. Water lines shall be designed to connect each lot in accordance with applicable engineering standards.
- B. Sewage Treatment Facilities
 1. The developer must submit engineer designed collection systems and waste water treatment systems.
 2. These facilities shall meet or exceed the standards set by the Colorado Department of Public Health and Environment.

- C. Storm Drainage System Design
1. The developer shall provide a storm drainage system of sufficient capacity designed by a Colorado registered engineer.
 2. All existing drainage features which are to be incorporated in the design shall be identified. The drainage and flood plain systems shall be designed to allow the unimpeded flow of natural water courses and insure adequate drainage of all low points.
- D. Open Space
1. Open Spaces within the Subdivision, including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, conservation easements, deed or plat restrictions.
 2. Open Space must be functional in terms of optimal preservation of natural features.
 3. The developer shall provide a Long Term Open Space Management Plan which will undergo appropriate legal review.
- E. Roads
1. The developer must submit a plan that defines the dedicated right-of-way, ownership status and the maintenance for all roads created by the plat. Ownership and maintenance statements shall be included on the plat.
 2. Roads, bridges, culverts, traffic plans and access must meet the County Road Specifications and the approval of the Board of County Commissioners, Custer County Road and Bridge Department and Emergency Services.
 3. Access to Subdivision properties will utilize Subdivision roads.
 4. Where roads are to be constructed through timber, the timber must be cleared from the rights-of-way by the developer.
 5. Street signs shall be installed at all intersections in the Subdivision, according to street names approved by the Board of County Commissioners. Street sign design must meet the approval of Board of County Commissioners, Emergency Services and Road and Bridge Department.
- F. Easements and Rights-of-way
1. Dedicate public rights-of-way on plat.
 2. Utility Easements shall meet the requirements of the appropriate utility.
 3. When a water course, irrigation ditch, channel, or stream traverses a Subdivision, a storm water easement or drainage right-of-way shall be provided.

G. Fire Plan

The developer must meet with the Fire Chief and Fire Inspector that serve the area and develop a Fire Plan.

1. Fire hydrants or adequate water storage supply shall be required. Hydrants and/or water storage tanks shall be installed and located according to state requirements and the recommendations of the local fire district.
2. The plan should address fire hazard and wildfire hazard mitigation, including ingress/egress.
3. A map showing the location of fire/wildfire hazards and the reason for the hazard, such as: slope, aspect, topography, and fuel. A written report must accompany this map. It should include information regarding specific fire prevention and suppression plans. This information must be prepared by a professional forester or experienced fire inspector.

H. Utilities

The developer must submit a Utility Plan to all impacted local utilities, as applicable, including, but not limited to: the electric company, propane company, postal service, telephone company, water and sanitation district. Utilities should be underground whenever feasible.

I. School District

The developer will meet with a school representative and develop a plan to address and mitigate potential impacts, if applicable.

J. Wildlife Review Plan

The developer shall submit his Subdivision plat proposal to the Planning and Zoning Office, who will forward it to the Colorado Division of Wildlife for their review and recommendations. Any Subdivision approval must adequately mitigate, to the extent feasible, significant wildlife impacts created by the proposed Subdivision. **See Appendix F in the Zoning Resolution for details.**

K. Home Owner's Association and Covenants

1. The developer shall institute a home owner's association (HOA) or property owner's association (POA), where applicable, which among other duties, shall be responsible for maintaining and managing open space, common areas and roads.
2. The developer shall submit to the Planning Commission the proposed covenants, easements and/or deed restrictions for appropriate legal review. These shall include the ownership of all open space, common areas and roads.

- L. Landscaping Guidelines
1. The developer shall include landscaping guidelines in the Subdivision covenants.
 2. Trees and shrubs shall be planted within property lines and are prohibited within street right-of-way sight lines except upon recorded approval by the Board of County Commissioners.
- M. Identifying Signs
All Subdivision entries must have identifying placards, which shall display the Subdivision name and a map showing lot configuration and lot numbers. The Home Owner's Association shall be responsible to maintain this sign.
- N. Refuse/Trash Disposal Plan
The developer shall submit a refuse/trash disposal plan for approval. This plan must include, but may not be limited to, waste disposal container locations and service.

Section 7

Submission Requirements

7.1 Administrative Process

Administrative process requires the following submittals:

1. Application
2. Plat (except Vacation of Interior Lot lines) with signatures of affected parties (including easement dedications)
3. Proof of ownership for subject properties
4. Any additional documentation required by Planning and Zoning Office.

C.R.S. § 38.28.133 details State requirements for Subdivisions.

7.2 Sketch Plan

The Sketch Plan shall include:

1. The name of the Subdivision. No Subdivision in the county shall bear the same name as another Subdivision unless adjoining and using consecutive filing numbers;
2. The name and address of the owner(s) and the subdivider(s), as well as any planners, consultants or other experts used;
3. Suitability of the land for the proposed Subdivision in terms of slope, flood plain, soil erosion, drainage and vegetation;
4. Compatibility of the Subdivision with surrounding land uses;
5. The location of the Subdivision and its property boundaries and significant natural and man-made features on the site and within one-half mile of any portion of the site;
6. Existing topographic contours at ten (10) foot intervals drawn from available data, such as United States Geological Survey (USGS) maps;
7. Potential impacts on streams, lakes, topography, vegetation, and wildlife habitat;
8. Geologic characteristics of the area significantly affecting the land use including radiation hazards;
9. Potential impact on public facilities and services, including schools;
10. Evidence that a water supply will be available that is sufficient in terms of quality, quantity and dependability for the Subdivision, and proposed water system;
11. Proposed sewage system;
12. Proposed land use arrangement: road alignment, lot configuration, easements, etc. showing area and dimensions to the nearest five (5) feet;
13. Status of property title;
14. Wildlife impact designation;
15. The acreage of the entire tract and the area, to the nearest half (1/2) acre and percent of total area to be allocated to streets and to each other type of use;

16. Soil types and their boundaries, as shown on soil survey maps prepared by the U.S. Department of Agriculture, Natural Resource Conservation Service, and also a table of interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service. This will include geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed Subdivision;
17. Existing Zoning;
18. Wildfire hazard/mitigation report;
19. Adjoining property owners.

The dimensions of each map submitted shall be no smaller than twenty-four (24) inches by thirty-six (36) inches. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided.

7.3 Preliminary Plan

The Preliminary Plan consists of the following:

1. Boundary survey that meets State statutory requirements for a surveyor's plat. The property survey shall consist of:
 - a. Minimum Standard as outlined in the Custer County Plat Standards. (See Appendix A of the Custer County Zoning Resolution);
2. Plan shall address:
 - a. Legal proof of ownership, based on the boundary survey, **for all severable rights such as: land, mineral, water,** with a full disclosure of all mortgages, liens and encumbrance against said property;
 - b. Name of Subdivision;
 - c. Total acres to be subdivided;
 - d. Name and address of land owner, Subdivision designer and consultants;
 - e. Location of the Subdivision, with abutting tracts of land identified by ownership;
 - f. Location of section lines, and approximate location and principal dimensions for all existing and proposed streets, alleys, easements, rights-of-way, lot lines, areas to be reserved for public use, recreation areas, open space and other important features within and adjacent to the tract to be developed;
 - g. Lot and street layout including:
 1. Dimensions of all lots to the nearest foot (which may be scaled values);
 2. Lots and blocks numbered consecutively;
 3. Location and identification of all existing and proposed public and private easements;
 4. Existing and proposed street names;
 5. Sites to be reserved or dedicated for parks, playgrounds, schools, or other public uses;

6. Sites, if any, for community facilities;
 7. Location of open space; and
 8. The area, to the nearest half (1/2) acre and percent of the total area of the Subdivision devoted to streets and to each other type of use.
- h. Topography at vertical intervals of two (2) feet where the average slope of the Subdivision is less than ten (10) percent and at vertical intervals of five (5) feet where the average slope of the Subdivision is ten (10) percent or greater. USGS datum may be used if it meets the interval requirements;
 - i. Location of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes or other water features, including direction of flow, water level elevations and typical depths and location and extent of areas subject to inundation, whether such inundation is frequent, periodic or occasional;
3. Relevant environmental characteristics and analysis applicable to the proposed Subdivision including the following:
 - a. Preliminary Flood Hazard Storm Drainage Plan: A map showing the boundaries of a hundred (100)-year flood, delineating the possible depth of flood waters in the proposed Subdivision, and provisions for addressing the hazards of construction of improvements in the flood plain. Storm Drainage Plan as detailed in 6.1.C. This information must be certified by a professional engineer;
 - b. Preliminary Fire/Wildfire Hazard Plan as detailed in 6.1.G;
 - c. Geologic Hazard: A report concerning geologic characteristics, including radiological hazards and a hydrology study, of the area significantly affecting the proposed land use. Any hazardous conditions should be expounded upon and measures, if any, that could be taken to mitigate these conditions explained. This information must be prepared by a professional geologist. A check or money order, payable to the Colorado Geological Survey, must be submitted in the amount necessary to cover fees charged for review of the Preliminary Plan by the Colorado Geological Survey;
 - d. Soil Suitability: Maps and tables concerning suitability of types of soil in the proposed Subdivision in accordance with the National Soil Survey;
 - e. Wildlife Review. (See Section 6.1.J);
 - f. Identify Important Resource Areas: Including potential mineral resources, historically significant or archeologically important areas and prime agricultural land;
 - g. Map of utilities, both existing and proposed. This will include preliminaries of: the Sewage Treatment Facility Plan, the Water System Plan, Easements and Rights-of-Way Plan, and the Utilities Plan, as detailed in Section 6.1;
 - h. Preliminary Open Space Plan as detailed in Section 6.1.D;
 - i. Preliminary Road Plan, Section 6.1.E;
 - j. School Impact study;
 - k. A Subdivision development guide that addresses the following:
 - 1) Evidence that a water supply will be available that is sufficient in

- terms of quality, quantity and dependability for the subdivision. Include evidence of ownership or right of, acquisition of, or use of, existing and proposed water rights, historic use and estimated yield of claimed water rights and the ability to amend existing rights to the proposed uses. This may be part of the Water System Plan required above;
- 2) Preliminary copy of any proposed covenants and restrictions to the properties, this should include the Landscaping Design guidelines detailed in Section 6.1.L;
 - 3) Names and addresses of developer, designer of the Subdivision, surveyor (who shall be licensed by the Colorado State Board of Examiners for land surveyors), and “experts” used along with their qualifications;
 - 4) Evidence that the development plan will present no obstacle to extraction of mineral resources on or under the subject property if the mineral interests are severed;
 - 5) The estimated quantity of domestic solid waste to be generated, the types of waste involved and proposed disposal;
 - 6) Build out and growth projections for 2, 5, 10 and 20 years;
 - 7) Vicinity map drawn to scale showing the relationship of the proposed Subdivision to the nearest towns, and direct routes via County roads to the Subdivision from such towns;
 - 8) Proposed method of meeting financial responsibility in relation to proposed development costs;
 - 9) Weed Management Plan: plan must be in accordance with the Custer County Weed Management Plan and approved by the Weed Board.
 - 10) Any additional documentation as required by the Planning Commission, Board of County Commissioners or the Planning and Zoning Office.

7.4 Final Plan

The final plan consists of the following:

1. The approved Preliminary Plan and any required documentation;
2. Final court decree adjudicating water for the Subdivision;
3. Final copy of the Water Supply Plan approved by the Division of Water Resources and State Engineer.
4. Final copy of any proposed covenants and restrictions to the properties;
5. Proof of a bond, if applicable;
6. Centerline profiles for all street and roads;
7. Sanitary and storm sewer profiles;
8. Water distribution system profiles;
9. Proof of financial responsibility. A letter of intent, stating the estimated construction cost and proposed method of financing streets and related facilities, water distribution and sewage collection systems, storm drainage facilities, and other utilities as required by the Board of County Commissioners;
10. Construction timeline detailing all major construction and completion dates;
11. Final Plat Requirements:
 - a. Must adhere to Plat Standards as detailed in the Zoning Resolution;
 - b. Monuments: Affixed securely to the tip of each monument shown on the final plat shall be the Colorado registration number of the land surveyor responsible for establishment of said monument and the lot designation. Reasonably permanent external boundary survey monuments shall be set at locations approved by the Board of County Commissioners, provided that such monuments shall be set not more than one thousand four hundred (1400) feet apart along any straight boundary line, at all angle points and at the beginning, end and points of change of direction or change of radius of any curved boundary;
 - c. Drawing Specifications:
 - 1) Drawing must be at a legible scale, both drawing and text, to be depicted on a 24 x 36 sheet;
 - 2) Drawn in permanent black ink or reproduced in a fixed black ink on dimensionally stable Mylar or polyester film of a minimum 4 mil thickness;
 - 3) All signatures and seals must be original and permanent on the final plat to be recorded;
 - 4) Must have a minimum margin/ border of ½ inch.
 - d. Plat Contents:
 - 1) Must meet statute requirements 38-51-106 C.R.S.;
 - 2) All boundaries of the parcel with total and individual lot acreages must be shown;
 - 3) Monumentation, both found and set, by individual note or legend

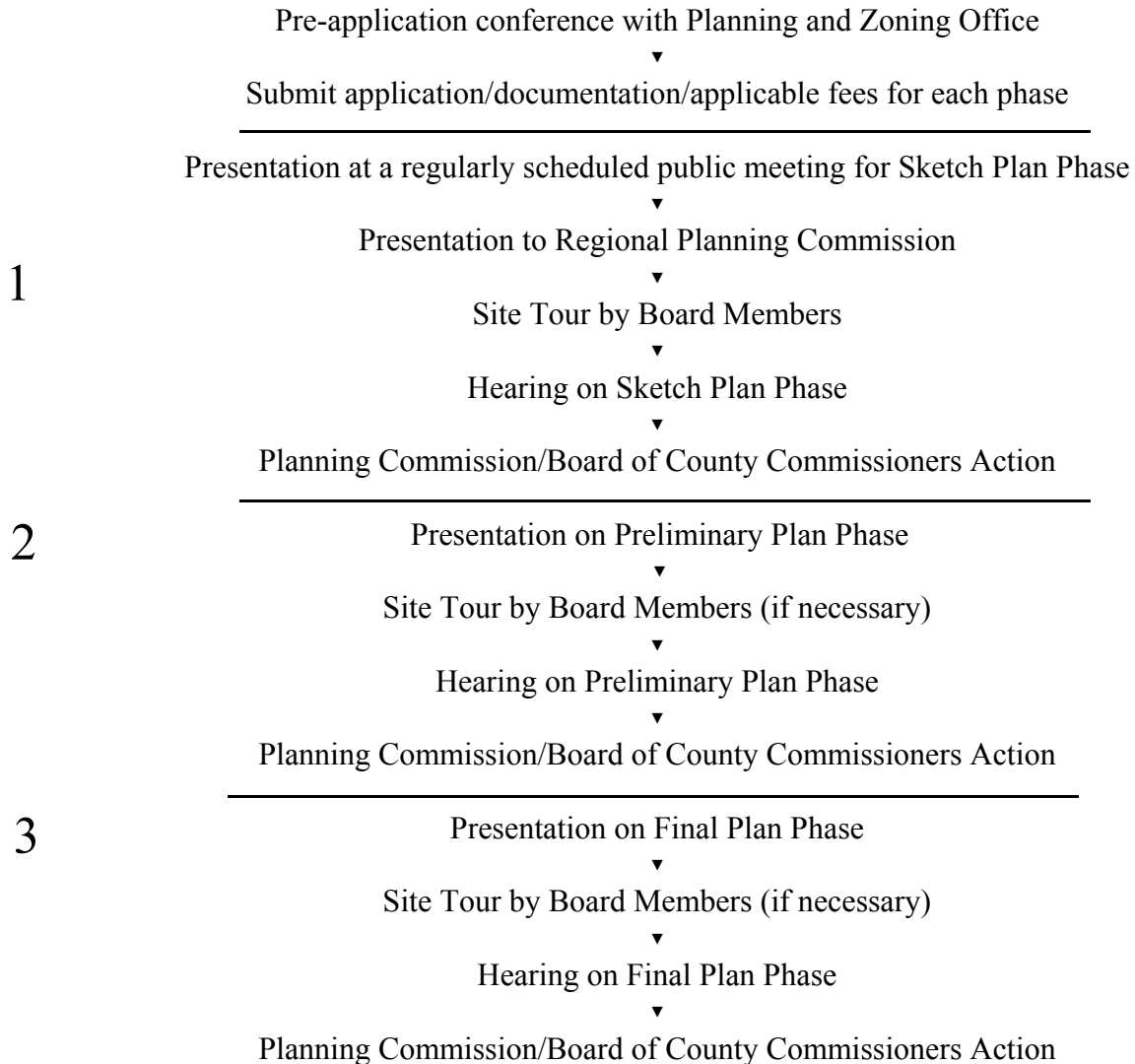
- symbol will be shown. The physical description of all monumentation will be indicated as well;
- 4) All aliquot or other public reference monuments within or controlling the subdivision will be shown, tied by dimension and bearing to the boundary, and physically described. Coordinates for two boundary corners of a Subdivision must be shown on the plat;
 - 5) All elements shown will be dimensioned and related to the boundaries. Any elements shown graphically and by scale only will be so labeled;
 - 6) Text will be comprised of the following elements at a minimum:
 - a) Legal description of the subdivision boundary;
 - b) Signature of owner(s) acknowledging execution of the plat.
 - c) Notary statement to owner(s) signature;
 - d) Dedication indicating intentions and specifics of the owner(s) request for acceptance and dedication of public elements of the plat;
 - e) Surveyor's statement and signature/ seal as per statute;
 - f) Statement/ signature of acceptance/ approval by the appropriate government agencies such as but not limited to:
 - Board of Zoning Adjustment
 - Planning Commission
 - County Commissioners
 - Special District Board(s)
 Wording used in the signature blocks must be approved by the County Attorney;
 - g) Filing statement/ signature by the County Clerk & Recorder;
 - h) Legend and notes by the surveyor describing lines, symbols, monumentation and defining other depicted plat elements including: title, graphic bar type scale and north arrow.
 - e. Tract boundary lines, all rights-of-way including easements, property lines of all lots, must have accurate dimensions, bearings or angles, and radii, arcs or chords, and central angles of all curves;
 - f. Name of each street, and width of all rights-of-way;
 - g. Any easement, including those indicating perpetual open space, required by the Planning Commission or Board of County Commissioners or granted to public utility companies shall be included, and the location, dimension, and purpose of such easement shall be given;
 - h. Any accompanying deed restrictions that shall be recorded, and shall be referred to on the final plat.
12. Any documentation as required by the Planning Commission, Board of County Commissioners or the Planning and Zoning Office;

13. Permits for construction on individual lots will not be issued for construction until the Subdivision plan has received final approval.

7.5 Plat Monumentation

1. Must meet statute requirements:
 - 38-51-104 C.R.S.
 - 38-51-105 C.R.S.
 - 24-4-103 C.R.S.
2. Monuments must be upgraded as per statute and monument records prepared and submitted at the state level as per statute.
3. All vertical control will be physically described, elevation noted and datum referenced.

General Flow Chart



The above flow chart presupposes acceptance or approval of a given phase prior to advancing to the next phase. In the event that acceptance or approval is not received, the process will not continue. Acceptance or approval of the Sketch Plan or Preliminary Plan does not guarantee approval of the final plan. Workshops may be required, at any phase, to allow the Planning Commission, Board of County Commissioners and the developer to reach agreement on specific actions or requirements.

Section 8

Final Documentation

8.1 Administrative Process

After final approval has been granted through the administrative process, documentation shall be recorded with the County Clerk and Recorder. In all instances a letter describing the action shall be recorded by the Planning and Zoning Office. The applicant shall record the approved plat with all appropriate signatures except in the case of a Vacation of Interior Lot Lines approval, in which case a new deed that describes the **consolidated lot** shall be recorded.

8.2 Vacation of a Plat of Record

An approved vacation of a plat of record requires that the approved plat, with signatures from all signatories, as well as from the Chairmen of the Planning Commission and the Board of County Commissioners, be recorded with the County Clerk and Recorder.

8.3 Subdivision

The approved plat, with signatures from the Chairmen of Planning Commission and Board of County Commissioners, be recorded with the County Clerk and Recorder.

8.4 Plat Recordation

1. All subdivision plats must be recorded in the County Clerks office. After approval has been given by all parties and appropriate signatures made on the plat, the plat will remain in the possession of the Planning and Zoning Office until the surveyor has completed all monumentation requirements. Then at a time arranged in advance, the surveyor will accompany a Planning and Zoning Office representative to the clerks office and recordation will take place.
2. Recording will take place within 90 days of plat approval unless a written request of time extension is approved by the County Commissioners.
3. A digital copy of the plat shall be submitted to the Planning and Zoning Office in CAD format specified by the Planning and Zoning Office.

Section 9

Land Dedications

9.1 Acceptance of Street and Other Public Land Dedication

Approval of a Subdivision shall not constitute an acceptance by the County for maintenance 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. The Board of County Commissioners shall withhold all public street improvements and public maintenance from all rights-of-way which have not been officially accepted for such purposes.

9.2 Public Sites and Dedications

The County may require the dedication of areas or sites, and/or payment in lieu thereof, of suitable type, size and location for public use as parks, open space, and necessary public facilities.

The purpose of the dedication and/or payment is to provide the public facilities and/or services made necessary as a consequence of the Subdivision in an amount roughly proportional to the impact of the Subdivision upon such facilities and/or services or the increased need for them brought about by the Subdivision.

The developer shall have the option, in its sole discretion, to accept the County's calculation of the required dedication, or to perform such studies as are necessary to demonstrate the actual impact of the Subdivision upon public services and facilities and the resulting appropriate dedication or other contribution.

Prior to final approval for all Subdivisions, the developer shall satisfy the requirements of this Section by one (1) or a combination of the following:

1. Reservation and Dedication. An area of the gross land area on each final plat shall be reserved for dedication to and accepted by the Board of County Commissioners for one or more essential public purposes.
2. Fulfillment of such other arrangements or conditions as may be desirable or necessary to alleviate the effects of, or increase the benefits caused by, the Subdivision.

In the event that the subdivider disagrees with the County's determination of required dedication, the subdivider may prepare a study evaluating the demand for public land and improvements made necessary or generated by the proposed Subdivision. Such study shall be undertaken at the subdivider's sole cost by a licensed professional engineer or other professional approved in advance by the County. To the greatest extent possible, the study

shall include an evaluation of the County's present supply or capacity and present demand for all public services required by the proposed Subdivision. The study shall identify the necessary public land and improvements required to be dedicated or constructed by the developer in order to serve the demand generated by the proposed Subdivision. The study shall be considered by the County in determining the dedication of land.

In those cases where the proposed dedications of land are in such locations, configurations or sizes that the property required to be dedicated is unacceptable to the County, the applicant at the option of the Board may be required to pay the County cash-in-lieu of some or all of the required land dedication. Such payment shall be based on the anticipated market value, based on completion of proposed platting of the entire property as it may exist when all required infrastructure is completed and functioning. In determining the fair market value of land for purposes of calculating a fee-in-lieu payment, the County may require that the developer obtain an appraisal.

All land to be dedicated shall be designated on the final approved plat as outlots, and these outlots shall not be building lots. Such outlots shall be deeded to the County or other public entities as agreed, at the time of recording of the final plat, or by dedication on the final plat. A policy of title insurance acceptable to the County provided by a title insurance company authorized to do business in the State and a certificate of representations and warranties concerning title and usability of the property shall be required for all such lands prior to recording of final plat.

9.3 Impact Fees

Custer County residents and elected officials believe that developments should reflect their true costs and impacts and should pay their own way. As such the Board of County Commissioners has adopted impact fees for new subdivisions to cover the expenses for the infrastructure and public services that the new development will affect.

The current standard Custer County uses to determine the amount for impact fees is known as the "per capita multiplier" method. The per capita multiplier method uses the present per capita revenues and expenditures associated with individual services to determine growth in revenues and expenditures based on the projected increase in population from a growth projection. This figure is calculated annually and published in the Schedule of Fees.

9.4 Other Dedications

If any governmental or quasi-governmental agency (i.e. school or fire district) requires facilities to be dedicated to non-residential purpose, such requirement shall not alter the residential nature of the Subdivision.