

**SUBDIVISION
REGULATIONS
MOFFAT COUNTY**

These regulations, setting minimum development standards for land subdivision activities in Moffat County, were adopted by The County Board of Commissioners at their regular meeting August 23, 1972 and amended April 23, 1973.

Recommended for amendment by the Planning Commission April 6, 2004. Amendments were adopted by The County Board of Commissioners April 12, 2004.

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ARTICLE I

INTRODUCTORY PROVISIONS

Section 1.010 TITLE:

This Resolution shall be known as the Subdivision Regulations of Moffat County.

Section 1.020 AUTHORITY & SCOPE:

These Subdivision Regulations are adopted under the authority granted by the Colorado Revised Statutes, 30-28-133, and apply to all land within the unincorporated territory of the county. Any person, partnership, or corporation intending to subdivide land shall submit plans and plats as required by and specified in these regulations.

Section 1.030 PURPOSE:

In order that these purposes be accomplished and the future orderly growth be ensured, the Board of County Commissioners may approve or disapprove any proposed sketch plan.

- ◆ To assist orderly, efficient and integrated development of the county.
- ◆ To ensure coordination of inter-municipal public improvement plans and programs.
- ◆ To ensure conformance of land subdivision plans with the public improvement plans of the county and its various municipalities.
- ◆ To encourage well planned subdivisions by establishing adequate standards for design and improvement.
- ◆ To safeguard the interests of the public, the homeowner and the subdivider.
- ◆ To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- ◆ To prevent loss and injury from fire. (4/12/2004)
- ◆ To preserve natural vegetation and cover and promote the natural beauty of the country.
- ◆ To prevent and control erosion, sedimentation and other pollution of surface and subsurface water.
- ◆ To prevent flood damage to persons and properties and minimize expenditure for flood relief and flood control projects.
- ◆ To restrict building on flood lands, shorelands, areas covered by poor soils or in areas poorly suited for building or construction.
- ◆ To prevent loss and injury from landslides, mud flow and other geologic hazards.
- ◆ To provide adequate space for future development of schools and parks to serve the population.
- ◆ To assure the planning for and provision of an adequate and safe source of water and means of sewage disposal.
- ◆ To insure conveyance of land by accurate legal description.

Section 1.040 CONFORMANCE WITH EXISTING LAWS:

Land being subdivided shall conform to the comprehensive plan, zoning resolution, and other resolutions and regulations in effect in the county. (4/12/2004) In all cases, the Planning Commission and the Board shall consider design standards outlined in these regulations.

Section 1.050 ENFORCEMENT:

In accordance with C.R.S. 30-28-110(4), any subdivider, or agent of a subdivider, who transfers or sells or agrees to sell or offers 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 County Clerk and Recorder, shall be guilty of a misdemeanor and shall be subject to a fine no more than one thousand (1,000) dollars and no less than five hundred (500) for each parcel or interest in subdivided land which is sold or offered for sale. All fines collected under this paragraph shall be credited to the general fund of the County. The Board of County shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell, or offering to sell subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners. (4/12/2004)

Section 1.060 INTERPRETATION (4/12/2004):

In the interpretation and application of the provisions of this title, the following regulations shall govern:

- A. Provisions are Minimum Requirements. In their interpretation and application, the provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This title shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.
- B. Application of Overlapping Regulations. Whenever both a provision of this title and any other provisions of this title, or any provision in any other law, ordinance, resolution, rule, or regulation of any kind contains restriction covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards shall govern.
- C. Existing Permits. This title is not intended to abrogate or annul:
 - 1. Any permits issued before the effective date of this ordinance codified in this title; or
 - 2. Any easement or covenant.
- D. Rules of Language Construction. 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”, and “partnership”; 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”.

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, title and maps.

ARTICLE II

SUPPLEMENTARY PROVISIONS

Section 2.010 DEFINITIONS:

Board: The Board of County Commissioners of Moffat County.

Building Envelope: the area formed by the front, side, and rear setback lines of a lot; the envelope may also be formed by additional restrictions including but not limited to geologic hazards or requirements for the separation of well and septic systems. (4/12/2004)

Conservation Standards: Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil 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.

Comprehensive Plan: A comprehensive plan for the future growth, protection, and development of the county, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

Crosswalk or Walkway: A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.

C.R.S.: COLORADO REVISED STATUTES (4/12/2004)

Dedication: The intentional appropriation of land by the owner to some public use. (4/12/2004)

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

Double Frontage Lot: Lots, which front on one street and back on another.

Dwelling Unit: Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.

Easement: A right to land generally established in a real estate deed or a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

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.

GIS: Geographic Information System (4/12/2004)

Health Department: The Moffat County Health Department.

Lateral Sewer: A sewer, which discharges into another sewer and has only building sewers tributary to it.

Major Subdivision: a proposed division of land with five (5) or more lots. In the Moffat County Subdivision regulations, the word subdivision refers to a Major Subdivision. (4/12/2004)

Minor Subdivision: a proposed division of land with four (4) or fewer lots. A Minor Subdivision shall follow the applications procedures and requirements in the Moffat County Minor Subdivision Regulations. (4/12/2004)

Mobile Home Park: An area of land developed in accordance with Section 2.021.

Mountain Subdivision: A subdivision or residential development where more than ten (10) percent of the proposed subdivision area has a slope of thirty (30) percent or greater. The determination of such thirty (30) percent slope shall be by reference to United States Geological Survey 7.5 minute topographical quadrangle maps or a similar topographical survey furnished by a registered land surveyor. The use of GIS mapping and analysis may also be used to determine the percent of slope in a subdivision. (4/12/2004)

Multi-Family Dwelling: A building providing separate dwelling units for two or more families.

Municipality: An incorporated city or town.

National Cooperative Soil Survey: The soil survey conducted by the U. S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

Off-Street Parking Space: The space required to park one passenger vehicle which space shall not be less than two hundred (200) square feet in area, exclusive of access drives.

Permanent Monument: Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Planned Unit Development: (P.U.D.) An area of land improved as a residential development in which normal restrictions of lot sizes, setbacks, densities land uses and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provisions of open spaces, public facilities, access planning aesthetics and other considerations deemed important by the local approving agency.

Planning Commission: The Moffat County Planning Commission.

Plat: A map 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.

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.

Remote Subdivision: A subdivision or residential development that is located in an unusually distant or isolated portion of Moffat County or as so determined by the Board. (4/12/2004)

Resubdivision: The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.

Roadway: That portion of the street right-of-way designed for vehicular traffic.

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

Street: Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic; includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this ordinance, streets shall be classified as defined in subsection (1) through (9):

- (1) Major Highway: A major regional highway including an expressway, freeway, or interstate highway designed to carry vehicular traffic into, out of, or through the regional area (inter-regional), or, from one political subdivision of the regional to another or from an inter-regional highway (inter-regional).
- (2) Major or Arterial Street: A street or road designed to carry vehicular traffic from one part of a political subdivision to another part of that same political subdivision.
- (3) Collector Street: A street or road designed to carry vehicular traffic from one or more residential or non-residential areas to or from a major street or major highway.

- (4) Local Street: A street or road designed to carry vehicular traffic from one or more individual residential or non-residential unit(s) to or from a collector street.
- (5) Alley: A minor way, which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
- (6) Cul-de-sac: A short dead-end street terminating in a vehicular turnaround area.
- (7) Half Street: A street parallel and contiguous to a property line and of lesser right-of-way width than is required for minor or major streets.
- (8) Stub Street: A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

Street Right-of-Way: That portion of land dedicated to public use for street and utility purposes.

Subdivider or Developer: Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision or Subdivided Land: Any parcel of land in the county which is divided into two (2) or more parcels, separate interests, or interests in common, unless the division creates parcels of land each of which comprise thirty-five (35) or more acres of land, none of which is intended for use by multiple owners. Unless the method of disposition is adopted for the purpose of evading this article, the definition of “subdivision” and “subdivided land” shall not apply to any division of land:

- 1. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five or more acres per interest;
 - 2. Which is created by a lien, mortgage, deed or trust or any other security instrument;
 - 3. Which is created by order of any court in this state or by operation of law;
 - 4. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity;
 - 5. Which creates cemetery lots;
 - 6. Which creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership or real property;
 - 7. Which is created by the acquisition of interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common and such interest shall be deemed for the purposes of this subsection as only one interest.
 - 8. Which the Board may, through the Procedure for Exemption, Section 2.011 of these regulations, and after review by the Planning Commission, exempt from this definition of the terms “subdivision” and “subdivided land”, any division of land if the Board determines that such division is not within the purpose of this article.
- (4/12/2004)

Subdivision Improvements Agreement: One or more security arrangement which may be accepted by a county to secure the construction of such public improvements as are required by the county subdivision regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

Travel Trailer Park: An area of land developed in accordance with Section 2.022.

Vacation Plat: the plat submitted in the resubdivision process that vacates information from a previously recorded plat, including but not limited to: lot lines or easements. (4/12/2004)

Section 2.011 PROCEDURE FOR EXEMPTION FROM SUBDIVISION REGULATIONS (4/12/2004)

No lot which is a part of an approved subdivision plat or any map or plan providing for lots and parcels of less than 35 acres filed in records of the County Clerk and Recorder prior to adoption of any regulations controlling subdivisions, or part of any minor subdivision, shall be redivided or changed in any manner by the exemption procedures. Such platted lots may only be resubdivided or changed by utilizing the applicable resubdivision process.

The exemption procedure will not apply to an equal land trade between adjacent properties that does not result in an additional parcel for residential purpose.

Any parcel of land that does not meet eligibility requirements for the exemption process may be developed through the Major or Minor Subdivision process.

Eligible Applicants: No person shall be entitled to apply for an Exemption from Subdivision Regulations (Exemption) more often than once in any 12-month period. Only one Exemption can be completed on any one tract of land. Any resident of Moffat County who is engaged in agriculture, and can prove such involvement by supplying a current copy of their IRS 1040F form, may apply for additional Exemptions (on a different tract of land) in order to convey parcels of land to their family. Such additional family members must hold the parcels created thereby for at least three years before they are sold to a non-family member.

Eligible Parcels: No parcel shall be divided as an Exemption unless such parcel meets any one of the following criteria:

1. The parcel is less than 35 acres and existed in its current configuration on August 23, 1972.
2. The parcel is thirty-five acres or larger and was legally created after August 23, 1972.
3. The parcel existed on August 23, 1972 and on that date was already divided by a County Road or State Highway.
4. The parcel existed on August 23, 1972 and is naturally split by a waterway or natural drainage system

Access Standards: Any parcel created by the Exemption, shall provide for availability of access for safe ingress and egress to a public road. Access can be obtained in the following ways:

1. By utilizing existing driveways or private roads in order to mitigate impacts of additional accesses to County roads. This form of access shall comply with the regulations set forth in the Moffat County Road Addressing, Naming and Signing Policy.
2. Where access is adjacent to a state highway, the Colorado Department of Transportation has jurisdiction over existing or proposed access points. The applicant shall be responsible for obtaining a new access permit from the Colorado Department of Transportation.
3. New residential driveways to a County road will be provided only when no other option is available. The applicant shall be responsible for obtaining access to a County road by applying for a Driveway Permit from the Moffat County Road & Bridge Department.

Exemption Procedure:

(1) Any person who desires to receive an exemption from the Subdivision Regulations as defined herein, that is, the above defined terms of “subdivision” or “subdivided land”, shall apply to the Planning Commission for such an exemption on the form prescribed by the Planning Commission. Applications for an exemption shall contain all of the following information:

- (a) Name of present owner, if partnership or closely held corporation, list all partners or all stockholders;
- (b) Name of buyers, if partnership or closely held corporation, list all partners or all stockholders;
- (c) Legal description of real property;
- (d) Total acreage to be conveyed;
- (e) Proposed use by buyer.
- (f) Proposed access in accordance with the above listed access standards.

(2) After review by the Planning Commission, the application for exemption shall be referred to the Board of County Commissioners. The Board of County Commissioners shall hold any necessary hearings, which in its sole discretion it may require. The Board of County Commissioners shall then, either grant or deny the request for exemption from the above-defined terms “subdivision” or “subdivided land” as hereinabove set forth.

(3) The applicant is required to record the approved Exemption Plat with the County Clerk and Recorder.

Section 2.020 PLANNED UNIT DEVELOPMENT:

The Planning Commission and the Board may modify the design standards contained in these regulations for application to proposals for Planned Unit Development provided that the overall design is consistent with the purposes of such standards.

A. Special Requirements

- (1) The purpose of the P.U.D. Plan is to encourage flexibility and variety in land development, a more efficient allocation and maintenance of open space, and a more efficient use of those public facilities required in connection with such development.
- (2) The Plan shall not contain less than five (5) acres and regardless of size shall provide thirty percent of the total area to be dedicated or reserved for “open space” land, exclusive of required parking and streets.
- (3) Planned unit developments for residential uses shall not exceed fourteen (14) dwellings units per acre for attached dwelling units or 7 dwelling units per acre for unattached dwelling units if maintaining 30% open space of total area. Greater density may be permitted in proportion to the amount of open space provided over 30% of the total area. (4/12/2004)
- (4) Each parcel within the area shall be deeded as a unit granting to the parcel owner a proportionate undivided interest in the common area in perpetuity with a deed restriction against future residential, commercial or industrial development.
- (5) There shall be a plan, which shall also be a deed restriction by covenant, or otherwise, in perpetuity, binding the unit owners to a method of maintenance of the common area.

B. Application information required in addition to subdivision requirements(4/12/2004):

- 1) Proposed name of the area
- 2) Total acreage
- 3) A site plan showing the proposed location and dimensions of all structures, streets and off-street parking
- 4) Land to be retained as functional open space, the purpose for which it is to be used, and an explanation of how such open space will be preserved and maintained
- 5) A circulation plan for vehicles and pedestrians
- 6) Use to be developed in the area, and the proposed density of development
- 7) Topography at two-foot intervals
- 8) A legal description of the property
- 9) The proposed construction time schedule
- 10) Screening and major landscape plans
- 11) Proposed covenants and restrictions (examples: fencing, animal control, structure type, etc.)
- 12) Such additional information as may be requested by the Planning Commission and Board of County Commissioners

C. The approval procedure will follow the major subdivision requirements. (4/12/2004)

Section 2.021 MOBILE HOME PARKS:

Mobile Home Parks within the Urban Development Boundary may be required to develop in accordance with the current city development regulations. (4/12/2004)

In addition to the standards as outlined in these regulations, Mobile Home Parks will be constructed and maintained in accordance with the Zoning Resolution (4/12/2004) and the following minimum standards and modifications:

- (1) Streets: Streets or accessways within the subdivision shall be paved a minimum width of 28 feet for one-way streets and 34 feet for two-way streets and shall connect each mobile home lot to a public street.
- (2) Lots: The minimum lot size shall be 3,500 square feet with a lot width average of not less than 40 feet. Under no circumstances shall the frontage width be less than 30 feet. Lots will be arranged and mobile homes placed in such manner that there will be minimum side yards of eight (8) feet and minimum front and rear setbacks of 5 feet. In measuring required yards, additions or extensions, such as porches, covered patios, carports and storage facilities, shall be considered to be part of the mobile home. No Mobile Home shall be placed closer than 50 feet from the park perimeter property line unless deemed unnecessary by the Board of County Commissioners.
- (3) Landscaping: Landscaping should be designed to perform the following functions;
 - (a) Screen the subdivision visually and audibly from adjacent properties.
 - (b) Provide an attractive entrance and street frontage.
 - (c) Provide dust and erosion control.

Permanent watering systems should be provided for landscaping areas and outside water outlets should be provided for each mobile home lot. Fences and walls, no higher than eight feet, should surround the mobile home park except in those cases where adequate buffer screening is provided through landscaping.

- (4) Fire Fighting and Prevention: Special provisions for an alarm system in case of fire and emergency portable fire fighting equipment shall be provided. Also, fixed installations for fire department operation shall be provided in accordance with the local fire department standards. Where fire departments are equipped with tank trucks for water supply, and such trucks are so located that they can respond as soon as fire fighting personnel, they may be accepted in lieu of a fixed water supply by permission of the County Health Officer or Planning Commission.
- (5) Service Building: All service buildings, recreation buildings and others community service facilities are subject to the county building code. They may provide management offices, repair shops, creation areas, and common commercial facilities. No mobile home shall be placed closer than 75 feet to a service building.

- (6) **General Design Standards:**
- (a) **Parking:** Two off-street spaces per lot shall be provided for each lot. (Adequate storage lots for recreation vehicles shall be provided if the size and character of the park requires such an area).
 - (b) **Garbage:** Holders for receptacles or containers shall be provided at each lot or central dumping stations as approved by the county sanitarian. Adequate refuse collection and removal shall be the responsibility of the park owner.
 - (c) **Utilities:** All utilities should be placed underground. A central radio and television antenna should be provided with underground wiring to the lots and service buildings.
 - (d) **Park Size:** The minimum size of a mobile home park shall be 5 acres.
 - (e) **Open Space:** Common areas or playgrounds shall be provided at the ratio of 200 square feet per mobile home lot.
 - (f) **Tiedowns:** Anchors or tiedowns shall be provided at the time of development. (4/21/2004)
 - (g) **Lighting:** All streets and walkways within the park shall be sufficiently illuminated.
 - (h) **Walkways:** Walkways, not less than 2 feet wide shall be provided from mobile home lots to service buildings where direct roadways are not available.
 - (i) **Storage Sheds:** Storage sheds not less than 32 square feet should be provided for each space attached to a foundation. No other structural addition shall be built onto or become a part of any mobile home and no mobile home shall support any building in any manner unless the addition is an awning, patio cover or carport.
 - (j) **Pets:** No pet animal shall be permitted to run at large.

Section 2.022 TRAVEL TRAILER PARKS:

In addition to the standards as outlined in these regulations and Section 2.021, Mobile Home Parks, Travel Trailer Parks will be constructed and maintained in accordance with the following minimum standards and modifications:

- (1) **Sanitation Facilities:** Separate sanitary facilities for men and women shall be provided. Each facility shall contain one flush toilet, one lavatory and one shower for every 16 spaces. Dumping facilities as approved by the county sanitarian shall also be provided.
- (2) **Lots:** Minimum lot size shall be 1000 square feet and the minimum frontage shall be 20 feet.
- (3) **Parking:** One off-street parking space shall be provided for each lot.
- (4) **Occupancy:** Travel trailers may be accommodated for no longer than three months.
- (5) **Streets:** Streets within the park shall be not less than 24 feet graveled.
- (6) **Park Size:** The minimum size of a Travel Trailer Park shall be 2 acres.

Section 2.030 MOUNTAIN OR REMOTE SUBDIVISIONS:

In the mountainous or remote (4/12/2004) portions of the county, which are those lands lying in unusually remote and isolated places or as so determined by the Board of County Commissioners, the standards outlined in these regulations shall apply with the following allowable modifications:

- (1) Roads: Local mountain roads shall have a fifty (50) foot minimum deeded right-of-way and a minimum usable road surface of at least thirty-four (34) feet. All cut areas to be backed sloped as necessary to control erosion, and all roads shall be ditched to minimum width of five (5) feet. Minimum centerline radius of curves shall be no less than those approved by the Board as necessary for automobiles, fire apparatus, school buses, and other vehicles likely to require access to the area. Ditches for drainage and necessary culverts will be designed as approved by the Board. Grades shall not exceed eight (8) percent except as may be otherwise approved by the Board. The maximum permissible grade shall be ten (10) percent, for a horizontal distance not exceeding two hundred (200) feet.

At least two means of access shall be provided so that all lots within the subdivision are ensured adequate access and egress in the event of fire, flooding, slides, or other emergency conditions. The Board may, at its discretion, require that more than two points of access be provided to satisfy the purposes of this section.

- (2) Review Procedures: According to the number of proposed lots, Mountain Subdivisions will follow the same application procedures of Minor or Major Subdivisions. (4/12/2004)

The Board shall include in the improvement agreement that all slash materials, vegetative residues, fallen trees, limbs, roots, etc., shall be removed from the development, or, in the case of large limbs and trees, be cut for fire wood and stacked at appropriate locations. The proposed subdivision must comply with required fire mitigation planning as described in section 6.120 of these regulations. (4/12/2004)

The Planning Commission shall review the subdivision plan in regard to all comments received regarding pollution, fire hazards, and geologic hazards. No subdivision plan design nor related facilities shall be approved which clearly constitute the creation of a hazardous circumstance or lack of provision for the public safety.

Section 2.040 UTILITIES AND IMPROVEMENTS:

The following improvements shall be constructed at the expense of the subdivider as stipulated in the Subdivision Improvement Agreement (Appendix "A") (4/12/2004) in a manner approved by the Board, which is consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of these regulations, they shall apply:

- (1) Road, grading and surfacing.
- (2) Curbs, if required.
- (3) Sidewalks
- (4) Sanitary sewer laterals and mains where required.

- (5) Storm sewers or storm drainage system, as required.
- (6) Water distribution system, where applicable.
- (7) Street signs at all street intersections.
- (8) Permanent reference monuments and monument boxes.
- (9) Other facilities as may be specified or required in these regulations by the Planning Commission.
- (10) All utilities, except major power transmission lines, shall be underground, if economically and mechanically feasible.

Section 2.050 GUARANTEE OF PUBLIC IMPROVEMENTS:

No final plat shall be approved or recorded until the subdivider has submitted and the Board has approved one or a combination of, the following:

- (1) A subdivision improvements agreement guaranteeing to construct any required public improvements shown in the final plat documents, together with collateral which is sufficient, in the judgement of said Board, 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.

As improvements are completed, the subdivider may apply to the Board for a release of part or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

Section 2.060 WARRANTY SECURITY:

Upon completion of the construction of the required road improvements (sidewalks included) the road may be accepted by the County for the two-year warranty period, providing that the subdivider has furnished the County with acceptable security guarantee (bond, escrow agreement, deposit of certified funds, or similar security agreement) in the amount of 50% of the cost of constructing the required road improvements. Said security guarantee shall be for the purpose of providing the County with the necessary funds to repair or reconstruct the road improvements to County specifications in the event of failure or significant deterioration.

Annually, during the month of May, the County Road Supervisor shall inspect those roads proposed for inclusion into the County Road System and, if constructed to County specifications, may accept the same for the two-year warranty period. At the end of the two-year warranty period, and prior to final acceptance by the County, the County Road

Supervisor shall reinspect said roads to determine if any repair or reconstruction work is necessary and shall notify the subdivider in writing of any such requirements, allotting 90 days from the date of the written notice within which to complete such repairs or reconstruction. If the Board of County Commissioners determines that the subdivider will not complete any or all of the specified repairs or reconstruction within the allotted 90-day period, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to repair or reconstruct the improvements in accordance with the County specifications. Upon completion of the two-year warranty period and acceptance of the road(s) into the County Road System by the Board of County Commissioners, the security guarantee shall be released to the subdivider.
(12/31/84 by resolution)

ARTICLE III

SKETCH PLAN REQUIREMENTS

Section 3.010 CONTENTS OF SKETCH PLAN:

A sketch plan shall include the following items (submit three (3) copies):

- (1) Subdivision Application and Summary Form (obtained from the Planning Office or the County Clerk).
- (2) A map or maps (drawn to an appropriate scale) showing the general location of the subdivision and the encompassing area within a one-half (1/2) mile distance of its perimeter. Such map or maps shall show the following:
 - a) True North.
 - b) Related existing and planned streets and highway systems.
 - c) Zoning districts, taxing districts, and other special districts, if any.
 - d) Significant natural and man-made features and vegetation patterns on the site.
- (3) Existing topographic contours at not more than twenty (20) foot intervals drawn from available data, such as U.S. Geological Survey maps.
- (4) A map or maps drawn to a scale of 1" – 200' (See Section 3.020) showing:
 - a) A lot and street layout indicating general scaled dimensions of lots to the nearest foot.
 - b) The acreage of the entire tract and the area, to the nearest half (1/2) acre and percent of total area to be devoted to streets and to each other type of use.
 - c) Soil types and their boundaries, as shown on soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service. (Requests for these maps and tables are to be made to the local Soil Conservation District; the subdivision does not need to be in a soil conservation district to obtain the maps or tables or have them prepared.
 - d) Perimeter outline of the plan accesses, abutting subdivision outlines and names, and other relevant information within a one-half (1/2) mile distance of the perimeter of the proposed plat.
 - 1) Existing buildings, other easements, telephone lines, gas lines, power lines, and other features located on the subdivision and within two hundred (200) feet of its boundaries.
 - 2) Abutting property lines.
- (5) Reports concerning:
 - a) Type of water system proposed and the documentation of water availability.
 - b) Type of sewage disposal system proposed.
 - c) Streams, lakes, topography and vegetation.
 - d) Geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.

- e) In areas of potential radiation hazards shall be evaluated.
- f) Anticipated population, dwelling units, and land use activities supported by indicators of a need to provide the proposed development.

Section 3.020 DRAWING REQUIREMENTS:

The scale of the sketch plan shall be not less than one-inch (1") equals two hundred feet (200')*. Some variations from this will be acceptable in the case of large subdivisions, provided the plans and designs are clearly legible. Maps shall include True North points, name of the subdivision, name of the county, township, range, principal meridian, section and quarter section, block and lot numbers. In the case of a large subdivision requiring more than two sheets at such a scale, a total area plan showing the total area on a single sheet at an appropriate scale shall also be submitted.

The dimensions of each and every map submitted shall be 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 on each sheet.

*Note: A map scale of 1" – 300' is less than a scale of 1" – 200' and so is not permitted under these requirements.

ARTICLE IV

PRELIMINARY PLAN REQUIREMENTS

Section 4.010 CONTENTS, REFERRAL & REVIEW OF THE PRELIMINARY PLAN:

- (1) The name of the subdivision.
- (2) The name and address of the owner(s) and subdivider(s) and name of the designer of the preliminary plan.
- (3) If the proposed subdivision is to include more than twenty (20) lots, proof of a developer's license held by the subdivider.
- (4) The legal description of the area to be subdivided and its acreage. Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for disposition of the remainder of the parcel.
- (5) A minimum of twelve (12) copies of a map of the proposed subdivision except in cases where due to certain characteristics of the proposal, the Board or the Planning Commission decrees that additional copies are necessary for adequate referral and review. The Planning Commission shall distribute copies thereof for review and comment, suggestions and recommendations, as follows:
 - (a) To the appropriate school district;
 - (b) To each county or municipality within a two-mile radius of any portion of the proposed subdivision.
 - (c) To any utility, local improvement and service district, or ditch company, when applicable;
 - (d) To the Colorado State Forest Service, when applicable;
 - (e) To other Planning Commissions with jurisdiction over the area;
 - (f) 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 shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district;
 - (g) When applicable, to the 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;
 - (h) 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;
 - (i) To the Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land.
 - (j) To the appropriate fire agency. (4/12/2004)
 - (k) To the Moffat County Weed Management Department. (4/12/2004)

- (1) To any other and all other agencies or persons who may, in the opinion of the Board or the planning commission, be affected by the proposed subdivision.
- (6) Such a map or maps shall show the following:
 - (a) Location and vicinity insert showing the following:
 - 1) Related existing and planned streets and highway systems;
 - 2) Zoning districts, taxing districts and other special districts, if any;
 - 3) Significant vegetative patterns.
 - (b) Perimeter outline of the plan accesses, abutting subdivision outlines and names, and other relevant information within a one-half (1/2) mile distance of the perimeter of the proposed plan.
 - (c) Abutting property lines.
 - (d) A traverse of the perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one (1) part in ten thousand (10,000). Survey tie into the state grid or other permanent marker established by the public land survey. Monuments shall conform to the requirements of C.R.S. 136-4-1
 - (e) 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 multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single family dwellings.
 - 7) Location of common open space not reserved or dedicated to public.
 - 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.
 - (f) Existing buildings, other easements, telephone lines, gas lines, power lines, and other features located on the subdivision and within two hundred (200) feet of its boundaries.
 - (g) A composite utility easement plan showing location, size and proposed use of all easements. (Subsequently, all utilities must be constructed within approved easements).
 - (h) Soil types and their boundaries based on the National Cooperative Soil Survey, U.S. Department of Agriculture, Soil Conservation Service and a table of interpretations for the soil types shown on the soil map.
 - (i) Significant geologic features.
 - (j) General location in the subdivision area of trees over six (6) inches in diameter, measured at six (6) feet above the ground. In cases of heavily wooded areas, indicate the trees to be removed.
 - (k) The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade and five (5) foot contours for predominant ground slopes within the tract over five

- (5) percent grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of predominately level topography throughout a subdivision, one (1) foot interval contours are required.
- (l) A generalized grading plan identifying areas of cut and fill and street gradients. Intended contours shall be shown as solid lines at the same interval as required for existing contours, which shall be shown as dashed lines.
- (m) Water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas and swamps. (Note: Detail design of drainage structures not required for preliminary plan.)
- (n) The appropriate boundaries of areas subject to inundation or storm water overflows of intensity estimated to occur with a return frequency of once every hundred years.
- (7) The Planning Commission shall determine from a review of the preliminary plan whether the soil slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earth moving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, the Commission shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a registered professional engineer, or the U. S. Soil Conservation Service, using the county conservation standards or the soil and water conservation plan. In the event that soil erosion and sediment control plans are required, the preliminary plan submission shall not be considered complete until such plans have been submitted to the Board, or its designated agent, who shall furnish the subdivider with a receipt and transmit the plans to the Planning Commission for review of the preliminary plan.

Section 4.020 DRAWING REQUIREMENTS:

The prints of the map shall be black on white or blue on white, and reproduction shall be clear and crisp.

A registered land surveyor, licensed to do such work in the State of Colorado shall certify the accuracy of location of alignments, boundaries, and monuments. A workman-like execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for its rejection. The plan shall be drawn to a scale not less than one (1) inch equaling two hundred (200) feet* and shall indicate the basis of bearings, True North arrow, name of municipality; township, range, principal meridian section and quarter section; block and lot number (of the property under consideration).

*A map scale of 1" = 300' is less than a scale of 1" = 200' and so is not permitted under these requirements.

Section 4.030 TEXT:

One (1) copy (4/12/2004) of textural materials shall be submitted as follows:

1. Total acreage of entire proposed subdivision.
2. Function, ownership and matter of maintenance of common open space not otherwise reserved or dedicated for public use.
3. Sewage disposal reports where on-lot sewage treatment is proposed.
4. The substance of all covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures.
5. Geologic investigation reports regarding area suitability for the proposed development.
6. Tables of soil type interpretations, as prepared for the sketch plan submission, based on the National Cooperative Soils Survey. U.S. Department of Agriculture, Soil Conservation Service, provided by the Soil Conservation district, where such tables were incomplete in the sketch plan submission.
7. An exact copy of a certificate of a title insurance company or attorney's opinion which shall set forth the names of all owners of property included in the plat and shall include a list of all mortgages, judgements, liens, easements, contracts and agreements of record in the county, which shall affect the property. If the certificate or opinion of title discloses any of the above, than at the option of the local governing body, the holders or owners of such mortgages, judgements, liens, easements, contracts, or agreements shall be required to join and approve the application before the plan shall be acted upon by the county Planning Commission.
8. Total number of proposed dwelling units.
9. Total number of square feet of proposed non-residential floor space.
10. Total number of proposed off-street parking spaces, excluding those associated with single family residential development.
11. 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 not central sewage treatment facility is proposed.
12. Estimated construction cost and proposed method of financing of the streets and related facilities water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the developer by the county.
13. Adequate evidence that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure and adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:
 - (a) Evidence of ownership or right of acquisition of or use of existing and proposed water rights.
 - (b) Historic use and estimated yield of claimed water rights.
 - (c) Amenability of existing yield of claimed water rights.
 - (d) Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending services to that area.

- (e) Evidence concerning the potability of the proposed water supply for the subdivision.
 - (f) Evidence that public or private sewage treatment facilities can and will provide adequate sewage treatment for the proposed subdivision if such service is to be provided by an existing district.
14. Where individual on-lot water supply systems are proposed, evidence that an adequate potable water supply is available shall be submitted. A geologic report, including other available information, shall be submitted and shall contain a specific section on ground-water geology prepared by a qualified ground-water geologist, which indicates:
- (a) The probability of success of wells or on-site supply systems throughout the proposed subdivision.
 - (b) The expected long term yield of such wells or systems.
 - (c) The expected depth to usable water.
 - (d) The expected quality of the anticipated water.
 - (e) Any expected significant problems of long term supply, pollution, or long term maintenance of such wells or systems.

ARTICLE V

FINAL PLAT REQUIREMENTS

Section 5.010 CONFORMANCE WITH PRELIMINARY PLAN:

A Final Plat may be submitted in development phases. In such cases submission shall include one paper copy and one mylar/sepia original of a map, indicating the sections designated for the entire tract. Each sheet shall be numbered accordingly and shall include title legend, matchlines and other appropriate information. If possible an additional copy of the Final Plat should be submitted in a functional digital format, with a preference of 1) an ARCVIEW shapefile or 2) a CAD dxf file in the projection of UTM 13 or Stateplain. (4/12/2004)

The Final Plat submission shall conform in all major respects to the Preliminary Plan as previously reviewed and approved by the Commission and shall incorporate all modifications required in its review. The Commission, however, may approve a Final Plat, which has been modified to reflect improvements in design, or changes, which have occurred in its natural surroundings and environment since the time of the Preliminary Plan review and approval.

Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgement.

Section 5.020 FINAL PLAT INFORMATION:

The final plat shall show the following at the scale of not less than 1" = 200':

1. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys or excepted parcels.
2. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and notation made that the plat includes all land to the water's edge or otherwise.
3. On curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves:
 - (a) radius of curve
 - (b) central angle
 - (c) tangent
 - (d) arc length
 - (e) notation of non-tangent curves
4. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
5. All dimensions of irregularly shaped lots shall be indicated in each lot.

6. Bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
7. All easements shall be designated as such and bearings and dimensions given.
8. All blocks, and all lots within each block, shall be consecutively numbered.
9. Excepted parcels shall be marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the boundary completely indicated by bearings and distances.
10. All streets, walkways and alleys shall be designated as such and streets shall be named; bearings and dimensions must be given.
11. The information of the plat shall also include:
 - (a) Name of subdivision, True North arrow, basis of bearings, and date.
 - (b) Name and address of owner or owners of record.
 - (c) Total acreage of subdivision and total number of lots.
 - (d) The number of acres, to the nearest half (1/2) acre, and the percent of total area of the subdivision in streets and each other type of use proposed for the subdivision.
 - (e) Township, Range, Principal Meridian Section (and Quarter Section(s) if portion of a section), block and lot numbers.
 - (f) Graphic scale.
 - (g) Monuments.
 - 1) Permanent reference monuments shall be set on the external boundary of the subdivision, pursuant to C.R.S. 1136-2-1.
 - 2) Block and lot monuments shall be set pursuant to C.R.S. 136-2-1.
 - 3) At least one fourth order benchmark (N.G.S. Datum) shall be set (where practical to tie in) within every subdivision or subsequent filing prior to submission of the Final Plat for approval.
 - (h) Any additional information required by C.R.S. 136-2-2.

Section 5.030 DRAWING REQUIREMENTS:

The Final Plat drawing shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State of Colorado. A workman-like execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.

The plat shall be delineated in drawing ink, at a scale of not less than 1"=200', on waterproof tracing cloth or suitable drafting film, twenty-four (24) inches high by thirty-six (36) inches wide. The surveyor making a plat shall certify on the plat that it conforms to these regulations and to all applicable state laws and that the monuments described in it have been placed as described. He shall affix his name and seal.

Section 5.040 SUPPORTING DOCUMENTS:

The following documents shall be submitted with the Final Plat drawing and be considered a part of the Final Plat submission:

One copy of an application form for review of a final plat and one copy of all supporting documents, except that the Board or the Planning Commission may, at any time up to approval by the Board, require additional copies. (4/12/2004)

1. Drawings showing layout, profile, and detail design of the following:
 - (a) All utilities, easements, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that service will be provided to development in accordance with the Colorado Public Utilities Commission regulations.
 - (b) Plan, profile and typical cross section drawings of roads, bridges, culverts, and other drainage structures.
 - (c) Grading and drainage plan. The proposed grading plan shall be indicated by solid line contours superimposed on dashed line contours of existing topography for the area of the Final Plat. Such contours shall be at two (2) foot intervals for predominant ground slopes within the tract over five (5) percent grade. In case of predominantly level topography throughout subdivision, one (1) foot contour intervals may be required.
 - (d) Erosion control plan, when required for preliminary plan review. (Section 4.010-6) or required as a result of such review.
2. A guarantee of public improvements (see Section 2.010).
3. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way acceptable to the Board must be submitted.
4. Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the Board stating that the Board will accept the lands to be dedicated subject to applicable improvement standards and agreements by the appropriate public agencies.
5. When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted.
6. Copies of deed restriction, including those required by the Board, to govern the future use of each lot and any common land with regard to the future construction of water or sewer systems, re-subdivision, and other potential changes which might significantly alter the subdivision as approved by the Board with regard to the criteria and standards of these regulations.
7. Monument record for required benchmark.
8. The drawings, described in (a), (b), (c), and (d) shall be prepared by either a registered professional engineer or registered land surveyor, as required by the laws of the State of Colorado, who is licensed to do such work in the State of Colorado.

ARTICLE VI

DESIGN STANDARDS

Section 6.010 GENERAL:

The design and development of subdivisions shall preserve, insofar, as it is possible, the natural terrain, natural drainage, existing topsoil, and trees. Land subject to hazardous conditions such as land slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

Section 6.020 LOTS (4/12/2004) :

1. A municipal or county boundary line shall divide no single lot.
2. A lot shall not be divided by a road, alley or other lot.
3. Wedge-shaped lots: In the case of wedge-shaped lots, no lot shall be less than thirty (30) feet in width at the front property line.
4. Lot lines: Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines this shall be indicated.
5. Front on public street: All residential lots in subdivisions shall front on a public street, in accordance with other local regulations.
6. Double frontage lots: Double frontage lots shall not be permitted.

Section 6.030 STREETS: See Appendix B

1. A major Highway or street shall have 100' right-of-way, 64' paved.
2. A collector street shall have 80' right-of-way, 44' paved.
3. A local street and service road shall be designed to discourage through traffic and shall have 50' right-of-way, 34' paved.
4. A Cul-de-sac street maximum length is 20 lots or 1000'.
5. A Cul-de-sac Circle shall have 40' radius right-of-way, 30' paved radius.
6. A stub street must provide a cul-de-sac if more than six (6) lots are fronted.
7. Driveways shall not be permitted to have direct access to major highways.
8. Streets must intersect at ninety degree angles unless impractical.
9. No more than two streets may intersect.
10. Streets shall have the names of existing streets which are in alignment in the county or adjoining county or municipality. There shall be no duplication of street names within the area.
11. To insure adequate sight distances, when street roadway lines deflect more than five (5) degrees, connection shall be made by horizontal curves. Vertical curves shall be used at changes of grade exceeding one percent and shall be designed to provide minimum sight distances of two hundred (200) feet for local streets and three hundred (300) feet for all other streets. (Arterial and collector streets shall be determined as by the County Road and Bridge Department.

Section 6.040 ROAD CONSTRUCTION:

1. Paved roads.
 - (a) Roadbed grading and paving width: Roadbed grading and paving of thirty-four (34) feet in width on local streets and a minimum of forty-four (44) feet on all others shall be required. Ten (10) foot shoulders shall be provided where curbs are not provided.
 - (b) Base Course: On the properly rolled and crowned subgrade, there shall be constructed a crushed aggregate base course of six (6) inches minimum depth when compacted, conforming to the Department of Highways specifications for crushed aggregate base course. Should conditions warrant, the county may require a base of greater than minimum depth.
 - (c) Surface Course: On the crushed aggregate base course, a bituminous mix approved by the Board shall be constructed of two and one-half (2 ½) inch minimum thickness conforming to Department of Highway specifications for a bituminous surface course. Should conditions warrant, the county may specify asphalt concrete surface course, conforming to Department of Highway specifications.
 - (d) Curbs: Curbs, when required, of cement concrete or asphalt on all streets throughout a development to be of either straight or rolled type. Straight curbs shall be twenty (20) inches in depth, six (6) inches wide at the top and eight (8) inches wide at the bottom; rolled curbs shall be fourteen (14) inches in depth, twenty-four (24) inches in total width, six (6) inches wide at the top and have a seventeen (17) inch curb return, except at corners where it shall have a fifteen (15) inch curb return.
2. Unpaved Roads: Where approved by the county, construction of unpaved roads shall be in accordance with standards developed by the county road department which shall consider the anticipated use of the road and the natural features of the area.
3. Private access to Subdivision properties will utilize Subdivision roads when possible, minimizing additional access to existing county roads. Refer to County Specification Manual Application for Driveway Permit. (4/12/2004)
4. Street signs and traffic flow signs shall be installed at all intersections in the subdivision and shall follow the standards in the Manual on Uniform Traffic Control Devices. The developer is responsible for all costs associated with the initial purchase, installation, repair or replacement of these signs. If the road is approved as a county road, then any sign repair or replacement will become the responsibility of the County after the road is accepted. (4/12/2004)

Section 6.045 ROAD NAMES AND ADDRESSING (4/12/2004):

Road names will be approved and addresses will be assigned in accordance with the Moffat County Addressing, Naming and Signing Policy, Resolution 2002-17.

Section 6.050 PEDESTRIAN WALKWAYS AND BLOCKS:

Sidewalks shall be provided if required by the Moffat County Zoning Resolution, as amended from time to time. (4/12/2004) Sidewalks shall be on both sides of all streets, not less than four (4) feet in width and constructed of reinforced 3000 P.S.I. concrete at least four (4) inches thick. The area from the curb line to the sidewalk shall slope one-fourth (1/4) inch per foot toward the street.

Block lengths shall be reasonable in length and the total designs provide for convenient access and circulation for emergency vehicles.

Where blocks exceed one thousand (1000) feet in length, pedestrian rights-of-way of not less than ten (10) feet in width shall be provided through blocks where needed for adequate pedestrian circulation. Improved walks of not less than five (5) feet in width shall be placed within the rights-of-way.

Section 6.060 EASEMENT STANDARDS:

Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of twenty (20) feet apportioned equally in abutting properties.

Where front line easements are required, a minimum of fifteen (15) feet shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen (15) feet in width extending throughout the peripheral area of the development. They shall be designed so as to provide efficient installation of utilities. Special guying easement at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

In cases of heavy timber and/or excessively rocky terrain, utilities shall be encouraged to construct their facilities in the streets to avoid excess costs and resource destruction, due to blasting, clearing timber, and maintenance of aesthetic standards.

Section 6.070 SANITARY SEWAGE DISPOSAL:

1. General Requirements: In all new subdivisions all lots or parcels which cannot be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of, or use of buildings constructed thereon. Compliance of this requirement shall be met through the Septic Permit issued by the Moffat County Building Department. (4/12/2004)

2. Sewage Treatment Facilities

- a. The developer must submit a collection system and waste water treatment system certified by a registered professional engineer.
- b. These facilities shall meet or exceed the standards set the Colorado Department of Public Health and Environment. (4/12/2004)

Section 6.080 WATER SUPPLY:

Water supply systems shall be provided consistent with the standards of the requirements of these regulations.

1. Where the subdivider proposes that individual on-lot water supply systems (well or cistern) (4/12/2004) 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.
2. Where the subdivider proposes that a community water supply be constructed the following will apply:
 - a. The subdivider must submit a registered professional engineer designed water collection and distribution system and water treatment system that provides for a physically available and legally adequate water supply, and meets the requirements of b. and c. below.
 - b. 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.
 - c. Water lines shall be designed to connect each lot in accordance with applicable engineering standards. (4/12/2004)

Section 6.090 STORM DRAINAGE AND FLOOD PLAINS:

Complete drainage systems for the entire subdivision area shall be certified by a registered professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. All existing drainage features, which are to be incorporated in the design, shall be so identified. If the Final Plat is to be presented in section, section and appropriate development states for the drainage system for each section shall be indicated. The drainage and flood plain systems shall be designed:

1. To permit the unimpeded flow of natural watercourses.
2. To ensure adequate drainage of all low points.
3. To ensure the applications of the following regulations regarding development in designated flood plains:
 - (a) Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred- (100) year storm.
 - (b) Building construction may occur in that portion of the designated floodway where the return frequency is between a one hundred (100) year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.
 - (c) Where floodway velocities are generally determined to be under five (5) feet per second and maximum floor depth will not exceed three (3) feet, such uses as cultivate agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - (d) Any use of land is prohibited where flooding would create a public health problem. This includes shallow, uncased deep wells, sanitary land fills, septic tank and on-lot sewage disposal systems, water treatment plans, and also sewage disposal systems not completely protected from inundation.

- (e) Trailer parks, mobile homes and similar uses shall not be permitted in any designated floodway.
 - (f) Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before it is undertaken. Any construction, dumping, and filling operations in a designated floodway constitutes an encroachment.
 - (g) Floodlands: All lots containing land which is less than two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood of record, must have adequate building sites documented with consideration to the location of the building and, where applicable, of wells and septic tanks.
4. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area and increased runoff from the development of the subdivision but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects of the lands downstream. Subdivisions with lots of two acres or less may be required to provide a designed drainage system certified by a registered professional engineer. (4/12/2004)
 5. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects of the lands downstream.
 6. All proposed surface-drainage structures shall be indicated.
 7. All appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

Section 6.100 PUBLIC SITES AND OPEN SPACES:

The Board, upon consideration of county circulation and facilities and the future requirements of the subdivision, may require the dedication of areas or sites of a character, extent, and location suitable for various public uses, for schools, parks or other necessary public purposes (other than subdivision streets). Reservation of public sites or open space not to exceed five (5) percent of the gross land area of the final plat shall be mutually agreed upon by the subdivider and the County Commissioners following recommendations from public agencies directly involved in the development and service of these areas. (4/12/2004)

Section 6.110 FENCING (4/12/2004) :

Any regulation of interior lot fencing shall be addressed in the covenants and restrictions for the subdivision. Regulations regarding the perimeter fencing of a subdivision are governed by C.R.S. Article 46, Fence Law, therefore, these subdivision regulations place no further restrictions on fencing of a subdivision.

Section 6.120 FIRE PROTECTION (4/12/2004) :

1. All new development shall provide for fire protection in one of the following ways:
 - a. Provide proof that the proposed acreage for development is currently included in a fire protection district.
 - b. Provide proof of application and acceptance into a fire protection district.
 - c. Provide proof that the proposed development is located in a geographic area unable to be accepted by a fire district.

2. Regardless of the method used to meet the above requirement #1, all new development shall complete and implement a wildfire mitigation and management plan in reference to the provisions of the Moffat County Wildland Fire & Fuel Management Plan. The proposed development plan will be subject to review and approval by the appropriate agency: Moffat County Sheriffs Department, Craig Rural Fire District, Artesia Fire District - depending upon location of the development. The review process may be subject to a fee, payable to the above listed individual agency as applicable.

The wildfire mitigation and management plan shall include but not be limited to information on the following:

- a. Proposed Fire Protection System, i.e. adequate water supply for fire fighting, road design to ensure adequate emergency vehicle access, rural addressing information, and escape routes.
- b. Proposed construction material restrictions appropriate for development location and identified threat from wildfire.
- c. Fuel mitigation plan, including a map identifying the location of proposed fuel treatments and potential hazards.
- d. Fire prevention measures that include defensible space and reduction of ignition zone around structures.
- e. Inclusion of the above wildfire mitigation and management plan in the subdivision covenants.

Section 6.130 WEED MANAGEMENT (4/12/2004):

The developer shall comply with the Moffat County Undesirable Plant Management Plan and provide for weed management by:

1. Providing a statement of evaluation describing the existing weed infestation of the acreage within the proposed development. This statement, with map if applicable, should indicate areas where weed mitigation is required or that the entire acreage is in compliance with the Moffat County Undesirable Plant Management Plan.
2. Providing a weed mitigation plan that outlines the methods that will be used to address the identified areas of weed infestation.
3. Including a statement for weed management in the subdivision covenants and restrictions.

ARTICLE VII

RELATED PROCEDURES

Section 7.005 APPLICATION PROCEDURE

Max. Time (1) SUBDIVIDER SUBMITS SKETCH PLAN TO PLANNING COMMISSION

35 days

The Planning Commission makes available information and forms to the subdivider relating to standards as outlined in these regulations and then makes recommendations.

(2) PLANNING COMMISSION SUBMITS SKETCH PLAN TO BOARD

The Board, at their next regular meeting, may approve, table for ~~35~~ 30 days, deny or return the sketch plan to the subdivider for revision. Denied applications cannot be resubmitted within six months after date of denial.

(3) SUBDIVIDER SUBMITS PRELIMINARY PLAN TO THE PLANNING COMMISSION

35 days

The subdivider shall submit 12 copies 30 days prior to the Planning Commission meeting the application is to be on the agenda. According to CRS 30-28-136 (2), the Planning Commission distributes copies to appropriate agencies for review and comment within 21 days unless an extension time is agreed by the subdivider and the Board. The extension shall not exceed 30 days unless the County is notified of a longer timeframe in accordance with CRS 30-28-133.5 (6). (4/12/2004)

(4) PLANNING COMMISSION SUBMITS PRELIMINARY PLAN TO THE BOARD

The Board acts on preliminary plans within 30 days or approval is automatic. (4/12/2004)

(5) SUBDIVIDER SUBMITS FINAL PLAT TO PLANNING COMMISSION

35 days

The Planning Commission checks and acts on plat in accordance with completeness pursuant to these regulations and makes available one copy of the final plat to the Board to be sent to the State Land Use Commission.

(6) PLANNING COMMISSION SUBMITS FINAL PLAT TO BOARD

The Board acts on final plat within 30 days or approval is automatic. (4/12/2004)

(7) PLAN APPROVAL DEADLINES

Sketch Plan approval shall be effective for a maximum period of twelve (12) months, and Preliminary Plan approval shall be effective for a maximum period of twelve (12) months: unless, upon application by the subdivider, the Planning Commission grants an extension. Whenever a final plat is submitted for less than the entire area covered by the Preliminary Plan, approval of the preliminary plan for the remaining unplatted area shall be extended for an additional twelve (12) months. (4/12/2004)

Section 7.010 ACCEPTANCE OF STREET & OTHER PUBLIC LAND DEDICATION:

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.

Section 7.020 RE-SUBDIVISION PROCEDURES:

Re-subdivision of land or changes to a recorded plat shall be considered a subdivision and it shall comply with these regulations with the following exceptions:

1. Lot lines may be revised from those shown on the recorded plat, provided that in making such changes:
 - (a) No lot or parcel of land shall be created or sold that is less than the minimum requirements for the area or dimension as established by these regulations or other applicable regulations or ordinances;
 - (b) Drainage easements reserved for drainage shall not be changed, unless supported by complete engineering data;
 - (c) Street locations and street rights-of-way shall not be changed, and;
 - (d) The plat shall not be altered in any way, which will adversely affect the character of the plat filed.
2. If it is discovered that there is a minor survey or drafting error in a recorded final plat the subdivider shall be required to file the final plat with an affidavit witnessed by two land surveyors, concerning the change, which shall be approved by the Board. At least one of the surveyors witnessing the final plat must be an impartial observer having no personal interest in the subdivision. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the corrected plat shall require full approval procedures and the recording of a corrected plat.
3. The Board endorses the changes. Before endorsement, full compliance of these regulations may be required.

A copy of all final plat revisions shall be submitted to the Planning Commission and the Board for its review. (4/12/2004)

Where the re-subdivision complies with the appropriate requirements of these regulations, a record plat indicating the re-subdivision shall be submitted to the Board for its endorsements, prior to the filing of such plat with the County Clerk and Recorder.

Such plats shall specifically indicate the revisions being made compared to the previously recorded plat.

The county shall maintain an adequate numbered filing system for all subdivisions, including copies of all maps, data, and county actions. It shall also maintain a master location map (or maps) referenced to the filing system for public use and examination.

Section 7.025 VACATION PROCEDURES (4/12/2004):

- A. Road Vacation – application for vacation of a County Road is processed by a separate road vacation application not included in these regulations.
- B. Conditions: A subdivider or land owner may make application to the Planning Commission to vacate any plat of record under the following conditions:
 - 1. The plat to be vacated is of legal record.
 - 2. Vacation of the subdivision or lots within the subdivision will not interfere with the development of, nor deny access via public thoroughfare to, adjoining properties, utility services or other improvements.
 - 3. Vacation of the subdivision will not be contrary to the Moffat County Master Plan or the Zoning Resolution.
- C. Procedure: The land owner shall present a proposal of vacation to the Planning Commission by complying with the Re-Subdivision procedures stated above.

Section 7.030 WITHDRAWAL OF APPROVAL:

The Board may withdraw any recommendation by the Planning Commission or approval by the Board of the plan or plat if and when it is determined that information provided by the subdivider, upon which such decision was based, is false or inaccurate.

Section 7.040 RECORDING FINAL PLAT:

The subdivider shall record the final plat with the County Clerk and Recorder within five (5) working days of approval of the final plat by the Board. An extension for recording the final plat may be granted if requested in writing. The County Clerk and Recorder shall furnish the subdivider with a receipt for the final plat upon filing of the final plat. (4/12/2004)

Section 7.060 VARIANCES:

Should the subdivider clearly demonstrate that, because of peculiar physical conditions pertaining to his land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the Board may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by these regulations.

Section 7.070 VALIDITY:

If any section, subsection, paragraph, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision hereof, other than the part so adjudged be invalid or unconstitutional.

Section 7.080 APPLICATION FEE:

To defray a portion of the expenses of Subdivision Review and Supervision, the following fees shall be charged in accordance to Resolution 2003-69 with the effective date of January 5, 2004.

1. Application for Subdivision
 - A. Filing of sketch plan: \$300.00
 - B. Preliminary plan: \$450.00 for 10 lots or less, with an additional \$50 per lot over 10 lots
 - C. Final plan: \$250
2. Application for Exemption from Subdivision Regulations: \$200.00
3. Application for Resubdivision: \$250.00
4. Application for Variances: \$175
5. Application for Rezone: \$300

Section 7.090 SUBDIVISION FORMAT FOR FINAL PLATS (2/17/1983)

1. The heading shall contain the complete name of the subdivision, the phase or filing number, Government Lot Number(s), the allocated section, Section number(s), Township, Range, Principal Meridian, County, State, and where applicable, the United States patented mining claim name and number.
2. Notes:
 - a. Where private road easements are permitted the Owner's Certificate shall be amended to read ".....and does hereby dedicate for access purposes those private non-exclusive road easements shown hereon, and does hereby dedicate those portions of said real property labeled as easements for the installation and maintenance of public utilities, or such other use as may be shown hereon." Also, a notation shall be added to the plat stating that, "Access to this subdivision is via a private non-exclusive road easement. County maintenance and snow removal is not provided."
 - b. The point-of-beginning of the subdivision boundary shall be shown and shall be referenced by bearing and distance to an established section corner or quarter corner.
 - c. Where applicable in the "A" and "R-R" Districts, a notation shall be provided on the Final Plat identifying those circumstances under which water may be available to the property, as specified by the State Division of Water Resources.
 - d. For items 3-7 below: Items in brackets [] are for information and will not appear on the plat.
 - e. For items 3-7 below: Items in parenthesis () will appear on the plat, where applicable.

5. COUNTY PLANNING COMMISSION CERTIFICATE

This Plat is hereby certified for approval by the Moffat County Planning Commission this

_____ day of _____ A.D., 20_____.

By: (Signature) _____
[Printed name of Chairman] Chairman

6. BOARD OF COUNTY COMMISSIONER’S CERTIFICATE

This Plat is hereby approved for filing by the Board of County Commissioners, County of Moffat, State of Colorado, this _____ day of _____ A.D., 20_____. (The dedication of the public ways shown hereon are accepted by the County of Moffat, subject to: the condition that said County shall undertake the maintenance of said public ways only after construction of said public ways has been satisfactorily completed to County specifications by the subdivider, the successful completion of the prescribed warranty period, and a Resolution of the Board of County Commissioners of Moffat County accepting the same for inclusion in the County road system, as recorded with the County Clerk and Recorder.)

By: (Signature) _____
[Printed name of Chairman] Chairman

Attest: (Signature) _____
[Printed name of Clerk & Recorder] County Clerk and Recorder

7. CLERK AND RECORDER’S CERTIFICATE

STATE OF COLORADO)
COUNTY OF MOFFAT) ss

I, hereby certify that this instrument was filed in my office at _____ o’clock ____M. this _____ day of _____ A.D., 20_____, and is duly recorded as Miscellaneous Number _____ and Reception Number _____.

By: (Signature) _____
[Printed name of Clerk & Recorder] County Clerk & Recorder

Appendix "A"

**MOFFAT COUNTY
SUBDIVISION IMPROVEMENTS AGREEMENT**

KNOW ALL MEN BY THESE PRESENTS that _____ as Principal (hereinafter called the Principal), and _____ As Surety (hereinafter called the Surety), are bound unto the State of Colorado and the County of Moffat for the use and benefit of the County, and for the use and benefit of all affected property owners within the hereinafter mentioned subdivision, in the full and just sum of _____ dollars (\$_____) for payment of which sum well and truly being made, we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally, firmly by these presents.

WHEREAS the Principal has submitted a final plat of the Subdivision known as _____ Subdivision, located in Moffat County, Colorado, for approval of the Moffat County Board of County Commissioners, which approval is a condition precedent to the right of the Principal to have recorded in the Office of the Clerk and Recorder of Moffat County, Colorado, such plan of said Subdivision; and

WHEREAS the Moffat County Board of County Commissioners is unable to approve said plan of said Subdivision for recording until all improvements are completed or until proper assurance of completion is made; and

WHEREAS the required public improvements are not yet completed, and that the total cost of providing these facilities would be as follows:

IMPROVEMENTS	UNIT	COST	ESTIMATED CONSTRUCTION	CONSTRUCTION COMPLETION DATE
Street grading				
Street Base				
Street paving/gravel				
Curbs, gutters, sidewalks				
Water lines				
Storm sewers				
Sanitary sewers				
On-site drainage facilities				
On-site paving / gravel				
On-site recreational facilities				
On-site sewage facilities				
Fire hydrants				
Street lights				
Street name / traffic control signs				
SUBTOTAL				
Supervision of all installations				
TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION \$ _____				

WHEREAS under the rules and regulations for land subdivision in Moffat County, State of Colorado, adopted by the Moffat County Board of County Commissioners, it is permissible for the subdivider, in lieu of the completion of said improvements and prior to seeking the final approval, to submit a corporate surety bond or other sufficient security that said improvements will be completed; and

WHEREAS the Moffat County Board of County Commissioners is willing to approve the final plat of said Subdivision for recording upon the execution of the corporate surety bond or other sufficient security according to said rules and regulations in the sum of _____ dollars (\$_____) Guaranteeing completion of the specified improvements within the completion dates listed above to the satisfaction of the Moffat County Board of County Commissioners.

NOW, THEREFORE, if the Principal shall, within the above specified time period, fully comply with all the terms thereof and any additions, amendments, or alterations as may be agreed to between the Principal and Moffat County, this obligation shall then be null and void and a letter of acceptance of said improvements shall be forwarded to the Surety and filed with the County Clerk and Recorder. Otherwise, this agreement shall remain in full force and effect, and the funds derived from said corporate surety bond or other security shall be used by the Moffat County Board of County Commissioners for the purposes as set forth herein.

THIS _____, 20_____.

Principal

Surety