

Mineral County Subdivision Regulations

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Developed in cooperation with the San Luis Valley Council of Governments

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ARTICLE I

GENERAL PROVISIONS

1.1 Title

These regulations shall be referred to as the “Mineral County Subdivision Regulations.”

1.2 Authority

The Mineral County Subdivision Regulations are authorized by chapter 106-2-34 of the Colorado Revised Statutes, 1963, as amended, and are hereby declared to be in accordance with all provisions of these statutes.

1.3 Purpose (Amendment adopted by Mineral County Commissioners, June 7, 1976)

These regulations are designed and enacted for the purpose of protecting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Mineral County by:

- 1.3.1 Ensuring that proposed developments adequately mitigate potential hazards to protect the rights, health, safety, and wellbeing of the citizens of Mineral County.
- 1.3.2 Ensuring that valuable resources whose anticipated value to the citizens, county, state, and nation exceeds the value of the development are protected. Mineral resources shall be protected to allow extraction or exploration would cause significant danger to public health and safety.
- 1.3.3 Recognizing the rights of the developer, the citizens and the communities and to ensure that any proposed development does not create an excessive burden of the county tax payer.
- 1.3.4 Encouraging the proper arrangement of streets in relation to existing or planned streets and to the comprehensive plan if such exists.
- 1.3.5 Ensuring for the provisions for adequate and convenient open spaces for traffic, utilities, access for firefighting apparatus, civil defense, recreation, sites for schools and educational facilities, and related structures, light and air.
- 1.3.6 Avoiding congested population, including minimum lot area and width.
- 1.3.7 Avoiding delay, expense and paperwork as necessary and reasonable, to afford sufficient input and evidence by affected citizens and experts to allow for informed decisions by the Board of County Commissioners so that it may protect all of the citizens of Mineral County.
- 1.3.8 Regulating such other matters as the County Planning Commission and Board of County Commissioners may deem necessary in order to protect the best interest of the public.

1.4 Acceptance of Public lands

Approval of a subdivision by the Board of County Commissioners shall not constitute an acceptance by the County of the roads, streets, alleys or other public lands dedicated on the subdivision plat by the owners. The dedication of any of these lands for public use of any nature within the county shall be accepted by the county only by action of the board of county commissioners.

1.5 Interpretation

The interpretation and application of the provisions of these regulations, the following criteria shall govern:

- 1.5.1 Whenever both a provision of these regulations, and any other provisions of the regulations or any other law, ordinance, resolution, rules, statute or regulation of any kind. Contain any restrictions covering any of the same subject matter. Whichever restrictions are more restrictive or impose higher standards or requirements shall govern;
- 1.5.2 These Regulations shall not abrogate or annul any plat easement covenants or permits recorded or issued before the effective date of the regulations.

1.6 Jurisdiction

The territorial jurisdiction of these regulations shall include all of the unincorporated land located within Mineral County, Colorado.

1.7 Control Over Platting

- 1.7.1 All plans of streets or highways for public use and all plans, plats, plots, replots, and of land laid out in a subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the County Planning Commission for approval before they are recorded. Acceptance of said proposed dedication by the public shall be given by action of the Board of County Commissioners following approval by the County Planning Commission.
- 1.7.2 No building should be erected, unless the public street giving access to the lot upon which such building is proposed to be placed, shall have been approved by the Board of County Commissioners.
- 1.7.3 The Board of County Commissioners shall withhold all public street improvements and public maintenance from all rights-of-way which have not been accepted for such purposes by the Board of County Commissioners.
- 1.7.4 Any Subdivider, or agent of a subdivider, who transfers or sells or agrees to sell or offers to sell any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filled in the office of the County Clerk and recorder shall be guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars for each parcel or interest in the subdivided land which is sold or offered for sale. All fines collected under this section (1.7.4) shall be credited to the general fund of the county.

The Board of County Commissioners shall have the power to bring an action to enjoin a subdivider from selling, agreeing to sell, or offering to sell subdivided land before a final plat has been approved by the Board of County Commissioners

- 1.7.5 No Changes, erasures, modifications, or revisions shall be made in a final plat after approval of that plat has been given by the Board of County Commissioners, except with the permission of the County Commissioners.
- 1.7.6 No subdivision shall be approved under the 1963 CRS 106-2, as amended, until such data, surveys, analyses, studies, plans and designs as may be required by this statute and by the County Planning Commission or the Board of Commissioners have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the County contained in these Subdivision Regulations

1.8 Application to types of Subdividing

- 1.8.1 Unless the method of disposition is adopted for the purpose of evading these regulations, these regulations shall not apply to any subdivision:
 - 1.8.1.1 Which creates parcels of land each which comprise thirty-five (35) or more acres of land, none of which is intended for use by multiple owners;
 - 1.8.1.2 Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest;
 - 1.8.1.3 Which is created by order of any court in the state of Colorado or by operation of law;
 - 1.8.1.4 Which is created by lien, mortgage, deed of trust, or any other security instrument;
 - 1.8.1.5 Which is created by security or unit of interest in any investment trust regulated under the laws of the State of Colorado or any other interest in an investment entity;
 - 1.8.1.6 Which create cemetery lots;
 - 1.8.1.7 Which creates an interest or interests in oils, gas, mineral, or water which are now hereafter severed from the surface ownership of real property; or
 - 1.8.1.8 Which is created by the acquisition of an interest in land in the name of husband and wife or other persons in joint tenancy, or as tenants in common, and any such interest shall be deemed for purposes of these Regulations as only one (1) interest.
- 1.8.2 Common, Corporate, syndicated or other similar ownership which creates multiple building sites shall be subject to these Subdivision Regulations.
- 1.8.3 Any division of land as described in Section 1.9.46 and which is not expected, but which a division of land by mete and bounds description, shall constitute a subdivision of land and shall require compliance with these Regulations.
- 1.8.4 (Amendment adopted by Mineral County Commissioners, June 7, 1976)

No land shall be subdivided for any use where the Board of County Commissioners finds that the land has severe or very severe limitations unless proper mitigation procedures are sufficiently

followed to satisfy the evaluation criteria outlined in Article IV. This would apply to all areas containing or suspected of containing:

- 1.8.4.1 Natural hazard that include, but shall not be limited to: Flooding; concentrated runoff; inadequate draining; wild-fire hazard areas; geologic hazard area; including, avalanches, landslides, rock falls, mudflows, and debris fans, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence and expansive soils and rock.
- 1.8.4.2 Other limiting natural features such as a slow permeability, erosion susceptibility, high ground water table, and lack of evidence of adequate potable water supply.
- 1.8.4.3 Important county resource areas whose anticipated value to the county, state, and nation exceeds the value of the proposed development such as areas containing or having significant impact on mineral resource areas.
- 1.8.4.4 Others feature likely to be harmful to the health, safety, and prosperity, aesthetic and general welfare of the future and present habitants or users of the proposed development or of Mineral County.

The Board of County Commissioners in applying the provisions of this section shall, in writing, recite the particular facts upon which its bases its conclusion that the land is not suitable for certain uses.

The subdivider shall have an opportunity to present evidence contesting such findings if he so desires. Thereafter, the Board of County Commissioners may affirm, modify, or withdraw its determination that the land is not suitable for certain uses.

1.8.5 For any division of land that is described in sections 1.8.5.1 and 1.8.5.2 following, a plat shall be required to be approved by the board of County Commissioners, and shall be recorded in the office of the county clerk after such approval is granted. Said Plat: shall be developed in accordance with the design standards set forth in Article III of these regulations; Shall indicate the boundaries of all tracts, lots, sites, plats or parcels included in the proposed subdivision; Shall accurately show all new and existing streets included in the subdivision; and shall clearly label all streets as either public or private. All public streets shall be dedicated to the county and notice given on the plat that the streets will not be accepted by the county for maintenance until such street standards. (See sections 2.2.1.9 and 2.2.1.10 for notice and dedication format.)

1.8.5.1 The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the areas involved, for use by any public and private utility companies for transmission lines but not including service lines; or

1.8.5.2 The Improvement of one (1) or more parcel(s) of land for residential, commercial or industrial uses involving the opening, widening, or extension of any public street or streets, regardless of the area involved.

1.9 Definitions

1.9.1 Rules of Construction Language

1.9.1.1 The particular controls the general

1.9.1.2 In case of any difference in meaning or implication between the text of these regulations and the captions for each section, the text shall control.

- 1.9.1.3 The word “shall” is always mandatory and not directory. The word “may” is permissive.
- 1.9.1.4 Words used in the present tense include the future, unless the context clearly indicates the contrary.
- 1.9.1.5 Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- 1.9.2 Administrator – the mineral County Land Use Administrator. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.3 Avalanche - a mass of snow or ice and other material which may become incorporated therein as such mass moves rapidly down a mountain slope. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.4 Block – a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural land or drainage channels, or a combination thereof.
- 1.9.5 Building Line or set back Lines – a line or lines designating the area outside of which buildings may not be erected
- 1.9.6 Closed Sanitary System- any method of individual sanitary collection where the effluent is either maintained in the system for eventual collection or treated in the system in such a way that the harmful effects of the effluent are eliminated. Such methods may include but are not limited to vault storage, effluent cremation or recycling. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.7 Comprehensive Plan- the comprehensive plan for Mineral County if such exist, or in its absence, the comprehensive plan for the San Luis Valley Planning Region of Colorado, which has been officially adopted to provide long range development policies for the area and which include, among other things, the plan for land use, land subdivision, circulation and public facilities
- 1.9.8 Construction- The assembly or excavation of or for any structure or facilities except agricultural buildings not capable of human habitation. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.9 County- Mineral County Colorado
- 1.9.10 County Board of Commissioners- The Board of County Commissioners of Mineral County, Colorado.
- 1.9.11 County Engineer- The duly designated engineer for Mineral County, Colorado or the county’s duly authorized representative.
- 1.9.12 Development- Any construction or activity which changes the basic character or use of the land on which the construction or activity occurs. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.13 Disposition- a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an adjustment 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.

- 1.9.14 Easement- Authorization by a property owner for the use by the public, a corporation, or persons, of any designated part of his property for a specific purpose.
- 1.9.15 Engineer or Licensed Professional Engineer- A person licensed as a professional engineer by the State of Colorado
- 1.9.16 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 content and must support the position maintained by the subdivider.
- 1.9.17 Expansive Soil and Rock- Soil and rock which contains clay and which expands to a significant degree upon wetting and shrinks upon drying. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.18 Flood Hazard Prone Areas- An area lying in a floodplain as determined by the best available information. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.19 Floodplain- An area in and adjacent to a stream, which area is subject to flooding as a result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to the property. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.20 Flood Proofing- a combination of structural provisions, changes or adjustments to land, properties, and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures and contents of buildings in a flood hazard prone area. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.21 Geologic Hazard- a geologic phenomenon that is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to: avalanches, landslide, rock falls, mudflows, unstable or potentially unstable slopes, seismic effects, radioactivity, and ground subsidence.
- 1.9.22 Geologic Hazard Prone Areas- An area which may contain or may be directly affected by geologic hazard, and is identified in this chapter of the Land Use Zoning and Development Code.
- 1.9.23 Ground Subsidence- A process characterized by the downward displacement of surface materials caused by a natural phenomenon such as underground mining. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.24 Intermediate Regional Flooding- A type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any given time in a given area based upon recorded historical perception and other valid data, but with an average statistical one percent chance of being equaled or exceeded during any one year. The term is used interchangeable with a one percent flood or one hundred year flood. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.25 Landslide- a mass movement where there is a distinct surface or rupture or zone of weakness which separates the slide material from more stable underlying material. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.26 Lot- A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development

- 1.9.27 Lot, Corner- A lot located at the corner and abutting on two or more streets.
- 1.9.28 Lot, Double Frontage- A lot that runs through a block from street to street and which has two non intersection sides abutting on two or more streets.
- 1.9.29 Lot, Single-Tier- A lot that backs up to an arterial highway, a major street, a physical barrier, or a nonresidential use and to which vehicular access from the rear is usually prohibited.
- 1.9.30 Mineral Resource- Coal, oil, and natural gas, sulfur, sand, and gravel, quarry aggregate, limestone, gypsum, and any other inanimate constituent of the earth, in either solid, liquid, or gaseous state which, when extracted from the earth is useable in its natural form or is capable of conversions into useable form as a metal, a metallic compound, a chemical or construction material. This definition does include geothermal resources, but does not include existing water rights for either domestic, agricultural, or industrial purposes. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.31 Mineral Resource Area- An area in which minerals are located in sufficient concentration in veins, deposits, beds, seams, fields, pools, or otherwise, as to be capable of economic recovery. The term includes a new find of mineral resources in any location, a reopening of a previously existing operation that has been closed, an old find that has not previously developed and an area into which an existing and ongoing mining operation expands. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.32 Mud Flow- A flowing mass of predominately fine grained earth material possessing a high degree of fluidity during movement. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.33 Plan, Preliminary- The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations,
- 1.9.34 Planning Commission- The officially appointed Planning and Zoning Commission of Mineral County, Colorado.
- 1.9.35 Plat, Final- A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interest with the County Clerk and Recorder.
- 1.9.36 Public Sanitary Central Collection and Treatment System or Facility- any public sanitary central collection system or facility serving the subdivision, or other platted areas by cooperative agreement.
- 1.9.37 Public Water Treatment and Distribution System- any water treatment and distribution system serving the subdivision, or other platted areas by cooperative agreement.
- 1.9.38 Radioactivity- A condition related to various types of radiation emitted by natural radioactive minerals that occur in natural deposits of rocks soils and water. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.39 Regional Planning Commission- The San Luis Valley Regional Development and Planning Commission.

- 1.9.40 Regional Planning Staff- The professional staff at the San Luis Valley Regional Development and Planning Commission.
- 1.9.41 Rock Fall- The rapid bounding or sliding or rolling of large masses of rocks or individual rocks. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.42 Seismic Effects- Direct or indirect effects cause by a natural earthquake or manmade phenomenon. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.43 Sketch Plan- a map of a proposed subdivision, drawn and submitted in accordance with the requirements of these regulations, to evaluate feasibility and design characteristics at an early stage in the planning.
- 1.9.44 Streets and Alleys- The term “Street” means a public way for vehicular traffic, whether designated as a street, highway, therefore, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.
- 1.9.44.1 Alley- A minor right-of-way dedicated to the public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.
- 1.9.44.2 Arterial Highway- Right-of-way used primarily for fast or heavy traffic volumes for long distances and usually is or would be designated as a state highway.
- 1.9.44.3 Collector- Right-of-way which collects traffic from minor streets and serves as the most direct route to a major street or community facility.
- 1.9.44.4 Cul-De-Sac- A minor street having one end open to vehicular traffic and have one closed and terminated in a turnaround.
- 1.9.44.5 Major Thoroughfare- Right-of-way which generally carries traffic throughout the county or across urban communities.
- 1.9.44.6 Marginal Access or Frontage street- A minor street auxiliary to and located on the side of major thoroughfare or arterial highway for providing and controlling access to abutting properties and adjacent areas.
- 1.9.44.7 Minor Street- Right-of-way with the primary purpose of which is to provide access to adjacent properties and which is designed so that its use is arterial traffic will be discouraged.
- 1.9.45 Subdivider or Developer- Any person, partnership, joint venture, association, firm or corporation who shall participate as owner, promotion, sale or lease of a subdivision.
- 1.9.46 Subdivision- “Subdivision” or “Subdivided Land” means any parcel of land which is divided into two or more parcels, separate interest, or interest in common. The terms “Subdivision” or “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, none of which is intended for use by multiple owners. The Board of county Commissioners may, pursuant to resolution, exempt from this definition any definition of land if the Board of county commissioners determines that such division is not within the purposes of this article. (1963 CRS 106-2 as amended)

- 1.9.47 Subdivision Improvements Agreement- one or more security arrangements which may be accepted by the county to secure the construction of such public improvements as are required by these 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.
- 1.9.48 Terrain, Flat or Rolling- average slope of less than fifteen (15) percent and the ridges and draws are not well defined.
- 1.9.49 Terrain, Mountains- average slope of greater than fifteen (15) percent or greater and the ridges and draws are steep and well defined.
- 1.9.50 Unstable or Potentially Unstable Slope- An area susceptible to a landslide, a mudflow, a rock fall, or accelerated creep of slope-forming materials. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 1.9.51 Wildfire Hazard- a wildfire phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.
- 1.9.52 Wildfire Hazard Prone Areas- An area containing or directly affected by a wildfire hazard, and which is identified and mapped by the Colorado State Forrest Service at a scale of 1:24,000.

ARTICLE II PLAT REQUIREMENTS AND PROCEDURES

2.1 Sketch Plan

Prior to preparing a preliminary plan for presentation to the County Planning Commission, the subdivider shall make known his intentions to the Board of County Commissioners and County Planning Commission by submitting a sketch plan and discuss informally and county plans or standards that would affect the proposed development. Required to be submitted along with the sketch plan will be relevant site characteristics and analysis applicable to the proposed subdivision including the following:

- 2.1.1 Reports concerning streams, lakes, topography, and vegetation;
- 2.1.2 Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision;
- 2.1.3 In areas of potential radiation hazard to the proposed future land use, the potential radiation hazards shall be evaluated;
- 2.1.4 Maps and tables concerning suitability of types of soil in the proposed subdivision, in accordance with the National Cooperative Soil Survey.

To assist the development in identifying the potential problems or limitations on the proposed development area, the County Land Use Administrator shall keep on file a set of maps which clearly show the potential natural hazards, important resource areas, and areas with other limiting characteristics within the county. The County Land Use Administrator should indicate to the developer any potential problems which must be mitigated before the preliminary plan is submitted. (Amendment adopted by Mineral County Commissioners, June 7, 1976)

2.2 Preliminary Plan (Amendment adopted by Mineral County Commissioners, June 7, 1976)

After the subdivider has reached preliminary conclusions concerning the feasibility and design of his proposed subdivision, he will prepare a preliminary plan and required supplemental material for presentation to the County Planning Commission for its consideration. The purpose of this preliminary review is to check the proposed subdivision against the design standards of Article III, The evaluation criteria of Article IV, and the improvement requirements of Article V, and to be sure that county zoning and county master plan standards can be met. Through analysis of the problems at this stage will expedite approval of the final plat and will prevent the repetition of expensive calculations and drafting required for the final plat.

2.2.1 Preliminary Plan Contents

Preliminary Plan will show the following information:

- 2.2.1.1 Name and Subdivision;
- 2.2.1.2 Scale, 1"= 100' when the proposed density of the subdivision is greater than one (1) dwelling unit per net acre, and at 1"= 100' or 1" = 200' when the proposed density is one (1) dwelling unit per net acre or less. (Amendment adopted by Mineral County Commissioners, February 5, 1979)

- 2.2.1.3 Total acres to be subdivided;
- 2.2.1.4 Lot and Block numbers;
- 2.2.1.5 Location of the subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner;
- 2.2.1.6 Names and addresses of the owners, subdivider, the designer of the subdivision, and surveyor (who shall be licensed by the Colorado State Board of Examiners for Land Surveyor);
- 2.2.1.7 Names and locations of abutting subdivisions;
- 2.2.1.8 Location of section lines, and approximate location and principal dimensions for all existing and proposed streets, alleys, easements, right-of-ways, lot lines, areas to be reserved for public use, and other important features within and adjacent to the tract to be subdivided;
- 2.2.1.9 Date and preparation, and north sign;
- 2.2.1.10 Topography at vertical intervals of five (5) will be required;
- 2.2.1.11 Location by survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes, or other water features including direction of flow, water level elevations, and typical depths, location and extent of areas subject to inundation, whether such inundation be frequent, periodic, or occasional;
- 2.2.1.12 Location of representative soil percolation tests for each major soil type in subdivisions where septic systems are proposed;
- 2.2.1.13 Proposed sites, if any, for multiple-family, residential use, business area, industrial areas, churches, and another non-public uses exclusive of one-family residential areas;
- 2.2.1.14 Total number of proposed dwelling units;
- 2.2.1.15 Total number of square feet of proposed non-residential floor space;
- 2.2.1.16 Total number of proposed off street parking spaces, excluding those associated with single-family residential development;
- 2.2.1.17 Recorded boundary line of subdivision, showing bearings and distances;
- 2.2.1.18 Location of existing and/or proposed utilities;
- 2.2.1.19 Estimated total of gallons a day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central treatment facility is proposed;
- 2.2.1.20 Estimated total number of gallons a day of water system requirements where a distribution system is proposed;

- 2.2.1.21 Location map drawn at an appropriate scale to show the relationship of the proposed subdivision to the nearest town(s), and direct routes via county roads to the subdivision from such towns.
- 2.2.2 Preliminary Plan Supplementary Information (Amendment adopted by Mineral County Commissioners, June 7, 1976)
 - 2.2.2.1 Preliminary plan application filled out in detail;
 - 2.2.2.2 Property survey and legal proof of ownership;
 - 2.2.2.3 If the proposed subdivision lies in an identified flood hazard prone area, or the absence of maps, is suspected by the Planning Commission to lie in the flood hazard prone area, the developer shall also submit plan certified by a professional engineer locating the proposed development with respect to the boundaries of the intermediate regional flood. In addition the developer shall also submit the following maps:
 - 2.2.2.3.1 Building floor elevations;
 - 2.2.2.3.2 Proposed flood proofing measures;
 - 2.2.2.3.3 Specifications for building construction and materials, filling, dredging, grading, channel changes, storage of materials, water supply systems, and sanitary facilities.
 - 2.2.2.3.4 Descriptions of any construction activity which would affect the hydraulic capacity of the floodway.
 - 2.2.2.3.5 A map showing the boundaries of the intermediate regional flood, the area to be occupied by the proposed development, and all available flood elevation studies, water surface elevations, and base flood elevations.
 - 2.2.2.3.6 A map with a surface view showing elevations or contours of the ground, pertinent structures, fill or storage elevation, size, location and (Spatial) arrangement of all proposed and existing structures on the site: location and elevation of streets, water supply systems, sanitary facilities and soil types.
 - 2.2.2.4 If the proposed subdivision lies in an identified geologic hazard prone area, or in the absence of maps, is suspected by the Planning Commission to lie in a geologic hazard prone area, the developer shall also submit the following, maps, reports, or data prepared by or prepared under the direction of a professional geologist or engineer:
 - 2.2.2.4.1 A map or maps portraying the geologic conditions of the area with particular attention given to the appropriate designated geologic hazard. If appropriate or needed, subsurface geologic cross section shall also be utilized to portray such conditions at depth. If possible, the geologic maps shall be at the same scale and in the same format as the development plant maps.
 - 2.2.2.4.2 A geologic report explaining the maps cross sections with particular emphasis on evaluating and predicting the impact of such geologic or

hazardous conditions on the proposed land use changes and developments. It shall also include recommended mitigating procedures to be employed in meeting the purposes of this regulation.

2.2.2.4.3 The applicant, in narrative, pictorial, or graphic form shall explain the nature, density, and intensity of the proposed development or land use change, and shall explain mitigation procedures which will be needed and are planned to carry out the objectives of this regulation.

2.2.2.5 If the proposed subdivision lies in an unidentified wildfire hazard prone area, or in the absence of maps, is suspected by the Planning commission to lie in a wildfire hazard prone area, the developer shall also submit the following reports, maps or information either prepared by or prepared under the direction of a professional forester with at least two (2) years fire hazards experience in the Rocky Mountains.

2.2.2.5.1 A map or maps portraying the existing wildfire conditions of the area with particular attention given to the designated hazard conditions and the slope, aspect, topographic and vegetation (living and dead) conditions. Such maps shall be on a scale sufficiently detailed to meet the objectives of this regulation, but in no case, less detailed than 1" = 500'. Such maps shall be signed by the professional forester preparing them.

2.2.2.5.2 A map or maps and associated narrative showing:

2.2.2.5.2.1 The procedures proposed to reduce conditions of wildfire hazards;

2.2.2.5.2.2 The fire protection plan for the proposed use; and

2.2.2.5.2.3 All fire suppression facilities which are necessary to meet the objectives of this regulation. The above maps may be produced in the form of overlays to be used in conjunction with the wildfire conditions maps required in 2.2.2.5.1.

2.2.2.5.3 A wildfire hazard report explaining the wildfire conditions and mitigating procedures shown on the above maps. This report shall also provide an analysis of climatic conditions which may affect the intensity of the hazard or the season of the hazard existence, including the dominant wind patterns during the fire season on or adjacent to the area must be identified and analyzed.

2.2.2.5.4 A list of alternative uses for the wildfire hazard area under consideration.

2.2.2.6 If the proposed subdivision lies in an identified mineral recourse area, or in the absence of maps, is suspected by the Planning Commission to lie in a mineral resource area, the developer shall also submit the following reports, maps, or data either prepared by or under the direction of a professional geologist:

2.2.2.6.1 Ownership of the mineral rights affected;

- 2.2.2.6.2 Type and location of mineral resources under the property;
 - 2.2.2.6.3 An analysis of the commercial feasibility of extracting the mineral resources;
 - 2.2.2.6.4 A map or maps portraying the geologic conditions of the area with particular attention given to the appropriate designated mineral resources deposit. If appropriate or needed, subsurface geologic cross section shall also be utilized to portray such conditions at depth. If possible, the geologic maps shall be at the same scale and in the same format as the development plan maps.
 - 2.2.2.6.5 An analysis of the fiscal impacts on local services and facilities;
 - 2.2.2.6.6 Evidence that the development plan will present no obstacle to extraction of the mineral resource on or under the subject property or evidence that the proposed development will be of greater economic value than the mineral present.
- 2.2.2.7 Any other relevant site characteristics and analysis applicable to the proposed subdivision including the following:
- 2.2.2.7.1 In areas of potential radiation hazard to the proposed future land use, these potential hazards shall be evaluated.
 - 2.2.2.7.2 Maps and tables concerning suitability of types of soils in the proposed subdivision in accordance with the National Soil Survey.
- 2.2.2.8 Evidence to establish that definite provision will be made for a water supply that is sufficient in terms of quantity, dependability and quality to provide an appropriate water supply for all lots, parcels and tracts within a proposed subdivision. This must be in the form of a report signed by a professional engineer registered in the State of Colorado, and must include, at a minimum the following information: (Amendment adopted by Mineral County Commissioners, February 1, 1999)
- 2.2.2.8.1 The expected water requirements of the subdivision now and at full development including the various water uses to be permitted.
 - 2.2.2.8.2 The estimated consumptive uses of water by the subdivision at full development
 - 2.2.2.8.3 The supply system for the subdivision and the dependability of this system.
 - 2.2.2.8.4 Evidence of ownership or right of acquisition of adequate water rights or the right to use adequate water supply. Except for subdivisions that will rely on individual exempt domestic wells, final plat approval will not occur until the water rights of the plan of augmentation necessary to the supply of water requirements of the subdivision have been conveyed to a public entity, quasi-public entity or homeowners association, the purpose of which is to retain title to the water rights which supply the subdivision and provide water service to the subdivision or until a mechanism is in place that assures that individual

purchasers of lots acquire a proportionate share of the water rights and plan of augmentation with the purchase of each lot. Such rights must be conveyed in fee simple, free and clear of liens or encumbrances of any kind or character except a dedication in an augmentation plan.

- 2.2.2.8.5 Historic use and yield of water rights which will supply the subdivision.
 - 2.2.2.8.6 Amenability of existing water rights to a Water Court decreed change of use and plan of augmentation, if necessary.
 - 2.2.2.8.7 The reliability of the source and the legal availability of the water rights for use as a subdivision water supply.
 - 2.2.2.8.8 An evaluation of the potential for material injury to existing rights as a result of the subdivision usage, including the cumulative effect of on-lot exempt domestic wells.
 - 2.2.2.8.9 A plan of augmentation whereby any material injury to existing water rights is prevented.
 - 2.2.2.8.10 Evidence that an offsite public water owner and supplier can and will supply water to the proposed subdivision stating the amount of water available for use by the proposed subdivision and the feasibility of extending service to the new area.
 - 2.2.2.8.11 Evidence concerning the potability of the proposed water supply for the subdivision.
 - 2.2.2.8.12 Information as to what entity will operate and be responsible for the plan of augmentation and water system on a continuing basis.
- 2.2.2.9 Supplemental Filling Requirements for Tax Assessment Purposes. (Amendment adopted by Mineral County Commissioners, February 5, 1979)
- 2.2.2.9.1 Numbers of lots or tracts sold or contracted for up to and including the last calendar day of the year.
 - 2.2.2.9.2 Selling price of each lot sold or contracted for.
 - 2.2.2.9.3 Legal description as to unit, block and lot of each site sold or contracted for.
 - 2.2.2.9.4 Name and address of each purchaser.
 - 2.2.2.9.5 The number of developed sites, within an explanation of the amount and type of development.
 - 2.2.2.9.6 Original Purchase price of the land which has been platted into a subdivision at the date of the sale.

- 2.2.2.9.7 Description of work and the cost of work done towards the development of these lands as of the assessment date. This includes surveying, engineering, plat making, attorney fee, building roads, etc.
- 2.2.2.9.8 Approximate sell out time in terms of years.
- 2.2.3 Procedure
 - 2.2.3.1 Filing fees
 - 2.2.3.1.1 The Preliminary Plan shall be filled with the Mineral County Clerk and Recorder, with a copy to the Mineral County Land use Administrator, accompanied then by the then applicable filing fee. The filing fee shall be fixed by the Board of County Commissioners at its first regular meeting in January of each year. In addition, the Preliminary Plan shall be accompanied by the additional copies requires in 2.2.3.3 below. The filing date of the Preliminary Plan (the "filing Date") shall be the date that all of the foregoing are delivered to the Clerk and Recorder and the original of the Preliminary plan shall be filled stamped. The Land Use Administrator shall seta Planning Commission public hearing date, such hearing date to be the same as the first regular meeting of the Planning Commission to be held more than 45 days after the filing date. (Amendment adopted by Mineral County Commissioners, June 10, 2002)
 - 2.2.3.1.2 Any additional costs made necessary by unusual circumstances and more than ordinary review and other services being provided by the County or authorized personnel are to be paid by the subdivider prior to approval of the Final Plat.
 - 2.2.3.2 Notice of the Planning Commission Public Hearing shall be published subsequent to the filing date and at least 14 days prior to the hearing date, in a newspaper of general circulation in the county. If the proposed subdivision is located west of Wolf Creek Pass, such a public hearing shall also be in a newspaper of general circulation in Pagosa Springs, Colorado. The cost of the publication of such notices shall be paid by the subdivider. The public hearing before the Planning Commission may be continued from time to time, at the discretion of the Planning Commission. (Amendment adopted by Mineral County Commissioners, June 10, 2002)
 - 2.2.3.3 Not less than 27 nor more than 35 copies of the Preliminary Plan and required supplemental material shall be organized into packet form, in envelopes suitable for mailing and ready for mailing labels and postage, with one copy of each requires item included in each packet and shall be delivered to the County Clerk and Recorder with the Preliminary Plan and filling fee. (Amendment adopted by Mineral County Commissioners, June 10, 2002)
 - 2.2.3.4 The Preliminary Plan shall be reviewed by the Land Use Administrator and, if the Preliminary Plan complies with all of the requirements of these regulations, including any mitigation required under 2.1 above, the Land Use Administrator

shall refer to the Preliminary Plan to the following offices and interested persons, by mailing one packet to each office and person, at least 30 days prior to the Planning Commission hearing date, for comments and recommendations by such offices and persons, advising each such office and person of the deadline for comments and recommendations set forth in 2.2.3.5 below:

- 2.2.3.4.1 Board of County Commissioners;
- 2.2.3.4.2 San Luis Valley Council of Governments;
- 2.2.3.4.3 Colorado Land Use Commission;
- 2.2.3.4.4 Colorado State Health Department;
- 2.2.3.4.5 Colorado State Engineers Office;
- 2.2.3.4.6 County Road Superintendent;
- 2.2.3.4.7 Mineral County Inspectors;
- 2.2.3.4.8 Public Service Company;
- 2.2.3.4.9 San Luis Valley Rural Electric Company;
- 2.2.3.4.10 Appropriate Telephone Company;
- 2.2.3.4.11 each county or municipality within two miles of the proposed subdivision;
- 2.2.3.4.12 Appropriate school district(s);
- 2.2.3.4.13 The local Soil Conservation Board or Boards with in the county;
- 2.2.3.4.14 The Colorado Geological Survey;
- 2.2.3.4.15 The Colorado Water Conservation Boards if the proposed subdivision lies in a flood prone area;
- 2.2.3.4.16 The Colorado State Forrest Service if the proposed subdivision lies in a wildfire prone area;
- 2.2.3.4.17 Where applicable, to special utility districts, the U.S. Forrest service, the Bureau of Land Management, the Colorado Division of Highways, Colorado Division of Water Resources, the State Historical Society of Colorado, Colorado Department of natural Resources, Division of Wildlife, the Colorado Oil and Gas conservation Commission, appropriate ditch companies, and the appropriate fire protection districts.

Subdivision Applications and Supplemental Information To be referred to the following:

Colorado Land Use Commission
1313 Sherman St., Room 520

Denver, Co. 80203

Colorado Department of Public Health
Water Quality Control Commission
4300 Cherry Creek Drive South
Denver, Co. 80246

Division of Water Resources
(State Engineers Office)
1313 Sherman St., Room 818
Denver, Co. 80203

San Luis Valley Rural Electric
3625 West Highway 160
Monte Vista, Co. 81154

For service east of Wolf Creek

La Plata Electric Association
45 Stewart
Durango, Co 81301

For service west of Wolf Creek

Creede Consolidated Schools
P.O. Box 429
Creede, Co. 81130

Rio Grande Soil Conservation District
0881 North highway 285
Monte Vista, Co. 81144

Colorado Geological Survey
1313 Sherman St., Room 715
Denver, Co. 80203

Include check to cover review cost

Colorado State Forrest Service
610 State Ave.
Alamosa Co. 81101

Only if in wildfire area or suspected of being

U.S. Forrest Service
1803 W. Hwy 160
Monte Vista, Co. 81154

Only if development borders Forrest Lands

U.S. Forrest Service
District Ranger
180 Pagosa St,
Pagosa Springs, CO 81147

For San Juan National Forrest

Colorado State Highway Department
Attn: District Access Coordinator
3803 N Main Ave. Suite #300
Durango, CO 8130

State Historical Society
1300 Broadway
Denver Co. 81130

Only if there is evidence of historic site

Division of Wildlife
PO Box 270
304 South Main Street
Creede, CO 81130

Division of Wildlife
PO Box 310
180 Pagosa Street
Pagosa, CO 81147

Only if on the west side of Wolf Creek

Appropriate Fire Protection Districts:

Creede Fire District
P.O. Box 298
503 N Loma Ave
Creede, CO 81130

County Attorney
P. Randolph Nicholson
1823 Folsom Street
Suite 100
Boulder, CO 80302

Corps of Engineers
200 S Santa Fe Ave # 3
Pueblo, CO 81003

Division of Local Affairs
Box 127
Monte Vista, Co.81144

2.2.3.5 In order to be considered by the planning Commission, all comments and recommendations from the proceeding listed offices and interested persons shall be submitted to the County Clerk and Recorder at least five days prior to the hearing date. The failure of any office or person to respond prior to such deadline shall be deemed, by the Planning Commission, to be an approval of the preliminary plan at and for the purposes of the public hearing. Comments

and recommendations received after such deadline may be taken into consideration by the Planning commission until the Planning commission has made its recommendation to the Board of County Commissioners provided however that the subdivide shall be given the opportunity to respond in writing to comments and recommendations received after such deadline. Comments and recommendations received subsequent to the planning Commission's recommendations to the Board of County Commissioners and prior to the Board of County Commissioner's public hearing may be taken into consideration by the Board of County Commissioners.

- 2.2.3.6 The Preliminary Plan, along with available comments from the above listed offices, agencies and governmental bodies, shall be presented at a public hearing to the County Planning Commission, which shall, within forty-five (45) days, make its recommendations to the Board of County Commissioners, stating specifically the reasons for the decision. If the proposed development lies within an identified natural hazard prone area, or in a potential resourced area, the county shall, in addition to the information provided in the Preliminary Plan, base its decision on the criteria outlined in Article IV for the appropriate natural hazard prone area or potential resources area. (Amendment adopted by Mineral County Commissioners, June 7, 1976)
- 2.2.3.7 Upon transmittal of the Preliminary Plan and Planning Commission recommendations to the Board of County Commissioners, The Land Use Administrator shall fix a date for a public hearing before the Board of County Commissioners, such date to be the second regular monthly meeting date of the Board of County Commissioners following the date of transmittal. Notice of such public hearing shall be published as set forth in 2.2.3.2, at the expense of the subdivider. Such public hearing may be continued from time to time, at the discretion of The Board of County Commissioners.
- 2.2.3.8 The Board of County Commissioners shall have forty-five (45) days following the conclusion of the public hearing to: (1) Adopt a resolution granting preliminary approval of the Preliminary Plan, or; (2) Remand the Preliminary Plan to the Planning Commission for modifications in accordance with the findings and instructions of the Board of County Commissioners, or; (3) Adopt a resolution rejecting or denying a Preliminary Plan. If preliminary plan approval resolution is adopted by the board, such resolution shall be recorded in the office of the Clerk and Recorder of Mineral County and provisions of 2.2.3.10 shall apply from the date of the resolution. If the Preliminary plan is remanded to the Planning commission, the Planning Commission shall have forty-five (45) days from that date of the remand to act upon the Preliminary Plan and convey its recommendations the Board of County Commissioners. The Board shall then have thirty (30) days from the date it receives the new recommendations to adopt a resolution pursuant to (1) and (3) above. If the Preliminary Plan is rejected and denied by resolution of the Board, the date of the adoption of such resolution shall begin the time period in which the subdivider may seek relief from the Mineral County District.
- 2.2.3.9 Time limitations prior to the Board of County Commissioners public hearing.

A Preliminary Plan that has not progressed to the public hearing before the Board of County Commissioners within one year of the filing date shall be deemed abandoned by the subdivider. However the subdivider may make one written request for one extension of such one-year time limit, extending the

time limit up to one additional year, so long as such written request is received, so long as the written request is received within the initial one-year time limit. Such request shall be granted or denied by the Board of County Commissioners at its discretion but such request shall be granted only upon good cause shown by the subdivider. The Board of County Commissioners shall have thirty (30) days from its receipt of such written request to grant, modify and grant or deny such written request. If such extension is granted, the Preliminary Plan shall not be deemed abandoned until the end of the extension period. At such time as the Preliminary Plan is deemed abandoned, the Board of County Commission shall forthwith adopt a resolution rejecting and denying the Preliminary plan. Any Preliminary Plan pending as of the date of this amendment shall be subject to this paragraph and the one year time period shall begin on such date.

2.2.3.10 Time limitations subsequent to the adoption of a Preliminary Plan Approval Resolution.

A Preliminary Plan approval resolution shall be effective for a period of 12 consecutive months. Absent a written request for an extension, the Preliminary Plans and Preliminary Approval Resolution shall be deemed abandoned and the Board shall forthwith adopt a Resolution rejecting and denying the Preliminary Plan and rescinding the Preliminary Approval Resolution. One 12 month extension may be granted by the Board of County Commissioners, at the discretion of the Board, upon the written request of the subdivider to the Board prior to the end of the initial 12 month period, but only upon good cause shown by the subdivider. The Board of County Commissioners shall have thirty (30) days from its receipt of such a written request to grant, modify and grant or deny such written request. If such extension is granted, the Preliminary Plan and Preliminary Approval Resolution shall not be deemed abandoned until the end of the extension period. If the final plan and plat have not been approved by the board and recorded by the end of the extension period, the Preliminary Plan and Preliminary Approval Resolution shall be deemed abandoned and the board shall forthwith adopt a resolution rejecting and denying the Preliminary Plan and rescinding the Preliminary Approval Resolution.

2.3 Final Plat

The final plat shall conform substantially to the Preliminary Plan as approved, except that if desired by the subdivider, the final plat may constitute only a portion of the approved Preliminary Plan. If only a portion of the Preliminary Plan is included on the Final Plat, letters of acknowledgement shall be obtained by the subdivider from all public utility companies involved in the subdivision, and copies of such letters shall be submitted with the Final Plat. However, section 2.2 will apply on the remainder of the Preliminary Plan.

2.3.1 Final Plat Contents:

2.3.1.1 The final plat shall be rafted at a scale, 1"= 100' when the proposed density of the subdivision is greater than one (1) dwelling unit per net acre, and at 1"= 100' or 1" = 200' when the proposed density is one (1) dwelling unit per net

acre or less. The final plat shall be drafted by the use of permanent black ink, on linen or mylar drafting media with outer dimensions of twenty-four (24) inches by thirty-six (36) inches. Good draftsmanship shall be required in order for all of the following information to be shown accurately and legibly;

- 2.3.1.2 Titles, scale, north sign and data
- 2.3.1.3 Primary control points approved by the county engineer or person designated by the County Planning Commission or descriptions and ties to such control; points to which all dimensions, angle, bearings, and similar data on the plat shall be determined prior to the final approval; also the monuments shall actually exist in the field before final approval. Elevation data shall be referenced to U.S.G.S data;
- 2.3.1.4 Tract boundaries lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or angles, and radii, arcs, chords and central angles of all curves;
- 2.3.1.5 Name of each Street and right-of-way width of each street and other rights-of-way;
- 2.3.1.6 Any easements granted to the public utility companies or required by the county Planning Commission shall be included, and the location, dimensions, and purpose of all easements shall be given;
- 2.3.1.7 Number to identify each lot or site and each block, and the area of each lot;
- 2.3.1.8 Location and description of monuments;
- 2.3.1.9 Certificates of Acceptance, as outlined below:

Notice

Public notice is hereby given that the acceptance of this platted subdivision by the County of Mineral does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said county.

Until such roads and rights-of-way meet county street standards and are specifically accepted by this county by recording with the Clerk and Recorder of this county and official "acceptance," the maintenance, construction and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within this subdivision.

If the developer wishes the roads and right-of-ways to be accepted by the county, notice is further given that no building permit will be issued by officials of this county for improvements of any nature on any property reflected on this platted subdivision until such time as the "acceptance" as hereinabove described has been filed for record with the Clerk and Recorder of this county.

If the developer deems that the roads and rights-of-way of the development will not be presented to the county for acceptance, notice of such will become part of the final plat and printed thereon. (Amendment adopted by Mineral County Commissioners, February 5, 1979)

2.3.1.10 Certification of Final Plat as outlined below:

DEDICATION

Know All Men These Presents:

That _____, (a Colorado corporation) is the owner of the real property situated in Mineral County, Colorado, and lying within the exterior boundary of _____. (Subdivision name)

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

IN WITNESS Whereof _____ has caused its name to be hereunto subscribed by its president and its corporate seal to be hereunto affixed, attested by its secretary, this ____ day of _____ A.D. 20_____.

(ATTEST _____)
Secretary Corporation or Owner's Name

President

State of Colorado) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D., 20_____,
By _____ (presidents name) as president and _____ (secretary name) as secretary of _____ (corporation name), a Colorado corporation.

My commission expires _____

Notary Public

SURVEYOR'S CERTIFICATE

I, _____ (surveyors name), a duly registered land surveyor in the State of Colorado, do hereby certify that this plat of _____ (subdivision name) truly and correctly represents the results of a survey made by me or under my direct supervision.

Surveyor

(Surveyor stamp shall appear with this certificate)
Planning Commission Certificate

Approved this ____ day of _____, A.D., 20_____, County Planning Commission, Mineral County, Colorado.

Chairman

Commissioners Certificate

Approved this _____ day of _____, A.D., 20_____, Board of County Commissioners, Mineral County, Colorado. This approval does not guarantee that the size or soil conditions of any lots shown herein are such that a building permit may be issued. This approval does not constitute approval or acceptance of dedicated streets and roads until the same meet county roads specifications in effect at the time of filling this plat and is with the understanding that all expenses involving necessary improvements for all utility services, paving, grading, landscaping, curbs, gutters, street lights, street signs, and sidewalks shall be financed by others and not the County of Mineral.

Attest: _____

Chairman

Commissioner

Commissioner

Clerk and Recorder's Certificate

State of Colorado) SS
County of Mineral)

I hereby certify that this instrument was filed in my office at _____ o' clock, _____ A.D., 20_____, reception No. _____. (Book # _____ Page # _____)

Fees paid _____

Recorder

Deputy

2.3.2 Final Plat Supplementary Information (one or more sections 2.3.2.1 through 2.3.2.12 may be required, waived, or modified by the County Planning Commission when the proposed density of the subdivision is one (1) dwelling unit per acre or less):

2.3.2.1 Submit plan and centerline profiles for all streets and roads;

- 2.3.2.2 Submit plan and profiles for sanitary and storm sewers and for water distribution systems;
- 2.3.2.3 Show stationing on plan and profile (one hundred foot intervals);
- 2.3.2.4 Define and locate horizontal and vertical curves, both on plan and profile (length, PC, PI, PT, Radius, Tangent, delta);
- 2.3.2.5 Show existing grade by a dashed line on profile;
- 2.3.2.6 Show new or proposed grade by heavy solid line on profile;
- 2.3.2.7 Show percent of grade from PI to PI on profile
- 2.3.2.8 Draw typical cross-section;
- 2.3.2.9 Show dimension roads, curbs and gutters, side-walks, water and sewer utility lines, and structures within rights-of-ways on plan;
- 2.3.2.10 Locate and size culverts, including CSP, RCP, Box etc. on both plan and profile;
- 2.3.2.11 Show direction of water flow plans;
- 2.3.2.12 Show street names on profile plans;
- 2.3.2.13 Show minimum twenty (20) foot radius at shoulder or curb line at all intersections on plans;
- 2.3.2.14 Show design bench marks data on plans, and submit one (1) set of traverse closure computations and solar and polaris computations of the exterior boundary of the subdivision;
- 2.3.2.15 Submit final construction plans for all structures, e.g., box culverts, bridges, etc. All structure plans must bear the seal of a registered professional engineer and must be approved by the Board of County Commissioners or their designated representative;
- 2.3.2.16 Submit drainage plans as required by section 4.5.3;
- 2.3.2.17 Letters
 - In addition to the above , a letter of intent, stating the following:
 - 2.3.2.17.1 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 me be required of the subdivider by the county;
 - 2.3.2.17.2 Scope and time element of each stage of construction;
 - 2.3.2.17.3 Beginning and completion dates of all construction;

- 2.3.2.17.4 Statement indicating party or parties responsible for construction;
 - 2.3.2.17.5 A letter shall be submitted from the ditch company stating their approval and minimum requirements for any structure constructed with in their right-of-way
- 2.3.2.18 Any accompanying deed restrictions shall be a recorded document inform for all lots, and shall be a part of the final plat.
- 2.3.2.19 An official signed deed dedicating or reserving certain tracts or the development rights to such tracts for public or local use as may have been agreed to at the time the Preliminary Plat was approved, together with provisions for care, maintenance and use of such property, or cash payment in lieu thereof.
- 2.3.3 Procedure
- 2.3.3.1 Not more the twelve (12) months, or any extension thereof, after approval of the Preliminary Plat, and at least fifteen (15) days prior to a regular County Planning Commission meeting, the original tracing and five (5) prints of the final plat together with the required supplemental material shall be submitted by the subdivider to the County Clerk.
 - 2.3.3.2 At the next regular meeting of the County Planning Commission, the Planning Commission shall check the final plat for the conformity with the approved Preliminary Plat and other requirements of their regulations, shall consider the recommendations of various officers and interested agencies listed in section 2.1.3.2 and shall then recommend approval or disapproval of the final plat.
 - 2.3.3.3.1 Upon denial by Planning Commission, the subdivider may appeal to the Board of County Commissioners within thirty (30) days. The appeal shall be submitted to the Board of County Commissioners and the Regional Planning office, stating reasons and facts supporting the request. By a majority vote, the Board of County Commissioners, in writing, shall affirm, reverse or remand to the County Planning Commission for further proceedings.
 - 2.3.3.3 If the final plat is approved by the County Planning Commission, the original shall be held by the County Clerk until such time as all required conditions related to final processing of the plat are satisfactorily completed.
 - 2.3.3.4 Once all required supplemental conditions are met, (such as dedicating certain lands to public use, etc.) the original of the final plat shall be presented by the County Clerk to the Board of County Commissioners for their review and actions.
 - 2.3.3.5 The Board of County Commissioners shall check the final plat, especially with regard to required improvements, and the acceptance of areas dedicated for public use, easements, etc., and shall than approve as submitted or disapprove the final plat.

- 2.3.3.6 Not more than six (6) days after approval of the final plat by the Board of County Commissioners, the County Clerk shall record the final plat in the office of the county clerk. The recording fee shall be paid by the subdivider and shall be submitted at the time of final application is made.
- 2.3.3.7 At the request of the subdivider, with the approval of the Board of County Commissioners, recording of the final plat may be delayed for no longer than six (6) months.

NO PLAT FOR SUBDIVIDED LAND SHALL BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS UNLESS AT THE TIME OF THE APPROVAL OF PLATTING THE SUBDIVIDER PROVIDES THE CERTIFICATION OF THE COUNTY TREASURE'S OFFICE THAT ALL AD VALOREM TAXES APPLICABLE TO SUCH SUBDIVIDED LAND FOR YEARS PROR TO THAT YEAR IN WHICH APPROVAL IS GRANTED, HAVE BEEN PAID (HOUSE BILL # 1011—6-15-79)

2.4 Subdivision Exemptions (Amendment adopted by Mineral County Commissioners, June 5, 1998)

Exemptions from these subdivision regulations may be granted if the following provisions are satisfied by the applicant(s).

2.4.1 Definitions:

- 2.4.1.1 Applicant(s) – the current record owner(s) of the parent parcel and any lien holder(s) of the parent parcel and if applicable, any contact purchaser(s) of either or both of the two tracts to be created from the parent parcel.
- 2.4.1.2 Parent Parcel- the parcel to be divided into two (2) tracts. The parent parcel may be as little as ten (10) acres in size.
- 2.4.1.3 The tracts to be created- the purpose of the application is to allow the applicant(s) a method for County review, subject to these regulations, for the division of the parent parcel in to two separate tracts without the necessity of the applicant(s) complying with all of the subdivision regulations of Mineral County.
- 2.4.1.4 Application- The application shall be upon forms provided by Mineral County, shall be signed by the applicant(s) and shall be accompanied by the then applicable application fee. At a minimum, the application shall include clear evidence of legal access from the tracts to be created to the public highway system and the information required in the following subdivision regulations; 2.1, 2.2.1.1, 2.2.1.3 (the parent parcel), 2.2.1.6, 2.2.1.9, 2.2.2.18, 2.2.1.21, 2.2.2.3, 2.2.2.4, 2.2.2.5, 2.2.2.8 (first sentence only)
- 2.4.1.5 Subdivision exemptions- Subdivision Exemption – a final resolution adopted by the Board of County Commissioners that permits the separate deeding and ownership of two tracts to be created from a parent parcel, without complying with all of the subdivision regulations of Mineral County, Colorado

2.4.2 Procedures

Upon filling a proper and fully signed application with the Mineral County Land Use Administrator, including payment of the applicable fee, the application will be processed as follows:

- 2.4.2.1 The Land Use Administrator shall furnish copies to the Board of County Commissioners and to the county attorney for review.
- 2.4.2.2 The Board of County Commissioners shall set the matter for public hearing to be held at a regular meeting of the board no more than ninety (90) days from the date the application is filed with the Land Use Administrator. No publication of notice shall be required unless a majority of the board request notice to the public of such hearing.
- 2.4.2.3 The public hearing will be conducted on the date and at the time fixed by the board and a taped record shall be made of the hearing and retained by the board for at least sixty (60) days following the hearing. The applicant(s) and all members of the public will be given an opportunity to present evidence for or against the application.
- 2.4.3 The following regulations shall apply to any application filed under these paragraphs 2.4, except applications with respect to a parent parcel located in the Alpine Zone. A subdivision exemption outside of the Alpine Zone may be granted if and only if:
 - 2.4.3.1 The parent parcel is at least ten (10) acres in size, is physically divided by a significant natural feature (a stream whose banks are more than eight (8) feet apart, on average, at the normal high water, mark, or a cliff or steep slope crossing the parent parcel with an elevation difference of at least fifty (50) feet and an average slope of at least 150%) or a significant man-made feature, the common boundary between the tracts to be created follows the significant feature, both tracts to be created is to be at least five (5) acres. A significant man-made feature is, for example, a public road crossing the parent parcel but does not include any instrument or structure given or built by the applicant(s);
And;
 - 2.4.3.2 No portion of the parent parcel has ever been granted a subdivision exemption subsequent to February 7, 1972.
- 2.4.4 The following regulations shall apply to any application filed under these paragraphs 2.4 when the parent parcel is located in the Alpine Zone. A subdivision exemption within the Alpine Zone may be granted if and only if:
 - 2.4.4.1 The mining claim making up the parent parcel is isolated from every other mining claim in the vicinity (regardless of ownership) and does not abut or touch any other mining claim; or
 - 2.4.4.2 The mining claim making up the parent parcel is physically divided by a significant natural or man-made features (see 2.4.3.1) and the common boundary between the tracts to be created follows the significant feature, or the parent parcel is divided into two separate parcels by an intervening and superior mining claim and, in any event, the smaller of the tracts to be created is to be at least five (5) acres in size; and

2.4.4.3 No portion of the mining claim (the parent parcel) has ever been granted a subdivision exemption subsequent to February 7, 1972.

2.4.5 Regulations pertaining to both 2.4.3 and 2.4.4 subdivision exemptions:

2.4.5.1 In all cases, the applicant(s) shall comply with all conditions imposed by the board in its conditional approval of the subdivision exemption. The board reserves the right to impose and require compliance with any (but not all) of the subdivision regulation of Mineral County as condition(s) of final approval of the subdivision exemption. The board will always require legal proof of ownership in fee simple of the parent parcel by the applicant(s) and legal proof of perpetual access from a public highway to the parent parcel and both of the tracts to be created.

2.4.5.2 No sale, acquisition or transfer of any real property which is part of the parent parcel, of or by the applicant(s), has occurred within five years preceding the filing of the application, either with the intent of evading the regulations or, even absent such intent, having effect of permitting the intent of these regulations to be defeated.

2.4.5.3 The construction of more than one residence or other structures on the parent parcel shall be at sole risk of the owners of the parent parcel and such construction, whether it has occurred before, at or after the filing of an application, shall be given no weight in the interpretation and enforcement of these regulations.

ARTICLE III DESIGN STANDARDS

3.1 General Requirements

- 3.1.1 Consideration shall be given to the influence of topography insofar as it affects street pattern, proper drainage, and maintenance of scenic views.
- 3.1.2 Where railroads are abutting or contained within a proposed subdivision, provisions for buffer strips and other protective treatments shall be made.
- 3.1.3 Trees and shrubs shall only be planted within the property lines and are prohibited within street right-of-way lines, except upon written approval from the Board of County Commissioners.

3.2 Alleys

- 3.2.1 Alleys shall be provided in commercial and industrial developments, except that the County Planning Commission may waive this requirement where other definite provisions have been made for service access and off-street parking adequate for the uses proposed.
- 3.2.2 The width of an alley will be twenty (20) feet wide.
- 3.2.3 The width of any alley right-of-way will be forty (40) feet wide.
- 3.2.4 Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the County Planning Commission.

3.3 Easements

- 3.3.1 Easements shall be sixteen (16) feet wide, eight (8) feet of which shall be on each side of common rear lot lines where said lines abut. On perimeter rear lots, easement width shall be ten (10) feet or more. Side lots easements, where necessary, shall be at least five (5) feet in width.
- 3.3.2 Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with lines of such water coarse and such further width as may be required by the County Planning Commission for necessary flood control measures. The minimum requirements for such easements shall be based on the greatest flood of record in the county.

3.4 Blocks

- 3.4.1 The lengths, widths and shapes of blocks shall be determined with due regard to:
 - 3.4.1.1 Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
 - 3.4.1.2 Zoning requirements as to lot sizes and dimensions;
 - 3.4.1.3 Needs for convenient access, circulation, control and safety of street traffic; and
 - 3.4.1.4 Limitations and opportunities of topography.
- 3.4.2 Block lengths shall not exceed sixteen hundred (1600) feet, nor be less than four hundred (400) feet (length requirements may be waived by the County Planning Commission when the proposed density of the subdivision is one (1) dwelling unit per acre or less).

3.4.3 Pedestrian crosswalks, not less than fourteen (14) feet wide shall be required where deemed essential to provide access to schools, playgrounds, shopping centers, or other community facilities.

3.5 Lots

3.5.1 The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and for future resubdividing where appropriate.

3.5.2 Residential lot dimensions shall conform to the requirements of the Zoning Ordinance

3.5.3 Depth and width of properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

3.5.4 Lot area: (The following are in accordance with current State Health Department Regulations.)

3.5.4.1 Central sewer and water systems shall require a minimum of seven thousand (7000) square feet of lot area per lot;

3.5.4.2 Central sewer systems and individual water supply shall require a minimum area of one (1) acre per lot or greater;

3.5.4.3 Central or individual water supply and individual sewer system shall require a minimum area of three (3) acres per lot or greater to afford the construction of septic tanks and sewage disposal systems in accordance with regulations and specifications of the State Health Department, and shall be located and constructed in such a manner which will not pollute or endanger wells or water sources. (Amendment adopted by Mineral County Commissioners, June 7, 1976)

3.5.5 Lot Frontage

3.5.5.1 A minimum of one hundred fifty (150) feet of frontage for lots of one (1) acre or greater;

3.5.5.2 A minimum of sixty (60) feet of frontage for all lots less than one (1) acre;

3.5.5.3 All lots facing a cul-de-sac turn-around shall have minimum forage of forty (40) feet;

3.5.5.4 Double frontage and reverse frontage lots should be avoided except where essential to provided separation of residential development from expressways, arterial highways and major thoroughfares, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in width, and across which there shall be no vehicular right of access, may be required along the property line of lots abutting such a traffic artery or other disadvantageous use.

3.5.6 Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

3.5.7 Side lot lines shall be substantially at right angles are radial to street lines.

- 3.5.8 The subdividing of the land shall be such as to provide each lot with satisfactory access to an existing public street.

3.6 Streets

The arrangement, character, extent, width, grade and location of all streets shall conform to existing topographical conditions to enhance public convenience and safety, and such streets shall be designed in accordance with the following provisions.

- 3.6.1 The proposed street layout shall be made according to sound land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation of appropriate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress from surrounding acreage tracts.
- 3.6.2 Whenever a subdivision abuts or contains an existing or proposed arterial highway or major thoroughfare, the County Planning Commission may require marginal access or frontage streets, reverse frontage with screen planting contained in a non-access reservation along the rear property lines, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic.
- 3.6.3 Minor streets shall be laid out so that their use by arterial traffic will be discouraged.
- 3.6.4 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the County Planning Commission and the Board of County Commissioners may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such a distance also shall be determined with due regard for the requirements of approach grades and future grade separation structures.
- 3.6.5 Reserve strips controlling access to streets shall be prohibited except where their control is placed in the county under conditions approved by The County Planning Commission and the Board of County Commissioners.
- 3.6.6 Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion may be required of the subdivider.
- 3.6.7 When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate resubdivision, with provisions for adequate utility easements.
- 3.6.8 Tangent at least four hundred (400) feet long shall be introduced between reverse curves on major thoroughfares.
- 3.6.9 Half streets shall be prohibited.
- 3.6.10 Cul-de-sac or dead end streets, designed to be so permanently, shall not be longer than six hundred (600) feet measured from the entrance to the rear of the turnaround, and shall be provided at the closed end of the turnaround having an outside right-of-way diameter of at least one hundred (100) feet (length requirements may be waived by the County Planning Commission when the proposed density of the subdivision is one (1) dwelling unit per acre or less).

3.6.11 No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the County Planning Commission. A current list of street name, presently platted in the county, will be made available on request. All street signs shall be erected by the developer prior to approval of the final plat by the Board of County Commissioners.

3.6.12 Intersections

3.6.12.1 Streets shall be laid out so as to intersect as nearly possible to right angles, and no street shall intersect and other streets at less than seventy (70) degrees.

3.6.12.2 Streets jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.

3.6.13 All minimum street right-of-way widths, minimum roadbed widths, and allowable grades are indicated on table 1, 1A and 1B.

3.7 Hillside Development

When a subdivision or development is proposed on land which has an average slope of fifteen (15) percent or greater, the following provisions shall apply supplementary to all other provisions of these regulations:

3.7.1 The subdivider shall submit detailed information with the preliminary plan regarding geologic conditions, soil types, and other pertinent information in order that a determination can be made as to the appropriateness of development on the site;

3.7.2 All individual lots within the subdivision with an average slope of fifteen (15) percent or greater shall be five (5) acres in size; (Amendment adopted by Mineral County Commissioners, June 7, 1976)

3.7.3 The subdivider shall submit with the preliminary plan detailed plans for any proposed cut and fill operations;

3.7.4 Maintenance easements shall be provided for access to any cut and fill slopes outside street rights-of-way;

3.7.5 Special attention shall be given to lot design, in order to accommodate adequate space for a building site and sewage disposal facilities;

3.7.6 Special attention shall be given to the drainage system, in order to avoid erosion and slippage.

3.8 Public Sites and Open Spaces

- 3.8.1 The Board of County Commissioners, upon consideration of county circulation and community facility plans and the particular type of developments proposed, shall require the dedication or reservation of five (5) percent of the total area of the subdivision for public purposes other than streets. The land so dedicated or reserved shall be of character, extent, and location suitable for public use for schools, parks, historic sites, scenic areas, playgrounds or other necessary public purposes as determined by the Board of County Commissioners.
- 3.8.2 If the Board of County Commissioners finds that the land dedication or reservation is not appropriate, the subdivider shall make a cash contribution to the county calculated a five (5) percent of the fair market value of the land as zoned for development.

ARTICLE IV EVALUATION CRITERIA

4.1 Purpose and Intent

The primary purpose and intent of this article is to provide criteria to evaluate subdivision proposal for land which either lies within or is impacted by natural hazards, or which contains resources of major importance.

4.2 Natural Hazard Prone Areas

4.2.1 Flood Prone Areas

The mineral County Land Use Administrator shall keep on file and available to the public a set of maps clearly showing all known and identified flood prone areas in Mineral County. The county shall not approve any subdivision plan if the proposed subdivision is either in one of these identifying flood prone areas, or in the absence of maps, is in an area suspected by the county to be a flood prone area, unless the developer can submit adequate evidence prepared by a professional engineer that the proposed subdivision is not in a flood plain, or unless the proposed subdivision meets the following criteria:

- 4.2.1.1 It allows for no storage or processing of materials that in times of flooding are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life.
- 4.2.1.2 It allows for no disposal of garbage or other solid waste materials.
- 4.2.1.3 It allows for no substantial solid debris being carried downstream by floodwaters.
- 4.2.1.4 It allows for no obstruction which could impair the flow capacity of the floodplain so as to cause foreseeable damage to others, wherever located.
- 4.2.1.5 It allows for no human occupation of fixed residential structures (including prefabricated homes), either permanent or temporary, which are not flood proofed to at least one (1) foot above the level of the intermediate regional flood (100 year flood) in accordance with the standards for completely flood proofed structures contained within Sections 210.21 FP1 or 210.2.2 FP2 of the U.S. Army Corps of Engineers publication entitled "Flood Proofing Regulations," June 1972, GPO: 19730-505-026 Edition or any subsequent edition thereto.
- 4.2.1.6 The regulation must require proposed construction in a floodplain to be anchored to prevent flotation, collapse, or lateral movement of the structures.
- 4.2.1.7 It allows for no human occupation of mobile homes, either temporary or permanent, unless the mobile home park contains:
 - 4.2.1.7.1 Ground anchors for tie downs sufficient to secure the mobile home structures in the event of an intermediate regional flood as required in accordance with the Mobile Home Manufacturers Association standards or standards determined by the administration or HUD;

- 4.2.1.7.2 Stands or lots elevated on compacted fill or on piers, so that the lowest floor of the home will be at least one (1) foot above the intermediate regional flood;
- 4.2.1.7.3 Adequate surface drainage and easy access for a hauler; and
- 4.2.1.7.4 In the instance of elevation on piers, lots large enough to permit steps, pier foundations placed on stable soil no more than ten (10) feet apart and steel reinforcements for piers more than six (6) feet high.

4.2.1.8 It allows for no utilities and sanitary facilities which are not flood proofed to or above the level of the intermediate regional flood in accordance with the standards for completely flood proofed structures Sections 210.21 FP1 or 210.2.2 FP2 of the U.S. Army Corps of Engineers publication entitled "Flood Proofing Regulations," June 1972, GPO: 19730-505-026 Edition or any subsequent edition thereto.

4.2.2 Geologic Hazards Prone Areas

The Mineral County Land Use Administrator shall keep on file and available for public inspection a set of maps clearly showing all known and identified geologic hazard prone areas in Mineral County. The county shall not approve and subdivision plan if the subdivision is either in one of these identified geologic hazard prone areas, or in the absence of maps, is in an area suspected by the county to be in a geologic hazard prone area, unless the developer can submit adequate evidence prepared by a professional geologist that the proposed subdivision meets the following criteria:

- 4.2.2.1 Provision is made for disclosures, prior to sales, of all geologic hazards and mitigation procedures undertaken and for attaching a delineation and discretion of the geologic hazard and mitigation measures to all deeds, titles, and recorded documents involving transfer of ownership on the subject land.
- 4.2.2.2 Provision is made for the long-term health, welfare and safety of the public from geologic hazards to life, property, and associated investments.
- 4.2.2.3 The proposed development will not create a undue financial burden on existing or future residents of the area or community.
- 4.2.2.4 Structures designed for human occupancy and sites designed for human use shall be constructed so as to prevent danger to human life or property.
- 4.2.2.5 Permitted land uses, including public facilities which serve such uses shall avoid or mitigate geologic hazards at the time of initial construction.
- 4.2.2.6 Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.
- 4.2.2.7 Any development either identified or suspected to be within a geologic hazard prone area must be designed or reviewed by a professional geologist.

4.2.3 Wildfire Hazard Prone Areas

The Mineral County Land Use Administrator shall keep on file and available for public inspection a set of maps clearly showing all known and identified wildfire hazard prone areas in Mineral County. The county shall not approve and subdivision plan if the subdivision is either in one of these identified wildfire hazard prone areas, or in the absence of maps, is in an area suspected by the county to be in a wildfire hazard prone area, unless the developer can submit adequate evidence prepared by a professional forester with at least two (2) years fire hazard experience in the Rocky Mountains that the proposed subdivision meets the following criteria:

- 4.2.3.1 Any development in which residential activity is to take place will be designed so as to minimize significant hazards to public health and safety to property;
- 4.2.3.2 Any authorized developments will have adequate roads for service by fire trucks, fire fighting personnel and other safety equipment, such developments will also have firebreaks and other means of reducing conditions conducive to fire;
- 4.2.3.3 All precautions required to reduce or eliminate wildfire hazards will be provided for at the time of initial development;
- 4.2.3.4 The development will adhere to the guidelines and criteria for wildfire hazard areas promulgated by the Colorado State Forrest Service; and
- 4.2.3.5 The county has considered the recommendations of the Colorado State Forest Service upon review of a proposed development in a wildfire hazard area.

4.3 Important Resource Areas

4.3.1 Potential Mineral Resource areas

The Mineral County Land Use Administrator shall keep on file and available for public inspection a set of maps clearly showing all known and identified potential mineral resource areas in Mineral County. These maps shall be reviewed and updated annually by the Land Use Administrator based upon the best information on mineral resources in Mineral County and as funds permit. The county shall not approve and subdivision plan if the subdivision is either in one of these identified mineral resource areas, or in the absence of maps, is in an area suspected by the county to be in a mineral resource areas, unless the developer can submit adequate evidence prepared by a professional geologist that the proposed subdivision is not in a potentially important mineral resource areas, or unless the proposed subdivision meets the following criteria:

- 4.3.1.1 That the development shall not obstruct the extraction of a valuable commercially extractable mineral resources, or that the anticipated value of the development will exceed the value of the minerals under the development; or
- 4.3.1.2 That potential health and safety hazards are reasonably mitigated.

ARTICLE V IMPROVEMENTS

5.1 Plan Preparation

Plans for the public improvements herein required shall be prepared by a qualified engineer, registered in the State of Colorado. Two sets of prints of the typical plans and specifications for all public improvements shall be filed with the county clerk at the time of submission of the final plat. One set of "as built" plans and specifications, certified and signed by an engineer registered in the State of Colorado, shall be filed with the county clerk prior to the acceptance by the Board of County Commissioners of any public improvement installed by the subdivider.

5.2 Guarantee of Completion of Public Improvements

5.2.1 No final plat shall be recorded until the subdivider has completed and the Boards of County Commissioners has approved, one or a combination of the following: (Amendment adopted by Mineral County Commissioners, February 5, 1979)

5.2.1.1 A subdivision improvements agreement on a form to be provided by the county (See Appendix F) agreeing to construct any required public improvements shown in the final plat documents together with collateral which is sufficient, in the judgment of the Board of County Commissioners, to make reasonable provisions for the completion of said improvements in accordance with design and time specifications or; (Amendment adopted by Mineral County Commissioners, February 5, 1979)

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

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

5.3 Monuments

Permanent external boundary survey monuments shall be set at locations approved by the County Engineer or person designated by the County Commissioners, provided that such monuments shall be set

not more than fourteen hundred (1,400) feet apart along any straight boundary line, at all angle points, and at the beginning, end, and points of change of direction or change in radius of any curved boundary. In addition half-inch steel pins or larger shall be set at all lot corners. Affixed securely to the top of each monument shall be the Colorado registration number of the land surveyor responsible for the establishment of said monument and whatever additional requirements may be necessary to comply with Colorado law.

5.4 Street Improvements

5.4.1 All streets, whether to be accepted by the county or to remain private, must be graded to county standards, and shall comply with all of the provisions of Article III of these regulations.

The improvement of all streets, whether to be accepted by the County or to remain private, will be completed in accordance with the Mineral County Subdivision Improvement Agreement and prior approval of the final plat by the Board of County Commissioners.

Note: The requirements of section 5.5.4 must be strictly adhered to in all road or street construction. (Amendment adopted by Mineral County Commissioners, February 5, 1979)

5.4.2 Where streets are to be constructed through timberland, the timber must be cleared from the roadway and within six (6) feet of the roadway on each side for all streets. Limbs must be trimmed and neatly stacked along with smaller branches. All timber of five (5) inches in caliber or greater must be limbed out and cut to the lengths of not over ten (10) feet and stacked into neat piles outside of the right-of-way lines. In no case will streets be accepted where timber or debris has been cleared by bulldozing to the sides of the roadway.

5.4.3 Curbs, gutters and sidewalks shall be required where the Board of County Commissioners deems them necessary for the proper drainage of storm water or for the protection of public safety and welfare.

5.4.4 All sidewalks, where installed, shall be of concrete or bituminous material and shall be at least forty-eight (48) inches in width.

5.4.5 Where bridges and culverts are necessary as part of the improvements in a subdivision, the subdivider shall be responsible for their construction.

5.4.6 Street name signs shall be installed at all intersections in the subdivision, according to the street names approved by the Board of County Commissioners. All streets signs shall be erected by the developer prior to approval of the final plat by the Mineral County Board of Commissioners.

5.4.7 Additional road and street standards for Mineral County are shown in Table 1B.

5.5 Utilities

5.5.1 Water System

5.5.1.1 A public water treatment and distribution systems shall be required in all subdivisions with a proposed density of greater than one (1) dwelling unit per three (3) net acres. (Amendment adopted by Mineral County Commissioners, February 5, 1979)

- 5.5.1.2 All fire hydrants and other firefighting equipment shall meet with the approval of the Mineral County Fire Protection District. (Amendment adopted by Mineral County Commissioners, February 5, 1979)
- 5.5.1.3 Water lines, where required, shall be designed to connect each lot with mains in accordance with applicable engineering standards.
- 5.5.1.4 All water systems and individual wells shall be subject to applicable standards, technical procedures, and requirements of the Colorado Department of Health and the Colorado Division of Water Resources.

5.5.2 Sanitary Sewer System

- 5.5.2.1 A public sanitary sewer central collection system and treatment facility shall be required in all subdivisions with the proposed density greater than one (1) dwelling unit per (3) net acres. (Amendment adopted by Mineral County Commissioners, February 5, 1979)
- 5.5.2.2 Where central collection and treatment system is not required, the use of closed sanitary systems shall be the minimum acceptable alternative. If closed sanitary systems are used initially, where a central collection is not required, provisions should be made for future central collection and system. Subdividers and others interested in land development should investigate sewage disposal aspects prior to land acquisition. (Amendment adopted by Mineral County Commissioners, February 5, 1979)
- 5.5.2.3 All sewage disposal and treatment systems, whether individuals or public, shall comply with all regulations and specifications of the State Health Department, and shall be located and constructed in such manner which will not pollute or endanger wells or water sources

5.5.3 Storm Drainage

Complete drainage systems for the entire subdivision area shall be designed by a 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 stages, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each shall be indicated. The drainage and flood plain systems shall be designed to permit the unimpeded flow of natural water courses to ensure adequate drainage for all low points.

5.5.4 Electric, Gas and Telephone Service

- 5.5.4.1 The subdivider shall meet with the applicable utility review boards prior to the public hearing on the preliminary plat in order to resolve problems of servicing the proposed subdivision with electric, gas, propane and telephone utilities.
- 5.5.4.2 The subdivider shall make the necessary arrangements, including any construction or installation charges, to extend electrical services to at least one point along the boundary of the proposed subdivisions as shown on each plat being filed, and such service shall not be more than one fourth (1/4) mile from any site within the

subdivision. The installation of all utilities shall be subject to all other applicable county and State regulations. Such facilities shall not be placed on or under public streets other than crossing but shall be within easements, as herein provided, or upon private easements or right-of-way provided for particular facilities.

5.5.4.3 In the event that the location of utility easements adjacent to property lines is useable for use by utility companies due to drainage, irrigation ditches, timbered area, or other obstructions, suitable easements shall be provided adjacent to said area or obstructions. Modification of the easement width requirements may be granted only when approved by both the County Planning Commission and the public utility or utility concerned.

5.5.4.4 All overhead public utility facilities normally shall be located in rear or side lots easement except crossings thereof to accomplish a continuous connection of the utility company system, and except upon proof that the same cannot be accomplished by reasonable available means, with the exception of street lighting facilities.

5.5.4.5 Where model guidelines exist for location of utilities the subdivider and utilities companies shall install all utilities in compliance with such guidelines.

5.6 Other Improvements

Other improvements not specifically mentioned herein but found necessary due to conditions peculiar to the site shall be required by the Board of County Commissioners.

ARTICLE VI ADMINISTRATIVE PROVISIONS

6.1 Variance

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of the subdivision regulations would result in extraordinary hardships to the subdivider because of unusual topography, or other such non-self inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Board of County Commissioners may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided that any such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

In no case shall any variation, modification, or waiver be more than a minimum easing of the requirements and in no instance shall it be in conflict with any zoning resolution.

Such variance, modification, or waivers may be granted only by the affirmative vote of two-thirds (2/3) of the Board of County Commissioners.

In granting variances, modifications, and waivers, the Board of County Commissioners may requires such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so affected. The subdivider requesting a variance shall be notified by the Board of County Commissioners of it decision within ninety (90) days of a receipt of written request for said variance.

6.2 Repeal

All Subdivision Regulations of Mineral County, if any, effective prior to the date of adoption of these regulations are hereby repealed.

6.2.1 The repeal of any of the above mentioned regulations does not revive any other regulation or portion thereof repealed by said regulations.

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

6.3 Severability Clause

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

6.3.1 If any provisions of these regulations are declared to be invalid by the decision of any court of contempt jurisdiction, it is hereby declared to be the legislative intent that:

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

6.3.1.2 Such decision shall not affect, impair, or nullify these regulations as a whole or any other part thereof, but the rest of these regulations shall continue in full force and effect.

6.3.2 If the application of any provision of these regulations to any tract of land is declared to be invalid by a decision of any court of contempt jurisdiction, it is hereby declared to be the legislative intent that:

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

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

6.4 Amendments or Additions

After study and recommendation by the County Planning Commission and upon public hearing, these regulations may be amended and sections added thereto by the Planning Commission and the Board of County Commissioners.

6.5 Effective Date

These regulations shall be in effect from the date of adoption by the County Planning Commission and the Board of County Commissioners of Mineral County, Colorado, pursuant to legal provisions and procedures as required by the Statutes of the State of Colorado.

The Board of County Commissioners finds, determines and declares that this resolution is necessary for the immediate preservation of the public health, peace and safety of the County of Mineral and that it shall take effect immediately upon final approval by the Board of County Commissioners of the County of Mineral after the final adoption, after public hearing.

Article VII MINOR SUBDIVISION PERMIT PROCESS

A minor subdivision is roughly defined as any low impact subdivision which involves the division of land into no more than seven additional parcels (total of 8 Parcels after subdivision), lots, tracts, spaces or interest, all of which can be accessed and served with roads and utilities, whether intended for eventual sale or not, and not adversely affecting the remainder of the parcel or any adjoining properties. It should be clarified here, that neither state nor county regulations give a property owner the right to divide his property. The Board of County Commissioners has the authority to grant or deny any request for a minor subdivision of property, based on density concerns, neighborhood impacts, environmental and wildlife considerations, as well as for a range of other reasons, or for no reason at all.

7.1 QUALIFICATIONS

No more than 8 total lots can be created on any property through this minor subdivision process. These lots shall be held in compliance to zoning regulations that apply to the district that the original parcel is in.

This is applicable to the land, and not to different land ownerships of the parcel.

Parcel, lots or tracts previously or at any time, created through the minor subdivision process or an exemption to the subdivision regulations, do not qualify for further division, for at least fifteen years, through this Minor Impact Subdivision process, or by any other means.

7.2 DESIGN

7.2.1 No parcel can be smaller than the minimum parcel size for the zone that it lies in.

(A minor subdivision in the rural zone might be where a two hundred acre tract is split into four fifty acre parcels. State law allows division of land where the smallest parcel is 35 acres or more, to occur without going through this minor subdivision process)

7.2.2 Parcels with steep slopes (15% or greater), unstable land and land subject to hazards such as landslides, rockfalls, ground subsidence, wildfire or flooding shall not be considered for approval for residential or other uses, unless acceptable provisions are approved by the Planning Commission and the Board of County Commissioners to alleviate such hazards to health, safety, and welfare.

7.2.3 Parcels that contain wetlands or in a riparian area will not be considered for minor subdivision

7.3 SUBMISSION OF THE PRELIMINARY PLAN

The applicant shall submit to the Land Use Office twelve (12) copies of the preliminary Plan or Map, and twelve (12) copies of the supplemental data for the proposed subdivision and two (2) Minor Impact Subdivision Preliminary Plan applications. Public notice to have this plan and supplemental data reviewed by the Planning Commission and by the public shall be given as follows:

- 7.3.1 The applicant must be the owner of the property, or must submit a letter signed by the owner, stating the he or she has the authority to legally and financially bind the owner of the property, and act on behalf of the owner, in regard to this minor subdivision process.
- 7.3.2 Notice published at least once, a minimum of fourteen (14) calendar days prior to the meeting (or public hearing), in a newspaper of general circulation in the county. Such notice shall include a description of the proposed subdivision, an invitation to the public for comment on it, and the address and phone number for the County Land Use Office.
- 7.3.3 The same notice, a minimum of fourteen (14) calendar days prior to the meeting, shall be sent by first class mail to all property owners within a 300 foot radius of the outer perimeter of the location of the proposed minor subdivision.
 1. Ownership shall be determined by the current records of the County Assessor's office.
 2. Copies of the original print-out and map from the Assessors records showing current owner address and legal description, and lot number, shall be submitted to the County Land Use Office, by the subdivider, prior to any notification of landowners or the public, by the Land Use Office, and prior to the scheduling of any public hearing.
 3. A non-refundable processing fee in the amount set by the Board of County Commissioners and on file in the office of said Board. The fee will include a flat fee for each application plus an additional fee for each parcel.
 4. In submitting this application, the subdivider and applicant must acknowledge in writing, that he or she obtains no vested rights at any time in this process prior to recording of the Final Plat with the approval of the County Commissioners.

7.4 PRELIMINARY PLAN REQUIREMENTS

All of the following exhibits shall be submitted with the Minor Subdivision Preliminary Plan Application. Incomplete submissions will be returned to the subdivider by the County Land Use Office, prior to any consideration by the Planning Commission.

- 7.4.1 Information on topography, hazard areas which may exist including: flood plain or flood prone areas, concentrated runoff areas, inadequate drainage areas, wildlife hazard areas, steep slopes, lakes, streams and vegetation. Each of these features or characteristics must be shown on the map or proposed plat being submitted. The average and maximum slopes must be stated.
- 7.4.2 Property survey and ownership of the land to be subdivided including mineral rights and mineral leases; and ownership of all lands within three hundred (300) feet of the proposed subdivision.
- 7.4.3 The legal Description of the property proposed for a minor subdivision must be attached as Exhibit A.
- 7.4.4 A map drawn to approximate scale, and other documentation showing the layout of the proposed minor subdivision, including:
 - 7.4.4.1 Total acreage of land to be subdivided; number and size of proposed lots, access to each lot, proposed lot lines and lot sizes, and a street address for each, determined according to the county address system. Platted streets shall not be included in the size of the lots.
 - 7.4.4.2 Evidence to establish that definite provision will be made for a water supply that is sufficient in terms of quantity, dependability and quality to provide an appropriate water supply for all lots, parcels and tracts within a proposed subdivision. This must be in the form of a report signed by a professional engineer registered in the State of Colorado, and must include, at a minimum the following information: (Amendment adopted by Mineral County Commissioners, February 1, 1999)
 - 7.4.4.2.1 The expected water requirements of the subdivision now and at full development including the various water uses to be permitted.
 - 7.4.4.2.2 The estimated consumptive uses of water by the subdivision at full development
 - 7.4.4.2.3 The supply system for the subdivision and the dependability of this system.
 - 7.4.4.2.4 Evidence of ownership or right of acquisition of adequate water rights or the right to use adequate water supply. Except for subdivisions that will rely on individual exempt domestic wells, final plat approval will not occur until the water rights of the plan of augmentation necessary to the supply of water requirements of the subdivision have been conveyed to a public entity, quasi-public entity or homeowners association, the purpose of which is to retain title to the water rights which

- supply the subdivision and provide water service to the subdivision or until a mechanism is in place that assures that individual purchasers of lots acquire a proportionate share of the water rights and plan of augmentation with the purchase of each lot. Such rights must be conveyed in fee simple, free and clear of liens or encumbrances of any kind or character except a dedication in an augmentation plan.
- 7.4.4.2.5 Historic use and yield of water rights which will supply the subdivision.
 - 7.4.4.2.6 Amenability of existing water rights to Water Court decreed change of use and plan of augmentation, if necessary.
 - 7.4.4.2.7 The reliability of the source and the legal availability of the water rights for use as a subdivision water supply.
 - 7.4.4.2.8 An evaluation of the potential for material injury to existing rights as a result of the subdivision usage, including the cumulative effect of on-lot exempt domestic wells.
 - 7.4.4.2.9 A plan of augmentation whereby any material injury to existing water rights is prevented.
 - 7.4.4.2.10 Evidence that an offsite public water owner and supplier can and will supply water to the proposed subdivision stating the amount of water available for use by the proposed subdivision and the feasibility of extending service to the new area.
 - 7.4.4.2.11 Evidence concerning the potability of the proposed water supply for the subdivision.
 - 7.4.4.2.12 Information as to what entity will operate and be responsible for the plan of augmentation and water system on a continuing basis.
- 7.4.4.3 Type of sewage disposal and treatment system proposed for the subdivision and a written report from a certified Professional Engineer that this proposed method is compatible with the soil, topography, governmental requirements and other characteristics of the parcels to be created, and that it complies with all applicable public health laws for each proposed lot.
- 7.4.4.4 Information concerning fire protection, solid waste disposal, telephone and electricity. (All proposed subdivisions which are within a fire district shall have the Fire Chief/ Fire Marshall of the appropriate Fire Protection District review the plans.

- 7.4.4.5 Assurance of legal, all-weather access to each proposed parcel from an adequate, existing road. Show the location of access on the plat submitted. If access is to a state highway, a copy of the written access permit must be attached to this application. State the percent grade of existing and proposed roads.
- 7.4.4.6 If the proposed subdivision lies within an airport influence area, navigation Easement shall be required, and it shall be determined if any portion of the lots may be unbuildable, due to the required compliance with F.A.R. part 77.
- 7.4.4.7 Evidence that the land included within the proposed plat is properly zoned for the purposed use and lot size. Indicate how the property is zoned. State the present, proposed and immediate past use of the property. List the uses presently being made of the properties immediately adjacent to the property planned for subdivision.
- 7.4.4.8 That the proposed plat or subdivision has not previously been subdivided within in the fifteen year period immediately prior to the filling of this proposed plat.
- 7.4.4.9 Name the owner of the property, address and phone number of the owner. Add the name, title, address and phone number of the applicant. Include the names, addresses, titles and phone numbers of any others who are able to speak for and legally bind the applicant in matters related to this minor subdivision request.
- 7.4.4.10 Attach as Exhibit B, a list of all persons, companies, political subdivisions, etc., who hold a legal interest in the property, and show their mailing address, and the nature of legal interest held.
- 7.4.4.11 Include a narrative statement which include information not contained above, which will give persons reviewing your application a complete accurate picture of your proposal.

7.5 PROCESSING OF THE PRELIMINARY PLAN

- 7.5.1 After county land use office has determined that the application meets all or substantially all requirements, the Land Use Administrator shall call a scheduled meeting or public hearing before the Planning Commission. At this meeting the Planning Commission shall review the Minor Subdivision Preliminary Plan and may request a wildlife Impact Review from the Colorado Division of Wildlife, and after considering the exhibits submitted, comments from the general public, and impacts on adjoining areas, and the county as a whole, from factors such as natural resources, natural hazards, environmental impact, erosion, county services, access, utilities,

general public health and welfare, and compatibility with the surrounding area, the Planning Commission shall give approval, disapproval or conditional approval of the plan, or may request additional information from the subdivider and applicant.

- 7.5.2 Once additional information has been provided to the Planning Commission, and additional criteria have been met, to the satisfaction of the Planning Commission, the Planning Commission may recommend a Preliminary Plan approval.

Without any further public notice, the Board of County Commissioners, at a regular or special meeting, may approve the Preliminary Plan, disapprove, or require changes or additions.

If a Preliminary Plan approval is obtained from the Board of County Commissioners, the approval is only valid for one year. In the Event that a Final Plat is not submitted to the Planning Commission within one year, the Preliminary Plan approval becomes null and void, and of no further force nor effect. An extension of time may be applied for on the basis of unforeseen circumstances, in which case:

- 7.5.2.1 The applicant shall, in writing, request an extension citing the specific reasons for such extension, and for how long the extension is needed.
- 7.5.2.2 Only one written extension of time may be granted by the Planning Commission.
- 7.5.2.3 If an extension of time is granted, the most current Minor Subdivision regulations shall apply.

7.6 SUBMISSION OF THE FINAL PLAT

- 7.6.1 Submission – An original reproducible plat and a minimum of twelve (12) copies of the proposed final Plat, as well as a minimum of twelve (12) copies of all required supplemental information, and two copies of the Minor Impact Subdivision Final Plat. Application shall be submitted by the subdivider to the County Land Use Office.
- 7.6.2 Submissions judged incomplete by the Count Land Use Administrator, will not be considered further, until additional or more accurate information has been submitted to make the application complete, as determined by the County Land Use Administrator.

- 7.6.3 Public notice shall appear in a newspaper of local circulation at least fourteen (14) days prior to the planning Commission meeting giving the date, time and location, at which the Final Plat will be considered by the Planning Commission.

7.7 FINAL PLAT PREPERATION

The subdivision design shall conform to the design standards in this document (sections 7.2 and 7.7), and to the preliminary Plan as approved.

- 7.7.1 The drawing shall be a Mylar, made at a scale of 1" = 200', with outer dimensions no less than 24" x 36". All information shall be accurate and legible.
- 7.7.2 The Final Plat shall contain the following information, and shall be prepared and signed by a registered Colorado Land Surveyor.
- 7.7.2.1 Subdivision name, scale, true north arrow, date of preparation and basis of bearings.
- 7.7.2.2 Legal description of the property and the total acreage. This should be part of the dedication statement
- 7.7.2.3 Complete survey data which shall include any information necessary to establish the boundaries in the field; a description of all monuments, both found and set, which mark the boundaries of the property; and a description of all control monuments used in conducting the survey. All monumentation shall be in place prior to final plat submittal to the County Land Use Office
- 7.7.2.4 Subdivision boundary lines; streets and other rights of way lines; easements, including irrigation ditches; property lines of lots, parcels and tracts; showing in all cases accurate distances, bearings, curve radii, central angles and arc length
- 7.7.2.5 All road easement must be at least forty (40) feet in width. Until such road meets the county road standard (60 feet wide) it will not be "accepted" by the county for maintenance, construction or any other matter pertaining to or affecting said roads or rights of way. All other matters pertaining to or affecting said roads and rights- of-way will be the sole responsibility of the owners of the land embraced within this subdivision. All road easements should be used as utility easement where utilities are supplied. Roads shall be designed so as to provide emergency access and egress for residents, occupants, and emergency equipment. Emergency access shall comply with provisions of the International Fire Code and requirements of applicable emergency services, such as fire protection, ambulance, and law enforcement.

- 7.7.2.6 A number or other means to identify each lot, and the area of each. In addition, the street address of each lot, determined according to the county address system.
- 7.7.2.7 The applicable zoning of the land that will be subdivided. Include a statement that only permitted uses per county zoning regulation will be allowed for each lot unless there has been a conditional use given.
- 7.7.2.8 A vicinity map, drawn at an appropriate scale, showing the perimeter outline of the platted area, accesses, abutting subdivisions or ownerships, surrounding section lines, and other relevant information so the subdivision location may be ascertained by persons unfamiliar with the area.
- 7.7.2.9 All appropriate plat notes and appropriate shading, including flood plain information, geological hazard, mineral resources, access information, and airport influence area.
- 7.7.2.10 The following certifications and dedications shall appear on the final plat:
 - 7.7.2.10.1 Dedication by the subdivider
 - 7.7.2.10.2 Surveyor's Certification
 - 7.7.2.10.3 Planning Commission Certificate
 - 7.7.2.10.4 County Commissioners Approval to Record Certification
 - 7.7.2.10.5 Clerk and Recorder Certification
 - 7.7.2.10.6 Signature of the applicant, subdivider and date
 - 7.7.2.10.7 All access easements (roads) to remain public
 - 7.7.2.10.8 All access easements (roads) must be a minimum of forty (40) feet in width with a maximum of sixty (60) feet in width as required by maintenance and topography.
- 7.7.2.11 An original Tax Certificate from the County Treasurer showing that no taxes are due or delinquent against this or any other property of either the owners or the subdividers.
- 7.7.2.12 An original Title Report from a licensed Colorado Title Company shall be provided, showing the names of all surface owners, lien holders, mineral owners and lessees of mineral rights in the platted area, as the names appear upon records in the County Clerk and Records Office. The Title Report shall also include all existing easements.

7.7.2.13 Letter of Credit or Bonding as set by the Board of County Commissioners.

7.8 PROCESSING AND APPROVAL OF THE FINAL PLAT

The County Land Use Office shall review all plats for accuracy at the applicants' expense, and shall require additions and or changes when necessary, in the opinion of the land use administrator, before passing the Final Plat on to the Planning Commission, and on to the Board of County Commissioners.

- 7.8.1 It shall be the applicant's responsibility to submit three copies of the final plat to the county land use office, a minimum of thirty calendar days prior to consideration of the final plat at a scheduled Planning Commission meeting.
- 7.8.2 The County Land Use Office shall review the plat and if any corrections are needed, the applicant shall have the corrections made and three copies of the corrected plat shall be re-submitted to the Land Use Office.
- 7.8.3 All additional costs of the Minor Impact Subdivision including, but not confined to legal notification, public hearings before the Planning Commission or Board of County Commissioners, plat preparation, surveying, recording, etc, shall be paid by the applicant prior to filing of the final plat.
- 7.8.4 Final Plat recommendation of the Planning Commission shall be valid no longer than one year. In the event the Final Plat is not submitted to the Board of County Commissioners within this time, the Planning Commission's Final Plat Approval Recommendation becomes null and void, and of no further force nor effect.
- 7.8.5 If the final plat has not been recorded in the County Clerk and Records Office within six months from the date of approval by the Board of County Commissioners, The Final Plat approval shall be null and void.
- 7.8.6 After the final plat has not been recorded in the County Clerk and Records Office within six months from the date of approval by the Board of County Commissioners, the Final Plat approval shall be null and void.
- 7.8.6 After the Final Plat approval recommendation has been made by the Planning Commission, the formal approval of the final plat by the Mineral County Board of County Commissioners shall occur at any regular monthly meeting or special call meeting of the Board of County Commissioners, without any further public notification.

**MINERAL COUNTY
SUBDIVISION IMPROVEMENTS AGREEMENT**

Prior to the County Commissioners' approval of the final plat of any subdivision, a duplicate original of this type of agreement must be filed with the County Commissioners. A signed copy of such an agreement must also be filed with the county (including a performance guarantee in a form satisfactory to the County Commissioners and County Attorney equal to the amount of the total estimated improvements).

In re: _____
Name of Subdivision

Intending to be legally bound, the undersigned subdivider hereby agrees to provide through this subdivision and as shown on the subdivision plat of _____,
 Dated _____, 20_____, the following public improvements:

Improvements	# of units	Estimated Construction Cost	Construction Completion date
Fencing			
Street Grading			
Street Base			
Street Paving			
Curbs			
Sidewalks			
Storm sewers			
Trunk lines			
Mains			
Lateral or house connections			
Sewage treatment Facilities			
Water Mains			
Public Water Supply			
Fire Hydrants			
Street Lights			
Street Name Signs			
Survey Monuments			
Electrical Service			

TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION \$ _____

**SUBDIVISION IMPROVEMENTS AGREEMENT
(CONTINUED)**

The above improvements shall be constructed in accordance with all county and/ or State requirements and specification, and conformance with this provision shall be determined solely by the County Commissioners or their duly authorized representative.

The improvements shall be constructed in accordance with the time schedule shown above.

(SEAL)

Signature of Subdivider

(If corporation, to be signed by President and attested to by Secretary, together with corporate seal)

ATTEST: _____
Secretary of Corporation

Dated: _____, 20_____.

APPROVAL

Approved by resolution of the Mineral County Board of County Commissioners at the meeting of _____, 20_____.

Chairman, Board of County Commissioners

ATTEST: _____
Clerk of the Board

APPENDIX A
PRELIMINARY PLAN APPLICATION
AND CHECKLIST

Additional copies may be obtained from
The Mineral County Clerk's Office

MINERAL COUNTY
PRELIMINARY PLAN APPLICATION AND CHECKLIST

Date: _____

Checklist

Name of Subdivision: _____

Location of Subdivision: Township _____
 Range _____
 Sections _____

Names

Addresses

Ownership: _____

Subdivider: _____

Lien Holders: _____

Ownership: _____

Registered:
 Engineer/or
 Surveyor _____

Existing Zoning: _____

Water Supply: Public System _____ On-Lot System _____

Sewage System: Public System _____ On-Lot System _____

Filing Fee: _____

Notice of Public Hearing _____

Thirty-five copies of the preliminary plan and required supplemental material organized into packet form and submitted to the county clerk at least forty-five (45) days prior to a regular County Planning Commission meeting. Per County Commissioners 5/6/96

 Applicant Signature

Preliminary Plan Checklist
Attached Document # _____

1. Name of subdivision
2. Required Scale
3. Total development area
4. Name and address of land owner(s)
5. Name and address of subdivider(s)
6. Name and address of designer
7. Name and address surveyor
8. Location of subdivision as part of some larger subdivision or tract of land and by reference to permit survey monuments with a tie to a section corner or a quarter-section corner
9. Names and locations of abutting subdivisions
10. Location of section lines, and approximate locations and principal dimension for all existing and proposed streets, alleys, easements, rights-of-way, lot lines, areas to be reserved for public use, and other important features
11. Date and preparation and North sign
12. Topography at required intervals
13. Location by preliminary survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes or other water features, including direction of flow
14. Typical depths, location and extent of areas subject to inundation, and whether such inundation be frequent, periodic or occasional
15. Proposed site for any multiple-family residence use, business areas, industrial areas, churches
16. Total number of dwelling units
17. Total number of square feet of proposed non-residential floor space
18. Total number of proposed off-street parking spaced for all uses except single family residential developments
19. Approximate boundary lines and dimensions of subdivision
20. Location of existing and/or proposed water and sewer utilities
21. Estimated total number of gallons/day of water (distribution system only)
22. Estimated total number of gallons/day of sewer (central treatment facility)
23. Sewage disposal mean and suitability when on-lot systems are proposed
24. Location of representative soil percolation tests for each major soil type in subdivisions where septic systems are proposed

**Preliminary Plans
Supplemental Information**

Attached Document # _____

1. Preliminary plan application
2. Property Survey: (Doc # _____)
3. Legal Proof of ownership with a full disclosure of all mortgages, liens and encumbrances against said property (Doc # _____)
4. Relevant Site characteristics and analysis;
Reports:
 - Streams: (Doc # _____)
 - Lakes: (Doc # _____)
 - Topography: (Doc # _____)Report:
 - Geologic Characteristic affecting land use and impact of such on the subdivision: (Doc # _____)
 - Potential radiation hazard _____
(Doc # _____)Suitability in the type of soil in accordance with National Cooperative Soil Survey (Doc # _____)
5. Tabulated list of soil percolation tests as required (Doc # _____)
6. Evidence that a water supply is sufficient in terms of quality, quantity, and dependability will be available to insure an adequate supply of water for the type of subdivision proposed

Such evidence shall 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 rights to a change in issue
 - d. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area
 - e. Evidence concerning the portability of the proposed water supply for the subdivision

APPENDIX B

REQUIREMENTS FOR INFORMATION
REGARDING WATER AVAILABILITY

Additional copies may be obtained from
The Mineral County Clerk's Office

WATER AVAILABILITY

Estimated water requirements _____ gallons/day.

Proposed water Source _____

Estimated Sewage Disposal Requirements _____gallons/day.

Proposed means of Sewage Disposal_____

ACTION:

Planning Commission Recommendation

Approval

Disapproval

Remarks _____

Date _____, 20_____.

Board of County Commissioners

Approval

Disapproval

Remarks _____

Date _____, 20_____.

Attach a map showing location of subdivision

NOTE: This form is required by CRS 106-2-37 (4) but is not a part of the regulations of Mineral County.



C. J. KUIPER
State Engineer

DIVISION OF WATER RESOURCES

Department of Natural Resources

101 ~~Columbine Building~~

~~1845 Sherman Street~~

Denver, Colorado 80203

December 5, 1972

TO: Whom it May Concern

FROM: C. J. Kuiper, State Engineer *C. J. Kuiper*

SUBJECT: Subdivision Evaluation Criteria Under SB-35

In accordance with recently passed Senate Bill 35 which governs the establishment of subdivisions in the State of Colorado, the State Engineer is required to evaluate the developers proposed water plan for soundness. In order to do this, the following items must be included, as a minimum, in the water resource report:

1. Determination of expected water volume and rate required to service the subdivision now and at full development.
2. Determination of the expected consumptive use of water by the subdivision.
3. Evidence of ownership or right of acquisition of or use of existing and proposed water rights.
4. Historic use and estimated yield of claimed water rights.
5. Amenability of existing water rights to a court decreed change in use.
6. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use by the proposed subdivision and the feasibility of extending service to the new area.

7. Definition of the proposed source of water which will supply the development and determination of the dependability of that source.

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

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

APPENDIX C

CRITERIA FOR GEOLOGIC
INVESTIGATION OF SUBDIVISIONS

Additional copies may be obtained from
The Mineral County Clerk's Office

Criteria for Geologic Investigation of Subdivision

John W. Rold
Colorado Geologic Survey

Senate Bill 35 requires subdividers to submit to the Boards of County Commissioners: "Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision." Consideration of the following factors would allow various agencies to evaluate the area and the report. Obviously, specific details can best be determined by a qualified geologist on the site:

Geologic Map

Adequate Scale
1" = 1000' or 1" = 500'

Adequate Ties to Plat

Geologic Formations
Rock types

Structure
Dips & strikes
Faults
Joints
Attitude & type

Safety Factors

Stability
Landslides
Avalanches
Mudflows Rockfalls
Talus Karst Topography
Accelerated creep
Settling Soils

Floodways
Areas of probable flood danger
Size & Slope of contributing
drainage basin

Artificial hazards
Mine shafts & pits
Possible subsidence underground
mines
Upstream dams

Construction Factors

Swelling Clay
Distribution & severity

Water Table
Depth to water
Expected seasonal variations
Depth after total development
Location of permanent springs
Ephemeral springs of bogs

Slope
Portrayed by contour lines & %
slope
Possible effect on buildings, roads,
and septic tanks

Impability
(Evacuation problems)

Erosion
Expected rates during & after
development

Mineral Resources
Type
Location
Values
Conflict if extracted?

If on-site water supply is required

Expected availability
Expected well depth
Quality
Expected well capacity
Aquifer characteristics
Future pollution potential
Possible effects RB 1042

If on-site waste disposal is required

Soil type, depth & distribution
Percolation rates
Adequate test holes (to 8' deep)
Character of bedrock
General slope conditions
Availability of adequate site

Text

In simple language discuss

Dangers
Problems
Needed additional investigations
for possible solutions

Bibliography

Publications or reports used in the
study

Signature of

The geologist preparing the report

The geological investigation should be conducted by a competent qualified geologist with experience in determining the affects of geologic processes and factors on the types of construction proposed.

Although all of the above factors may not fall within the purview of the Colorado Geological Survey, we feel that a preliminary evaluation of these factors can best be made by a geologist while he is conducting the sire investigation

This is a preliminary release. A detailed explanation of the mechanics of the geological investigation is in preparation. Your suggestions and criticisms of the above are invited.

APPENDIX D
SEWAGE DISPOSAL REPORT

Additional copies may be obtained from
The Mineral County Clerk's Office

MINERAL COUNTY
SEWAGE DISPOSAL REPORT

The following information is required for all subdivisions where on-lot disposal systems are planned.

Name of Subdivision: _____
Subdivider _____
Address _____
Telephone: _____

Location of Subdivision:

Township _____
Range _____
Section(s) _____

Total area of subdivision: _____

Typical lot area: _____

Attached tabulated soil percolation data and any other information necessary for the evaluation of this report. Other required reports concerning site characteristics will be considered in the review of this report.

I hereby certify that the above and attached information is true and correct and that these tests have been made under my supervision in accordance with the procedures required by the Mineral County Subdivision Regulations.

Date

Registered Engineer or Qualified Sanitarian

(SEAL)

Date

Signature of Subdivider

APPENDIX E
FINAL PLAT CHECKLIST

Additional copies may be obtained from
The Mineral County Clerk's Office

MINERAL COUNTY
Final Plat Checklist

Name of subdivision: _____

Date: _____

Submittal Requirements:

Checklist

Not more than twelve (12) after approval of the preliminary plan, and at least fifteen (15) days prior to a regular County Planning Commission meeting, the original tracing and five (5) pints of the final plat together with the required supplemental material shall be submitted by the subdivider to the county clerk.

Information to be included on the final plat:

1. Required scale _____
2. Linen or Mylar drafting media with outer dimensions of 24" x 36"
3. Titles, north sign and date
4. Primary control points or descriptions and "ties" to such control points
5. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or angles, and radii, arcs or chords, and central angles of all curves
6. Name of each street, and right-of-way width of each street or other right-of-way
7. Any easements granted to public utility companies or required by the County Planning Commission shall be included, and the location, dimensions, and purpose of all easements shall be given
8. Number to identify each lot or site and each block, and the area of each lot
9. Location and description of monuments
10. Certificate of acceptance as shown in section 2.3.1.9
11. Certificate of Dedication as shown in section 2.3.1.10
12. Surveyor Certificate as shown in section 2.3.1.10
13. Planning Commission Certificate as shown in section 2.3.1.10
14. County Commissioners Certificate as shown in section 2.3.1.10
15. Clerk and Recorder's Certificate as shown in section 2.3.1.10
16. Any accompanying deed restrictions shall be a recorded document for all lots, and shall be referenced on the final plat

Supplementary Information

One (1) through fourteen (14) may be waived by the County Planning Commission when the proposed density of the subdivision is one (1) dwelling unit per acre or less.

1. Submit Plan and centerline profiles for all streets and road
2. Submit plans and profiles for sanitary and storm sewers and for water distribution systems
3. Show stationing on plan and profile (100' intervals)
4. Define and locate horizontal and vertical curves both on plan and profile (length, PC, PI, PT, Radius, tangent, Delta)
5. Show existing grade by a dashed line on profile
6. Show new or proposed grade by a heavy solid line on profile
7. Show percent grade from PI to PI on profile
8. Draw typical cross section
9. Show and dimension roads, curbs and gutters, sidewalks water and sewer utility lines, and structures within rights-of-way on plan
10. Locate and size culverts, including CSP, RCP, Box, etc. on both plan and profile
11. Show direction of water flow on plans
12. Show street names on profile plans
13. Show minimum 20' radius at shoulder or curb line at all intersections on plans
14. Show design bench marks data on plans
15. Submit one set of traverse closure computations and solar or Polaris
16. Submit final construction plans for all structures (e.g. box, culverts, bridges, etc.) bearing the seal of a registered professional engineer computations of the exterior boundary of the subdivision
17. Submit drainage plans are required by section 4.5.2
18. Submit a letter of intent along with the Subdivision Improvements Agreement stating the following:
 - a. Estimated construction cost and proposed method of financing of the streets and related facilities; water distribution systems, sewage collection system, storm drainage facilities, and such other utilities as may be required
 - b. Scope and time element of each stage construction
 - c. Beginning and completion dates to all construction
 - d. Party or parties responsible for construction
19. A letter shall be submitted from the ditch company stating their approval and Minimum requirements for any structure constructed within their right-of-way
20. Letter from all public utility companies involved in the subdivision (only if the final plat includes only a portion of the Preliminary Plan)
21. An official signed deed dedicating or reserving certain tracts or the development Rights to such tracts for public use as may have been agreed to at the time the preliminary plan was approved, or cash payment in lieu thereof in the specified amount

APPENDIX F
SUBDIVISION IMPROVEMENTS

Amended April 6, 1992
Amended March 7, 1994
Amended March 3, 1997

Additional copies may be obtained from
The Mineral County Clerk's Office

Mineral County Subdivision Improvement Agreement

Prior to the Board of County Commissioners of Mineral County, Colorado (the "County Commissioners") approval of the final plat of any subdivision, a signed duplicate original of this Mineral County Subdivision Improvements Agreement ("this Agreement", herein), including any documents incorporated by reference, must be filed with the County Commissioners and be recorded in the office of the Mineral County Clerk and Recorder. In addition, performance guarantees in form and amount satisfactory to the County Commissioners (cash, letter of credit and the like) at least equal to or greater than the amount of the total estimated improvements must be delivered to the County Commissioners.

In re: _____
Name of Subdivision

This agreement, made and entered into this day _____ of _____, 20_____, by and between:

MINERAL COUNTY BOARD OF COUNTY COMSIONERS, of Creede, Colorado, 81130, for and on behalf of MINERAL COUNTY, Colorado (the "County" herein),

And

Which shall be deemed the developers address for all purposes, including any notice to be given under this or any related document, hereinafter referred to (whether one or more) as "developer".

WHEREAS, developer is the owner of that certain property to be incorporated into a subdivision known as _____, the final plat for which is now before the County Commissioners for final plat approval and for filing with the County Clerk and Recorder of Mineral County, Colorado, (hereinafter "subdivision"); and

WHEREAS, developer and Mineral County desire to enter into an agreement pertaining to the completion of the public improvements, off-site and on-site, of the subdivision.

NOW THEREFORE, for and in consideration of the terms and conditions of this agreement, the parties agree as follows

1. Description of a subdivision: The legal description of the site of the subdivision is contained in Exhibit A, attached hereto and incorporated herein.
2. Description of Improvements: The following public improvements shall be made in conjunction with the subdivision:

(DEPENDING UPON THE SIZE OF THE SUBDIVISION, THE DETAILS CALLED FOR IN THIS PARAGRAPH, BELOW, MAY BE INCLUDED IN A DEVELOPMENT PLAN OR SIMILAR DOCUMENT UN WHICH CASE SUCH DOCUMENT WILL BE INCORPORATED HEREIN BY REFERENCE.)

Improvements	# of units	Estimated construction cost	Latest Construction Completion Date

TOTAL ESTIMATED COST OF IMPROVEMENTS \$ _____

All of the above improvements shall be the sole responsibility of developer and shall be completed at the sole expense of the developer.

3. Construction of Improvements: The improvements shall be constructed in accordance with all requirements and specifications of Mineral County (the "County" herein) and/or the State of Colorado. Developer agrees that the determination as to conformance of any improvements with the applicable requirements shall be at the sole discretion of the County through its duly authorized representative.
4. Time of Completion: Construction of the above improvements shall be commenced on or before _____ (or see document incorporated by reference) and completed by _____ (or see document incorporated by reference). At its sole discretion, the County may extend the completion date.
5. Security for completion: As security for the completion of the improvements and payment for the same, developer shall deliver to the County the following security:

- 5.1 If a deed of Trust is to constitute the security, the developer will provide an MAI appraisal at the developer's expense showing that the property to be used as security, as is, is equal to triple the value of the subdivision improvements covered by this agreement. Developer shall also provide a Title Commitment and a Lender's Title Policy with respect to such Deed of Trust at developer's expense. The form and content of the Deed of Trust shall be subject to the approval of the County Commissioners.
- 5.2 If the security is in the form of a bank letter of credit, the bank and the form of a letter of credit shall be subject to the approval of the County Commissioners.
- 5.3 Depending upon the nature of the security, the developer may also be required to execute a Promissory Note. The form of Promissory note and the form of security shall be subject to the approval of the County Commissioners. The form of any such security and any such promissory

note are attached hereto as exhibits B and C. At such time as the developer has completed all of the improvements described herein to the satisfaction of the County Commissioners and has established that there are no unpaid sums, claims, or liens of any person or entity with respect to the cost of the improvements (including lenders, material men, contractors and workman) and has complied with all other provisions hereof, the security and any Plat Restriction shall be released.

- 5.4 If cash is to be deposited to secure the performance of this agreement, the depository shall be subject to the approval of the County Commissioners. Such funds shall be deposited to an interest bearing account in the name of the county and the County Commissioners alone shall have the right to withdraw or otherwise deal with such funds.
6. Default of the Developer: In the event that the developer fails to meet its obligations contained in this agreement, the County shall, at the County Commissioner sole discretion, enforce the security including, but not limited to, collection of the letter of credit and/or foreclosure and sale of any real property or other security as set forth in the securing instrument, so long as it is economically feasible to do so. All security and the proceeds from the sale of any security shall be used first for the reimbursement of the County of all costs of any legal or other proceedings, including attorneys fees, second for the reimbursements of all costs of the County's supervision of the completion of the developer's obligations and third for the purpose of meeting the obligations of the developer hereunder. At the County Commissioners sole discretion, the County may, at its option, file any appropriate action in the District Courts of Mineral County, State of Colorado including action for Declaratory Judgment, action for Receiver and action of Nature Interpleader. In any such action, the county may also deposit the moneys recovered from the security and from the developer into the Court and request such orders as the County deems appropriate and as the Court shall decide is lawful. Such orders may include how and in what manner the money shall be expended, provided however that the priority of such expenditures, as described in the preceding sentences, shall not be distributed absent a finding by the Court that such priority is unlawful.
- 6.1 In addition, the County reserves the right, upon adequate written notice to all owners or record and all mortgagees of record, to conduct a hearing with respect to the subdivision and, if the evidence presented at such hearing justifies the finding, enter the finding that such subdivision has been abandoned. In such event, and based upon such hearing, findings and order of the County Commissioners, the County may thereafter apply any funds, whether recovered through collection or foreclosure of any security, to any lawful county purposes, it being further understood that any other use of such money, in the event of abandonment, would be wasteful and of no material benefit to any person or entity whomsoever.
- 6.2 The County is not obligated to complete or supervise the completion of any improvements required by this agreement. At its sole discretion, the county may require a Homeowner's Association, special district or similar entity to supervise and complete the improvements. The security held by the county and the proceeds thereof shall be made available to such entity, as the County Commissioners see fit, to pay for such improvements, subject first to paragraph 6 hereof. If the amount held by the County is insufficient to pay for all of the improvements that remain to be completed, the entity shall determine the order of priority of completions. If no entity is created by the property owners within the subdivision, the County Commissioners shall have the right, after notice and hearing under paragraph 6.1, to declare that the subdivision has been abandoned.
- 6.3 Developer shall be liable for any deficiency should the amounts realized from the enforcement of any collection and/or foreclosure proceeding be insufficient to reimburse the County for any expenses and complete the developer's obligations hereunder, in the event of default. In the

event that the amount realized from the collection or enforcement of any security exceeds the amount required to reimburse the County for any and all of its expenses and complete developers obligations hereunder, then developer shall be entitled to reimbursement of any such excess amount.

- 6.4 In the event of default, nothing herein shall be construed as imposing any other obligation on the county other than as set forth in these paragraphs 6. In the event of default and in the event that the County elects to pursue collection or enforcement of the security, nothing shall prevent the County from abandoning any action in the event that such action is economically unfeasible, at the sole discretion of the County.
7. Enforceability of Agreement: The terms of this agreement are specifically limited to the parties hereto. This agreement may not be assigned by the developer without the prior written consent of the County Commissioners. This agreement is designed solely to provide security for the developer's obligations in completing the subdivision improvements and for no other purpose. It is expressly recognized that certain landowners and other third parties may take claims that they are entitled to benefits under this agreement as a result of the contemplated subdivision improvements; however, except as required by Colorado Statutes, no party other than the signatory to this agreement, shall have any enforceable rights under it. Benefits, if any, under this agreement to landowners within the subdivision, present or future, are incidental only, except as provided by Colorado Statutes.
8. Responsibility of County: The County's responsibilities shall be limited to those outlined herein, namely: approval of this Subdivision Improvements Agreements or a developer's compliance with this agreement, provided that the County shall be reimbursed for actual costs, including hourly rates an mileage, incurred for inspections and reports during construction and in verifying developer's compliance and completion in the event of default, those actions, if any, necessary to enforce collection or enforcement of the security. In the event of default, any fund available for completion of the improvements, whether recovered from the developer are from any security given by the developer, shall be applied in the order of priority described in paragraph 6 above and more particularly: first for the reimbursement of the County of all costs of any proceedings, including attorneys fees, necessary to acquire the funds; second for the reimbursement of all costs of the County in supervising the completion of the developers obligations under this agreement, and; third for the purpose of completing the improvements called for by this agreement. Nothing herein shall be constructed as creating any duties and responsibilities of the County other than those specifically stated herein, including, but not by way of limitation, the rights of the County to request increased security under paragraph 14 hereof.
9. Entire Agreement: This agreement supersedes all discussions and oral and written agreements previously made between the parties relating to this subject matter. There are no other understandings or agreements between them.
10. Notices: All notices or other documents under this agreement shall be in writing and delivered personally or mailed by certified mail, postage prepaid, addressed to the parties at their last known addresses.
11. Non-waiver: No delay or failure by the County to exercise any right under this agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided in writing.
12. Headings: Headings in this agreement are for convenience only and shall not be used to interpret or construe its provisions.

13. Governing Law: This agreement shall be constructed in accordance with and governed by the laws of the State of Colorado. In the event of any dispute, the District Court in and for the County of mineral, State of Colorado shall be the exclusive forum for resolution.
14. Representation: The developer represents and warrants that the security given pursuant to this agreement is free and clear of any liens and encumbrances except that which is given by the developer as security to the County hereunder. Developer warrants that the value of the security is presently _____. If applicable to the type of security, developer warrants that the County shall remain in a secured first position by virtue of the security, to secure the obligations set forth set forth hereunder. In the event that the value of any security is impaired, through economic circumstances or encumbrances of any type that subsequently attach to it, developer warrants that it shall additional and substitute collateral and security in amounts and types acceptable to the County Commissioners, in order to provide the County shall have adequate security at all times in the amount of _____, as adjusted for inflation after the date of this agreement and depending on the type of security.
15. Survival of Representation: All representations and warranties of the developer hereunder shall survive until all obligations of the developer have been completely fulfilled by the developer.
16. Warranties: There are no actions, suits or proceedings pending or to the knowledge of developer, threatened against, by or effecting developer in any court or before any governmental agency, domestic or foreign, except as set forth in an exhibit attached hereto. If no exhibit is attached, there are no exceptions to this warranty. Developer is not subject to any order, writ, injunction, or decree of any court or agency which would prevent the sale of all or any part of developers assets, or which had created or would create any lien thereon or would affect or interfere with developer's assets, or which would create any lien thereon or would affect or interfere with developers use thereof or rights therein.
17. Compliance with Laws: Developer, to the best of its knowledge, has completed with all laws, regulations and orders applicable to its business. The developer warrants that any actions of the developer in carrying out this agreement in compliance with the provisions hereof by a developer will not violate any provision of law applicable to developer and will not conflict with, or result in a breach of, any term, condition or provision or constitute a default under, developers corporate charter and bylaws, or any indenture, mortgage, security interest, agreement, or other instruments to which developer is a party or by which it may be bound.
18. The final plat of the subdivision shall not be recorded until the developer has fully complied with each and every provision hereof. However, at the sole discretion of the County Commissioners, the developer shall be permitted to record the plat if and only of such plat contained the following statement: "No person or entity shall tender any deed or other instrument for recording which purports to transfer, convey or otherwise affect any portion of the property included in this plat nor shall Mineral County Clerk and Recorder accept any such deed or other instrument until such time as the developer has complied with each and every provision of Mineral County Subdivision Improvements Agreement pertaining to this subdivision. Such compliance can only be established by recorded resolution of the Mineral County Board of Commissioners."
19. Indemnification: Developers shall indemnify and hold the County, the County Commissioners and every employee, officer, agent, and representative of the County harmless from a and against all losses, claims, cost, attorney fees and damages, however arising, by reason of any action taken or any action asserted against the County or any of them arising out of this agreement, whether or not the claim is determined to ultimately have merit. This indemnification shall include, but not limited to, any actions or claims asserted by third parties indicating that they are third party beneficiaries pursuant to

this agreement. If this agreement is executed by more than one party as developer, the liability of each and every party to discharge all of the developer's obligations to the County shall be joint and several. If any individuals or entities are to be guarantors of the developers obligations hereunder, including the indemnification set forth in this paragraph and all other obligations of the developer then, in such event, such guarantors shall execute written guarantors in form acceptable to the Count Commissioners.

- 20. No waiver by the County of any breach hereof by the developer shall be deemed to be a waiver of any subsequent breach by the developer.

THIS AGREEMNT shall be binding upon the parties hereto, their successors and assigns.

X _____
(Developer)

Date: _____

X _____
(Chairman of the Board of County Commissioners)

Date: _____

X _____
(Clerk of the Board of County Commissioners)

Date: _____

APPENDIX G

COLORADO LAND USE COMMISSION
SUBDIVISION SUMMARY FORM

Additional copies may be obtained from
The Mineral County Clerk's Office

COLORADO LAND USE COMMISSION Subdivision Summary Form

Mineral County _____

Type of Subdivision:

Request or Exemption _____

Date: _____

Preliminary Plan _____

Final Plat _____

Subdivision Name: _____

Filing: _____

Location of subdivision: Township _____, Range _____, Section _____, and
¼ _____

Name

Address

Owner(s) _____

Subdivider(s) _____

Designer(s) _____

Type of subdivision		# of Dwellings	Area (acres)	% of Total Area
Single Family	<input type="checkbox"/>	_____	_____	_____
Apartments	<input type="checkbox"/>	_____	_____	_____
Condominiums	<input type="checkbox"/>	_____	_____	_____
Mobile Homes	<input type="checkbox"/>	_____	_____	_____
Commercial	<input type="checkbox"/>	N.A.	_____	_____
Industrial	<input type="checkbox"/>	N.A.	_____	_____
<hr/>				
		Streets	_____	_____
		Walkways	_____	_____
Dedicated		School Sites	_____	_____
Reserved		School Sites	_____	_____
Dedicated		Park Sites	_____	_____
Reserved		Park Sites	_____	_____
Private Open Areas			_____	_____
Easements			_____	_____
Other (Specify)			_____	_____
			_____	_____
		Total	_____	_____

Tables

TABLE 1
SUMMARY OF STREETS
DESIGN ELEMENTS

DESIGN ELEMENT	MAJOR		COLLECTOR		MINOR		MARGINAL	
Terrain Classification	F/R	MTN	F/R	MTN	F/R	MTN	F/R	MTN
Minimum Right-of-way (feet)	100	100	80	80	60	60	60	60
Design Speed (MPH)	50-60	40-50	40-50	30-40	30-40	20-30	20-30	20-30
Number of Lanes	2 to 4	2 to 4	2	2	2	1 to 2	2	2
Roadbed Width (feet) 4 lane with curb	68							
	without curb	64	52					
Roadbed Width (feet) 2 lane with curb	44		40		30		28	
	without curb	40	30	36	30	28	26	26
Roadbed Width (feet) 1 lane with curb						16		
	without curb							
Median Width (feet) without turning lane	10	4						
Median Width (feet) with turning lane	16	10						
Maximum Grade (%)	See TABLE 1A							
Minimum Grade (%)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Minimum Centerline Radius (feet)	850	550	550	250	250	75	250	75
Minimum Curb Return Radius (feet)	35	25	35	25	20	10	20	10
Bridge Width	Same as Roadbed Width							
Running Surface	24+	24+	24+	24+	24+	24+	24+	24+

NOTE: F/R refers to flat and rolling; and MTN to mountainous

TABLE 1A

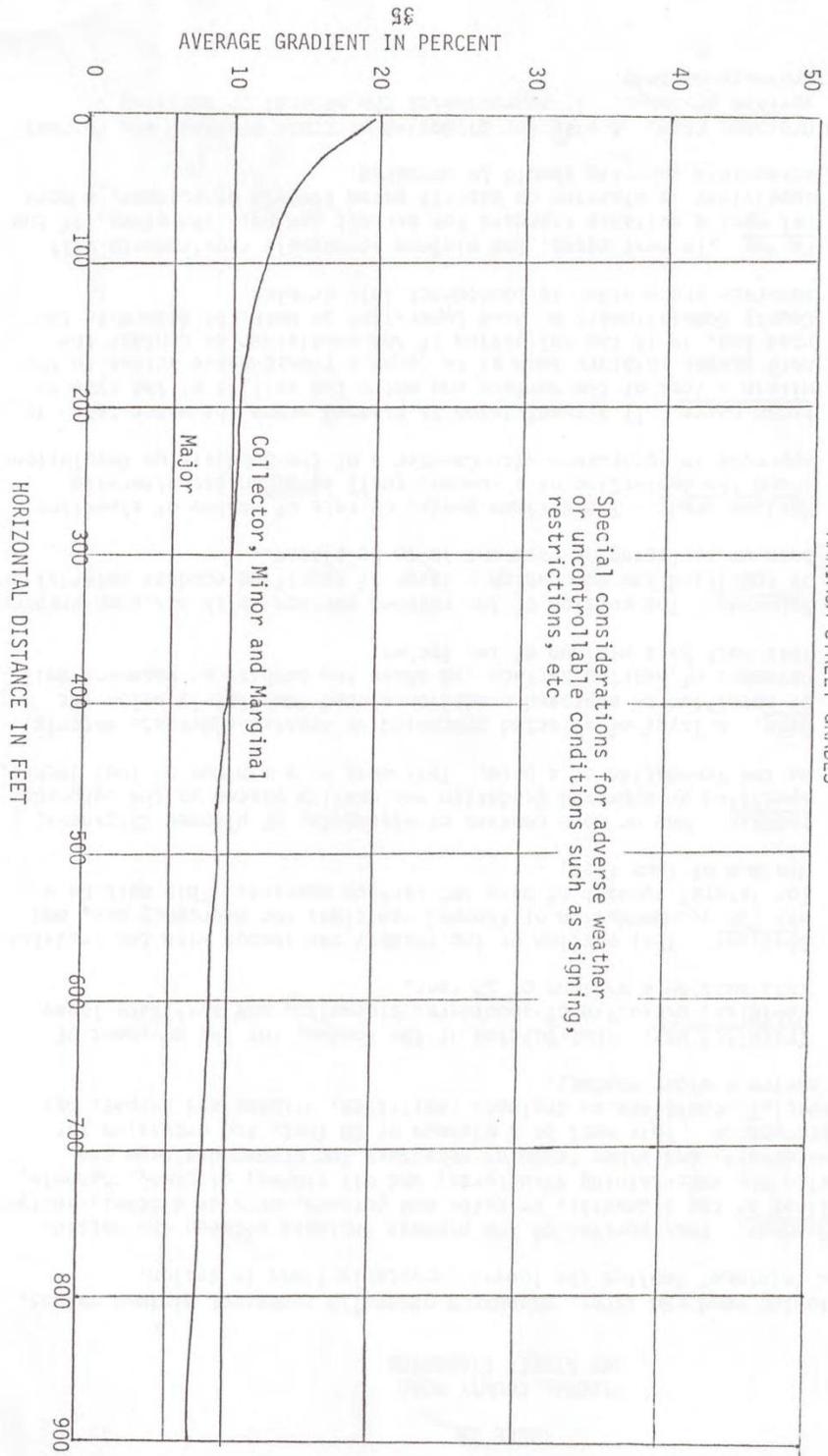


Table 1B Mineral County Road and Street Standards

The following roads and streets standards generally represent minimum values. The word “minimum” implies the lowest acceptable limit in the design.

<u>Roadway</u> -	that portion of the highway included between the outside lines of the sidewalks, or curbs and gutters, or side ditches, including also the appertaining structures, and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and protection. This must be a minimum of 60 feet, and the provisions for special conditions as drainage facilities, ditches and slopes, may require a wider roadway.
<u>Travelled way</u> -	That portion of the roadway for the movement of vehicles, exclusive of shoulders, sidewalks, and auxiliary lanes. This must be a minimum of thirty-two (32) feet.
<u>Shoulder</u> -	That portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses. This must be a minimum of four (4) feet.
<u>Base</u> -	A layer of selected processed or treated aggregate material of specified or approved gradation placed and above the sub-base or basement soil. This must be a minimum of two (2) inches.
<u>Subgrade</u> -	The portion of the roadbed surface which has been prepared as specified and upon which a layer of specified roadbed material or base or surfacing or pavement is to be placed.
<u>Maximum grade</u> -	The maximum grade, or rate of change of elevation, along a central line of a roadway shall be 8% unless otherwise approved in accordance with Chapter 4 of the Subdivision Regulations.
<u>Frost-heave</u> -	If a subdivision is planned where the water table is within five (5) feet of the surface and where the soil is of the type to hold excess moisture such as to cause a freeze heave action in the road bed, it is the obligation of the subdivider to contact the County Commissioners or Road Supervisor or both to determine the subgrade preparation to counteract this problem.
<u>Paving</u> -	In most cases, the minimum acceptable requirements will not meet a suitable standard for asphalt paving. Therefore, if the subdivider is planning on asphalt paved streets or roadway, a more acceptable subgrade should be prepared.
<u>Drainage plan</u> -	A plan for disposing of cross drainage and roadway surface drainage. It approximates the natural or existing drainage pattern.
<u>Irrigation facilities</u> -	Pipes, culverts, or flumes shall be required to preserve or provide for flow of irrigation water at established locations and lines.
<u>Curb, Gutter and sidewalk</u> -	These facilities, intended for urban type development, may be recommended by the Planning Commission and required by the Board of County Commissioners, and shall be constructed in accordance with

Table 1B
Mineral County Road and Street Standards
Continued

design and in accordance with design and specifications approved or specified by the Board of County Commissioners.

Performance Bond-

A performance bond in the principal amount, equal to the estimated cost of construction of the required facilities, or other surety approved by the Board of County Commissioners shall be provided prior to the sale of lots or parts of the subdivision, or prior to development in the subdivision.