

SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 4

SUBMISSION REQUIREMENTS

SECTION 4-1 : GENERAL

This Article establishes the submission contents for land development applications. Figure 4-1 serves as a guide to this Article of the Code by providing the essential information listed below:

4-101 Listing of Development Applications

A listing of development applications or groups of development applications which require similar submission contents; and

4-102 Code Section References

References to Code sections containing applicable submission contents, procedures and review standards.

SECTION 4-2 : MINIMUM SUBMISSION CONTENTS FOR ALL LAND USE APPLICATIONS

4-201 General

All applications for land use approvals shall include, at a minimum, the information and materials specified in this section of the Code. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

FIGURE 4-1

LAND USE APPLICATIONS: REVIEW PROCEDURES AND STANDARDS

Land Use Activity	LAND USE CODE SECTION	
	Procedure	Standards*
Subdivision	3-7	2-1 to 2-33 5-1 to 5-10
Planned Unit Developments	3-7	2-1 to 2-33 5-1 to 5-10, 5-14
GROUP I (LUC Section 4-6)		
Major Development Applications		
Acceptance of Subdivision Roads	3-5	5-504
Amendments to a Final Plat	3-5 or 3-6	5-15
Planned Unit Development (PUD) Amendments	3-5 or 3-6	5-15
Subdivision Exemptions for:		
Correction of Survey Errors	3-5	5-1202
Lot Line Adjustment	3-5	5-1203
Parcels for Essential Community Facilities	3-5	5-1204
Reversion to Acreage Plats	3-5	5-1205
Agricultural Lands Lot Split	3-5	5-1206
Open Lands Protection	3-5	5-1207
Fully Developed Residential Property	3-5	5-1208
Single-Lot Split in an Existing Subdivision	3-5	5-1209
Wright's Mesa Subdivision Exemption	3-5	5-1210
West End	3-5	5-1211
Wright's Mesa Open Land Protection	3-5	5-1212
Wright's Mesa Essential Community Facilities & Parks	3-5	5-1213
Vacation of Lot Lines	3-5	5-1214
Rezoning	3-6	5-1803
All Types of Development in Areas of State and local Interest/ C.R.S. 1041 Environmental Hazard Review	3-4	5-4

* Other standards may apply.

Land Use Activity	LAND USE CODE SECTION Procedure	Standards*
GROUP II (LUC Section 4-7)		
Other Development Applications		
Approval of Specific Land Uses Identified within Article 5 as Uses Subject to One-step Planning Commission Review	3-5	5-10
Approval of Specific Land Uses Identified within Article 5 as Uses Subject to One-step Board of County Commissioners Review	3-5	5-10
Minor Amendments to Special Uses Subject to One-step Board of County Commissioners or Planning Commission Review	3-4	5-10
Land Use Requiring Special Use Permits	3-6	5-10
Minor Amendments to Special Use Permits	3-4	5-10
Land Use Code Amendments	3-6	5-1802
Master Plan Amendments	3-5	C.R.S.30-28-106
Conditional Uses on Federal Lands	3-6	5-11
Accessory Dwelling Unit	3-4	5-1302
Affordable Housing Unit	3-4	5-1303
Determination of Parking Requirements	3-5	5-702 E.
Reduction in Highway Setbacks	3-5	5-505 D.
Underground Electricity Transmission and Distribution Lines	3-4	5-709
Scenic Foreground Reviews	3-4 or 3-5	5-316
Mining and Mineral Processing	3-6	5-16
Logging	3-6	5-17
Oil and Gas Exploration & Development	3-4, 3-6	5-26

* Other standards may apply.

4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and Recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

4-208 Site Plan

A site utilization map shall be submitted. Where applicable, a preliminary or final plat shall also be submitted. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the

application to be submitted, including the number of copies of 24” by 36” maps or plats, if applicable. The Planning Office may authorize the submission of application materials, including maps and plats, in electronic format in lieu of paper copies.

4-210 Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with Development that employs predominantly native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

4-211 Weed Control Plan

A plan for control of noxious weeds, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development. Disturbed surfaces over one (1) cumulative acre in size will require bonding for revegetation and weed control.

4-212 Employee Housing Mitigation Plan

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

SECTION 4-3: SKETCH PLAN SUBDIVISION AND PLANNED UNIT DEVELOPMENT REVIEWS

4-301 General

A land development application for sketch plan subdivision review shall include:

- 4-301 A. The minimum submission contents for all land development applications listed in Section 4-2;
- 4-301 B. The maps identified in Section 4-302;
- 4-301 C. The written responses to the standards identified in Section 4-303 of the Code.

Refer to Section 3-7 for the five-step review procedure for subdivision applications.

4-302 Maps

This section lists the maps to be prepared and submitted by an applicant with sketch plan subdivision applications.

- 4-302 A. Location, Ownership, Zone Districts

A map showing:

- I. Location of the proposed subdivision;
- II. All adjacent lands in common ownership or lands under option to the applicant;
- III. Commonly known landmarks; and
- IV. Zone district in which the proposed subdivision and adjacent properties are located.

4-302 B. Lot and Street Layout

A map showing:

- I. Legal Access to the property from a public road;
- II. Conceptual lot and street layout;
- III. Approximate layout of individual lots and access to the lots;
- IV. All off-street parking spaces; and
- V. School bus stops.

4-302 C. Natural Features

A map(s) showing:

- I. Topography of the site;
- II. Streams and lakes;
- III. Natural drainage basins;
- IV. Vegetation types;
- V. Areas of State and Local Interest (1041 environmental hazards); and
- VI. Soil types.

4-302 D. Existing Man-made features

A map including, but not limited to, the following existing features:

- I. Buildings;

- II. Irrigation ditches;
- III. Utility lines;
- IV. Bridges and culverts;
- V. Drainage and sedimentation systems; and
- VI. Mines and/or mine dumps.

4-302 E. Land Use Map

A map showing applicable proposed land use divisions, including:

- I. Residential land uses;
- II. Agricultural and wildlife areas;
- III. Commercial and industrial land uses;
- IV. Community facilities;
- V. Open space, including public use or common areas;
- VI. Trails, parks or access points to public lands to be dedicated to the public;
- VII. Site data tabulation including listing of:
 - a. Total number and size of free market and restricted affordable housing units lots;
 - b. Total square feet of non-residential space;
 - c. Acreage of land in the proposed subdivision;
 - d. Number of bedrooms per dwelling unit;
 - e. Ground coverage of the proposed structures and improvements including parking areas, streets, and sidewalks; and
 - f. Acreage of agricultural land and open space to be preserved.

4-302 F. Utility Systems

A map showing the proposed type and layout of the water supply and sewage treatment systems, electrical service, gas lines, and any other utilities or service infrastructure.

4-302 G. Drainage Plan

A map showing the proposed drainage plan.

4-302 H. Landscape Plan

A map depicting the proposed landscaping plan.

4-303 Standards Report

An applicant shall submit a written report demonstrating that the proposed development complies with the standards set forth in Figure 4-1.

4-304 Environmental Report

An applicant shall submit a written report addressing potential impacts on the environmental features listed in this section.

4-304 A. Streams, lakes, topography, wetlands, wildlife habitats (refer to Section 5-407 A.) and vegetation;

4-304 B. Geologic characteristics of the area, along with a determination of the impact of such characteristics on the proposed subdivision;

4-304 C. Potential radiation hazard; and

4-304 D. Suitability of types of soil in the proposed subdivision, in accordance with the national cooperative soil survey.

4-305 Cultural Resource Report

An applicant shall submit a written report identifying and addressing potential impacts on cultural resources located on and adjacent to the property. Cultural resources shall include but are not limited to historic, archaeological and paleontological resources.

SECTION 4-4: PRELIMINARY SUBDIVISION AND PLANNED UNIT DEVELOPMENT REVIEWS

4-401 General

A land development application for preliminary subdivision review shall include the minimum submission contents for all land development applications listed in Section 4-2 in addition to the other submission contents specified in this part of the Code. Refer to Section 3-7 for the procedure for a preliminary subdivision review.

4-402 Maps

This section lists the maps to be prepared by a qualified cartographer and submitted with a preliminary subdivision application.

4-402 A. Approved Sketch Plan Subdivision Maps

Copies of the maps identified in Sections 4-302 A. B. E. and F. as were approved by the Board of County Commissioners during sketch plan subdivision review.

4-402 B. Location, Ownership, Zone Districts

A map showing the information specified in Section 4-302 A.

4-402 C. Lot, Street Layout and Grading

I. Title

The tract name different from any other subdivision name in the County, date, north point, scale and sufficient boundaries to define the proposed tract.

II. Names and Addresses

Name, address, and telephone number of record owner, subdivider, engineer and/or surveyor.

III. Adjacent Streets

Location, names, present width and grades of adjacent, or abutting roads, streets, highways and ways.

IV. Streets

The location, names, widths and approximate grades of all roads, streets, highways, and ways and rights-of-way in the proposed subdivision, designated as public or private or to be offered for dedication.

V. Preliminary Conceptual Grading Plans

The existing and proposed grades, the extent of cut and fill, and the slope angles of all banks. Preliminary grading plans may be based on a photogrammetric survey to a scale not less than one inch equals one hundred feet (1" = 100'). Contour lines of existing grades shall have the following maximum intervals:

- a. Ten-foot (10') contour interval for ground slope over fifteen (15) percent.
- b. Five-foot (5') contour interval for ground slope below fifteen (15) percent.

VI. Inundated Areas and Floodplains

- a. Approximate location of all areas subject to inundation or combined storm water overflow, and the location, width, and direction of flow of all watercourses.
- b. A map, with computation addenda, showing the lateral limits of a one hundred year flood flow, and, if such flood plain shall be altered by the development, proposed drainage and/or flood control measures.

VII. Easements

The location and width of all apparent easements and existing recorded easements, and the approximate width and location of all proposed easements for drainage, water, sewage, public utilities, ingress/egress, and other purposes. The reception numbers for all recorded easements shall be noted on the sketch plan or plat.

VIII. Lots

The approximate area and dimension of all lots, and radii of all curves.

IX. Structures

The location of all existing structures with indications of whether they are to remain on the property or to be removed. Dimensions of structures and setbacks to existing and proposed property lines shall be shown to demonstrate compliance with development standards.

X. Cross Sections

Typical cross sections and proposed grades of all streets, highways, and alleys, and details of curbs, gutters, sidewalks and other improvements shall accompany the preliminary plan and shall be of such scale as to show clearly all details thereof. In lieu of such cross sections, references may be made to the table of standards contained in this article.

4-402 D. Preliminary Landscaping Plan

The preliminary landscaping plan shall show the information in this section:

- I. All existing trees spaced more than thirty (30) feet apart by common name and spread. Trees to be removed shall be indicated.
- II. In densely wooded areas or in tree clusters, only outlines need be shown. However, individual, outstanding trees within the clusters must be shown if they are to be removed.
- III. A conceptual plan for proposed trees and other plant material.
- IV. Any other recognizable feature of importance to the subdivision design such as rock outcroppings.

4-403 Standards Report

An applicant shall submit a written report demonstrating compliance with any condition of the Board of County Commissioner's sketch plan subdivision approval and resolution of any technical problems.

4-404 Environmental Report

An applicant shall submit a written report addressing the potential impacts on the environmental features listed in this section.

- 4-404 A. Streams, lakes, wetlands, wildlife habitat, topography, and vegetation;
- 4-404 B. Geologic characteristics of the area, along with and a determination of the impact of such characteristics on the proposed subdivision;
- 4-404 C. Potential radiation hazard;
- 4-404 D. Suitability of types of soil in the proposed subdivision, in accordance with the national cooperative soil survey.

4-405 Preliminary Drainage Plan

The drainage plan shall show drainage and/or flood control measures. Applicant shall submit maps

and plans for facilities to prevent storm waters caused by the proposed subdivision and in excess of historic runoff from entering, damaging, or being carried by conduits, water supply ditches and appurtenant structures, and other storm drainage facilities.

4-406 Water Supply Plan

An applicant shall submit detailed information on the proposed water supply indicating whether the provisions of Section 5-605 can be complied with. Such information shall demonstrate a water supply that is sufficient in terms of quality, quantity and dependability to insure an adequate supply of water for the type of subdivision proposed. The application shall include, but not be limited to evidence of: ownership of right to use, historic use, and estimated yield of claimed water rights, amenability of existing rights to a change in use if needed, water amount, and feasibility thereof, and evidence of potability of the proposed supply. The submitted information shall include the following:

- 4-406 A. Total number of proposed dwellings;
- 4-406 B. Total number of square feet of proposed non-residential floor space;
- 4-406 C. Estimated total number of gallons per day of water system requirements where a distribution system is proposed;
- 4-406 D. Evidence that public or private water providers or owners can and will supply water to the proposed subdivision, stating the amount of water available for use within the subdivision and feasibility of extending service to that area; and
- 4-406 E. Estimated construction cost and proposed method of financing public improvements.

4-407 Sewage Disposal

An applicant shall submit detailed information on proposed sewage disposal facilities, demonstrating compliance with the standards of Section 5-607.

- 4-407 A. The estimated total number of gallons per day of sewage to be treated shall be provided.
- 4-407 B. Evidence that the property can and will be served by a public sewage treatment facility or by an Onsite Wastewater Treatment System (OWTS) shall be provided.
- 4-407 C. Engineered Sewage Disposal Systems

Whenever an engineered sewage disposal system is required by the County OWTS administrator, a State of Colorado Registered Engineer shall submit two (2) sets of stamped plans and calculations for County approval, one (1) set to be retained by the OWTS administrator. The OWTS administrator may also request that plans and calculations be submitted electronically.

4-408 Public Utilities

An applicant shall submit information describing how the development will be served with public utilities including power and protection systems.

4-409 Mineral Resources

If the Board of County Commissioners or Planning Commission believes that the subdivision may be located in a mineral resource area, the Board or Commission may request that the subdivider submit a report compiling all available existing data on mineral resources in the subject property. The applicant shall submit a record of ownership of mineral estates including mineral lessees, if any.

4-410 Site Data Tabulation

The applicant shall submit a site data tabulation including the information in this section:

- 4-410 A. The percentage of the site, to the nearest five (5) percent of the total area proposed to be devoted to streets and each other type of use;
- 4-410 B. Total number and size of free market dwelling units and deed-restricted affordable housing units/lots;
- 4-410 C. Total square feet of non-residential floor space;
- 4-410 D. Acreage of land in the proposed subdivision;
- 4-410 E. Number of bedrooms per dwelling unit;
- 4-410 F. Ground coverage of the proposed structures and improvements including parking areas, streets, and sidewalk; and
- 4-410 G. Total number of proposed off-street parking spaces.

4-411 Scenic Quality Report

An applicant for development within the Telluride R-1 School District shall submit a report showing how design and construction standards will minimize the visual impact of a development on natural terrain, streams, vegetation, other characteristics and features of the landscape and neighboring developments and public use areas, in accordance with the standards established in Section 5-21 of this Land Use Code.

4-412 Cultural Resource Report

An applicant shall submit a written report addressing potential impacts on cultural resources located on or adjacent to the property. Cultural resources shall include but are not limited to

historic, archaeological and paleontological resources.

4-413 Planned Unit Development Agreement

An applicant seeking Preliminary Approval for a Planned Unit Development (PUD) shall submit a proposed Development Plan Approval document, commonly known as a PUD Agreement. The PUD Agreement shall present all findings and conditions upon which potential Board of County Commissioners approval may be based, shall propose all provisions necessary to protect citizens purchasing property or otherwise investing in such PUD and shall contain all use, density, area and bulk, height, setback and other relevant specifications governing development within the PUD, including any that may vary from those stipulated in the Land Use Code, in accordance with Section 5-1404 and CRS 24-68-101 et. seq. Approval of a PUD Agreement by the Board of Commissioners shall in no way vest any rights to the zoning proposed, in accordance with Section 3-14. The Board of Commissioners may approve a proposed PUD Agreement only if the document meets all relevant requirements of Colorado law, including the Planned Unit Development Act of 1972 (CRS 24-67-101 et. seq.), and a PUD Agreement may in no way vary the subdivision requirements set forth in CRS 30-28-101 et. seq.

4-414 State Stormwater Discharge Permit

An applicant seeking preliminary approval for a subdivision that would disturb more than five acres must demonstrate that an application for a stormwater discharge permit from the Colorado Department of Health, Water Quality Control Division has been submitted for that proposed subdivision. Approval of such a permit, if required, shall be a prerequisite to any final plat approval.

4-415 Law Enforcement Authority

An applicant seeking preliminary subdivision approval for a development with a population density of one hundred (100) or more persons must submit a plan pursuant to CRS 30-11-401 *et seq.* for creating a Law Enforcement Authority, or for joining an existing Law Enforcement Authority, that would generate funds sufficient to cover all costs associated with provision of law enforcement in excess of those services that would be normally provided by the County Sheriff for the proposed development.

4-416 Construction Costs

An applicant shall submit estimated construction costs and the proposed method of financing public improvements, streets, and related facilities, water distribution systems, sewage collection systems, storm drainage facilities, and other such utilities and infrastructure as may be required of the developer by the County. A draft Subdivision Improvements Agreement shall be submitted, (See Appendix F for the form of the Agreement)

4-417 Covenants

An applicant shall submit proposed covenants, if any.

SECTION 4-5: FINAL PLAT SUBDIVISION REVIEWS

4-501 General

A land development application for final plat subdivision review shall include the minimum submission contents for all land development applications listed in Section 4-2 in addition to the other submission contents specified in this part of the Code. Refer to Section 3-7 for the procedures for a final plat subdivision review and Section 3-12 for the procedures for Improvements Agreements.

4-502 Requirements for Final Plats

4-502.A. Material

The final plat shall be drawn with permanent non-fading waterproof black ink on double-matte Mylar having a minimum thickness of three (3) mils. Signatures and seals shall be permanent non-fading, waterproof black ink. Crimp-type seals shall not be used. No “sticky back” adhesive paper shall be placed on the final plat.

4-502 B. Size

Sheet size shall be twenty four (24) inches by thirty six (36) inches with one-inch (1”) margins all around the sheet. Leave a three-inch (3”) wide by five-inch (5”) tall blank area inside the margins on Sheet 1, on the edge of the drawing area, for the County Clerk to attach a card with the filing information.

4-502 C. Legibility

The final plat shall be clearly and legibly drawn so that when filed, good legible scans and subsequent prints can be made. Spelling of all signatures and key words shall be correct. Text size shall be no smaller than 0.07 times the drawing scale.

4-502 D. Scale

The scale of the final plat shall be sufficiently large to clearly show the details of the plan. The plat shall be drawn to an even multiple of standard Engineering scales (e.g. one inch equals 100 feet, etc.), or a scale approved in advance by the County Surveyor.

4-502 E. Title

The title of the final plat shall be approved in advance by the Planning Director and shall not be the same as the name of any existing city, town, tract, or subdivision of land into lots in this County, or so nearly the same as to mislead the public or cause confusion as to the identity thereof. Include the filing number, if applicable. If any of the land being subdivided has been previously shown on a recorded plat, a sub-

title referring to said recorded plat must be given. A subtitle shall appear below the title, substantially worded as follows: “located within Section __, T. __ N. __ R. __ W. __, N.M.P.M., in the County of San Miguel, Colorado.” Patented mining claims shall also indicate the claim name and mineral survey number in the subtitle. Reference to lots, tracts, streets and subdivisions in the description must be worded identically with original records, and reference to book and page or reception number of record must be included. The title shall utilize a text size that is large enough to be prominent on the sheet. The title shall also appear in the Owner’s Certificate (see Section 4-503 A).

4-502 F. Plat Key

When the final plat consists of more than two plat sheet, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the final plat shall bear the title, scale, north arrow, sheet number, and the number of sheets comprising the plat.

4-502 G. Vicinity Map

A map that shows the relationship of the final plat to the surrounding area shall be clearly labeled with major streets and sufficient landmarks to identify the general location of the final plat. The vicinity map shall be placed on the first page of the final plat and shall be of sufficient scale to be legible when prints are made.

4-502 H. Legend

A legend describing all symbols, abbreviations, line types or other information shall be placed on each sheet of the final plat that needs such information.

4-502 I. Adjoiners

Adjoining parcels and roads shall be identified on the final plat. Adjoining parcels that are a part of a recorded subdivision plat shall be identified by lot number and subdivision name with plat book and page number. Adjoining parcels that are unplatted shall be referenced by owner’s name and deed recording information. Adjoining patented mining claims shall be referenced by claim name, mineral survey number and owner’s name. Adjoining Federal or State lands shall be referenced by the name of the agency of the government that administers such land.

4-502 J. Tract Border

The perimeter boundary lines of the final plat shall be designated by a heavy solid line. Such lines shall not interfere with the legibility of figures or other data.

4-502 K. Land Survey Plat

A complete land survey and monumentation of the final plat boundary is required. Final plats, at a minimum, shall include all information necessary to comply with the requirements of C.R.S. 38-51-106. Pursuant to C.R.S. 38-51-106 (II) (k), conflicting boundary evidence shall be shown and dimensioned on the final plat. San Miguel County may require reasonable resolution of any boundary conflicts that affect interests within the area of the final plat.

4-502 L. Legal Description

A legal description of the land to be finally platted, with the total acreage of the land to be finally platted indicated to the nearest hundredth of an acre, shall be indicated in the Owner's Certificate (see Section 4-503 A.). The description may utilize generally accepted methods to describe the land being finally platted such as aliquot, proportional, metes and bounds, or lot, block and subdivision formats. The description shall correctly reflect the boundary as surveyed. If a metes and bounds description is used, label the boundary of the plat in the same direction as the legal description. The legal description and boundary dimensions must agree.

4-502 M. Lot Numbering

- I. All lots and tracts shall be identified and numbered. All lots and tracts shall be numbered consecutively in a logical fashion with no omissions or duplications throughout the entire subdivision. Block numbers shall not be used unless approved in advance by the Planning Director. Circles or other geometric figures shall not be drawn around lot or tract numbers. Each lot or tract must be shown entirely on one sheet.
- II. An excepted parcel located within the interior of the final plat shall be marked "not included in this plat" and the boundary described accurately by dimensions.

4-502 N. Streets

- I. All new streets being created on the final plat shall be named on the final plat, shall comply with the current Land Use Code Appendix B: Street Naming and Addressing, as administered by the Addressing Official, and shall not be the same as the name of any existing street in the County or so nearly the same as to mislead the public or to cause confusion as to the identity thereof. The final plat shall show the side lines, total width, dimensions and acreage of all streets being created on the final plat. If a street or any portion thereof is being dedicated, show the full dimensions, width and acreage of the area to be dedicated.
- II. All County Roads that are within the area being finally platted shall be

dedicated to San Miguel County on the final plat. All public roads within the area being finally platted shall be dedicated as easements for public road right-of-way.

4-502 O. Monument Data

- I. The accurate location and description of all monuments shall be shown on the final plat.
- II. Monuments shall comply with the requirements pursuant to C.R.S. 38-51-104 and 38-51-105 and to State Board of Registration for Professional Engineers and Professional Land Surveyors Rules and conform to the standards of Section 5-706 of the Land Use Code.

4-502 P. Lot Dimensions

- I. Sufficient data must be shown to readily determine the dimension of every lot and tract line, street line and perimeter boundary line. Each lot, tract and street must be fully dimensioned around the perimeter of each, not as a calculated value from other dimensions. Dimensions of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions.
- II. Dimensions of lines shall be shown in feet and hundredths of a foot. All bearings and central angles shall be shown to the nearest second. The dimensions shown around the perimeter of all lots, tracts and streets must close within a tolerance of two hundredths of one foot (0.02 feet). Computer printout sheets must be submitted to the County Surveyor showing boundary closure and area.
- III. All lots, tracts and streets being created on the final plat shall show acreage of each to the nearest hundredth of an acre. In situations where lots, tracts and streets being created on the final plat have an area less than two-tenths (0.20) acres, the acreage shown of each shall be expressed to the nearest one-thousandth (0.001) of an acre or may be shown in square feet expressed to the nearest foot.
- IV. Perimeter boundaries must show ties to any controlling monuments used in the boundary survey.
- V. Sufficient data for all curves shall be shown to enable establishment of curves on the ground. Such data shall include radius, central angle and arc length for each tangential circular curve. In addition, non-tangential circular curves shall be indicated as such and shall also include the long chord bearing and chord length. Inclusion of a curve data chart is optional.

4-502 Q. Easements

- I. The final plat shall show the location, width and dimensions of all recorded easements to which lots, tracts or streets are subject. Apparent easements, not of record, shall be noted on the plat.
- II. Easements that are recorded must be clearly labeled with a reference to the document of record.
- III. If an easement is being created by the final plat, proper language for the creation of such easement including the beneficiaries and purposes for said easement shall be set out in the Owner's Certificate.
- IV. Easements shall be indicated with dashed or other broken line types, not as a solid line type similar to lot or boundary lines.
- V. Dimension and tie all easements that are of record or are being created by the final plat. Sufficient ties are required to definitely locate the easements with respect to each lot, tract or right-of-way on the final plat. Easement ties along the sidelines of lots must be shown in a manner that will not cause confusion with lot dimensions.

4-502 R. Outlots

- I. The purpose, use, and ownership of lots identified as Outlots on the Final Plat shall be stated in the notes on the final plat.

4-503 Certificates and Acknowledgements

The certificates and acknowledgements listed in this section shall be required on the final plat, if applicable, and shall be placed on the first page of the final plat, and shall be worded substantially as follows:

4-503 A. Owner's Certificate

- I. A certificate signed and acknowledged by all parties having any record fee title ownership interest in the land described in the legal description per Section 4-502 L., consenting to the preparation and recordation of said plat. For most Subdivision final plats, the Owner's Certificate shall be worded substantially as follows:

Know all persons by these presents:

That (name of owner(s) of record), being the owner(s) of the land described at Reception No. _____ in the office of the Clerk and Recorder, further described as follows: (insert legal description per Section 4-502 L.), under the name of (Title of final plat per Section 4-502 E., in capital letters), has

laid out, platted and subdivided same as shown on this plat.

- II. In the case of complex Subdivision applications, the applicant's attorney may want to prepare a unique Owner's Certificate subject to approval by the County Planning Director and County Attorney. The applicant shall request a Waiver of Requirements per Section 4-505.
- III. The owners of record shall sign below the Owner's Certificate and have their signatures properly acknowledged.
- IV. If the Owner's Certificate is being signed by persons acting in a representative official capacity, or as attorney-in-fact, then insert the name and said capacity of said persons and reference the document establishing such capacity; if by corporation, trust, partnership, limited liability company or other entity, then insert the name of the person authorized to sign and their title, naming the corporation, trust, partnership, limited liability company or other entity.
- V. The signatures of parties owning the following types of interests may be omitted from the Owner's Certificate:
 1. Rights-of-way, easements, mineral interests or other interests, none of which can ripen into a fee;
 2. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and whose signatures it is impossible or impractical to obtain. In this case a reasonable statement of the circumstances preventing the procurement of the signatures shall be endorsed on the plat.
 3. Any portion of the legal description including territory originally patented by the United States or the State of Colorado, under the patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the State of Colorado thereto or to dedications made thereon.

4-503 B. Dedication

If certain parcels of land, rights-of-way, easements or other described interests in real property are to be dedicated for public use, then a dedication statement, worded substantially as follows, shall be added to the Ownership Certificate:

The [owner(s)] hereby dedicate(s) to San Miguel County, Colorado for the perpetual use of the public the streets, roads, alleys, and other public areas as shown

hereon and hereby dedicate(s) those portions of land labeled as utility easements for the installation and maintenance of public utilities as shown hereon.

4-503 C. Licensed Surveyor

A certificate by the Colorado licensed surveyor responsible for the survey and final plat, to which shall be affixed the surveyor's official seal:

Land Surveyor's Certificate

I, (printed name of Land Surveyor, indicating firm affiliation, if any) being a Colorado Licensed Surveyor, do hereby certify that this plat and survey of (Title of final plat per Section 4-502 E., in capital letters) was made by me or under my responsible charge in compliance with the applicable provisions of the San Miguel County Land Use Code and Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge and belief. I further certify that all monuments were set in the ground as required by San Miguel County Land Use Code Sections 4-502 O and 5-706 and Article 51 of Title 38, C.R.S. (this sentence may be omitted when the monuments are to be set as part of an Improvement Agreement per Sections 3-12 and 5-9).

(signature) _____
P.L.S. No. _____ Date _____

4-503 D. County Clerk and Recorder

A certificate for execution by the County Clerk and Recorder:

Clerk and Recorder's Certificate

This plat was filed in the office of the Clerk and Recorder of San Miguel County, Colorado on this ____ day of _____, 20__ A.D. in
Reception No. _____
Time _____

(signature) _____
San Miguel County Clerk

4-503 E. Planning Commission

If applicable, a certificate demonstrating approval by the Planning Commission:

Planning Commission Approval

This plat has been approved by the San Miguel County Planning Commission on this ____ day of _____, 20__.

(signature) _____
Chair.

4-503 F. County Treasurer

A certificate for execution by the County Treasurer:

County Treasurer's Certificate

According to the records of the San Miguel County Treasurer there are no liens against the subject property that is being finally platted or any part thereof for unpaid state, County, municipal or local taxes or special assessments due and payable, in accordance with Land Use Code Section 3-101.

(signature) _____
San Miguel County Treasurer Date

4-503 G. Board of County Commissioners

A certificate for execution by the chair of the Board of County Commissioners and attested by the clerk of that board approving the final plat as submitted and accepting or not accepting the areas dedicated for public use:

County Commissioner's Approval

This plat has been accepted for filing by the San Miguel County Board of County Commissioners, in accordance with Board Resolution No. _____, recorded at Reception No. _____.

County acceptance of any dedication for public use of streets, roads, alleys, or other public areas depicted upon the plat, shall not constitute acceptance of such dedication for County maintenance purposes. Compliance with the provisions of section 5-504 of the San Miguel County Land Use Code is required for County acceptance of dedications for maintenance purposes.

(signature) _____
Chair

Dated this ____ day of _____, 20 ____.

Attest:

(signature) _____
Clerk

4-503 H. Security Interest Holder's Consent (if applicable):

This certificate's inclusion on a final plat is mandatory should there be any Deeds of Trust, Mortgages, Instruments creating security interests, or liens, filed of record in the San Miguel County Clerk and Recorder's Office concerning the subject property. Such certificate shall be acknowledged and be in substantially the following form:

The undersigned (insert printed name of person or entity), as a beneficiary of a deed of trust (or identify other mortgage instrument or agreement creating a security interest in the subject property) which constitutes a lien upon the owner's property, recorded at Reception Number _____, in the San Miguel County Clerk and Recorder's real property records, hereby consents to the (subdivision, lot line adjustment, or other final plat process) of the real property as depicted on this Plat. (If applicable, add this statement to the last sentence: "and to the dedication of land as streets, alleys, roads and other public areas, as designated on this Plat, and hereby releases said dedicated lands from the lien created by said instrument.")

(signature) _____
(printed name and title) _____ Date _____

4-503 I. Certificate of Title

A certificate by a title insurance or abstract company licensed to practice in the State of Colorado, or a title opinion by an attorney licensed to practice in the State of Colorado, certifying that the names of all persons having any right, title or interest in the lands to be final platted and whose consent is necessary to convey clear title to the said land is shown in the Owner's Certificate of the final plat, and that the title to such lands is free and clear of all liens and taxes, except as noted:

Title Insurance Company Certificate

(name of title insurance company) does hereby certify that we have examined the title to all lands herein shown on this plat and that the title to such lands is in the names of those persons indicated in the Owner's Certificate of said plat, and is free and clear of all liens and taxes, except as follows:

(List same or indicate NONE)

(signature) _____
Title Insurance Company Representative

4-503 J. Vested Property Right

Each final plat may contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as

amended." Failure to contain this statement shall invalidate the creation of the vested property right (see Section 3-14).

4-503 K. Notes of Clarification

There shall be a set of notes placed on the final plat to help clarify the changes to real property:

1. The following lots, tracts and rights-of-way have been created by this plat:
(list or NONE)
2. The following lots, tracts and rights-of-way have been deleted by this plat:
(list or NONE)
3. The following lots, tracts and rights-of-way have been modified by this plat:
(list or NONE)

4-503 L. Covenants

If applicable, any existing protective covenants or restrictions shall be noted on the plat, with the recording information. Any new protective covenants or restrictions shall be noted on the final plat with recording information. New protective covenants or restrictions may be recorded at the same time as the final plat if a property owner's representative accompanies the County Planning Department representative when the final plat is presented to the County Clerk and Recorder for recordation.

4-503 M. Additional Certificates

Any additional plat certificates and/or acknowledgments shall be subject to County approval.

4-504 Required Data for the County Geographic Information System

4.504 A. The land surveyor who prepares the final plat shall provide accurate Latitude and Longitude values for at least two data points on the external boundary of the final plat. These data points shall be submitted to the County Surveyor by e-mail by completing a Geographic Information System – Survey Control Data Sheet, which is available on the County Surveyor website. If the land surveyor who prepares the final plat does not have GPS surveying equipment and is not able to determine accurate Latitude and Longitude values, or the project area is unsuitable for use of GPS equipment, a waiver of this requirement can be obtained from the County Surveyor.

4-504 B. An electronic drawing file of the final plat, in a format and version acceptable to the County GIS Department, shall be submitted by e-mail to the County GIS Department. If the land surveyor who prepares the final plat does not have drafting software capable of producing an acceptable electronic drawing file, a waiver of

this requirement can be obtained from the Planning Director or County Surveyor.

4-505 Waiver of Requirements

If unusual circumstances warrant, a waiver of any of the requirements of Section 4-502 can be obtained if approved by the County Surveyor. If unusual circumstances warrant, a waiver of any of the requirements of Section 4-503 can be obtained if approved by the County Planning Director. The applicant's attorney may prepare a unique Owner's Certificate per Section 4-503 A. II, provided a waiver of the requirement for the wording of the Owner's Certificate per Section 4-503 A. I is approved by the County Planning Director and County Attorney.

4-506 High Water and Inundated Areas

If the subdivision is within areas subject to periodic inundation by flood, the final plat shall show the high water line of the 100-year floodplain.

4-507 Reversion to Acreage

Plats filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated with the title, "Reversion to Acreage Plat."

4-508 Improvement Agreements and Performance Guarantees

4-508 A. Plat Note

An applicant shall submit an Improvement Agreement subject to the procedures and conditions of Sections 3-12 and 5-9. The following statement shall appear on the final plat:

The approval of this final plat is subject to all terms, conditions, obligations and restrictions set forth in the (insert name of subdivision improvements agreement) recorded in the office of the San Miguel County Clerk and Recorder at Reception No. _____.

4-508 B. Form of Agreement

All Improvement Agreements shall be in a form approved by the Board of County Commissioners. The recommended form is contained in Appendix F of this Code.

4-509 Certification of Water and Sewer Facilities and Fire Protection

4-509 A. Sewer

An applicant shall submit a letter from the County Onsite Wastewater Treatment System (OWTS) administrator or appropriate sanitary district or sanitation district having jurisdiction certifying that satisfactory arrangements have been made with them for adequate provisions for sewage disposal for each lot within the

subdivision.

4-509 B. Water

An applicant shall submit a letter from the engineer for the State Division of Water Resources or appropriate public water supply district certifying that satisfactory arrangements have been made with them for the installation of an adequate and safe water supply to each lot within the subdivision.

4-509 C. Fire Protection

An applicant shall submit a letter from the appropriate Fire Protection District certifying that satisfactory arrangements have been made for the provision of adequate fire protection services, including access for emergency service vehicles.

4-510 Report to County Assessor

An applicant shall submit a report to the San Miguel County Assessor along with the final plat. The report form may be obtained from the County Planning Department. The information provided in the report will be used in the assessor's office only and will not be open to public scrutiny.

4-511 Report Addressing Preliminary Approval Conditions

An applicant shall submit a written report demonstrating compliance with all conditions imposed by the Board of County Commissioners during the preliminary subdivision review.

4-512 Additional Information

An applicant shall submit any other evidence and material that is or may be hereafter required by law or by the conditions of approval of the preliminary plan.

4-513 Law Enforcement Authority

An applicant seeking final plat subdivision approval for a development with a population density of one hundred (100) or more persons must comply with the provisions of C.R.S. 30-11-401 *et seq.* regarding creation of a Law Enforcement Authority, or join an existing Law Enforcement Authority, that will generate funds sufficient to cover all costs associated with provision of law enforcement in excess of those services that would be normally provided by the County Sheriff for the proposed development prior to final plat approval.

SECTION 4-6: MAJOR DEVELOPMENT APPLICATIONS

4-601 General

This part of the Code establishes the required submission contents for Group I development applications. Figure 4-1 of this Article 4 identifies the various land development applications in Group I, Code sections that contain the review procedures and the review standards applicable to each type of land development application.

4-602 Application Contents

Development applications for activities categorized as Major Development Applications (Group I) shall include the minimum submission contents for all land development applications listed in Section 4-2 and a written report demonstrating that an application complies with the applicable review standards identified in Figure 4-1 and with any other relevant Land Use Code standards.

4-603 Existing Official Plat or Planned Unit Development (PUD) Plan

An applicant shall submit copies of the approved plat or PUD plan.

4-604 Proposed Plat, Plan or Map

An applicant shall submit printed copies of the proposed plat or plan, map of the roads proposed to be accepted by the County, or area proposed for rezoning in the size and format directed by the Planning Department. Applicants for development in an Area of State and Local Interest (1041 environmental hazard review) need not submit this plat or map.

4-605 Special Submission Contents for Acceptance of Subdivision Roads

- 4-605 A. Revenue projection consisting of:
- I. Current and past years assessed value of all property within the subject subdivision and Road and Bridge mill levy;
 - II. Highway Users Tax Fund per mile - the County average per mile for each of the last two years for San Miguel County;
 - III. Other revenue if applicable from any of the following:
 - a. Homeowners Association;
 - b. Improvement District;
 - c. Metropolitan District; and
 - IV. Estimates of expenditures for snowplowing, and grading based on:

- a. Frequency of plowing snow and estimated total hours per month with respect to the road(s) in question;
 - b. Frequency of grading and estimated total hours per month;
 - c. Previous year's cost of average man-hour plus proportional benefit;
 - d. Estimated fuel cost per month;
 - e. Estimated cost of equipment based on the stated rental rate for required equipment and total work hours; and
- V. Consent form supplied by the County executed by applicant(s):
- a. Holding San Miguel County harmless from and indemnifying the County with respect to acceptance and maintenance of roads;
 - b. Outlining service that will be provided and service that will not be provided; and
 - c. Acknowledging that San Miguel County may drop maintenance, pursuant to State statute, if revenue fails to equal or exceed expenses for maintenance.

4-606 Special Submission Contents for All Applications for Development in an Area of Local and State Interest/ C.R.S. 1041 Environmental Hazard Review

Applications for any type of development in an Area of Local and State Interest shall also submit a neat, legible ink drawing on a 24" x 36" sheet of indelible Mylar depicting the information in this Section. The purpose of a site plan for development in an Area of Local and State Interest (1041 Environmental Hazard Review) is to record the boundaries of an approved building envelope and development conditions.

- 4-606 A. Title identifying type of review;
- 4-606 B. Boundaries of the parcel(s);
- 4-606 C. Vicinity map showing relationship of parcel to proximate public roads;
- 4-606 D. List of all conditions relating to site development;
- 4-606 E. Existing watercourses, if any;
- 4-606 F. North directional arrow;

- 4-606 G. Date;
- 4-606 H. Scale;
- 4-606 I. Legal Description of parcel
- 4-606 J. Location and dimensions of building envelope setbacks from property lines;
- 4-606 K. Waiver stating: "Applicant acknowledges that he/she has been informed by San Miguel County of the existence of 1041 environmental hazard areas that might affect the property, any improvements, and the use and occupancy thereof;"
- 4-606 L. Planning Director signature block for minor review or Planning and Zoning Commission Chairperson signature block for major review; and
- 4-606 M. In the case of major reviews, the Planning and Zoning Commission Resolution number.

SECTION 4-7: OTHER DEVELOPMENT APPLICATIONS

4-701 General

This part of the Code establishes the required submission contents for Group II development applications. Figure 4-1 of this Article 4 identifies the various land development applications in Group II, Code sections that contain the review procedures and the review standards applicable to each type of land development application.

4-702 Application Contents

Development applications for activities categorized in Group II shall include the minimum submission contents for all land development applications listed in Section 4-2 and a written report demonstrating compliance with the review standards listed in Figure 4-1.

4-703 Public Utilities Structures and Underground and Above-ground Electricity Transmission and Distribution Lines

Applications for public utilities structures and underground and above ground electricity transmission and distribution lines shall contain the submission contents in this section in addition to the submission contents in Sections 4-701 K. and 4-701 L.

- 4-703 A. Summary of the effects of the proposed site selection and construction upon the natural and socio-economic environment for the impact area as applicable to submission requirements. Included should be an analysis of impacts upon agricultural productivity and agricultural resources.
- 4-703 B. Summary of major natural and socio-economic environmental constraints as they

affect the site selection and construction of the facility as proposed.

- 4-703 C. Analysis of the long-term effects of the proposed site selection and construction upon the physical and socio-economic development of the impact area.
- 4-703 D. Justification of the proposed site selection and construction against present and alternative uses of the resources in the impact area.
- 4-703 E. Description of a program to minimize and mitigate adverse impacts and to maximize the positive impacts of the proposed site selection and construction. Bonding may be required to insure that environmental impacts are mitigated.
- 4-703 F. Analysis of non-structural alternatives as applicable.
- 4-703 G. Analysis of air and water pollution control alternatives.
- 4-703 H. Other information as required by the San Miguel County Planning Commission.

SECTION 4-8: SCENIC FOREGROUND REVIEWS

4-801 General

A land development application for the review of developments located partially or completely within the Scenic Foreground Overlay Zone District shall include the minimum submission contents for all land development applications in Section 4-2 and a written report explaining how an application complies with the applicable review standards in Section 5-316, Section 5-505 and Section 5-21. Refer to Section 3-4 or 3-5 for the review procedure. The additional information and/or materials in Section 4-802 shall be submitted.

4-802 Site Plan

An applicant shall submit a site plan of the subject site and proposed development on a topographic map with a scale not less than one inch equals four hundred feet (1" = 400').

SECTION 4-9: PLANNED UNIT DEVELOPMENT

4-901 General

A land development application for a PUD (Planned Unit Development) shall include the minimum submission contents for all land development applications in Section 4-2 and a written report explaining how the application complies with the applicable review standards in Section 5-14. Refer to Section 3-7 for the review procedure. The additional information and/or materials specified in this part of the Code shall be submitted.

4-902 Phasing Schedule

A sketch plan subdivision review shall include a phasing schedule that describes:

- 4-902 A. A phased submission of preliminary subdivision applications;
- 4-902 B. The parcels to be constructed upon in each phase and the submission date for each phase;
- 4-902 C. The number of dwelling units, tourist accommodation units or commercial square footage to be constructed within each phase;
- 4-902 D. A proposed schedule for the construction of other improvements or dedications to San Miguel County or public districts.

4-903 Architectural and Landscaping Plans

A preliminary subdivision review or, in the case of five-step reviews, the final plat subdivision review shall include:

- 4-903 A. An architectural site plan depicting elevation drawings of the proposed development from perspectives as specified by the Board of County Commissioners during the Sketch Plan review.
- 4-903 B. A landscaping plan depicting treatment of exterior spaces including the species of vegetation, their size and siting.

4-904 Listing of Proposed Land Uses

The application shall include a listing of proposed land uses and an explanation of the interrelationship of the land uses.