

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
Major Development Applications		
Acceptance of Subdivision Roads	3-5	5-504 B.
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:		
Survey Error	3-5	5-1202
Lot Line Adjustment	3-5	5-1203
Subdivision of Parcels for Community Facilities	3-5	5-1204
Reversion to Acreage Plats	3-5	5-1205
Agricultural Lot Split	3-5	5-1206
Open Lands Protection	3-5	5-1207
Single-Lot Split in an Existing Subdivision	3-5	5-1209
Wright's Mesa	3-5	5-1210
West End	3-5	5-1211
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

LAND USE CODE SECTION

Land Use Activity	Procedure	Standards
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, 5-319 K., 5-320 K.
Minor Amendments to Special Use Permits	3-4	5-10, 5-319 K., 5-320 K.
Land Use Code Amendments	3-6	5-1802
Conditional Uses on Federal Lands	3-6	5-11
Accessory Dwelling Unit	3-4	5-1303
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

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

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. 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.

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, as approved by the County Environmental Health Department.

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, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

SECTION 4-3 : SKETCH PLAN SUBDIVISION 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:

- 4-302 A.I. Location of the proposed subdivision;
- 4-302 A.II. All adjacent lands in common ownership or lands under option to the applicant;
- 4-302 A.III. Commonly known landmarks; and

4-302 A.IV. Zone district in which the proposed subdivision and adjacent properties are located.

4-302 B. Lot and Street Layout

A map showing:

4-302 B.I. Legal Access to the property from a public road;

4-302 B.II. Conceptual lot and street layout;

4-302 B.III. Approximate layout of individual lots and access to the lots;

4-302 B.IV. All off-street parking spaces; and

4-302 B.V. School bus stops.

4-302 C. Natural Features

A map(s) showing:

4-302 C.I. Topography of the site;

4-302 C.II. Streams and lakes;

4-302 C.III. Natural drainage basins;

4-302 C.IV. Vegetation types;

4-302 C.V. Areas of State and Local Interest (1041 environmental hazards); and

4-302 C.VI. Soil types.

4-302 D. Existing Man-made features

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

4-302 D.I. Buildings;

4-302 D.II. Irrigation ditches;

4-302 D.III. Utility lines;

4-302 D.IV. Bridges and culverts;

4-302 D.V. Drainage and sedimentation systems; and

4-302 D.VI. Mines and/or mine dumps.

4-302 E. Land Use Map

A map showing applicable proposed land use divisions, including:

- 4-302 E.I. Residential land uses;
- 4-302 E.II. Agricultural and wildlife areas;
- 4-302 E.III. Commercial and industrial land uses;
- 4-302 E.IV. Community facilities;
- 4-302 E.V. Open space, including public use or common areas;
- 4-302 E.VI. Trails, parks or access points to public lands to be dedicated to the public;
- 4-302 E.VII. Site data tabulation including listing of:
 - 4-302 E.VII.a. Total number and size of free market and restricted affordable housing units lots;
 - 4-302 E.VII.b. Total square feet of non-residential space;
 - 4-302 E.VII.c. Acreage of land in the proposed subdivision;
 - 4-302 E.VII.d. Number of bedrooms per dwelling unit;
 - 4-302 E.VII.e. Ground coverage of the proposed structures and improvements including parking areas, streets, and sidewalks; and
 - 4-302 E.VII.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.
- 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 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.

SECTION 4-4 : PRELIMINARY SUBDIVISION 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
- 4-402 C.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.
- 4-402 C.II. Names and Addresses

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

4-402 C.III. Adjacent Streets

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

4-402 C.IV. Streets

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

4-402 C.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 1" = 100'. Contour lines of existing grades shall have the following maximum intervals:

4-402 C.V.a. Ten-foot contour interval for ground slope over 15 percent.

4-402 C.V.b. Five-foot contour interval for ground slope below 15 percent.

4-402 C.VI. Inundated Areas and Floodplains

4-402 C.VI.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.

4-402 C.VI.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.

4-402 C.VII. Easements

The approximate width and location of all easements for drainage, sewage, and public utilities.

4-402 C.VIII. Lots

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

4-402 C.IX. Structures

The location of all existing structures with indications of whether they are

to remain on the property or to be removed.

4-402 C.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:

4-402 D.I. All existing trees spaced more than 30 feet apart by common name and spread. Trees to be removed shall be indicated.

4-402 D.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.

4-402 D.III. A conceptual plan for proposed trees and other plant material.

4-402 D.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.

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, estimated yield, 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 information listed in this section shall be submitted.

- 4-406 A. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed;
- 4-406 B. Total number of proposed dwellings;
- 4-406 C. Total number of square feet of proposed non-residential floor space;
- 4-406 D. Total number of proposed off-street parking spaces, excluding those associated with single-family residential development;
- 4-406 E. Estimated total number of gallons per day of water system requirements where a distribution system is proposed;
- 4-406 F. Estimated construction cost and proposed method of financing public improvements; and
- 4-406 G. Proposed covenants, if any.

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. Engineered Sewage Disposal Systems
Whenever an engineered sewage disposal system is required by the County Sanitarian, a State of Colorado Registered Engineer shall submit two sets of stamped plans and calculations for County approval, one set to be retained by the Sanitarian.

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.

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 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 and deed-restricted affordable housing units/lots;
- 4-410 C. Total square feet of non-residential space;
- 4-410 D. Acreage of land in the proposed subdivision;
- 4-410 E. Number of bedrooms per dwelling unit; and
- 4-410 F. Ground coverage of the proposed structures and improvements including parking areas, streets, and sidewalks.

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 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.

4-413 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.

4-414 Law Enforcement Authority

An applicant seeking preliminary subdivision approval for a development with a population density of 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.

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 Size and Scale

The final plat shall be clearly and legibly drawn upon indelible mylar of good quality. The final plat recorded in the Office of the Clerk and Recorder of San Miguel County shall be a non-erasable mylar copy of such original. All lines, letters, and figures shall be clearly and legibly drawn. The plat shall be so made and shall be in such condition when filed that good legible prints can be made therefrom. The size of the sheets of mylar shall be 24" x 36", leaving margins of one inch. The scale of the final plat shall be sufficiently large to clearly show the details of the plan (preferably 1" = 100').

4-503 Title

The title sheet shall contain the title, consisting of the name of the tract, and such name 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. If any of the land being subdivided has been previously shown on a recorded plat, a subtitle referring to said recorded plat must be given. If the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear below the title: "located within Section __, T. __ N., R. __ W., N.M.P.M., in the County of San Miguel"; if the

property lies partly within an incorporated town, the following words shall be used: "lying within and adjoining the Town of_____." Reference to tracts and subdivisions in the description must be worded identically with original records, and reference to book and page of record must be included. Every sheet comprising the plat shall bear the tract name, scale, north point, legend, sheet number, and number of sheets comprising the plats. Below the title shall be clearly noted the basis of bearing for the survey.

4-504 Plat Key

When the final plat consists of more than two plat sheets, a key showing the relation of the sheets shall be placed on sheet one.

4-505 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."

4-506 Boundary and Monument Data

The final plat shall clearly show the exact location of all monuments as required by Section 5-706. Adjoining parcels shall be identified by lot and block numbers, lot number and subdivision name, owner's name and deed recording information, or other proper designation. Adjoining roads with names shall be shown.

4-507 Lot Dimensions

- 4-507 A. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line, and boundary line. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with lot dimensions.
- 4-507 B. Dimensions of lots shall be shown in feet and hundredths of feet. All lots shall be tied mathematically to adjoining streets or access ways.
- 4-507 D. Lots shall show net acreage to nearest hundredths.
- 4-507 E. Sufficient data shall be provided for all curves to enable establishment of curves on the ground. Such data shall include radius and arc length for each circular curve, and long chord bearing and chord length for each non-tangential circular curve.

4-508 Established Lines

Wherever the County has established a system of coordinates, the survey shall be tied into such system.

4-509 High Water and Inundated Areas

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

4-510 Tract Border

The boundary of the tract shall be designated by a prominent border on the drawing. Such borders shall not interfere with the legibility of figures or other data.

4-511 Lot and Block Numbering

- 4-511 A. All lots shall be numbered consecutively with no omissions or duplications throughout the entire subdivision including all units of any subdivision that have the same tract name.
- 4-511 B. No block division or numbering is required, but if desired by the subdivider, then each block shall be numbered consecutively.
- 4-511 C. Circles or other geometric figures shall not be drawn around numbers.
- 4-511 D. Each lot must be shown entirely on one sheet.

4-512 Streets

The final plat shall show the side lines, total width, width of the portion being dedicated and width of existing dedications of all streets.

4-513 Easements

- 4-513 A. The final plat shall show the location and width of all easements to which the lots are subject.
- 4-513 B. Easements must be clearly labeled and identified by recorded reference.
- 4-513 C. If any easement is not recorded, the dedication of such easement must appear on the title sheet.
- 4-513 D. Easements for storm drains, sewers and other purposes shall be designated by dotted lines.
- 4-513 E. Distances and bearings on the side lines of lots cut by easements must be arrowed or so shown that the plat will indicate clearly the actual lengths of the lot lines.
- 4-513 F. Width of easements and lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easements with respect to the subdivision must be shown.
- 4-513 G. If the easement is being dedicated by the plat, it shall be properly set out in the owner's certificate of dedication.

4-514 Parcel Boundaries

- 4-514 A. The final plat shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, and all parcels offered for dedication for any purpose, with all dimensions, boundaries and courses clearly shown and defined in every case.
- 4-514 B. Parcels offered for dedication but not accepted shall be clearly designated as such on the plan.

4-515 Certificates and Acknowledgements

The certificates and acknowledgements listed in this section, and all other certificates and acknowledgements now or hereafter required by law, shall appear on the final plat (such certificates may be combined where appropriate):

4-515 A. Owners

A certificate signed and acknowledged by all parties having any record title interest in the land subdivision, consenting to the preparation and recordation of said plat. However, the signatures of parties owning the following types of interests may be omitted if their names and nature of their interests are endorsed on the plat:

- 4-515 A.I. Rights-of-way, easements or other interests, none of which can ripen into a fee.
- 4-515 A.II. 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.

4-515 B. Patented Mining Claims

Any plat including territory originally patented by the U.S. 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.

4-515 C. Dedication

A certificate for execution acknowledged as above, offering for dedication for public use those certain parcels of land, rights-of-way, easements, and other described interests in real property which said parties desire to dedicate, which shall be added to the Owners Certificate, as follows: [owner(s)] hereby dedicate(s) to San Miguel County 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 the public utilities as shown hereon.

4-515 D. Licensed Surveyor

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

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 (name of subdivision in capital letters) was made by me and under my supervision in compliance with the applicable provisions of Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge.

4-515 E. County Clerk and Recorder

A certificate for execution by the County Clerk and Recorder stating the date and time at which the final plat was recorded in the Office of the San Miguel County Clerk and Recorder as well as the applicable reception number assigned to the plat for recording purposes.

4-515 F. Planning Commission

A certificate demonstrating approval of preliminary plat by the Planning Commission.

4-515 G. County Treasurer

A certificate for execution by the County Treasurer that states: According to the records of the San Miguel County Treasurer there are no liens against the subdivision 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.

4-515 H. 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. Such certificate shall include the following provision concerning dedications for public use:

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.

4-515 I. Required Language

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).

4-515 J. Security Interest Holder's Consent (if applicable):

This certificate's inclusion on a subdivision 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 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 declarant's property, recorded at Reception Number _____, in the San Miguel County Clerk and Recorder's real property records, hereby consents to the subdivision of the real property as depicted on this Plat 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.

4-516 Additional Drawing Requirements

All plats shall include all information necessary to comply with all requirements of CRS 38-51-102.

4-517 Certificate of Title

There shall be filed with the final plat evidence of title issued by a reputable title insurance or abstract company or title opinion by an attorney licensed to practice in the State of Colorado, showing the names of all persons having any right, title or interest in the lands proposed to be subdivided and whose consent is necessary to convey clear title to the said land. Such evidence of title shall be filed with the final plat for record in the office of the County Clerk and Recorder.

4-518 Improvement Agreements and Performance Guarantees

An applicant shall submit an Improvement Agreement subject to the conditions of Sections 3-12 and 5-9.

4-519 Certification of Water and Sewer Facilities and Fire Protection

4-519 A. Sewer

An applicant shall submit a letter from the County Environmental Health Department 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.

4-519 B. Water

An applicant shall submit a letter from the County Environmental Health Department, 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.

4-519 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.

4-520 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.

4-521 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.

4-522 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.

4-523 Law Enforcement Authority

An applicant seeking final plat subdivision approval for a development with a population density of 100 or more persons must comply with the provisions of CRS 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 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. Group I development applications are listed below:

- 4-601 A. Acceptance of Subdivision Roads (Refer to Sections 3-5 for procedures and 5-504 for review standards);

- 4-601 B. Amendments to a Final Plat (Refer to Sections 3-5 or 3-6 for procedures and 5-15 for review standards); and
- 4-601 C. Planned Unit Development (PUD) Amendments (Refer to Sections 3-5 or 3-6 for procedures and 5-15 for review standards);
- 4-601 D. Subdivision Exemptions for the following activities:
 - 4-601 D.I. Survey Error (Refer to Sections 3-5 for procedures and 5-1202 for review standards);
 - 4-601 D.II. Lot Line Adjustments (Refer to Sections 3-5 for procedures and 5-1203 for review standards);
 - 4-601 D.III. Subdivision of Parcels for Community Facilities (Refer to Sections 3-5 for procedures and 5-1204 for review standards);
 - 4-601 D.IV. Reversion to Acreage Plats (Refer to Sections 3-5 for procedures and 5-1205 for review standards);
 - 4-601 D.V. Agricultural Land Lot Split (Refer to 3-5 for procedures and 5-1206 for review standards);
 - 4-601 D.VI. Open Land Protection (Refer to Section 3-5 for procedure and Section 5-1207 for standards);
 - 4-601 D.VIII. Fully Developed Property (Refer to Section 3-5 for procedure and Section 5-1208 for standards);
 - 4-601 D.IX. Single-lot Split (Refer to Section 3-5 for procedure and Section 5-1209 for standards);
 - 4-601 D.X. Wright's Mesa (Refer to Section 3-5 for procedures and Section 5-1210 for standards);
 - 4-601 D.XI. West End (Refer to Section 3-5 for procedures and Section 5-1211 for standards).
- 4-601 E. Rezoning (Refer to Sections 3-6 for procedures and Section 5-18 for standards).
- 4-601 F. All Types of Development in an Area of Local and State Interest / C.R.S. 1041 Environmental Hazard Review (refer to Section 3-4 for procedures and Section 5-4 for review standards);

4-602 Application Contents

Development applications for activities categorized in 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.

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. 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:

4-605 A.I. Current and past years assessed value of all property within the subject subdivision and Road and Bridge mill levy;

4-605 A.II. Highway Users Tax Fund per mile - the County average per mile for each of the last two years for San Miguel County;

4-605 A.III. Other revenue if applicable from any of the following:

4-605 A.III.a. Homeowners Association;

4-605 A.III.b. Improvement District;

4-605 A.III.c. Metropolitan District; and

4-605 A.IV. Estimates of expenditures for snowplowing, and grading based on:

4-605 A.IV.a. Frequency of plowing snow and estimated total hours per month with respect to the road(s) in question;

4-605 A.IV.b. Frequency of grading and estimated total hours per month;

4-605 A.IV.c. Previous year's cost of average man-hour plus proportional benefit;

4-605 A.IV.d. Estimated fuel cost per month;

4-605 A.IV.e. Estimated cost of equipment based on the stated rental rate for required equipment and total work hours; and

4-605 A.V. Consent form supplied by the County executed by applicant(s):

4-605 A.V.a. Holding San Miguel County harmless from and indemnifying the County with respect to acceptance and maintenance of roads;

4-605 A.V.b. Outlining service that will be provided and service that will not be

provided; and

- 4-605 A.V.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 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. Group II development applications are listed below:

- 4-701 A. Approval of Specific Land Uses Identified within Article 5 as Uses Subject to One-step Planning Commission Review (Refer to Sections 3-5 for procedures and 5-10 for standards);
- 4-701 B. Approval of Specific Land Uses Identified within Article 5 as Uses Subject to One-step Board of County Commissioners Review (Refer to Sections 3-5 for procedures and 5-10 for standards);
- 4-701 C. Minor Amendments to Specific Uses Subject to One-step Board of County Commissioners or Planning Commission Review (Refer to Section 3-4 for review procedure and Section 5-10 for standards);
- 4-701 D. Land Use Requiring Special Use Permits (Refer to Sections 3-6 for procedures and 5-10 for standards);
- 4-701 E. Minor Amendments to Special Use Permits (Refer to Section 3-4 for procedures and 5-10 for standards);
- 4-701 F. Land Use Code Amendments (Refer to Sections 3-6 for procedures and 5-1802 for standards) and County Master Plan Amendments (Refer to Sections 3-5 for procedures and C.R.S. Section 30-28-106 et seq. for standards);
- 4-701 G. Conditional Uses on Federal Lands (Refer to Sections 3-6 for procedures and 5-11 for standards);
- 4-701 H. Accessory Dwelling Unit (Refer to Sections 3-4 for procedures and 5-13 for standards);
- 4-701 I. Determination of Parking Requirements (Refer to Section 3-5 for procedures and Section 5-702 for standards);
- 4-701 J. Reduction in Highway Setbacks (Refer to Section 3-5 for procedures and Section 5-505 for standards);
- 4-701 K. Underground Electricity Transmission and Distribution Lines Carrying Less Than 115 Kilovolts (Refer to Section 3-4 for procedures and Section 5-709 for standards); and
- 4-701 L. Public Utilities Structures, Above Ground Electricity Transmission and Distribution Lines Longer Than 1,000 Feet, and Underground Electricity Transmission and Distribution Lines Carrying More Than 115 Kilovolts (Refer to Section 3-6 for procedures and Section 5-709 for standards).

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. 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 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.