

LINCOLN COUNTY
STATE OF COLORADO
SUBDIVISION REGULATIONS

December 8, 2022

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CHAPTER 1

GENERAL PROVISIONS

1-100 : Title

These Regulations shall be referred to as The Lincoln County Subdivision Regulations.
(These Regulations)

1-105 : Authority and Jurisdiction

Lincoln County is authorized and required by Colorado law to regulate and provide for the subdivision of all the unincorporated land within the County by virtue of C.R.S. §30-28-102, et seq., as amended, and these regulations are hereby declared to be in conformance with the provisions of those statues. It is unlawful to subdivide by “deeding” or otherwise conveying property in Lincoln County without first complying with these Regulations.

1-110 : Purpose

These Regulations are designed and enacted to:

- (A) Promote and protect the health, safety, and general welfare of the people of Lincoln County.
- (B) Provide for orderly, efficient, integrated development in accordance with County policies and the Comprehensive Plan.
- (C) Establish minimum uniform standards for subdivision design, including planning and engineering criteria, environmental factors and performance guarantees.
- (D) Establish a general procedure for processing subdivision applications.
- (E) Safeguard both interests of the public and the applicant; improve land records and boundary documentation.
- (F) Give reasonable assurance that an adequate and safe water supply, sanitation facilities, access, fire protection, and other necessary public services are available for development.
- (G) Preserve natural vegetation and cover and promote the natural beauty of the land.
- (H) Prevent and control erosion, sedimentation and other pollution of surface and subsurface water and prevent the pollution and contamination of soils.
- (I) Prevent flood damage to persons and properties and minimize expenditure for flood relief and flood control projects.

- (J) Restrict building on flood lands, shore lands, areas covered by poor soils, or in areas poorly suited for building or construction.**
- (K) Prevent loss and injury from landslides, mud flows and other geologic hazards.**
- (L) Provide adequate space for future development of schools and parks to serve the population.**

1-115 : Administration over Platting

All plans of improvements for public use and all plans, plats, and re-plats of land laid out in subdivision or building lots and the roads, alleys, or other portions of the same, intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Land Use Board and the County Commissioners for review and subsequent approval conditional approval, or disapproval. It shall not be lawful to record any such plan or plat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the County Commissioners.

1-120 : Interpretation/Severability Clause/Variations

In the interpretation and application of these Regulations, the following criteria shall govern:

- (A) The responsibility of the applicant shall be to show full compliance with the purpose of these Regulations.**
- (B) Whenever provisions of these Regulations contain any restrictions covering any of the same subject matter as do any other provisions of these Regulations or any other applicable law, ordinance, resolution, rule or regulation of any kind, whichever provisions are more restrictive or impose higher standards or requirements shall govern.**
- (C) These Regulations are not intended to abrogate or annul any valid subdivision plats, easements, covenants, building permits, legally established lots, established, approved and/or issued before the effective date of these Regulations.**

1-125 : Severability Clause

If any section or article of these Regulations is found to be unconstitutional or illegal by the court, the said section or article will cease to be effective until an amendment is drafted and adopted; the unconstitutionality of any section or article, however, shall have no bearing on the effectiveness of these Regulations.

1-130 : Deviations from Specific Subdivision and Site Plan Requirements

- (A) General.** Where the Land Use Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend deviations to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such deviation shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Land Use Board shall not approve deviations unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1)** The granting of the deviation will not be detrimental to the public safety, health, welfare or injurious to other property that is located adjacent to the subdivision.
 - (2)** The conditions upon which the request for a deviation is based are unique to the property for which the deviation is sought and are not applicable generally to other property.
 - (3)** Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, and that the granting of the deviation requested will not confer on the applicant any special advantage that is denied by these regulations for other developments if the strict letter of these regulations are carried out.
 - (4)** The deviations sought will be in harmony with the Lincoln County Zoning Regulations, Comprehensive Plan, Building Code and Official Map.
- (B) Conditions:** In approving deviations the Land Use Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. Each petition for deviation from these regulations shall be considered separately and on its merits.
- (C) Procedures:** A petition for any such deviation shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Land Use Office. The petition shall state fully the ground for the application and all of the facts relied upon by the petitioner. Deviations must be reviewed by the Board of County Commissioners utilizing the recommendation of the Land Use Board making final recommendations on the subdivision preliminary plan to the Board of County Commissioners.

1-135 : Pre-existing Non-Conforming Parcels

These regulations shall not apply to the addition of area to parcels which were created prior to April 18, 2002 which do not meet the minimum lot size requirements for the zone in which the parcel lies unless such addition of area would reduce another parcel below the minimum lot size for that zone. The burden of demonstrating the date of creation of the parcel shall be on the landowner and/or applicant.

1-140 : General Responsibilities

- (A) Subdivider:** The subdivider shall prepare plans, plats and related documents in accordance with these regulations and shall submit said plans, plats and related documents to the Land Use Office.
- (B) County Departments:** The Land Use Office shall review plans, plats and related documents for proper compliance hereunder and shall submit their comments, recommendations, and findings to the Land Use Board and the Board of County Commissioners.
- (C) Land Use Staff:** The Staff of the Land Use Office shall advise the Land Use Board and the Board of County Commissioners as to the desirability of plans and plats. The Staff shall insure that the regulations contained herein are implemented in the development process.
- (D) Land Use Board:** It shall be the responsibility of the Land Use Board to evaluate proposed land developments and recommend approval, conditional approval, or denial of plans and plats to the Board of County Commissioners. All official actions made pursuant to these Regulations shall be at scheduled public hearings, as required.
- (E) Board of County Commissioners:** The Board of County Commissioners shall have the authority for final approval, conditional approval, or denial on all plans and plats.

1-145 : Enforcement

- (A)** It shall be the duty of the County Commissioners, or their duly appointed representatives, to enforce the provisions of these Regulations. No Final Plat of a Subdivision or Plan or Plat shall be approved by the Land Use Board and approved by the County Commissioners unless it conforms to the provisions of these Regulations, the Lincoln County Zoning Regulations, the Lincoln County Road Policy, and other relevant county regulations.
- (B)** Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before final plat for such subdivided land has been

approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars nor less than five hundred dollars for each parcel of or interest in subdivided land which is sold, or any such greater penalty as is provided for in the Colorado Revised Statutes. All fines collected under this paragraph shall be credited to the general fund of the county. No person shall be prosecuted, tried, or punished under this paragraph unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land. The Board of County Commissioners may, for enforcement of the subdivision regulations, withhold building permits until there is compliance. No plat for subdivided land shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides the certification of the County Treasurer's office that all ad valorem taxes applicable to such subdivided land, for the years prior to that year in which approval is granted, have been paid.

- (C) The Board of County Commissioners has the power to bring an action to enjoin any subdivider from selling subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners or to enjoin the use of such improperly subdivided property.
- (D) The County Commissioners or the Land Use Board may suspend or withdraw any approval of a plat or may require certain corrective measures to be taken following a determination that the information provided by the subdivider upon which such approval was based is false or inaccurate or that new significant information has been brought to their attention. Suspension of approval may occur at any step in the platting process up to the approval of the Final Plat by the Board of County Commissioners, and must take place at a regular meeting. A written notice from the County Land Use Office shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider, to appear at the certain regular meeting of the County Commissioners or Land Use Board not less than ten (10) days nor more than thirty (30) days after the date of service of notice. The Land Use Board or County Commissioners shall determine at the meeting the nature and extent of alleged false or inaccurate information, shall consider any new significant information that has been brought to their attention, and shall have power, upon good cause being shown, to suspend or withdraw any approval or require certain corrective measures to be taken.
- (E) No person may submit an application for subdivision approval to a local authority unless the subdivision plan or plat ensures, pursuant to C.R.S.

§43-2-147, that all lots and parcels created by the subdivision which adjoin a state highway will have access to the state highway system in conformance with Colorado Department of Transportation (CDOT) regulations.

- (F) No permits of any kind shall be issued by the Land Use Office, nor any other administrative office of the County, for the construction of any building or other improvements upon any land to which these Regulations apply unless and until the requirements thereof have been met.**
- (G) No changes, erasures, modifications, or revisions shall be made on the Final Plat after the approval by the County Commissioners without re-platting (except scrivener's errors).**

1-150 : Amendments to the Subdivision Regulations

- (A) The procedures, standards, and criteria contained in these Regulations, when deemed necessary, may from time to time be revised, altered, or amended. All proposed changes are to be made available to the public for review prior to any hearing. Amendments may be proposed by the Land Use Board, the Board of County Commissioners, or a citizen of Lincoln County.**
- (B) The Land Use Board shall hold a public hearing prior to recommending the adoption of any amendments or changes. The time and place of such public hearing shall be advertised by the Land Use Office at least thirty (30) days prior to the hearing in a newspaper of general circulation within the County. After considering the testimony at the public hearing, comments from governmental agencies, and interested parties, the Land Use Board shall recommend approval, conditional approval, or disapproval of the proposed changes or amendments to the County Commissioners.**
- (C) The Land Use Office will advise the County Commissioners of the Land Use Board's recommendations at the next regularly scheduled Commissioner's meeting prior to taking action upon such recommendations. Before adopting any such subdivision regulations, the County Commissioners may revise, alter, or amend any such subdivision regulations developed, proposed, or recommended by the Land Use Board. After due consideration, the County Commissioners shall approve, conditionally approve, or disapprove the proposed changes or amendments and such decision shall be binding on all parties affected by this regulation.**
- (D) Upon adoption by the County Commissioners, a certified copy of such regulation shall be filed with the County Clerk and Recorder. All revisions or additions to the subdivision regulations are to be integrated with the original regulations and made available to the public.**

1-155 : Application Fees

Fees for various review procedures of these regulations are determined by the Board of County Commissioners. These fees are based on the County Development Permit (Use by Special Review) application fee (\$250/application), and are due at the time of submission to the Land Use Office. County policy requires that the cost of reviews and the recording of documents are to be paid by the applicant. No plats will be recorded until all fees are paid.

1-160 : Re-application

No application shall be accepted if the same or substantially similar application has been denied or rejected by the Board of County Commissioners within the previous one (1) year.

CHAPTER 2

LANGUAGE CONSTRUCTION

2-100 : General Rules

The following six statements are rules regarding the construction of language in these Regulations:

- (A) The particular has precedence over the general statements.
- (B) In case of any difference of meaning or implication between the text of these amended Regulations and captions for each section, the text shall control.
- (C) The word “shall” is always mandatory and not directory. The word “may” is permissive.
- (D) Words used in present tense include the future, unless the context clearly indicates the contrary.
- (E) Words used in the singular shall include the plural, unless the context clearly indicates the contrary.
- (F) Any definition used in the applicable Colorado Statutes may be used in these Regulations and if the statutory definitions conflict, then the statutory definitions shall govern.

DEFINITIONS

2-105 : Abutting Property Owner: Those owners of real property whose boundaries are contiguous with the subject property or separated only by a public roadway, railway, canal, multi-purpose trail, open space, or green belt area or other narrow

public right-of-way.

2-110 : Correction Plat: A recording of a previously approved plat that is intended to correct a technical error in the plat, also called an “amended plat”.

2-115 : Dedication: An appropriation of land to some public use, made by the owner and by which the owner reserves to himself no other right than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. Dedication shall not be evidence of acceptance of improvements or land for maintenance, repair, or other control by the County.

2-120 : Drainage Easement: A grant to the County of the right to control development of a drainage right-of-way or an area subject to periodic flooding.

2-125 : Drainage Plan: A plan that accounts for the increased run-off from a particular site as a result of development that is in excess of the historical flow of water off the site. A drainage plan must show how the excess run-off water will be directed and contained on the site so as not to cause harm to adjacent properties.

2-130 : Dwelling: Any building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, tourist courts, hospitals, lodging houses with central kitchen, or similar uses.

2-135 : Dwelling Unit: One or more rooms connected together, constituting a separate, independent housekeeping establishment for permanent occupancy by not more than one (1) family or four (4) unrelated persons for living purposes and having not more than one (1) kitchen plus sleeping areas. All dwelling units shall contain at least four hundred (400) square feet of floor area measured on the outside walls.

2-140 : Easement: A right to use or control the property of another for a designated purpose, such as a drainage, utility or service, landscaping, generally established by deed or recorded plat to permit a specific use or control of the land by the public, a corporation, or person.

2-145 : Exemption from Platting: A release from the requirements of platting by resolution of the Board of County Commissioners in accordance with the terms set forth in these Regulations.

2-150 : Flood Plain: That land inundated according to a specified return frequency by a run-off of the same return frequency. Where not otherwise specified, the return frequency is taken to be 100 years.

2-155 : Flood Hazard Boundary: The relatively flat or lowland area adjoining a river, stream watercourse, lake or other body of standing water which has been or may be covered temporarily by flood water. The flood hazard area may be defined as the area that would be inundated by the “Standard Project Flood” (Corps of Engineers) shown as a shaded area on the Flood Hazard Boundary Maps (FIRM – Flood Insurance Rate Maps). ****At the time this document was drafted FEMA had yet to create FIRM maps for unincorporated Lincoln County. These will be done within the next few years.****

2-160 : Improvements, Public: The physical improvements to property made by a subdivider and/or developer to provide needed public facilities or services, or to protect public health, safety, and welfare. These include, but are not limited to: roads, streets, gutters, sidewalks, water, sewer, gas and electric lines, parks, detention and settling ponds, infiltration galleries, sand traps, grassed waterways, revegetation landscaping, erosion control and other measures whether temporary or permanent, taken or required to control drainage, prevent erosion and/or protect water quality. These are facilities for which the County may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which County responsibility is established. All such improvements shall be secured by agreement between the subdivider or developer and the county.

2-165 : Lot: The unit into which land is divided on a subdivision plat or deed, with the intention of offering such unit for sale, lease, or separate use, either as an undeveloped or developed site, regardless of how it is conveyed; lot shall also mean parcel, plot, site or any similar term.

(A) **Corner:** A parcel abutting two or more streets at their intersection or upon two parts of the same streets and where, in either case, the interior angle formed by the intersection of street lines does not exceed one hundred thirty-five degrees (135°).

(B) **Depth:** The minimum distance from a front lot line or right-of-way to the rear lot line of a parcel.

(C) **Double Frontage:** A parcel which runs through a block from one dedicated public right-of-way to another dedicated public right-of-way which has two non-intersecting sides abutting on two or more dedicated public rights-of-way.

(D) **Interior:** A parcel other than a corner lot with one frontage on a dedicated public right-of-way, other than an alley.

(E) **Width:** The minimum distance between two side lot lines.

2-170 : Manufactured Home: A single family dwelling unit which is partially or entirely manufactured in factory. It is installed on a permanent and engineered foundation and has brick, wood, or cosmetically equivalent exterior siding and a pitched roof. It is certified pursuant to the National Manufactured Housing Construction and Safety Standard Act or 1974, 42 U.S.C. Sec. 5401, et seq., as amended C.R.S. 30-28-115(3).

2-175 : Mobile Home: A detached, transportable, one-family dwelling unit, intended for year-round occupancy that is at least eight (8) feet in width and thirty-two (32) feet in length. At a minimum it must contain sleeping accommodations, flush toilet, a tub or shower bath, kitchen facilities with plumbing and electrical connections intended for attachment to outside systems. A mobile home differs from a manufactured home and a recreational vehicle (RV) unit by definition.

2-180 : Mobile Home Lot or Space: A plot of ground within a mobile home subdivision or park designed for the accommodation of one mobile home and its permitted accessory buildings and uses.

2-185 : Mobile Home Park: A parcel of land under single or unified ownership or control within which spaces are rented for occupancy by mobile homes.

2-190 : Mobile Home Subdivision: An area of land subdivided for occupancy by mobile homes exclusively, and containing lots in divided or separate ownership.

2-195 : Open Space: A parcel of land, and area of water or a combination of land or water within a development site designed and intended primarily for the use or enjoyment of residents, occupants, and owners of the development site and/or the general public for uses including, but not limited to: open landscaped areas, recreation areas and facilities, gardens, parks, walkways, paths and trails, and areas of native vegetation left substantially in their natural state or supplemented by additional plant material. The term shall not include space devoted to buildings, rights-of-way for streets, roads and other motorized vehicle ways and parking, and storage and loading areas. Private open space as part of an individual lot may not be included in the open space requirement calculations.

(A) **Common Open Space:** Open space designed and intended primarily for the common use of the lawful owners, residents and occupants of a development project, but not necessarily including the general public, which is owned and maintained by an organization established for such purpose or by other adequate arrangements.

(B) **Private Open Space:** Open Space designed and intended for the exclusive use of the owner or a portion of the property included in a development project and

which is appurtenant to such property and maintained by the owners thereof. The land and structure are jointly deeded to the owner in this classification.

(C) Public Open Space: An open area developed, designed and dedicated to the public for use by the owners of a development and the general public.

2-200 : Permanent Foundation: A foundation which meets the requirements of either the specifications of the U.S. Department of Housing and Urban Development (HUD) publication HUD 7584 dated September, 1996 or other standards adopted and recognized by Lincoln County by action of the Board of County Commissioners.

2-205 : Permanent Monument: Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

2-210 : Planned Development: A development of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, industries and associated uses planned as a single entity, and therefore susceptible to development and regulation as one land use unit.

2-215 : Plat (Final): A map or maps together with supporting documentation of certain described land prepared in accordance with these regulations as an instrument which shall be filed with the County Clerk and Recorder for providing a permanent and accurate record of the legal description, dedications, exact size, shape, and location of lots, blocks, streets, easements, and parcels of land within a subdivision. The plat, when recorded by the County Clerk and Recorder, becomes the legal instrument whereby the location and boundaries of separate parcels of land within a subdivision are identified. As used herein, the term "plat" does not include sketch or preliminary subdivision plans.

2-220 : Potential Natural Hazard Area: An area where the soil, vegetation, rock, water, snow, terrain or climatic conditions or any combination thereof may constitute a geologic problem or may endanger life, limb, or property, or adversely affect the safety, stability, or use of the property, public or private. Potential natural hazard areas may include, but are not limited to: flood plains, drainage problems, high fire hazard areas, expansive soils and rocks, landslides, soil and rock permeability for waste disposal systems; also included within the meaning is consideration that these conditions might occur as a result of removing the natural vegetation from an area.

2-225 : Recreational Vehicle (RV): A wheeled vehicle intended to provide temporary living or sleeping accommodations. It is either self-propelled, hauled or towed by a non-commercial vehicle. Included are units commonly referred to as travel trailers, camper-trailers, trailer-coaches, motor homes and pickup campers. It is not regarded as a mobile home.

2-230 : Referral Agencies: Agencies where subdivision preliminary plans may be sent for formal technical comments. These agencies include, but are not limited to:

(A) Land Use Board

(B) County Attorney

(C) When applicable, to the county, district, regional or state department of health, for its review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision. The department of health to which the plan is referred may require the subdivider to submit additional engineering or geological reports or data and to conduct a study of the economic feasibility of a sewage treatment works prior to making its recommendations. No plan shall receive the approval of the Board of County Commissioners unless the department of health to which the plan is referred has made a favorable recommendation regarding the proposed method of sewage disposal.

(D) Colorado Parks and Wildlife (CPW): All preliminary subdivision plans and wildlife reports will be referred to the CPW for Comment.

(E) Relevant public utility companies.

(F) The appropriate fire protection agency

(G) The local soil conservation district board within the county for explicit review and recommendations regarding soil suitability, floodwater problems, and watershed protection. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district.

(H) The appropriate school district.

(I) Property owners within 500 feet of the proposed subdivision. Property owners will be sent letters stating where the preliminary subdivision or Planned Development or exemption plans may be reviewed.

(J) To the State Engineer for an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be

used to supply to meet requirement of the proposed subdivision. If the State Engineer finds such injury or finds inadequacy, he/she shall express such finding in an opinion in writing to the Lincoln County Land Use Administrator, stating the reason for his findings, including, but not limited to, the amount of additional or exchange water that may be required to prevent such injury. In the event the subdivision is approved notwithstanding the State Engineer's opinion, the subdivider shall furnish to all potential purchasers a copy of the State Engineer's opinion prior to the sale or a synopsis of the opinion; except that the subdivider need not supply the potential purchaser with a copy of such opinion or synopsis if, in the opinion of the Land Use Administrator, the subdivider has corrected the injury or inadequacy set forth in the State Engineer's findings.

The provisions of this part shall not modify the duties or enlarge the authority of the State Engineer or the division engineers nor divest the water courts of jurisdiction over actions concerning water right determinations and administration; neither shall any opinion of the State Engineer submitted under this section nor any finding by County Land Use Administrator concerning subdivision water supply matters create any presumption concerning injury or non-injury to water rights; and neither the State Engineer's opinion nor the finding of the Board of County Land Use Administrator may be used as evidence in any administrative proceeding concerning water right determinations or administration.

A municipality or quasi-municipality, upon receiving the preliminary plan designating said municipality or quasi-municipality as the source of water for a proposed subdivision, shall file, with the County Land Use Administrator and the State Engineer, a statement documenting the amount of water which can be supplied by said municipality or quasi-municipality to proposed subdivision without causing injury to existing water rights. The State Engineer shall file, with the County Land Use Administrator, written comments on the report. If, in the judgment of the State Engineer, the report is insufficient to issue an opinion, the State Engineer shall notify the County Land Use Administrator to this effect, indicating the deficiencies.

(K) State Geological Survey.

(L) Special service districts, associations, or companies, Colorado Department of Transportation, Colorado Water Pollution Control Commission, or other agencies that may be deemed necessary by the Staff.

(M) Owners of subsurface mineral interest and their lessees. These owners will be sent letters by certified mail stating where the preliminary subdivision plans may be reviewed.

(O) Others as deemed necessary by the Staff. The Staff may require, if it deems necessary, additional copies of submittal material.

The agencies named in the referral list in this section make recommendations within thirty (30) days after the mailing by the County or its authorized representative of such plans unless a necessary extension of not more than thirty (30) days has been consented to by the subdivider and the Land Use Board. The failure of any agency to respond with thirty (30) days or within the period of extension shall, for the purpose of having the hearing on the plan, be deemed an approval of such plan; except that, where such plan involves twenty (20) or more dwelling units, a school district shall be required to submit within said time limit specific recommendations with respect to the adequacy of school sites and the adequacy of school structures, or calculation of fees that would be acceptable in lieu of land dedications.

2-235 : Resubdivision: A change in a recorded subdivision that is more extensive than a change of a technical mistake on a previously recoded plat (see “correction plat”). In the case of irregular parcels or as parcels platted prior to the establishment of current subdivision regulations of Lincoln County, re-platting of these parcels or areas shall be conducted in accordance with the requirements of C.R.S. 30-38-301, et seq., as amended.

2-240 : Roads, Streets and Alleys: The term “road” means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, throughway, avenue, boulevard, lane, place, or however otherwise designated.

- (A) **Freeways, Expressways and Major Arterials:** Are those roads which are used primarily for fast or heavy traffic which may have limited access and are used for regional through traffic.
- (B) **Collectors:** Are those roads which carry traffic from local access roads to the system of major arterials and highways and move traffic to parks, schools, and shopping centers serving residential neighborhoods. Collectors provide sub-regional continuity and are designed as main interior or boundary streets with stop signs on side streets and traffic signals at arterials.
- (C) **Local Access Roads:** Are those roads which are used primarily for access to the abutting properties.
- (D) **Frontage Roads:** Are those which are parallel to and adjacent, but not necessarily abutting, freeways, expressways, or major arterials and which provide access to abutting properties and protection from through traffic. Frontage roads are classified as collectors and shall not be considered part of the cross-section or right-of-way of major arterial streets and expressways.

- (E) **Cul-de-sac**: A local street with only one outlet having an appropriate terminal for the safe and convenient reversal of traffic movement including emergency vehicles and school buses.
- (F) **Rural (Section Line, Paved or Gravel)**: Section line roads function in a similar capacity to arterials, although they may not have the same levels of traffic. Paved and gravel rural roads can function in a similar manner as collectors or local streets in rural areas.
- (G) **Alleys**: Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a road.
- (H) **Recognized Public Road**: For subdivision access purposes, such road shall be any roads, streets, or public highways recognized by the public agency having jurisdiction. A county road may be considered a recognized public road.
- (I) **Private Roads**: Are those roads located on public or private land, maintained by a private entity and generally restricted to private use. These roads may include driveways and rural access roads or easements.

2-245 : Subdivision or Subdivided Land: Any parcel of land in Lincoln County, which is intended to be divided into two (2) or more lots or units, tracts, sites, parcels, separate interests, interests in common or other divisions, to be used for industrial, commercial, or residential uses including condominiums, townhouses, or other separate ownership of multiple-dwelling units, unless such land or buildings when previously subdivided was accompanied by a filing which complied with the provisions of this section with substantially the same development density or which is divided into two (2) or more parcels, separate interest or interests in common, unless exempted under paragraphs below of this section. Also included in the term subdivision are conversions of structures with multiple units, to units capable of separate ownership by condominiumization, or creation of a cooperative, time-share interests, fractional fee or similar device. As used in this section, “interests” includes any and all interests in the surface of land, but excludes any and all subsurface interests. The terms “subdivision” and “subdivided land”, as defined in this section, shall not apply to any division of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land, none of which is intended for use by multiple owners.

Unless the method of disposition is adopted for the purpose of evading these Regulations, the terms “subdivision” and “subdivided land”, as defined above, shall not apply to any division of land;

- (A) Which creates parcels of land, such that the land area of each of the parcels comprises thirty-five (35) or more acres, and when divided by the number of

interests in any such parcel, results in thirty-five(35) or more acres per interest; division of land into such interests requires a subdivision exemption permit;

- (B) Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of this section prior to entry of the court order; and, if the board does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court;
- (C) Which is created by a lien, mortgage, deed of trust or any other security instrument;
- (D) Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity;
- (E) Which creates cemetery lots;
- (F) Which creates an interest or interests in oil, gas, minerals, or water which are now hereafter severed from the surface ownership of real property;
- (G) Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenants in common and any such interest shall be deemed for the purposes of this section as only one interest;
- (H) Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph; or
- (I) Which is created by a contract concerning the sale of land which is contingent upon the purchaser obtaining approval to subdivide (pursuant to this article and any applicable regulations) the land which the purchaser is to acquire pursuant to the contract.

2-250 : Subdivision Improvements Agreement: One or more security arrangements which the County shall accept to secure the actual cost of construction of such public improvements, as are required by county subdivision regulations, within the subdivision. The “subdivision improvements agreement” may include any one or a combination of the types of security or collateral listed in

this Section 3-105 (c), and the subdivider may substitute security in order to release portions of the subdivision for sale. The types of collateral which may be used as security under the “subdivision improvements agreements” are as follows: Performance or property bonds; private or public escrow agreements; irrevocable letters of credit; deposits of certified funds; or other similar survey agreements. Security required under the “subdivision improvements agreement: shall equal in value, plus ten percent (10%) of the cost of improvements to be completed. The amount of security may be incrementally reduced as subdivision improvements are completed.

2-255 : Subdivision, Minor: “Minor Subdivision” means any subdivision containing four (4) or less lots or dwelling units, not adversely affecting the remainder of the parcel or adjoining property and not in the conflict with any provision or portion of the Comprehensive Plan, official map, zoning resolution, or these Regulations.

2-260 : Townhouse: A type of ownership which consists of a fee simple interest in an individually deeded lot and dwelling, plus a membership right in a homeowners’ association which shall own in fee simple the common areas subject to all rights and duties as provided in the declaration of the homeowners’ association.

(A) Dwelling as used herein means a single-family dwelling constructed on an individually deeded lot, or as part of a series of two (2) or more dwellings, each of which is either attached to the adjacent dwelling or dwellings by part walls or is located immediately adjacent thereto with no visible separation between walls or roof.

(B) Common areas will be defined in each declaration and will include such items as the following: any open spaces, greenbelts, yards, parking areas, or storage spaces located on the property owned and controlled by the homeowners through a homeowners’ association, but which are not part of individual townhouse lots, and all community and commercial facilities or other parts of the property necessary or convenient to the existence, maintenance, or safety of all townhouses.

(C) Declaration refers to an instrument which defines the character, duration, rights, obligations and limitations of townhouse ownership.

CHAPTER 3

POLICY ON IMPROVEMENTS

3-100 : General

(A) All on and off site public improvements shall be designed and constructed according to applicable standards approved by the County and other regulatory

authorities having jurisdiction on the premises, or if there be none, then as approved by the County Commissioners. The developer is responsible for financing and constructing all improvements required, internal or external, to the proposed subdivision in accordance with applicable criteria, unless suitable evidence is submitted that other public or quasi-public agencies have the responsibility for the construction and the cost of improvements.

- (B) In cases where off-site improvements are necessitated by the proposed development, and where no other property owner (s) receive (s) a special benefit thereby, the applicant may be required at his sole expense and as a condition of approval, to provide and install such improvements.
- (C) Where it is determined that properties outside the subdivision will also be benefited by off-site improvements, either a pro rata share of the costs of the improvements will be paid by the applicant or a cost recapture agreement will be prepared so that the applicant can be repaid for the cost of the improvement which benefits other properties. These prorated share formulas and cost recapture agreements are to be prepared on a case-by-case basis among the applicant, county staff and special utility district staff as applicable prior to review and approval by the Board of County Commissioners.

3-105 : Guarantee of Performance

No Final Plat of a subdivision or Planned Development shall be signed and recorded until the subdivider has submitted, and the County Commissioners have approved, one or a combination of the following:

- (A) A subdivision improvements agreement binding the developer to construct any required improvements shown in the approved Final Plat documents together with collateral which is sufficient, in the judgment of the County Commissioners, to make the reasonable provision for the completion of said improvements in accordance with design and time specifications.
- (B) Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required improvements shown in the approved Final Plat documents which, in the judgment of the County Commissioners, will make reasonable provisions for completion of said Improvements.
- (C) One or more security arrangements including irrevocable letters of credit, certificates of deposit, or bonds, or monies or other financial sureties acceptable to the county shall be placed in escrow covering one hundred ten percent (110%) of the entire cost of all required improvements. The developer may draw from such escrow accounts or modify any letters of credit in accordance with the terms of the

improvements agreement. Detailed cost estimates for public from qualified estimators are to be provided to support the amount of letters of credit and escrow accounts. Construction and bonding may be concurrently staged upon approval by the County Commissioners. The escrow amounts shall be proposed by the applicant and are subject to approval by the County Commissioners and shall consider increasing costs over the time period.

- (D) As improvements are completed, the subdivider may apply to the County Commissioners for a release of part or all of the collateral deposited with the Commissioners in accordance with prior agreements. Upon inspection and approval by the County, the Commissioners may release said collateral, including overages. If the Commissioners determine that any improvements are not constructed in substantial compliance with approved plans and specifications, they shall furnish the subdivider a list of specific deficiencies specifying a time limit and shall withhold collateral sufficient to insure compliance. If the County Commissioners determine that the subdivider has not made satisfactory progress on any or all of the improvements in accordance with all of the specifications, the County Commissioners may, with thirty (30) days' notification, withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement of improvements in accordance with the approved plans.

3-110 : Inspections and Acceptance

The subdivider or the agent of such subdivider shall apply to the County, the Health Department and/or other applicable agencies for necessary permits after approval of the plat and before commencing any construction.

(A) Inspections:

- (1) The subdivider or the agent of such subdivider shall notify the County at least twenty-four (24) hours in advance of the required in-progress inspections. The required in-progress inspections to be made by the County will be listed on the permits obtained.
- (2) Where inspections are required to be made by agencies other than the County, notification of required inspections shall be made to the County Commissioners, and to the agency's representative at least twenty-four (24) hours in advance and in accordance with agency's policies. Prior to the County's acceptance, utility companies will be required to inspect and approve installations which will become their respective responsibility.

(B) Acceptance:

The Board of County Commissioners may formally accept for maintenance all public improvements completed by the developer at the sole discretion of the

Board of County Commissioners. The developer shall also warrant the improvements for a period of twenty-four (24) months from the date of acceptance.

CHAPTER 4

SUBDIVISION DESIGN STANDARDS

When designing a subdivision, particular attention shall be given to the existing zoning category in which the proposal is located. The allowed use, density, lot area, lot width, setbacks, open space requirements, and maximum building heights are listed for each particular zoning category in the Lincoln County Zoning Regulations. Improvements are to be made by the subdivider at his expense.

4-100 : General Considerations

- (A) Subdivisions and Planned Developments shall be designed in such a manner as to avoid placing an undue burden on the street system, storm drainage system or other public facilities, utilities and services on or adjacent to the tract.
- (B) Subdivisions and Planned Developments shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to alignment of streets, utility and drainage easement rights-of-way and reservation of open spaces.
- (C) New subdivisions and Planned Developments shall provide safe, convenient travel routes to and from and within the subdivision. Each lot shall provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Area needs for flood channels, open spaces, parks, schools, fire stations, water, sewage treatment facilities and similar community facilities must be provided depending on the location and density of each development.
- (D) Self-Imposed Restrictions: If the owner places restrictions or covenants on any of the land contained in the subdivision greater than those required by the Zoning Regulations or these Regulations, such restrictions or covenants or reference thereto shall be required to be indicated on the subdivision plat. The County will require that restrictive covenants be recorded in the office of the Lincoln County Clerk and Recorder, and the form of such restrictive covenants be approved by the County Attorney, Land Use Board, and Board of County Commissioners. This applies also to any amendments or restrictive covenants proposed in the future.
- (E) Plats Straddling Municipal Boundaries: Subdivision proposals straddling county and municipal jurisdictions are discouraged. The county will encourage all such subdividers to negotiate annexation into the municipalities where contiguity exists or where it can be obtained.

(F) The proposed name of the Subdivision or Planned Development shall not duplicate or too closely approximate phonetically the name of any other Subdivision in Lincoln County.

(G) Subdivisions or Planned Developments shall be designed to integrate building and housing codes and other applicable regulations of the County.

(H) Special Site Considerations:

(1) Steep, unstable or swampy land, and land subject to inadequate drainage and geological hazards shall be identified and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such sites shall not be platted for occupancy.

2) The Land Use Board and/or the Board of County Commissioners may require the applicant to furnish additional appropriate technical data and other information necessary to determine the extent to which a proposed division of land is subject to flooding, located in a natural drainage channel, or subject to geological, fire, or other natural hazards. Technical data and other information requested by the Commission or Board will be prepared and certified by a professional qualified in the appropriate field of expertise. If it is determined that a proposed division of land or a portion thereof lies within a natural hazard area, the Commission and/or Board may set forth certain conditions, stipulations, standards and prohibitions which must be observed if a subdivision of land is to be permitted. When the Commission requires review and comment by outside agencies, such as the Fire District, any fees levied by those agencies for the review will be paid by the applicant either directly to the agency or by remitting an extra fee to the County to cover the cost. Commercial and Industrial Subdivisions and Planned Developments shall be designed according to the same principles (unless noted Otherwise) governing the design of residential developments; namely, lots and Buildings shall be located according to topography with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.

4-105 : Blocks

(A) The lengths, widths, and shapes of all blocks shall be determined with regard to:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;

(2) Zoning requirements as to lot sizes and dimensions except where lot sizes must be increased to meet water supply and sewage treatment requirements;

- (3) Needs for convenient and emergency access, circulation, and traffic safety; and**
- (4) Limitations and opportunities of topography for siting of structures and drainage.**
- (5) Block lengths shall not exceed sixteen hundred (1600) feet, nor be less than four hundred (400) feet.**
- (6) Pedestrian access shall be required to provide access links to neighborhood schools, playgrounds, shopping centers, and other community facilities where such facilities exist within reasonable walking distance of the subdivision.**

4-110 : Lots

- (A) The lot size, width, depth, shape, and orientation shall be appropriate for the location of the Subdivision and use contemplated, and for future re-subdividing where appropriate.**
- (B) Residential lot dimensions shall conform to at least the minimum requirements of the Zoning Resolution or as determined in the final Subdivision Development plan.**
- (C) Depth and width of properties shall be adequate to provide for the necessary private service and parking facilities required by the type of use and development contemplated.**
- (D) Corner lots for all uses shall have extra width to permit appropriate building setback from and orientation to both roads.**
- (E) The subdividing of the land shall be such as to provide each lot with direct access to a public street. Residential lots are to be fronted on local class streets.**
- (F) Side lot lines shall be substantially at right angles or radial to road center lines.**

4-115 : Public Sites and Open Spaces

- (A) The Land Use Board, upon consideration of County circulation and community facility plans and the particular type of development proposed in the subdivision, shall require the dedication or reservation of areas or sites of a character, extent, and location suitable for public use for roadways, schools, parks, flood channels, historic sites, scenic areas, and other necessary public purposes according to Section 5-120 of these Regulations.**
- (B) All open spaces and linear parks are to be linked, where practical, to similar facilities external to the subdivision. All dedicated open spaces shall be a**

minimum of ten (10) feet wide.

(C) Park sizes shall be adequate to serve, at a minimum, subdivision populations. Neighborhood or pocket parks may be designed to serve smaller populations.

(D) Regulations regarding public use sites and open space dedications are found in Section 5-120.

4-120 : Road Standards

Road systems are to be laid out, designed, and constructed as specified by the County and any road construction standards it has adopted at the time of development.

4-125 : Road Names

Road naming shall conform to standards of Lincoln County. No road names shall be used which will duplicate or may be confused with the names of existing city streets in the immediate vicinity or other County roads other than to connect directly to existing city or county streets and roads. Road names shall be subject to the approval of the County Commissioners.

4-130 : Parking

Parking requirements for different types of uses, parking lot layout design standards and other requirements are found in the Lincoln County Zoning Regulations.

4-135 : Storm Drainage

(A) Any land subject to flooding or located in a natural drainage channel shall not be platted for occupancy until adequate provisions to eliminate or control hazards are made and approved by the Commission and Board.

(1) Land within an existing 100-year flood plain or land which is subject to inundation shall not be platted for occupancy unless the flooding condition is alleviated according to plans approved by the Commission. The Commission may require engineered drawings to locate flood plains and plans to alleviate the flooding condition.

(2) All plats will show planned drainage ways for accommodating historic flows plus any increased run-off on the property resulting from development.

(B) Historical flow patterns and runoff amounts are to be maintained in such a manner that would reasonably preserve the natural character of the area and prevent property damage of the type generally attributed to runoff rate and velocity increases, diversions, concentrations, and/or unplanned water pollution

caused by storm run-off.

- (C) The run-off rate from a 100-year frequency storm before and after anticipated development of the drainage basin involved shall be used in determining the provisions that must be made to satisfy paragraph 4-135 (B) above. Where the historical amounts of run-off cannot be maintained by detention storage or other devices, suitable channelization with erosion protection and/or storm sewer leading to a suitable discharge point must be provided. Otherwise, any drainage plan submitted for the subdivision shall result in a theoretical zero increase over historical levels in run-off volumes and velocities as a result of the development.**
- (D) Detention storage shall be provided by a method acceptable to the County and shall be designed on the basis of the following criteria:**

 - (1) The peak run-off rate at the subdivision boundary after development shall be no greater than before development for the 100-year storms.**
 - (2) The outflow shall be sized so as not to have an adverse effect on the 100-year flows at the downstream confluence of the receiving stream or waterway.**
 - (3) An outflow spillway is provided for flows in excess of the 100-year run-off.**
- (E) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement for maintenance purposes and for the purpose of excluding improvements of the type that would interfere with run-off. The minimum requirements for such easements shall be based on a 100-year frequency flood but shall not be less than twenty (20) feet in width. All such easements are provided a storm water easement for maintenance purposes and for the purpose of excluding improvements of the type that would interfere with run-off. All such easements are to be maintained by the subdivision homeowners association unless the easements are approved to be part of the public dedications.**
- (F) When a subdivision is traversed by water supply ditches or canals, the engineering requirements of the ditch owner and other requirements as may be specified by the County shall be met for proposed alignment, grade or cross section changes, improvements, crossing structures, storm water structures, or any other proposed construction that affects the ditch owner's rights. Any facility which carries more than one hundred (100) cubic feet per second, which is in excess of one (1) foot in depth, or with flow in excess of one (1) foot per second shall be either adequately protected to inhibit access by children or shall be modified to be made relatively safe. A certificate of clearance from the appropriate official of the ditch company to the effect that all work required by the County as a condition of plat approval has been satisfactorily performed may be required prior to acceptance of any**

public improvements or the issuing of building permits within the subdivision.

- (G) In addition to permanent provisions, temporary erosion and sediment control measures are also required during construction operations. Construction schedules are to be programmed to permit installation of required permanent sediment and erosion control structures as soon as possible. Inlets for drainage structures are to be protected from sedimentation. Data available through the local Soil Conservation Service District shall be used as a supplemental guideline for soil and water conservation practices. A revegetation plan shall be provided by the subdivider. Finished slopes are to be protected with a vegetative cover, riprap, or by other suitable means. The performance guarantee shall include provisions for enforcement of both the permanent and temporary erosion and sediment control facilities.

4-140 : Geology and Soils

All improvements shall be planned and constructed recognizing the constraints imposed by surface drainage, subsurface water, bedrock, and erosive, unstable, or swelling soil conditions and other geologic conditions. Proposed cut-and-fill slopes for roads, building excavation, and other earth work must be based upon evaluations made by qualified soils engineer, civil engineer, or engineering geologist. Potential slide areas or other hazardous areas must be either identified and avoided or suitably stabilized. Areas subject to accelerated erosion must be identified and suitably protected. Consideration shall be given to those conditions that will be caused by completion of the subdivision as well as pre-existing conditions.

4-145 : Utilities

- (A) In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching, and adequately separate incompatible systems.
- (B) Telephone, electric, gas, and other similar utility lines and services shall be placed underground except where undue hardship or non-conformance with the overriding intent of these Regulations can be convincingly demonstrated. Transformers, switching boxes, terminal boxes, metering, roadway lighting, signal devices, gas regulators, compressor stations, or other similar facilities necessarily appurtenant to underground facilities may be placed above ground. Utility lines may be placed either within public road rights-of-way within the subdivision in accordance with County requirements or within easements or rights-of-way provided for the particular facilities in accordance with the approved utility service plan.
- (C) The subdivider shall be responsible for all construction or installation charges

including those required by the agency service utilities, except those installed at the expense of the utility company involved. Utilities are subject to all other applicable County, State and Federal regulations.

- (D) Unless wells are proposed in accordance with Section 5-100 (C) of these regulations, a public water system shall be required in all subdivisions. Water lines shall be designed to connect each lot with mains not less than eight inches (8") in diameter. Subdividers are to consult with the appropriate water district for complete water system specifications. Water supply systems located in flood plain areas shall be designed and located so as to minimize or eliminate infiltration and avoid their impairment during or subsequent to flooding.
- (E) Fire hydrants shall be required in all subdivisions with central water systems and spaced not more than five hundred (500) feet apart and provided with adequate water pressure for fire-fighting purposes.
- (F) If public sewage collection, treatment and disposal facilities are proposed in the Subdivision Plan, they shall conform to all applicable Health Department Regulations. If Individual Sewage Disposal Systems are used, they shall also comply to Health Department Regulations. Subdividers and others interested in land development should investigate sewage disposal aspects prior to land acquisition. All sewer lines shall be installed before any lots are sold; provided, however, this provision may be modified pursuant to the terms of a Subdivision Improvement Agreement as hereinafter provided for. Subdividers are to consult with the Applicable Contracted Health Department complete sewer system specifications.
- (G) If a location for the placement and storage of trash on the site is required, all trash storage areas are to be completely screened from public view and readily accessible for pick-up.

4-150 : Easements and Monuments

- (A) New Easements shall be planned so as to be free from conflicting legal encumbrances, to avoid unnecessary removal of trees or excessive excavations, and to be reasonably free from physical obstructions. Easements which coincide with common rear lot lines shall be at least sixteen feet (16') wide, eight feet (8') of which shall be on each side of the common rear lot lines. Where an easement abuts a rear lot which is not the rear lot line of another lot, or which is on the perimeter of the subdivision, the easement width shall be ten feet (10') or more. Side lot easements, where necessary, shall be at least five feet (5') in width. Where easements are combined with a water course, drainage way, channel, or

stream, a usable utility easement of at least ten feet (10') in width outside that required for water shall be provided if the use would be in conflict with drainage requirements. The use or uses for each easement shall be designated on the plat to avoid undesirable use conflicts.

The developer is encouraged, in lieu of mechanically providing easements on each and every lot line, to propose a layout based upon a plan for providing the necessary utilities in order to reduce the number and complexity of easements. Such a proposal is subject to approval by the utility agencies involved and by the County. Easements are to be retained or, if nonexistent, provided for all existing utilities that are to remain.

- (B) Permanent plat boundary monuments shall be surveyed as per requirements of C.R.S. Sections 38-51-100 through 108, as amended, and set at locations approved by the County. Generally, such monuments shall be set at the surface of the ground not more than fourteen hundred (1400) feet apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curved boundary, and at public land corners. In addition, road centerlines shall be monumented at all intersections and dead-ends with suitable markers set in concrete and encased in a lidded metal box at least 0.3 feet below the finished road surface. Road monuments are subject to approval by the County. A minimum of three monument ties are to be on file with the County prior to acceptance of the roads. Affixed securely to the top of each monument shall be the Colorado Registration number of the responsible land surveyor. State plane coordinates are encouraged to be furnished to the County for all subdivision boundary monuments that are within a reasonable distance of a first or second order monument for which such coordinates are available or can readily be determined by computation. All lot corners shall be marked by a one-half inch ($\frac{1}{2}$ ") or larger steel pin or where sidewalks are present, a cross on the sidewalk marking the lot corner.

CHAPTER 5

COMMUNITY FACILITIES AND SERVICES, CONSIDERATIONS, PUBLIC DEDICATIONS

5-100 : Water Service

- (A) When the applicant proposes to use public or quasi-public water, he must submit evidence to the effect that he and the service agency are mutually bound to the proposal and proof of the capability to serve the development. In the event that a water supply system of a private nature is proposed, the applicant will be

required to submit formal plans to the County which will be reviewed by the Staff. Recommendations will be made to the Land Use Board.

- (B) If a central water supply system is proposed, other than through a public or quasi-public agency, evidence must be submitted regarding the ability of the system to meet the minimum requirements herein, those of the State of Colorado and those of the applicable Health Department Regulations, its legal, physical and financial future, and that an adequate means to repair and maintain the water system is available.**
- (C) If wells are proposed, either individual or to serve a central system, the applicant must submit proof of legal and physical long-term feasibility. The State Engineer shall make a determination as to whether there appears to be unappropriated water available for use or whether water rights owned by the applicant appear to be adequate for the proposed use.**
- (D) If, in the opinion of the Land Use Board, construction or extension of an existing or proposed water system may service the proposed area within a reasonable time, the County may require the subdivider to make adequate provisions for the installation of water mains and house connections or escrow funds for same in addition to the installation of a domestic well. This requirement will generally apply to a proposed subdivision within two thousand (2,000) feet of a water system.**

Every effort should be made to secure public water system extension. Where connections to an existing public water system are not physically, economically, or legally feasible and when a considerable number of residences are to be served, consideration should be given next to the construction of a central water system. Where the proposed subdivision is within the water service area of an incorporated city or town, individual well systems generally will not be permitted.
- (E) The developer is responsible for providing financing and construction of the entire water distribution system internal to the proposed subdivision and external connection mains where appropriate in accordance with applicable criteria except where a district or municipality has accepted the responsibility.**
- (F) Applicants for building permits shall be required to submit site plans substantially in conformance with the representations made by the developer as to the feasible drainage, water treatment and building sites described in the Final Plat documents.**

5-105 : Sanitation

- (A) When an applicant proposed to use public or quasi-public sewer service, the applicant must submit evidence to the effect that he and the service agency are mutually bound to the proposal and supply proof of capability to serve the**

development.

In the event that a disposal system of a private nature is proposed, the applicant will be required to submit formal plans to the County which will be reviewed by the Staff and the Applicable Contracted Health Department. Recommendations will then be made to the Land Use Board.

- (B) If septic systems are proposed, the applicant must submit proof of physical feasibility. The applicant must contact the Applicable Contracted Health Department to determine specific problems in the general vicinity which might affect the proposed septic systems.**

The applicant must submit engineering data to prove that each and every site in the proposed development is capable of accommodating a septic system or approved alternative engineered system in accordance with Health Department requirements.

- (C) If, in the opinion of the Land Use Board, construction or extension of an existing or proposed sanitary sewer system may service the proposed area within a reasonable time, the County may require the subdivider to make adequate provisions for the installation of sanitary sewer mains and house connections or escrow funds for same in addition to the installations of temporary individual on-site sanitary disposals systems.**

Every effort should be made to secure public sewer extension. Where connections to an existing public sewer are not physically or economically feasible and when a considerable number of residences are to be served, the construction of a central collection system and treatment plant is advised. If septic tank absorption systems are used initially, provision should be made for hook-ups to a future central collection and treatment system. Where the proposed subdivision is within the service area of an incorporated city or town, individual septic systems generally will not be permitted and any central treatment plant and collection system installed must be in accordance with appropriate municipal standards.

- (D) The developer is responsible for providing financing and construction of the entire sewage collection system internal to the proposed subdivision and external connection mains where appropriate in accordance with applicable criteria except where a district or municipality has accepted the responsibility for same.**

- (E) Applicants for building permits shall be required to submit site plans substantially in conformance with the representations made by the developer as to the feasible drainage, sewage treatment and building sites described in the final plat document.**

5-110 : Transportation and Circulation

- (A) The applicant shall provide for an adequate internal traffic circulation for the development.**
- (B) An evaluation of possible road congestion or unsafe conditions with respect to the use of roads existing or proposed shall be required. The County may require that this study be conducted by a professional traffic engineer where large subdivisions are concerned, such study shall be paid for by the developer.**
- (C) The circulation and transportation system may be required to be designed to accommodate pedestrians and bicycles, preferably separated from vehicular traffic.**
- (D) At a minimum, local, arterial and collector roads in the subdivision are to be designed and constructed for dedication to the County as public roads.**
- (E) Should any streets, roads, alleys and parking areas, as well as any other improvements previously platted on any subdivision as private improvements and deemed not constructed and maintained to County standards, then at such time as any developer or property owner's association which is responsible for these improvements desires to have them dedicated to the County and accepted for public maintenance, then it is their (developer, property owners) responsibility to assess themselves and improve said improvements to County standards prior to dedication and acceptance by the County for public maintenance.**

5-115 : Recreation and Open Spaces

- (A) The effect of the proposal on recreational facilities and open spaces in and available to the immediate area shall be determined.**
- (B) The relationship of open space utility easements, trails, bike and pedestrian ways in the proposal to similar or contiguous spaces or corridors in the surrounding area shall be detailed.**

5-120 : Public Dedications Policy

- (A) General: The Land Use Board, upon consideration of County circulation community facility plans and the particular type of development proposed in the subdivision, may require the dedication or reservation of areas or sites of a character, extent and location suitable for public use for roadways, schools, parks, flood channels, historic sites, scenic areas, and other necessary public purposes.**
- (B) Roads and Streets: All roads and road right-of-way and improvements in the subdivision classified as a collector, arterial, major roadway other than local or residential streets must be dedicated and accepted by the County for public use.**

Private local streets will be permitted only under unusual circumstances. Where applicable, the Lincoln County Road Policy will be enforced.

- (C) **Utility Easements, Pedestrian and Bicycle Ways:** Dedication of all utility and drainage easements and pedestrian and bicycle ways to the County, a special district or property maintenance association may be required.
- (D) **Dedications and Reservations for Subdivision Occupants:** Dedications or reservations of areas for the use of owners or lots or units within a subdivision may be acceptable for parks, scenic and open areas, flood plains and drainage ways. In the event of a reservation or dedication of any areas or streets for the use of the owners of lots within the subdivision, the subdivider shall provide for the creation of an owners' association with powers of assessment for maintenance, improvements and upkeep of such areas and streets.
- (E) **Public Dedications to Lincoln County:** Reference shall be made to the Lincoln County Comprehensive Plan to determine general locations for various public facilities. Dedications of such sites and land areas shall be made at the time of final platting in one or any combination of the following ways:
- (1) By dedicating to Lincoln County, Colorado, on the final plat;
 - (2) By granting the land areas on general Warranty Deeds to Lincoln County.
 - (3) By payment of fees in lieu of land dedications.
- (F) **Residential Subdivisions:** The subdivider shall provide sites and land areas for public facilities to serve the proposed subdivision and the future residents thereof.
- (1) For linear subdivision (linear subdivisions as used herein refers to the traditional subdivision of land not previously subdivided by official plat filing and does not refer to such subdivisions as condominiums and townhouses). The Commission may require the dedication, reservation, or conveyance of land areas or sites suitable for public purposes such as parks, scenic areas, and greenbelts of six percent (6%) or the total area of the subdivision.
 - (2) In the case of a subdivision of land into multiple dwelling units on land which has not been previously approved as a linear subdivision or on land where no previous public facilities dedications was made or fees-in-lieu paid, the subdivider shall dedicate six percent (6%) of the gross area of land to the County for public facilities.
 - (3) Land conveyed to the County for public school sites may be transferred and conveyed to the appropriate school district pursuant to stipulations in joint a agreements among developer, county and school district.
 - (4) Land areas that shall not be acceptable in determining the fulfillment of the

requirements for the provision of land areas for public school sites shall include the following:

(a) Natural drainage ways, streams, gullies, and rivers including all lands within the 100 year flood plain.

(b) Rights-of way and/or easements for irrigation ditches and aqueducts.

(c) Steep, rugged, and hazardous geological land areas, and such other areas as are not conducive for use as school sites.

CHAPTER 6

THE SUBMISSION PROCESS

6-100 : GENERAL

The Submission process for subdivisions shall follow the process for Uses by Special Review as set outlined in of the Lincoln County Zoning Regulations.

6-150 : Periodic Reviews of All Subdivision Developments

Due to a change in circumstance or upon notice by either party, the Land Use Board may conduct a review of each project on or about the anniversary date Subdivision Plan approval. No fees will be charged to the developer for these reviews. Developers of Subdivision projects may be asked by the Land Use Board or staff to appear at this review and make a progress report. The Land Use Board will make a determination and so note in the minutes as to whether adequate or no progress has been made by the Developer.

PROVISIONS AND STANDARDS OVERVIEW

6-200 General Design Standards

Basic design standards which are largely quantitative in nature are outlined in this section and are either negotiable or are specified. Except where otherwise noted, these standards are to be defined in the Subdivision Development Use By Special Review Permit stage.

6-250 : Density

Density is a negotiable item and is to be expressed in terms of residential or commercial units per acre (gross) on an entire site and/or on individual development parcels or as floor to area ratios for commercial, office and industrial uses. Densities shall be calculated for land areas comprising the property boundaries for entire sites and/or to the midpoint of adjacent streets for development parcels making up an

entire site. Each site or parcel shall have the negotiated density numbers with the words “up to and including” on the plan to be recorded. All density figures represent maximum numbers and are not guaranteed; only final numbers are determined after detailed planning and sit analysis and review at the Final Subdivision Plat stage.

6-300 : Subdivision Lot Size

A Subdivision lot size shall consist of a minimum of thirty-five (35) acres.

6-350 : Open Space

The amount of open space in a Subdivision is a negotiable item and is to be expressed in terms of acres and percentages on the entire Subdivision site and any of its subparts or development parcels. Open space shall be land areas not occupied by buildings or structures and attachments thereto, parking areas, driveways, streets or alleys. Said open space shall be devoted to landscaping, planting, patios, walkways, recreational areas and facilities, and preservation of natural features.

6-400 : Recreation Improvements

Recreation facilities or structures and their accessory uses located in common recreation areas shall be considered open space so long as total impervious surfaces, including courts and roofs, constitute no more than ten percent (10%) of the total open space negotiated for the development.

6-450 : Natural Physical Characteristics

Streams, lakes, other bodies of water, slopes not in excess of thirty percent (30%), and floodplains may be included as open space. Land areas containing identified geologic hazards may not be included in the negotiated open space amounts. Any amount of common or public open space may be left in its natural state except where landscaping plans are required as long as the recreational needs of the residents of the Subdivision and the general public are being met in the opinion of the Land Use Board.

6-500 : Administration and Maintenance

The following provisions shall govern the administration of the common improvements and open space in all Subdivision Developments approved pursuant to these regulations:

(A) The Final Subdivision Plan shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common improvements, open space, and other facilities provided by the Final Subdivision Plan. No such instrument shall be accepted until approved by

the County Attorney as to legal form and effect, and the Commission as to suitability for the proposed use of the common facilities, open space and subject recreation facilities. Such documentation shall conform to Section 24-67-105(6) (a) through (d), C.R.S., as amended.

- (B) The common open space and other facilities provided may be conveyed to a public agency or private association. If the common improvements, open space or recreational facilities are conveyed to a private association, the developer shall file as a part of the aforementioned instruments a declaration of covenants and restrictions that will govern the association.

6-550 : Streets and Ways

- (A) Development of streets and ways in a Subdivision Development area shall be designed as per requirements of the Subdivision Regulations and Road development Policies of the County. A general street plan showing, at a minimum, the public arterial and collector roads will be required at the Subdivision Development Permit Use By Special Review stage. A detailed and engineered public and private street plan is required for any Final Subdivision Plan approval. Compliance with any access control plan on state highways or county roads where such a plan exists will be required unless alternatives are approved by appropriate governing bodies.
- (B) Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential, and recreational facilities provided in or adjacent to the Subdivision. Where designated bicycle paths or trails exist adjacent to the Subdivision, safe convenient access shall be provided.
- (C) The paving of streets and roads is a negotiable item in terms of location and sequence of completion. Private streets shall be dedicated to the utility districts or County as utility easements where said easements are necessary. All streets are to be completed as agreed in the Final Subdivision Plan. All improvement bonds, escrow funds, etc., (if required) are to be held by the County until streets are completed as agreed in the Final Subdivision Plan.
- (D) All private streets shall be conveyed to a private homeowners or property owners association and the names and locations clearly stated in the association's covenants and declarations of common ownership. If the private association or person(s) owning the private streets in the Subdivision should in the future request that any private streets be changed to public streets, the private association or owner(s) will bear the full costs of reconstruction or any other action necessary to make the street conform to the applicable County standards for public streets and roads. The private association or owner(s) shall

also agree that these streets shall be made to conform and be dedicated to public use without any form of public compensation to the private association or owner(s). Through roads may be accepted at the sole discretion of the Board of County Commissioners if the right-of-way is at least sixty (60) feet in width and the road is constructed to then current county standards.

- (E) All subdivisions must have a minimum of two means of access/egress that connect with either a primary or secondary road, and that must remain open and unblocked. This is for emergency evacuation (if needed), and first responder access when required.

6-600 : Parking and Loading

- (A) Parking is a negotiable item in terms of space size and amounts but, in general, shall be provided as per the off-street parking requirements found elsewhere in these Regulations. Parking requirements for residences are addressed in the Lincoln County Zoning Regulations.
- (B) Parking areas in multi-family residential, commercial, industrial and mixed use developments shall be a minimum of ten feet (10') from public or private road right-of-way.
- (C) Parking is to be allocated and located in proportion and in relation to the activity generated.
- (D) All parking areas are to adequately lighted for security reasons in commercial, industrial and mixed use developments.

6-650 : Bridges

If any bridges are to be constructed within the Subdivision on public or private ways (roads, streets, paths, etc.), these are to be built at the developer's expense to Federal standards and in full compliance with the dredge and fill laws of state and federal jurisdictions.

6-700 : Buildings

- (A) Height:
Height measurements shall be defined as per the Lincoln County Zoning Regulations.
- (B) Spacing:
 - (1) Fences, insulation, walks, barriers, landscaping and sound reducing construction techniques should be considered as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable view

or uses, and the reduction of noise.

- (2) Yard, building or setback lot size requirements shall be defined as per the Lincoln County Zoning Regulations. The Commission may determine that additional setbacks and spacing be required within all or a portion of a Subdivision for safety reasons.
- (3) Build location / orientation planning should be considered so as to take advantage of any passive or active solar gain as deemed appropriate by the developer in the interest of energy conservation.

6-750 : Signs

No signs are allowed on roofs of buildings.

6-800 : Subdivision Development Perimeters and Major Road Right-of-Ways

- (A) Definition of the perimeters of a Subdivision Development utilizing barriers or fences is a negotiable item should they be desired by the applicant.
- (B) Where a Subdivision Development is adjacent to a railroad, state or federal highway right-of-way, a permanent open space at least thirty-five feet (35') in width shall be required as a setback from these rights-of-way line(s). This area shall be kept free of buildings, structures, and parking.

6-850 : Drainage and Utilities

General drainage and utility system layouts and off-site connection concepts and utility details are to be discussed at the Land Use Board Hearing (Subdivision Development Use By Special Review).

- (A) The Final Subdivision Plan is to include a drainage plan with contours drawn at an appropriate contour interval.
- (B) The drainage plan is to avoid point source drains from the development into streams. Catchments basins or other suitable means to reduce pollution and sedimentation of the adjoining stream beds and their tributaries are to be designed and detailed at this stage.
- (C) The drainage system shall be designed for the Subdivision Development by a registered professional engineer and shall be constructed in accordance with such design.
- (D) The drainage plan shall include techniques and measures to prevent erosion on the site as well as into the adjoining stream beds or any of their tributaries during and after construction.

(E) The storm drainage and run-off system is to be designed for sufficient capacity to accommodate historical flows from a 100 year design storm onto and from the Subdivision in its developed state. All drainage construction areas are to be reclaimed and / or re-landscaped. The Subdivision Development may not divert historical incoming flows to adjacent properties during and after construction.

(F) Final locations of connection points to existing utility (sewer, water, telephone, electricity, etc.) systems, both on or off the site and line layouts and sizes on the site are to be provided at the Final Subdivision Development Plan in coordination with responsible utility districts.

6-900 : Other Provisions and Standards

The Final Subdivision Development Plan may include other provisions deemed necessary or desirable by the applicant for the efficient development and preservation of the Subdivision Development subject to the approval of the Commission and the Board. In addition, the Commission and Board may, in review of each Subdivision Development, require that additional provisions, unless previously accepted, be incorporated into the Subdivision Development Final Plan where new circumstances, changed conditions, or the introduction of new information warrant them. New conditions may be imposed in the public interest to ensure that the Subdivision Development will be developed in accordance with good design standards and practices and can exist compatibly with the neighboring land uses and the community as a whole. Such requirements and conditions may include, but shall not necessarily be limited to, any of the land use requirements or controls not mentioned in the previous sections which would otherwise be applicable by reason of the Lincoln County Zoning Regulations or modifications thereof, including without limitation requirements relating to widths, building spacing and floor areas, and requirements regarding the availability and provision of streets, roads, utilities and other public or quasi-public facilities. Any such requirements and conditions imposed by the Commission or Board shall be specifically set forth in the Final Subdivision Development Plan, as finally approved.

CHAPTER 7

FINAL PLAT REQUIREMENTS

7-100 : Application

A completed Final Plat application form with required fees and all required submittal documents.

7-105 : Plat Drawing Requirements

- (A) The preferred method of drafting the final plat is at a scale of 1" = 20', 1" =50', or 1" = 100' by the use of permanent black ink in a stable reproducible drafting medium with outer dimensions of 24" by 36". (In special instances other scales may be permitted with staff approval) Plats must be professionally drawn. Information is shown accurately and legibly. No stick-ons of any kind will be allowed. If more than one sheet is used, label as 1 of 2 progressively as needed.**
- (B) Title, scale, and north arrows: The name of the subdivision and the words "Final Plat" must appear in the title. Scales must be both numerical and with a bar graph.**
- (C) Survey data: Primary boundary survey control points with monument descriptions; all parcel lines dimensioned with lengths; curve data including chord lengths and bearing; basis of bearings and relation to true meridian; and similar data. The data shall be sufficiently completed to determine independently closures for rights-of way, easements, boundaries, blocks and lots. All required boundary monuments shall be placed in the field before the Final Plat is recorded. Recording of the plat shall be delayed until monumentation is completed and certification of same, monument descriptions, and ties are received from the surveyor.**
- (D) Tract boundary lines, road right-of-way lines, easements, and other sites with accurate bearings and dimensions including chord lengths and bearings, central angles, and radii of all curves. All dimensions necessary to establish the boundaries in the field.**
- (E) Name and right-of-way width of each road. Right-of-way widths are to be shown at each leg of an intersection.**
- (F) Location, dimensions, and purposes of all easements: Easement widths are to be shown on the plat. Existing easements are to be referred by recorded book and page numbers.**
- (G) Number or letter to identify each lot, out lot, block and any public facility or dedication areas and common open space areas in the subdivision. All land must be accounted for and labeled. Note the total square footage or all defined lots, open spaces and public facility areas.**
- (H) Legal description of the subdivision.**
- (I) Label the zoning classification(s) of the entire subdivision.**
- (J) A 2½ x 3" vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.**
- (K) For any plat of a condominium or townhouse, or apartment house dividing the**

property into airspace units, the Plat shall designate the following:

- (1) Identify each building and each of the units by letter or number;**
 - (2) Designate the number of bedrooms in each unit;**
 - (3) Show the distance from the proposed improvement to the front, rear and side lot lines;**
 - (4) Density per acre (units per acre);**
 - (5) Square footage of entire property being described;**
 - (6) Square footage of drives and parking and percentage to entire area of property being divided;**
 - (7) Square footage covered by buildings or structures and percentage thereof to the entire area of property being divided;**
 - (8) Square Footage of open space and percentage thereof to entire area of property being divided.**
 - (9) Locations of trash pick-up areas (if any).**
 - (10) If covenants are adopted: A notarized copy must be filed with the Lincoln County Office of the Clerk and Recorder.**
- (L) The following certificates and notices, which may be modified to suit special circumstances as approved by the County. Where private roads or other conditions warrant, the “certification”, “dedication”, and “notice” statements must be modified accordingly and are subject to approval by the County.**
- (M) Surveyor’s Certificate (Surveyor’s seal shall appear with this certificate).**
- (N) Dedication are to be filed as a notarized copy with the Lincoln County Office of the Clerk and Recorder.**
- (O) The Lien Holder’s Consent is to be filed as a notarized copy with the Lincoln County Office of the Clerk and Recorder.**

7-110 : Utility Plans

Sewage collection, water supply and distribution systems and other utility layouts are to be prepared and stamped by a professional engineer, plus profiles and specifications based upon the approved preliminary concepts, with written approvals thereof by the agency providing the services and the Applicable Contracted Health Department.

7-115 : Drainage Plans and Report

Final plans and drainage report based upon the approved preliminary concepts are to be submitted as follows:

- (A) Detailed, engineered and stamped plans for the storm drainage system including construction details and alignment of storm sewers, catch basins, manholes, ditches, channels, slope protection, dams, energy dissipaters, and detention ponds.
- (B) Flow line profiles and natural ground elevations at minimum on hundred (100) foot stations and at all significant breaks in grade for all proposed conduits, channels, and other structures.
- (C) Construction details of curb, gutter, cross pans, inlets, driveway aprons, walks, and culverts.
- (D) Written approvals may be required by the County from agencies or parties that will be affected by the drainage proposal.
- (E) An updated report or an addendum updating the preliminary report based upon the approved preliminary data with final supporting hydraulic and hydrologic calculations with all assumptions clearly stated with proper justification and other data as may be requested.

7-120 : Revegetation and Erosion Control Plan

Final revegetation and erosion control plans prepared by a qualified professional must be submitted and accompanying the plat. Erosion must be controlled both during and after the development.

7-125 : Wildlife Impact Mitigation Plan

For significant, threatened or endangered wildlife species or their habitats occurring in high impact areas, a final impact mitigation plan must be prepared by the applicant and approved by the Land Use Board and County Commissioners based upon comments from Colorado Parks and Wildlife.

7-130 : Other Supporting Material

- (A) Developer shall provide homeowners association documents (declarations, Articles of Incorporation, covenants and by-laws), service contracts, maintenance and performance guarantees, work schedules, special agreements, escrow funds, and approvals from ditch companies, the State Highway Department, cities, railroad companies, or others that are involved.
- (B) The homeowner's association documents must include provisions in perpetuity

for:

- (1) Adequate funding and means of enforcement.
- (2) Routine safety inspections and immediate follow-up maintenance to correct unsafe conditions as required or as may be ordered by the County Commissioners.
- (3) Receiving and processing complaints.
- (4) Needing permission of the County before the association can be dissolved or governing document can be modified or amended.
- (5) Regular maintenance program for roads, parks, buildings, drainage facilities, and other mutually owned facilities.

7-135 : Policy on Data Sufficiency

All plans, reports, maps, and other required data must be complete, legible, easily manageable and must be submitted by the deadlines specified herein or the application shall be delayed if deemed necessary by the staff.

CHAPTER 8

MINOR SUBDIVISION REGULATIONS

8-100 : Purpose

These Regulations are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Lincoln County, Colorado. These Regulations provide a means of dividing land on a small scale where a full compliance with all Subdivision Regulations would cause undue hardship and the impact of the small-scale subdivision is minimal.

8-105 : Intent

To minimize the procedural requirements and review time for subdivisions involving developments of four (4) or fewer units per lot or parcel which have a relatively minimal impact on the planning area and linear subdivisions involving four (4) or fewer lots which do not create any additional parcels. This section does not apply to linear subdivisions which involve the re-division of previously approved and platted subdivisions, unless four (4) or less lots are involved and no additional lots are created. It also does not apply to linear multifamily subdivisions where lots are designed to contain four (4) or less units on each lot where all lots are under a single ownership. Except as provided above, any such resubdivision shall fully comply with the requirements of these Regulations.

Applicability

8-110 : Restrictions on Future Subdivision of Land

No lot created pursuant to these minor subdivision regulations may be further divided by any means without the approval of the Board of Commissioners.

8-115 : Commercial and Industrial Land Subdivisions

The regulations of this Section may apply to subdivisions of zoned commercial and industrial properties of four (4) lots (or units) or less provided a prior subdivision plan are binding upon the original parcel and provided that the design standard regulations of this Chapter 8 and those of Chapter 4 are complied with.

8-120 : Sales of Subdivision Parts

Whenever any subdivision of land is proposed, before any owner transfers or sells, agrees to sell or negotiates to sell any part thereof, and before any permit for erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such subdivision in accordance with the following procedure. Approval, signing and recording of a Final Plat and accompanying improvements agreement allows sales of the subdivision parts to proceed.

8-125 : Interpretation

The provisions of these Regulations shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare, and shall therefore be regarded as remedial, and shall be liberally construed to further their underlying purposes.

These Regulations are not intended to abrogate or annul any permits issued before the effective date of these Regulations or any applicable amendment thereto, or any easement, covenant or other private agreement. Nor shall these Regulations be affected by any easement, covenant, subdivision restriction, private agreement, or other matters to which Lincoln County was not a party nor approving authority.

8-130 : Design Standards

Each new division of land in Lincoln County will, to some extent, affect the character and environmental appeal of the land, the cost of services and maintenance to the purchasers and the County government, and the interests of investors in the land and surrounding areas. New developments shall provide safe, convenient travel routes to, from and within the development.

Each lot or unit must provide a desirable setting for construction so that natural

features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Provision must be made to meet area needs for flood and fire protection, sewage disposal and water.

The Land Use Board and the Board of County Commissioners will consider the cumulative impact of the divisions of land in the area that have occurred in the past as well as anticipated divisions of land (either pursuant to these Minor Subdivision Regulations or to the full compliance with these Subdivision Regulations) on County services or on any of the Design Standards described below, and shall make such additional design requirements that such impacts necessitate.

8-135 : Special Site Considerations

Although Section 1-130 of these Regulations provides for deviations under certain circumstances, the following design standards shall be followed:

(A) Steep, unstable or swampy land, and land subject to inadequate drainage and geological hazards shall be identified and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such sites shall not be platted for residential occupancy.

The Land Use Board and/or County Commissioners may require the applicant to furnish appropriate technical data and other information necessary to determine the extent to which a proposed division of land is subject to flooding, located in a natural drainage channel or subject to geological, fire or other natural hazards. Technical data and other information requested by the Land Use Board and/or County Commissioners will be prepared and certified by a professional qualified in the appropriate field of expertise. If it is determined that a proposed division of land or a portion thereof lies within a natural hazard area, the Land Use Board and/or County Commissioners may set forth certain conditions, stipulations, standards and prohibitions which must be observed if a division of land is to be permitted. When the Land Use Board and/or County Commissioners requires review and comment by outside agencies, such as the Fire District, any fees levied by those agencies for the review will be paid by the applicant directly to the agency.

(B) Any land subject to flooding or located in a natural drainage channel shall not be platted for occupancy until adequate provisions to eliminate or mitigate hazards are made and approved by the Land Use Board and/or County Commissioners.

(1) Land within an existing 100-year flood plain or land which is subject to inundation shall not be platted. The Land Use Board and/or County Commissioners may require engineered drawings to locate flood plains and plans to alleviate the flooding condition.

(2) All plats will show planned drainage ways for accommodating historic flows plus any increased run-off on the property resulting from development.

(C) Provisions shall be made to preserve natural features of the site which would enhance the residential lots such as unusual rock formations, lakes, rivers, streams and trees.

(D) Where a residential division of land borders a railroad or highway right-of-way, the Commission may require a buffer strip of such an extent and type as may be practical, or other adequate protection against the hazards and undesirable effects of the railroad or highway.

8-140 : Lots

(A) Lot dimensions shall conform to Lincoln County Zoning Regulations.

(B) Each new lot shall have access for ingress and egress to a public street right-of-way. Only under very special circumstances will the County consider minor subdivisions having access through easements or private roads.

8-145 : Dedications (See Chapter 5)

8-150 : Utilities (See Chapter 4)

8-155 : Soils

The Staff shall require a soils test and report for review if, in its opinion, problem soils exist on the site. (See Chapter 4)

8-160 : Improvements Required

In each proposed land division, the applicant and the Land Use Board and/or County Commissioners shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to the surrounding area. Improvements shall be made by the applicant at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Land Use Board and/or County Commissioners.

(A) Permanent survey monuments shall be set as required by Colorado Revised Statutes. In addition, one-half inch ($\frac{1}{2}$ ") steel pins (or larger) shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado registration number of and land surveyor responsible for the establishment of said monument.

- (B) Roads meeting County standards shall be required.**
- (C) Improvements not specifically mentioned in these Regulations, but found appropriate and necessary due to unusual conditions found on the site, shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Land Use Board and Board of County Commissioners and as stipulated in any Subdivision Improvements Agreement.**
- (D) If a location for the placement and storage of trash on the site is required, all trash storage areas are to be completely screened from public view and readily accessible for pick-up.**
- (E) All graded and disturbed areas are to be reseeded and/or re-vegetated with native or drought resistant plant species.**
- (F) No Plat shall be signed by the Board of County Commissioners until the improvements required by these Minor Subdivision Regulations have been constructed and approved by the appropriate county officials having jurisdiction over such improvements, and/or until assurance in the form of an acceptable Subdivision Improvements Agreement is approved by the Board of County Commissioners that the required improvements will be completed.**

8-165 : Compliance with Regulations

No application for a minor subdivision under these regulations shall be accepted or submitted to the Land Use Board if the property is not in compliance with all provisions of the Lincoln County Zoning Regulations or these regulations. If the condition which violates the Lincoln County Zoning Regulations or these regulations does not occur on the applied for property but does occur on the applied for property but does occur on the same, contiguous parcel, or if there is a current enforcement on property owned by the applicant anywhere in the County an application for minor subdivision will not be accepted until the condition is corrected and all property is in compliance with the provisions of the Lincoln County Zoning Regulations and these regulations.

8-170 : Procedure

The applicant, who shall be the fee title owner of the affected property, shall discuss the planned minor subdivision with the Staff and then submit, at least twenty (30) days prior to a regularly scheduled meeting to the County Land Use Board or duly authorized staff, the required fees, a Plat and the appropriate number of copies of and all information to enable the Land Use Board to determine compliance with these Regulations and together with the appropriate number copies of the

following documentation:

- (A) [One (1) copy]:** A title insurance commitment or policy including a schedule of exceptions to title, or an attorney's title opinion addressed to the County, dated or endorsed to a date no more than six (6) months prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in the dedication. If the Board of County Commissioners grants approval to such Plat, it may be a condition to such approval that said title insurance commitment, policy or attorney's title opinion be updated to no more than five (5) days prior to the date of such final approval by the Board of County Commissioners. It is the responsibility of the applicant to keep title policies current.
- (B) [One (1) copy]:** Documented proof of availability of dependable sewer and potable water sufficient to serve the minor subdivision.
- (C) [One (1) copy]:** Documented proof of legal access if the subject property does not have direct contiguous access to a public road or street.
- (D) [One (1) copy]:** Any other special reports required by Staff or the Land Use Board.
- (E) [One (1) copy]:** Any proposed Subdivision Improvements Agreement.
- (F) [Ten (10) copies]:** Lincoln County Development Permit Application addressing the criteria for this application found in the Lincoln County Zoning Regulations.

8-175 : Covenants

Applicants are encouraged to submit proposed covenants for minor subdivisions. If the subdivision application is approved the submitted covenants are considered part of the application and approval and may not be amended without county approval. Minor amendments may be approved or denied administratively by the Land Use Administrator. Major amendments must be approved or denied by motion by the Board of County Commissioner. The determination of whether an amendment is major or minor shall be made by the Land Use Administrator. The Land Use Administrator may seek the recommendations of the Land Use Board for this determination. The criteria for approval or denial shall be whether the proposed amendments are consistent with the nature of the zone in which the subdivision is located, are consistent with the intent of the Lincoln County Zoning Regulations and the Lincoln County Comprehensive Plan, are compatible with the land uses and character of the subdivision's neighborhood, and are not incompatible with the health, safety, and welfare of the citizens of Lincoln County. Notice of this approval requirement shall be included as a provision of the covenants.

8-180 : Plat Format

- (A) Said plat is preferred to be in the form of a black inked Mylar that is capable of reproducing clear and sharp reproductions of all details, signatures, and notary seals.**
- (B) Reproductions using an ammonia based process will not be accepted.**
- (C) No plats using sepia ink, pencil, containing stick-ons, or rub-ons will be accepted.**
- (D) All signatures on the plat are to be in black or blue permanent ink. It is preferred that all signature blocks be placed in the lower right quadrant of the plat.**
- (E) It is preferred that the plat sheet have outer dimensions of 24" x 36" or 18" x 24". Outside margin / border shall not be less than one half inch ($\frac{1}{2}$ ") or greater than two inches (2").**
- (F) Applicants are encouraged to use more than one sheet in order to avoid the crowding of information on one sheet. Sheets are to be designed as sheet 1 of 2 sheets progressively as needed.**
- (G) The scale of the plat drawing shall be a common engineer scale. The scale shall be indicated with both alpha numeric and bar graph.**

8-185 : Plat Information

The Plat shall contain the following information:

- (A) The plat shall be titled with: (the name of the minor subdivision), Minor subdivision Final Plat, Section, Township, and Range.**
- (B) Legal description of property including location.**
- (C) Prior reception number of previous property transfer; original subdivision name, if any, and book/page reference in Lincoln County Records.**
- (D) Basis of bearing and description and location of primary control points of monuments both found and set and ties to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.**
- (E) A scale drawing of tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves with long chord bearings and distances.**
- (F) Names and right-of-way width of each street or other rights-of-way together with block numbers and street addresses.**
- (G) Location, dimensions and purpose of any easement, including reference by book**

and page to any pre-existing recorded easements.

- (H) Label the current zoning, densities and/or use on the subject and adjoining properties.
- (I) All dimensions necessary to establish the boundaries in the field.
- (J) Planned locations (with dimension) of all improvements (buildings, parking, etc.) on the site.
- (K) Dimensions of improvements.
- (L) Notation of scale of drawing or representative fraction of the drawing (s), a bar-type graphical scale, north arrow (in drawing layouts, north is to point to the top of the plat sheet), and the date of drawing.
- (M) Location of trash pick-up area, if required by the Board of Commissioners and/or The Land Use Board.
- (N) Purpose for which sites, other than residential lots, are dedicated or reserved, such as for open space.
- (O) Statement of owner and lien holder platting the property and, if required by the Board of Commissioners and/or The Land Use Board, dedicating and streets, rights-of-way, easements and any sites for Lincoln County's uses or open spaces.
- (P) Certification by a surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of C.R.S., Title 38, Article 151, and the requirements of these Regulations in the preparation of the final plat, to be in the form as set forth in Section 7-105 (N).
- (Q) Certificate of approval by the Land Use Board and Board of County Commissioners as set forth in Sections 7-105 (R) and 7-105 (S).
- (R) A 2½" x 3" vertical box in the lower right hand corner shall be provided for the use of the County Clerk and Recorder.
- (S) A general vicinity map showing the location of the Subdivision being platted and the name of the underlying subdivision showing, at a minimum, the relationship of the proposed subdivision to the section in which it is located. Roads, streets and railroads, streams or canals that bound or intersect the section should be set forth and labeled.
- (T) Location of sewer service lines and mains.
- (U) Location of water service lines and mains.
- (V) Contour lines at two (2) foot intervals, if required by staff.

(W) Show by the use of dashed lines the required front, rear and side setbacks.

(X) Staff may waive any of these requirements or require that additional information be added to the plat.

8-190 : Referral Review

Upon receipt of the application materials, the Staff shall review the materials and forward copies of the materials to appropriate referral agencies as determined by Staff for comment. One copy of all legal documents, plat, title commitments, executed declaration originals, etc., shall be forwarded no later than twenty-one (21) days prior to the Land Use Board meeting for review and certification of completeness and correctness by the Land Use Administrator. Said certification shall be in the form of a letter or form containing any comments from the Land Use Administrator to the Land Use Board to be received prior to the meeting date on which the Land Use Board will formally review the application.

8-195 : Approval Criteria

In reviewing an application for a minor subdivision the Land Use Board and the Board of County Commissioners shall apply the following criteria:

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.**
- (B) Whether the proposed subdivision is consistent with the Lincoln County Subdivision Regulations.**
- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.**

8-197 : Review by the Land Use Administrator

Review of a Minor Subdivision shall follow the same basic procedures of Section 8-200 and 8-220 with the following exception. The Lincoln County Land Use Administrator may approve a Minor Subdivision if the criteria of Sections 8-130 through 8-195 are met. The Land Use Administrator shall notify all members of the Lincoln County Land Use Board of each Minor Subdivision which will be administratively approved. The Land Use Administrator may refer the application to the Lincoln County Land Use Board and the Board of County Commissioners if an objection is received from a Landowner located adjacent to the proposed Minor Subdivision or any referral agency. Initial completeness and adequacy approval of a Minor Subdivision is done at the discretion of the Land Use Administrator.

8-200 : Land Use Board Review

On the designated Land Use Board meeting date, the Land Use Board will review the Minor Subdivision Application and either approve, approve with conditions, deny (reason for denial will be in writing), return the application to the applicant for reasons of incompleteness or hold the application for a maximum of thirty (30) days or until the next regularly scheduled meeting of the Land Use Board for further review by them or other agencies so designated by the Land Use Board. The Staff will mail a copy of the application materials to those agencies so designated for the review and comment with a cover letter stipulating the review period deadline. Comments from outside review agencies must be received by the Land Use Board prior to or at the next regularly scheduled meeting.

8-205 : Land Use Board Changes

Should changes be required on the plat before approval, the Land Use Board may return the plat to the applicant. The Land Use Board in its deliberations will determine whether the plat can proceed to the Board of County Commissioners with or without another formal review.

8-210 : Board of County Commissioners Review

Following approval of the minor subdivision plat by the Land Use Board, the Staff shall retain the plat, assuming there are no corrections, together with all supplemental documents for transfer to the Board of County Commissioners at its next regular meeting. The subdivider shall make a presentation to the Board of County Commissioners explaining the plat and the documents. The Board of County Commissioners may check the plat, especially with regard to proper signatures, required improvements and acceptance of the area dedicated for public use, and shall approve or disapprove the plat. At such meeting, any required guarantees of completion of the roads and improvements shall be provided by the subdivider. If, at this point of review, the title commitment is more than sixty (60) days old, an updated commitment must be produced by the applicant and checked by the County Attorney at the meeting if requested.

8-215 : Changes, Re-plats, Minor Subdivision Amendment

No changes, erasures, modifications or revisions shall be made in the Minor Subdivision Plat after approval has been given by the Land Use Board or the Board of County Commissioners, except upon further consideration by the Land Use Board or the Board of County Commissioners, except as follows:

(A) Minor changes, erasures, modifications, revisions, re-plats or minor subdivision amendments may be granted administratively by the Land Use Administrator.

- (B) Major changes, erasures, modifications, revisions, re-plats or minor subdivision amendments must be given further consideration by the Land Use Board and/or the Board of County Commissioners.**
- (C) Major changes, erasures, modifications, revisions, re-plats or minor subdivision amendments must go through the same application, notice and hearing process as the original application.**
- (D) Costs for changes, reassures, modifications, revisions, re-plats or minor subdivisions amendments shall be paid by the Subdivision Developer.**
- (E) The current criteria for granting or denying a minor subdivision shall apply to granting or denying changes, erasures, modifications, revisions, re-plats or minor subdivision amendments.**
- (F) The Land Use Administrator shall be the sole authority to determine what are major or minor changes, erasures, modifications, revisions, re-plats or minor subdivision amendments.**
- (G) On a case by case basis the Land Use Administrator shall determine if the provisions of Section 8-110 of the Lincoln County Subdivision Regulations apply to the changes, erasures, modifications, revisions, re-plats or minor subdivision amendments.**
- (H) Plats signed by the Board are the property of Lincoln County. This section shall not apply to scrivener's errors.**

8-220 : Recording of Plat

Following the approval of the plat by the and the completion of any required improvements, the Staff shall hold the original unrecorded plat and other legal documents until completion thereof. The plat shall not be signed until all of the

requirements are complete, including (if requested) execution of an approved Subdivision Improvements Agreement. Upon completion, the plat and appropriate legal documents shall be recorded by the Office of the Clerk and Recorder of Lincoln County. Recording fees are to be paid by the subdivider and a remittance made to the County at the time of Board approval of the Plat. Plats left with the Staff in excess of thirty (30) days will be considered null and void unless the applicant applies either for an extension of time or appears before the Board of County Commissioners with the improvements agreement at the next regular meeting of the Board of County Commissioners after the thirty (30) day grace period.

CHAPTER 9

SUBDIVISION EXEMPTION REGULATIONS

9-100 : Purpose

Subdivision exemptions provide for divisions of land less than 35 acres under circumstances in which the need to comply with Lincoln County Subdivision Regulations would cause undue hardships and the impact of the proposed division does not bring the division within the purpose and intent of the Lincoln County Subdivision Regulations. The abbreviated procedure set forth in these Regulations permits an applicant to process a proposed land division with a minimum of time and expense. And to promote: avoiding congested population; insuring adequate provisions for water, sewage and recreation; and regulating such other matters as the Board of County Commissioners may deem necessary in order to protect the best interests of the public. This procedure requires an exemption plat to be prepared and public meetings before the Board of County Commissioners.

9-105 : Authority

Pursuant to §30-28-010 (10) (D), C.R.S., the Board of County Commissioners of Lincoln County has the authority to exempt from the definition of “subdivision” or “subdivided land” any division of land that the Board determines is not consistent with the purpose of the Subdivision Regulations. These Lincoln County Subdivision Regulations shall not apply to any division of land as defined in Section 2-245.

9-110 : Jurisdiction

Except as herein provided, not exemptions from State and County Subdivision Regulations shall be granted. These Regulations shall apply to the division of lands within the unincorporated areas of Lincoln County, Colorado. These Regulations shall not apply to the following activities:

- (A) Division of a parcel of land contained within a platted subdivision; all such divisions will require a re-subdivision plat.
- (B) Divisions of a parcel of land which has been created or divided pursuant to these exemption Regulations.
- (C) Outright Exemption: A division of a parcel of land when the Land Use Board and the Board of County Commissioners determines that such division may be permitted without complying with either the Lincoln County Subdivision or Subdivision Exemption Regulations. When not contrary to the best interests of present and future inhabitants of Lincoln County, and when the method of disposition is not adopted for the purpose of evading these Regulations, the

Board of County Commissioners may grant such an outright exemption with regard to a land division:

- (1) Which involves adjustment of a tract boundary to resolve a boundary dispute, when substantial evidence indicating the existence of a bona fide dispute is presented;
- (2) Which involves adjustment of a tract boundary to eliminate an existing encroachment of a substantial structure upon the property of another;
- (3) Which involves acquisition of access from one parcel of property through another; and/or which involves other unusual circumstances which are deemed by the Board of County Commissioners to justify such a grant.

9-115 : Creation of Subdivision Exemption Plats to Correct Legal Descriptions

As described in an amendment to C.R.S. Article 28 of Title 30, entitled “Part 3 – Establishment of Subdivision Exemption Plats for the Purpose of Correcting Legal Descriptions,” owners of certain irregular parcels of parcels platted prior to June 1, 1972 of less than thirty-five (35) acres may petition the County for establishment of a land division study area and subsequent preparations of a subdivision exemption plat as provided for in said Part 3 (C.R.S. § 30-28-301 to 30-28-313, inclusive).

9-120 : Policy

It shall be the policy of Lincoln County that only one subdivision exemption shall be granted for each discrete compact 35 acre tract. When possible, the 35 acre tracts shall conform with U.S. Land Office nomenclature, i.e., fraction of section, township and range.

9-125 : Design Standards

Design standards applicable to subdivision exemptions as set forth below shall be considered minimum acceptable standards. The Land Use Board and/or Board of County Commissioners may at their discretion require the subdivider to comply with additional design standards as contained in Section 4 of these Regulations should site conditions, impacts created by the proposed exemption, or other compelling circumstances necessitate such additional design requirements.

9-130 : Roads, Driveways and Easements

- (A) Road rights-of-way and/or driveways shall be designed to bear a logical relationship to the topography.
- (B) The Board of County Commissioners may require road rights-of-way to be aligned with planned or existing roads or adjacent lands, whether or not such

adjacent lands have been subdivided, and to provide direct, continuous routes to such adjacent lands where no other legal access exists. Temporary turnarounds shall be provided at the end of any road giving access to adjacent lands until connecting roads on the adjacent lands have been constructed.

- (C) Road and driveway intersections shall be as nearly at right angles as possible with no intersections designed at an angle of less than seventy-five degrees (75°). Rural driveway cuts may be no closer than one hundred thirty-five (135) feet from any intersection of a “rural gravel” or higher classification of County or state roads and highways. The County may require that adjacent exemptions be served by a common access road.
- (D) Gravel driveways shall be permitted. Road drainage shall be directed to ditches, and in hilly terrain, water bars shall be installed at appropriate distances to periodically divert water out of the ditches and onto adjacent ground in order to minimize erosion and the silting of low spots and intersections.
- (E) Dead-end roads, with the exceptions of rural driveways and easements, shall be discouraged unless they are designed to connect with future roads on adjacent land.
- (F) Restriction of access may be required when an exempted tract or portion thereof adjoins an arterial road or highway.
- (G) Roads shall be a minimum of sixty (60) feet in width.
- (H) All road and driveway rights-of-way shall be designed to accommodate a constructed road with a maximum grade of seven percent (7%).
- (I) All easements provided shall conform to standards as described in Section 4-150.
- (J) Access to the exempted and the original parcel along county roads shall be consolidated to the greatest extent practical.

9-135 : Sewer

- (A) On-lot sewage disposal systems shall comply with the current standards adopted by the Lincoln County and implemented by the Applicable Contracted Health Department and shall be designed and located so as to minimize or eliminate infiltration, avoid their impairment, or the contamination of surrounding areas during or subsequent to flooding.
- (B) Sanitary sewer plans other than on-lot sewage disposal systems shall comply with applicable standards and technical procedures adopted by the Colorado State Board of Health and the other applicable Health Departments.

9-140 : Water Supply

- (A) On-lot water supply systems shall comply with current standards in effect in the Colorado State Engineers' Office and the Applicable Contracted Health Department.
- (B) Water supply systems, whether on-lot or otherwise, located in flood plain areas shall be designed and located do as to minimize or eliminate infiltration and avoid their impairment during of subsequent to flooding.
(See Lincoln County Flood Plain Ordinance.)

9-145 : Natural Hazards Area

In areas determined to have significant flood, fire, geological, or other natural hazards, the Land Use Board and the Board of County Commissioners may, in the interest of public safety, require applicants to submit for review, plans to eliminate or mitigate hazards to a reasonable level. Such plans may include, but are not limited to engineering designs, fuel modification, emergency water systems, etc.

Exemption Procedure

9-150 : Application

Application for exemption division of land may be filed only by the owner(s) of a legal or equitable interest on the land where the division is proposed. The applicant shall file with the County a complete exemption submission as described herein. Such application shall be made on a completed form provided by the County and be accompanied by:

(A) : Fee

There are no fees for Subdivision Exemptions.

(B) : Exemption Plat Map

The applicant shall submit a map of the proposed exemption and include items listed below as a minimum. Such map shall be a surveyed neat and legible drawing of the property to be included in the exemption certified for any monumentation and legal descriptions. The exemption map shall be drawn to scale that best conveys the conceptual aspects of the plan. All maps shall be clearly identified with their scale and proper north arrow designations. The exemption map shall include the following information:

- (1) Clearly identified boundary lines and dimensions of the land to be exempted. Sufficient detail to identify the land to be exempted including

section corners and distance and bearing to these corners, quarter corners and distance and bearing to these corners, township, range, etc., shall be included.

- (2) The location of public and private roads, existing and proposed easements, driveways, utilities, wells, buildings, ditches, streams and other improvements located on or in the immediate vicinity of the parcel proposed to be severed.
- (3) Ownership title description reference.
- (4) Any dedications and/or certifications that may be necessary.
- (5) If within an existing subdivision, a general vicinity map showing the location of the Subdivision being platted and the name of the underlying subdivision showing, at a minimum, the relationship of the proposed subdivision to the section in which it is located. Roads, streets and railroads, streams of canals that bound or intersect that section shall be set forth and labeled. Adjacent and nearby roads shall be clearly labeled, as well as the distance to the nearest community or state or federal highway. Reduced and illegible portions of large scale maps are not acceptable.
- (6) Any other data as may be reasonably necessary to enable an adequate conceptual evaluation of the proposed exemption.
- (7) If the exemption is to be taken from a 35 acre tract which does not conform to U.S. Land Office nomenclature, the tract shall be shown either in the same scale as the exemption or as a clear and legible inset map.

(C) : Proposal Summary

The applicant should be prepared to provide this information to the Board of Commissioners during the Subdivision Exemption Hearing:

- (1) A list and location drawing detailing the names of the owners of the subject property and their addresses.
- (2) The reasons for the exemption request.
- (3) Proof of ownership in the form of a title insurance commitment or attorney's title opinion showing that the applicant is the owner of all the land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use, or for common use by all lot owners are free and clear from all liens and encumbrances, except patent reservations and except liens and encumbrances which cannot be released or purchased by the owner. If such land is mortgaged by the owner, it shall be sufficient if the mortgagee joins

in the dedication.

(4) A designation of the parcel or tract from which the exemption is being taken.

(D) : Deeds

Deeds reflecting the properties approved by the exemption and all necessary easements are required after the request is approved. Deeds to Lincoln County for any dedicated rights-of-way adjacent to the proposed exemption will also be required after approval.

(E) : Additional Application Materials

Upon the determination of the Board of Commissioners, the applicant may be required to submit the following additional materials with the application:

- (1) Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to insure an adequate supply of water for the type of development proposed. Such evidence shall include, but not be limited to: Evidence of ownership or right of acquisition or use of existing and proposed water rights (such as a well permit from the State Engineer); amenability of existing right to a change in use: evidence that public or private water suppliers can and will supply water to the subject property; evidence concerning the potability of the proposed water supply for the subject property and evidence of the feasibility of water augmentation where required.
- (2) Adequate evidence that sanitary waste disposal is sufficient based on criteria established by the Applicable Contracted Health Department for size and design of the system, or evidence that public or private sewage disposal agencies can and will supply service to the subject property.
- (3) Covenants to protect the owners of the exempted parcel, adjacent landowners, and the neighborhood (if such covenants exist).

9-165 : Board of County Commissioner Exemption Hearing

When complete, the request shall be scheduled for a regular or special meeting by the Board of County Commissioners.

9-170 : Board of County Commissioners Actions

The Board of County Commissioners shall hold a regular or special meeting for the purpose of reviewing the proposed exemption and all amendments to the plan, referral responses, other evidence and materials, recommendations and findings of the Staff and other information.

(A) At the time of the meeting, the Board of County Commissioners may table the

request, but shall take action to approve, conditionally approve, or deny the exemption not later than sixty (60) days after the date of the meeting of the Board of County Commissioners. At the applicant's request, actions by the Board of County Commissioners may be delayed for up to ninety (90) days. All actions of the Board of County Commissioners are final.

- (B) No exemption shall be approved until such data, surveys, analyses, studies, plans and designs as may be required have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the County contained within these Regulations.
- (C) No exemption shall be approved or conditionally approved unless it complies with the applicable established Exemption Criteria found in Section 9-180.
- (D) Board of County Commissioner's decision of conditional approval shall contain a complete listing of and clear explanation of all such conditions.
- (E) Board of County Commissioner's decision of denial shall contain a listing of the reasons for such action.
- (F) Approval or conditional approval shall expire after one (1) year from the date of approval if the applicant does not complete the exemption process by filing for recording with the County Clerk and Recorder the proper deeds, site plans, forms or other matters as may be required as part of the approval or conditional approval.

9-175 : Post Exemption Action

The following actions shall occur after approval or conditional approval of the exemption by the County Commissioners:

The decision will be noted in the meeting minutes, and kept for public record by the Lincoln County Clerk and Recorder.

If further amendments are made to an exemption plat, they may be made only in the case where technical errors have been found after recording has occurred.

Errors include survey errors and other minor errors that do not change the basic exemption intent. Under no circumstances may exemption plats be amended to create new parcels without beginning the exemption process anew.

9-180 : Exemption Criteria

Pursuant to §30-28-101 (10) (D), C.R.S., the Board of County Commissioners of Lincoln County has the authority to exempt from the definition of "subdivision" any division of land. The Board of County Commissioners shall require that all of the following criteria as to land divisions which may be exempted from the definition of

“subdivision” and “subdivided land” which the proposal shall be met in order to receive an exemption approval.

- (A) All applicable design standards in Chapter 4 of these Regulations shall be complied with.**
- (B) Where the original undivided parcel(s) or lot(s) and the structures thereon are in conformance with the building and structure requirements of the Lincoln County Zoning Regulations, any resulting parcel or lot shall also conform to these requirements.**
- (C) In the case of existing nonconforming lots(s) or parcel(s) and the structures thereon, any resulting lot or parcel shall not increase the degree of nonconformity in the zoning district in which located.**
- (D) The proposed water supply shall be sufficient in terms of quality, quantity, and dependability to provide an adequate supply of water for the type of development proposed.**
- (E) The proposed sewage disposal system shall comply with the rules and regulations of the Health Department, and adequate provisions shall have been made for such system.**
- (F) All areas of the proposal which may involve soil or topographical conditions presenting hazards or requiring special precautions shall be identified by the applicant and the proposed use of these areas shall be found to be compatible with such conditions.**
- (G) Parcel(s) comprised, in all or in part, of areas within subdivided land, as defined within the Lincoln County Subdivision Regulations, shall not be considered for exemption, except boundary line adjustments.**
- (H) Exemptions shall not be considered on previously exempted land.**
- (I) No exemption shall create any parcel containing land areas divided by a freeway, expressway, principal arterial, minor arterial, or collector road, or by lands contained with-in the legal boundaries of any municipality.**
- (J) All exempted parcels and the original parcel from which it was created shall have clear and consolidated legal access to a public right-of-way. Where terrain or other unusual circumstances preclude a consolidated access, a deviation from these criteria may be recommended by the Land Use Board. Access locations are to be clearly marked and dimensioned on the exemption plat drawing.**
- (K) The cumulative impacts of clustering exemptions together shall be considered and may constitute a basis for denial.**

- (L) The applicant must demonstrate that there is a present need for such exemption.
- (M) The applicant must be able to demonstrate that any planned change in use of either parcel affected in the exemption process is a permitted use. The Staff may require the filing of building permits, special use permits, flood plain development permits, or statements from the County or other agencies as they may deem necessary.
- (N) No more than one exemption shall be granted in each parcel containing more than thirty-five (35) acres of contiguous ownership or no more than four (4) times in any officially defined quarter section ($\frac{1}{4}$ square mile) of land. Exemption divisions creating greater than two (2) parcels must comply with other sections of these Regulations.
- (O) Exemptions shall not be granted for purposes of aggregating a new parcel(s) from adjacent 35-acre parcels or previous exemptions since this procedure avoids the subdivision intent of these Regulations.

9-185 : Restrictions on Future Subdivision of Land

No parcel for which an exemption from subdivision regulation has been granted may be further divided whether by subdivision, variance, planned development, or any other legal process after the date the exemption was granted.

CHAPTER 10

SEVERABILITY

10-100 : Severability

The provisions hereof are declared to be severable; if any section, paragraph, sentence, or clause of these regulations is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence or clause hereof.