

GRAND COUNTY OUTRIGHT EXEMPTION REGULATIONS



**LAST AMENDED
November 2008**

**GRAND COUNTY
OUTRIGHT EXEMPTION REGULATIONS**

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**ARTICLE I
APPLICATION OF REGULATIONS**

1.1 TITLE

These Regulations shall be known as the Grand County Outright Exemption Regulations.

1.2 AUTHORITY

The Grand County Outright Exemption Regulations are authorized by Section 30-28-101 (10) (d) of the Colorado Revised Statutes, 1973, as amended, and are hereby declared to be in accordance with all provisions of these Statutes.

1.3 PURPOSE

These Regulations are designed and enacted for the purpose of regulating the division of a parcel with no or minimal land impacts.

1.4 JURISDICTION

(1) Division of a parcel of land when the Board of County Commissioners determines that such division may be permitted without complying with either Grand County Subdivision Regulations or Grand County Subdivision Exemption Regulations. When not contrary to the best interests of present and future inhabitants of Grand 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 any land division under the following circumstances:

- (a) Which involves adjustment of a tract boundary to establish/determine a boundary when substantial evidence of a bona fide dispute is presented.
- (b) Which involves adjustment of a tract boundary to eliminate an existing encroachment of a substantial structure upon the real property of another.
- (c) Which involves acquisition of access from one parcel of property through another.
- (d) Which involves other unusual circumstances which are deemed by the Board of County Commissioners to justify such a grant.

(2) All submittal materials required to process an Outright Exemption shall be accompanied by a processing fee identified in the approved fee schedule by the Grand County Board of Commissioners.

These regulations shall not apply to the division of a parcel of land contained within a platted subdivision.

1.5 DEFINITIONS

(1) **Applicant**

Any individual, partnership, joint venture association, company or corporation of the legally created entity who submits an application to divide land pursuant to the Grand County Outright Exemption Regulations.

(2) **Board of County Commissioners**

"County Commissioners" means the Grand County Board of County Commissioners.

(3) **Planning Commission**

The Grand County Planning Commission.

- (4) **Plat**
A map and supporting materials of certain described land prepared in accordance with Grand County Outright Exemption Regulations and State Statutes as which shows the information developed by a land survey including all information required by C.R.S. § 38-51-106 for recording of real estate interests with the Grand County Clerk and Recorder.
- (5) **Single-Family Residential Tract**
A parcel of land on which a one-family dwelling is the only permissible development use.
- (6) **Outright Exemption or Exempted Tract**
Any tract or parcel of land which has been, or is currently being, divided pursuant to Grand County Outright Exemption Regulations.

**ARTICLE II
DESIGN STANDARDS**

2.1 DRIVEWAY, ROADS, STREETS AND EASEMENTS:

- (1) Driveways shall be designed to bear a logical relationship to the topography. Design shall comply with the Grand County Road and Bridge Standards. A driveway permit shall require submittal of a driveway design either prior to or at the time a building permit application is submitted.
- (2) Easements of not less than twenty feet (20') in width shall be provided along rear and/or side lot lines for utilities. Such easements may be provided by ten foot (10') easements on each of adjoining lots. Utility easements at different locations may be provided upon recommendation by the affected utility companies and approval of the Board of County Commissioners.

2.2 TRACTS/PARCELS/LOTS:

- (1) As a minimum requirement, dimensions shall conform to applicable zoning or other land use requirements and have a minimum area of five (5) acres.
- (2) A lot shall have access to a public right-of-way.
- (3) A lot shall be provided an address upon approval of the outright exemption.

2.3 PUBLIC DEDICATIONS:

- (1) Public dedication may be required of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements.
- (2) Approval of a division of land under these Regulations shall not constitute acceptance by the County of the roads, streets, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the county shall be accepted by the County only by specific action of the Board of County Commissioners.

2.4 SOLID FUEL BURNING DEVICES:

- (1) Single-family residences located within Outright Exemptions for which a building permit is issued after effective date of this amendment, may have one (1) approved solid fuel burning appliance or device per dwelling.
- (2) Pre-existing buildings within Outright Exemptions recorded before the effective date of this Resolution No. 1997-1-15 shall be exempt from the provisions set forth in this Resolution. However, if said burning device is replaced, it must be done so with an approved non-solid fuel

or approved solid fuel burning device.

2.5 EMERGENCY SERVICE IMPACT FEES:

If a new lot is created through the Outright Exemption process then fees shall be paid prior to recording to the appropriate Fire Protection District. Proof of payment shall be provided to the Department of Planning and Zoning.

**ARTICLE III
PROCEDURE**

3.1 PRELIMINARY CONFERENCE

The applicant is required to confer with the Grand County Department of Planning and Zoning prior to submission of the plat for a proposed division of land pursuant to these Regulations. This conference will be to discuss whether or not the proposed division of land is permissible under the Grand County Outright Exemption Regulations. If the Department of Planning and Zoning believes that the proposed land division does qualify, the Applicant will be informed regarding requirements and procedures for processing such a division under these Regulations.

3.2 PLAT

- (1) The Plat drawing shall be made at a scale of one inch (1") equals one hundred feet (100'), submitted on Mylar with outer dimensions of twenty-four inches (24") by thirty-six inches (36"). It shall be accompanied by one (1) overall map showing the entire development at a legible scale. Good draftsmanship will be required in order for all information to be accurate and legible. Any improvements needing engineering design, such as drainage requirements, requirements for stabilizing unstable land, and sewer and water system requirements, shall be designed by a duly licensed engineer hired by the developer and such design shall be submitted with the plat.
- (2) The Plat shall contain or be accompanied by the following information:
 - (a) Title (which shall include the phrase "Outright Exemption"), bar scale, North arrow and date.
 - (b) Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded.
 - (c) Primary control points, or descriptions, and ties to such control points to which dimensions, angles, bearings, and similar data on the plat shall be referred.
 - (d) 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.
 - (e) Names and right-of-way width of each street or other right-of-way.
 - (f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.
 - (g) Number to identify a lot or site, names of adjacent property owners, and acreage of each site to nearest 1/100th of an acre.

SURVEYOR'S CERTIFICATE

I, (surveyor's name), a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of (name of exempted tract) truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said statute and by the Grand County Outright Exemption Regulations have been placed on the ground.

(Surveyor's Name)

(Surveyor's stamp and registration number shall appear with this certificate)

- (m) Certificate of approval by the Board of County Commissioners as follows: (If public dedications are included, the certificate shall be in the form required by the Board of County Commissioners for approval of subdivision plats)

COMMISSIONER'S CERTIFICATE

Approved this __ day of __, 20__ by the Board of County Commissioners of Grand County, Colorado pursuant to Grand County Outright Exemption Regulations adopted by Resolution No. _____.

Chairman
Board of County Commissioners
Grand County, Colorado

- (n) Certification by the applicant's attorney, the professional engineering, designing or planning firm, if any, and a statement by the owner insuring compliance with the design standards and all other requirements of the Grand County Outright Exemption Regulations and the statement of requirements issued by the Board of County Commissioners.
- (o) A two and one-half by three inch (2 1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.
- (p) A vicinity map.
- (q) Documented proof of legal access.
- (r) Documented proof of the availability of sewer and water supply. Proof of adequate water supply for any proposed development shall be submitted pursuant to C.R.S. § 29-20-103.
- (s) Statement of taxes due showing current taxes paid.
- (t) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at

www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.

- (u) Such additional information as may be required by the Grand County Board of County Commissioners.
- (3) The Plat shall be processed as follows:
- (a) Within twelve (12) months after approval or conditional approval of the Outright Exemption Plat by the Grand County Planning Commission, the original and fifteen (15) copies of the plat and required supplemental materials shall be filed by the applicant with the Department of Planning and Zoning together with a fee as required by the current Grand County Department of Planning and Zoning Fee Schedule.
 - (b) The Department of Planning and Zoning shall have twenty (20) days to review the plat, the statement requirements and other requirements of these regulations.
 - (c) Following review, the plat and recommendations of the Department of Planning and Zoning shall be submitted to the Board of County Commissioners for consideration at the next regularly scheduled meeting. The applicant shall be advised of the date when the plat shall be presented to the Board of County Commissioners. The Board shall review the plat, especially with regard to required improvements and the acceptance of areas dedicated for public use, if any, and shall approve or disapprove the plat. A decision by the Board of County Commissioners may be delayed until a subsequent meeting date only with the consent of the applicant. Provided, however, the Board of County Commissioners may withhold approval of the plat in order to wait necessary rezoning, the submission of technical data or other information requested by the Board of County Commissioners, or the accomplishment of any other essential requirements. If the Board of County Commissioners shall disapprove the plat, it shall prepare a written statement of defects setting forth all of its reasons for disapproval.
 - (d) No changes, erasures, modifications or revisions shall be made to a plat after approval has been given by the Board of County Commissioners, except upon further consideration by the Board of County Commissioners and its permission being given.
 - (e) Following approval of the plat by the Board of County Commissioners the plat shall be recorded in the office of the Clerk and Recorder of Grand County. Approval of any Final Plat shall expire after one (1) year if not recorded in the Office of the Grand County Clerk and Recorder following the date of the Board of County Commissioners Final Plat approval. One (1) year extensions may be requested in writing by the developer and will be considered by the Board of County Commissioners.
 - (f) Upon plat approval, the County shall require the payment of an emergency services impact fee, pursuant to Section 3.2.5 of the Subdivision or Subdivision Exemption Regulations of Grand County. Any plat not recorded within one (1) year after approval by the Board of County Commissioners shall not be recorded, and approval by the Board of County Commissioners shall become null and void. The applicant must re-apply for an exemption if he wishes to divide his land pursuant to these Regulations.

**ARTICLE IV
ADMINISTRATIVE PROVISIONS**

4.1 REPEAL OR AMENDMENT

The Board of County Commissioners may repeal or amend the requirements of these Regulations at any time, without prior notice or hearing. In the event these regulations are repealed, any proposed division of land pursuant to these Regulations which has not received plat approval by the Grand County Board of County Commissioners, prior to the repeal or amendment, will be subject to all amended Grand County Outright Exemption Regulations in place at the time the plat is sought.

4.2 SEVERABILITY

It is hereby declared to be the legislative intent of these regulations that several provisions of these Regulations shall be severable, in accordance with the provisions set forth below:

- (1) If any provision of these Regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - (a) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
 - (b) Such decision shall not affect, impair or nullify these Regulations as a whole or the application thereof, but the rest of these Regulations shall continue in full force and effect.
- (2) If the application of any provision of these Regulations to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - (a) The effect of such decision shall be limited to that tract or parcel of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and
 - (b) Such decision shall not affect, impair or nullify these Regulations as a whole or the application of any provision thereof, to any other tract or parcel of land.

4.3 REPEALS, EFFECTIVE DATE

These Regulations shall not be construed in any manner as a repeal of any provisions of the Grand County Outright Regulations or any subsequent amendment thereto, but shall be construed as supplemental to said Regulations and any future amendments thereto. These Regulations and any amendments thereto shall be effective from the date of adoption by the Board of County Commissioners of Grand County.

4.4 INTERPRETATION

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

- (1) **Rules of Construction of Language:**
 - (a) The particular controls the general.
 - (b) The text shall control in case of any difference of meaning or implication between the text of these regulations and the captions for each section.
 - (c) The word "shall" is always mandatory and not directory. The word "may" is permissive.

- (d) Words used in the present tense include the future unless the context clearly indicates the contrary.
 - (e) Words used in the singular number include the plural and words used in the plural number include the singular unless the context clearly indicates the contrary.
- (2) **Provisions are Minimum Requirements:**
In their interpretation and application, 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. The regulations shall be liberally construed to further their underlying purposes.
 - (3) **Application of Overlapping Regulations:**
Whenever both a provision of these Regulations and any other provision of these Regulations, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.
 - (4) **Existing Permits and Private Agreements:**
These Regulations are not intended to abrogate or annul any permit approval issued before the effective date of these Regulations or any applicable amendment thereto or any easement, covenant or other private agreement.
 - (5) The Grand County Road and Bridge Standards and the Grand County Storm Drainage Design and Criteria Manual are incorporated by reference into the Outright Exemption Regulations wherever applicable and at the discretion of the Board of County Commissioners. Standards may be reduced according to density impacts.

4.5 VIOLATIONS, PENALTIES AND ENFORCEMENT

- (1) Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided or exempted land before a plat for such subdivided land or Outright Exemption has been approved by the Board of County Commissioners and recorded or filed in the office of the Grand 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 (\$1,000.00) nor less than five hundred dollars (\$500.00) for each parcel or interest in subdivided or exempted land which is sold. All fines collected under this paragraph shall be credited to the County's General Fund. 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 (18) months after the recordation or filing in the office of the Grand County Clerk and Recorder of the instrument transferring or selling such subdivided or exempted land. The Board of County Commissioners may provide for the enforcement of these Outright Exemption regulations by means of withholding building permits. No plat for subdivided or exempted land shall be approved by the Board of County Commissioners unless, at the time of approval of platting, the subdivider provides the certification of the Grand County Treasurer that all ad valorem taxes applicable to such subdivided or exempted land have not been paid, for all years prior to the year in which approval is granted, have been paid.
- (2) The Board of County Commissioners of the County has the power to bring an action to enjoin any subdivider from selling subdivided or exempted land before a plat for such subdivided or exempted land has been approved by the Board of County Commissioners. In addition, the Board of County Commissioners may take such other legal action as may be authorized by the laws of the State of Colorado.

- (3) Any violation of paragraph one (1) of this subsection (4.5) is prima facie evidence of a fraudulent land transaction and shall be grounds for the purchaser to void the transfer or sale.

STATE OF COLORADO
County of Grand

At a regular meeting of the Board of County Commissioners for Grand County, Colorado, held at the Court House in Hot Sulphur Springs on Tuesday, the 12th day of August, A.D. 1999, there were present:

James L. Newberry (Absent)	Commissioner Chairman
Robert F. Anderson	Commissioner
Duane E. Dalley	Commissioner
Anthony J. DiCola	County Attorney
Lurline Underbrink Curran	County Manager
Sara L. Roseme	Clerk of the Board

When the following proceedings, among others were had and done, to wit:

RESOLUTION NO. 1999-8-5

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO ESTABLISHING A "RIGHT TO FARM AND RANCH" POLICY.

WHEREAS, Production Agriculture in Grand County is defined as property that has produced not less than \$5,000.00 of gross market value agricultural product (food and/or fiber) in four of the past five years. Property that has been deemed to be in production agriculture will no longer be considered as such, if sold for development of any kind. Family transfers for estate purposes, etc., that continue to function as an integral part of the property deemed to be in Production Agriculture, will continue to be defined as Production Agriculture; and

WHEREAS, pursuant to Article 3.5, Title 35, C.R.S., it is declared policy of the State of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products; and further that the general assembly recognizes that when nonagricultural land uses extend into agricultural areas, agricultural operations are forced to cease operations and many others are discouraged from making investments in farm improvements; and that it is the purpose of the Article to reduce the loss to the State of Colorado of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance. It is further recognized that units of local government may adopt ordinances or pass resolutions that provide additional protection for agricultural operations consistent with the interests of the affected agricultural community, without diminishing the rights of any real property interest; and

WHEREAS, the Board of County Commissioners has determined that it is desirable to establish and adopt by resolution a "Right to Farm and Ranch" Policy involving the elements of protection of agricultural operations, education of property owners and the public; and resolution of disputes; and

WHEREAS, the establishment and adoption of such a "Right to Farm and Ranch" Policy would serve and promote the public health, safety and welfare of the citizens of Grand County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Grand County, Colorado, that:

1. Policy Statement. It is the policy of the Board of County Commissioners of Grand County, as set forth herein that: Ranching, farming and all manner of agricultural activities and operations within and throughout Grand County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, open space, lifestyle and culture. Given their importance to Grand County, Northwestern Colorado, and the State, agricultural land and operations are worthy of recognition and protection. Notice is hereby given as follows:
 - a. Colorado is a "Right to Farm" State pursuant to C.R.S. 35-3.5-101, et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Grand County's agricultural operations as a normal necessary aspect of living in a County with a strong

rural character and a healthy ranching sector. Those with an urban sensitivity may perceive such activities, sights, sounds and smells only as inconvenience, eyesore, noise and odor. However, State law and County policy provide that ranching, farming and other agricultural activities and operations within Grand County shall not be considered to be nuisances so long as operated in conformance with law and in a non-negligent manner. Therefore, all must be prepared to accept noises odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads storage and disposal of manure predator control, on site storage and marketing of crops or livestock, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, pursuant to C.R.S. 35-5.5-101 and C.R.S. 35-5.5-104, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations.

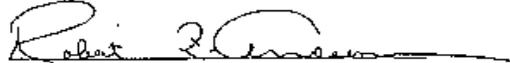
b. In addition, all owners of land, whether Agricultural Business, Farm, Ranch or Residence, have obligations under State law and County regulation with regard to the maintenance of fences, livestock must be fenced out (open range) as pursuant to C.R.S. 35-46-106, et. seq. Irrigators have the right to maintain ditches through established easements that transports water for their use and said irrigation ditches are not to be used for the dumping of refuse. Landowners are responsible for controlling weeds, keeping pets under control, using property in accordance with zoning, and maintenance of resources of the property wisely (water, soil, animals, plants, air and human resources). Residents and landowners are encourage to learn about these rights and responsibilities and act as good neighbors and citizens of the County. It is not the intent of this policy to require Production Agriculture to be "open space."

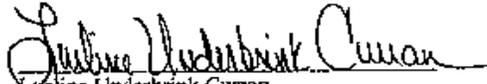
2. The Board of County Commissioners hereby establishes a dispute resolution procedure with mediators to informally resolve breach of property right conflicts that may arise between landowners or residents relating to agricultural operations or activities.
 - a. Breach of property rights include, but are not limited to: trespass; harassment of livestock and livestock losses due to free roaming dogs, pursuant to C.R.S. 35-43-126; trespass by livestock and pets; penalties for disrespect of water rights, pursuant to C.R.S. 37-89-101; and open gates or breaking fences, pursuant to C.R.S. 36-46-107.
 - b. Mediators must be knowledgeable with regard to land use conflicts. The Board of County Commissioners will maintain a list of qualified mediators.
 - c. No attorney shall be present at a mediation unless such attorney is the mediator or a party directly involved with the mediation.
3. **Public Education and Information Campaign.** The Board of County Commissioners, with the primary assistance of the Colorado State University Cooperative Extension, Grand County Office(s) and through the use of County Staff as needed, shall support efforts to educate and inform the public of the "Right to Farm and Ranch" Policy
4. **Property Owner Notification:** The Board of County Commissioners shall notify the owners of land within the County by the following means:
 - a. Whenever, a building permit is issued for new construction in the unincorporated area of Grand County, the Building Department shall provide owner educational material.

- b. The Board of County Commissioners shall initiate amendments to the County subdivision regulations to provide that notification of the Policy and the Policy Statement shall be made at the time of subdivision ore related land use approval and note to the effect shall appear on any Plat outside municipalities urban growth areas so approved.
5. This resolution may be amended from time to time by the Board of County Commissioners, Grand County, Colorado.

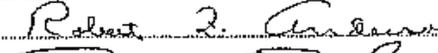
ADOPTED this 17th day of August, 1999.

BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO.


Robert F. Anderson, Chairman


Lorraine Underbrink Curran
County Manager
fms&phres.wpl.ncl

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

James L. Newberry (Absent)	Aye	
	Aye	
	Aye	Commissioners

STATE OF COLORADO }
County of Grand } ss

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Hot Sulphur Springs, this _____ day of _____ A.D. 19____.

County Clerk and ex-officio Clerk of the Board of County Commissioners.

STATE OF COLORADO }
County of Grand }

At a REGULAR meeting of the Board of County Commissioners for Grand County, Colorado, held at the Court House in Hot Sulphur Springs on Tuesday the 21st day of December, A.D. 1999, there were present:

Janet A. Newberry Commissioner Chairman
Robert E. Anderson Commissioner
Ruane R. Bailey Commissioner
Anthony L. D. Cole County Attorney
Lurline Underhill Gurren County Manager
Sara L. Rosema Clerk of the Board

whom the following proceedings, among others were had and done, to wit:

RESOLUTION NO. 1999-12-3

A RESOLUTION PURSUANT TO C.R.S. § 24-68-102(4) SPECIFICALLY IDENTIFYING THE TYPE OR TYPES OF SITE SPECIFIC DEVELOPMENT PLAN APPROVALS WITHIN GRAND COUNTY'S JURISDICTION THAT WILL CAUSE PROPERTY RIGHTS TO VEST AS PROVIDED IN ARTICLE 68 TITLE 24 C.R.S.

WHEREAS, in light of amendments made to the existing vested rights statutes by HB99-1280, this resolution is adopted to establish a vested property right for a subdivision final plat, subdivision exemption final plat, outright exemption final plat, final cluster development plan or as otherwise agreed between the Board of County Commissioners and the landowners for a specific project or development:

DEFINITIONS

"Site Specific Development Plan"

A final plat which has been submitted to the county as part of a subdivision final plat, subdivision exemption final plat, outright exemption final plat, final cluster development plan or as otherwise agreed between the Planning Commission, Board of County Commissioners and the landowner(s) for a specific project or development, to establish a vested right pursuant to Article 68 of Title 24, C.R.S., and which describes with reasonable certainty the type and intensity of the proposed land use for a specific parcel or parcels of property.

"Development Agreement"

The agreement between the owner and county which specifies the terms and conditions of approval. This agreement implements the site specific development plan which establishes vested rights under Article 68 of Title 24, C.R.S.

VESTED RIGHTS

- (A) A vested property right may be established pursuant to Article 68 of Title 24, C.R.S., as amended, after the following events occur:
- (1) A site specific development plan is reviewed by the Planning Commission and approved by the Board of County Commissioners as part of a subdivision final plat (or amended final plat), subdivision exemption final plat (or amended final plat), outright exemption final plat (or amended final plat), final cluster development plan (or amended final cluster development plan) or as otherwise agreed between the Board of County Commissioners and the landowners for a specific project or development
- (B) The Board of County Commissioners shall sign a resolution approving the final plat or final cluster development (or amended final plat or amended final cluster development plan) and associated site specific development plan request, and the Chairman of the Board shall sign a development agreement in a form acceptable to the County or a development agreement where warranted in light of all relevant circumstances is entered into by the Board of County Commissioners with the landowner, which by its terms

specifically grants a vested property right. Those circumstances may include but are not limited to the type and intensity of use, the size and phasing of the development, economic cycles, and market conditions. If these documents are signed on different dates, the date of the later signature shall be the date of establishment of the vested rights.

- (C) Once established, the vested right shall remain in effect for three years, unless the Board of County Commissioners determines, as part of the site specific development plan approval, that a longer period is warranted in light of relevant circumstances. Those circumstances may include but are not limited to the type and intensity of use, the size and phasing of the development, economic cycles, and market conditions. Any amendment to an approved site specific development plan shall not extend the three year vesting period unless the Board of County Commissioners expressly authorizes an extension based on the foregoing criteria.
- (D) No activity or use authorized by an approval granted under this resolution shall be allowed to commence unless a vested right is first established as required in this resolution, and all other post-approval requirements have been met.

A notice shall be published in a local newspaper of general circulation no later than 14 days after the Board of County Commissioners approve and sign the resolution (Development Agreement).

- (B) This notice shall advise the general public that a development agreement has been approved and that a vested property right has been created pursuant to this resolution.
- (C) The notice shall read as follows:

NOTICE

Notice is hereby given that on the _____ day of _____, 20____, the Grand County Board of County Commissioners approved by Resolution No. _____ a site specific development plan for the property and purpose described below, which approval may have created a vested property right pursuant to C.R.S. 24-68-101, et. seq.

Owner: _____

Legal Description: _____

Type and intensity of proposed use: _____

Published in (newspaper) (date) _____

The effective date of this Resolution is December 31, 1999.

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

James L. Newberry Aye

Robert L. Gaudin Aye

Deane E. Darby Aye

Commissioners

STATE OF COLORADO }
 County of Grand } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have herunto set my hand and affixed the seal of said County, at Hot Sulphur Springs, this _____ day of _____, A.D. 19____.

County Clerk and ex-officio Clerk of the Board of County Commissioners.

**GRAND COUNTY OUTRIGHT EXEMPTION REGULATIONS
BOARD OF COUNTY COMMISSIONERS
RESOLUTIONS**

ADOPTED by the Grand County Board of County Commissioners on June 20, 1978, Resolution No. 1978-6-9

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on August 18, 1981, Resolution No. 1981-8-4

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on February 7, 1984, Resolution No. 1984-2-10

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on March 12, 1991, Resolution No. 1991-3-9

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on December 22, 1992, Resolution No. 1992-12-18

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on April 5, 1994, Resolution No. 1994-4-4

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on September 20, 1994, Resolution No. 1994-10-1

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on January 28, 1997, Resolution No. 1997-1-15

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on May 5, 1998, Resolution No. 1998-5-1

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on June 16, 1998, Resolution No. 1998-6-10 (Effective Date – May 19, 1998)

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on March 16, 1999, Resolution No. 1999-3-8 (Effective Date – March 2, 1999)

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on April 20, 1999, Resolution No. 1999-4-12

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on October 2, 2001, Resolution No. 2001-10-2

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on August 3, 2002, Resolution No. 2002-7-45

AMENDED AND ADOPTED by the Grand County Board of County Commissioners on December 13, 2005, Resolution No. 2005-12-3 (Effective Date - January 1, 2006)

AMENDED AND READOPTED by the Grand County Board of County Commissioners on March 18, 2008, Resolution No. 2008-3-45

AMENDED AND READOPTED by the Grand County Board of County Commissioners on November 3, 2008, Resolution No. 2008-11-12