

**GRAND COUNTY SUBDIVISION  
EXEMPTION REGULATIONS**



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# GRAND COUNTY SUBDIVISION EXEMPTION REGULATIONS PROCESS

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**ARTICLE I**  
**APPLICATION OF THE SUBDIVISION EXEMPTION REGULATIONS**

**1.1 TITLE**

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

**1.2 AUTHORITY**

The Grand County Subdivision 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 promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Grand County, Colorado. Grand County Subdivision Exemption Regulations provide for divisions of land on a small scale under circumstances in which the need to comply with Grand 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 Grand County Subdivision Regulations. The abbreviated procedure set forth in these regulations permit an applicant to process a proposed land division with a minimum of time and expense, while encouraging the proper arrangement and construction of streets in relation to existing or planned streets; providing for adequate light and air; avoiding congested population; providing for proper traffic circulation; insuring adequate provisions for water, sewage, recreation, wildlife and environmental protection; and regulating such other matters as the Planning Commission and Board of County Commissioners may deem necessary in order to protect the best interests of the public.

**1.4 JURISDICTION**

Except as herein provided, no exemptions from State and County Subdivision Regulations shall be granted. These Regulations shall apply to the division of lands within the unincorporated areas of Grand County, Colorado, into a maximum of three (3) single-family residence lots with one (1) single-family residential unit per lot.

These regulations shall NOT apply to the following activities:

- (A) Division of a parcel of land contained within a platted subdivision.
- (B) Division of a parcel of land which has been created or divided pursuant to these Grand County Subdivision Exemption Regulations within the preceding twenty (20) years.

**1.5 DEFINITIONS**

(1) **Applicant / Developer**

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

(2) **Board of County Commissioners**

The Board of County Commissioners for the County of Grand, State of Colorado.

(3) **Improvements Agreement**

The term "Improvements Agreement" means one (1) or more security arrangements which a county shall accept to secure the actual cost of construction of such public improvements as are required by Grand County Subdivision Exemption Regulations within the exempted tract. The "Improvements Agreement" may include any one or a combination of the types of security or collateral listed in this sub-section (3) and the applicant may substitute security in order to release portions of the exempted tract for sale. The types of collateral which may be used as security under the "Improvements Agreement" are as follows: Restrictions on the conveyance, sale, or transfer of any lot, lots, tract or tracts of land within

the exempted tract as set forth on the plat or as recorded by separate instrument; performance or property bond; private or public escrow agreements; loan commitments; assignments of receivables; liens on property; letters of credit; deposit of certified funds; or other similar surety agreements. Security other than plat restrictions, required under the "Improvements Agreement" shall equal in value the cost of improvements to be completed but shall not be required on the portion of the exempted tract subject to plat restriction. The County shall not require security arrangements with collateral arrangements in excess of the actual cost of construction of the public improvements. The amount of

security may be incrementally reduced as improvements are completed.

(4) **Single-Family Dwelling**

"Single-Family Dwelling" means a detached building designed exclusively for occupancy by one (1) family.

(5) **Planning Commission**

The term "Planning Commission" means the Grand County Planning Commission.

(6) **Plat**

The term "Plat" means a map and supporting materials of certain described land prepared in accordance with Grand County Subdivision Exemption Regulations and Colorado State Statutes as an instrument for recording of real estate interests with the County Clerk and Recorder.

(7) **Single-Family Residential Lot**

"Single-Family Residence Lot" means a parcel of land on which a one-family dwelling is the only permissible development use.

(8) **Roads and Streets**

(a) The terms "street" and "road" mean a way for vehicular traffic, whether designated as a street, highway, drive, thoroughfare, parkway, thoroughway, road, avenue, boulevard, land, place, or however otherwise designated.

(b) "Arterial Highways" are those rights-of-way which are used primarily for fast or heavy traffic volumes for long distances and usually are or would be designated as state highways.

(9) **Subdivision Exemption**

Subdivision Exemption means any tract of land which has been, or is currently being, divided pursuant to Grand County Subdivision Exemption Regulations.

## 1.6 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) In case of any difference of meaning or implication between the text of these regulations and the 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 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, and shall be liberally construed to further their underlying purposes.

(3) Application of Overlapping Regulations: Whenever both a provision of these Regulations and any other provisions of these Regulations, or any provision in any other law, ordinance, resolution, rule or

regulation of any kind except for Grand County Subdivision Regulations which shall not apply to exempt tracts, 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 permits 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 have been integrated into the Subdivision Exemption Regulations wherever applicable. Standards may be waived or a variance considered according to density impacts at the discretion of the Board of County Commissioners.

## **1.7 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 final plat for such subdivided land or Subdivision 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 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 (18) months after the recordation or filing in the office of the 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 Subdivision 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 county treasurer's office that all ad valorem taxes applicable to such subdivided or exempted land, for years prior to that year in which approval is granted, have been paid.
- (2) The Board of County Commissioners of the County in which the subdivided or exempted land is located has the power to bring an action to enjoin any subdivider from selling subdivided or exempted land before a final 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 (1.7) is prima facie evidence of a fraudulent land transaction and shall be grounds for the purchaser to void the transfer or sale.

## **ARTICLE II DESIGN STANDARDS**

Each new division of land in Grand County will, to some degree, 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 must provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from trafficways made possible. Provisions must be made to meet area needs for flood and fire protection, sewage disposal, and water. Although Article IV of these regulations provides for variances under certain circumstances, the following design standards shall be followed wherever possible.

### **2.1 SPECIAL SITE CONSIDERATIONS**

- (1) Steep, unstable or swampy land, and land subject to inadequate drainage, avalanche or rock slides, 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.

- (2) 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 Board of County Commissioners.
- (3) Where a residential division of land borders a railroad or highway right-of-way, the Board of County Commissioners 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.
- (4) 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.
- (5) The Board of 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 Board of 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 Board of County Commissioners may set forth certain conditions, stipulations, standards, and prohibitions which must be observed if a Subdivision Exemption Regulations division of land is to be permitted.
- (6) Once submittal of a sketch plan has been made to the Grand County Planning Department for review of a Subdivision Exemption, no disturbance of the site, nor installation of any improvements associated with the proposed subdivision is allowed until after approval of the final plat by the Board of County Commissioners, or prior approval of any site disturbance or installation of required improvements has been authorized by the Board of County Commissioners. The developer will be allowed to do any soils and geologic testing, soils borings, surveying, etc. that are needed to provide the technical reports required for review of the Subdivision Exemption.

## **2.2 DRIVEWAYS, ROADS, STREETS AND EASEMENTS**

- (1) Street rights-of-way shall be designed to bear a logical relationship to the topography.
- (2) The Board of County Commissioners may require street rights-of-way to be aligned with planned or existing streets on 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 cul-de-sacs shall be provided at the end of any street giving access to adjacent lands until connecting streets on the adjacent lands have been constructed.
- (3) Intersections shall be as nearly at right angles as possible. Refer to the Grand County Road and Bridge Standards.
- (4) Cul-de-sacs shall be permitted, provided they are not more than six hundred (600) feet in length, and have a road surface turnaround diameter of at least ninety (90) feet and a minimum turnaround right-of-way of one hundred thirty (130) feet in diameter, unless the topography dictates the use of a longer cul-de-sac, in which case the approval of the Board of County Commissioners shall be obtained. The drainage should be toward the intersecting street or a drainage easement shall be required between the cul-de-sac and the rear lot line of the lowest lot.
- (5) Dead-end streets, with the exception of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent land.
- (6) Restriction of access may be required when an exempted tract or portion thereof adjoins an arterial highway or major collector. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots, or similar treatment may be required to reduce the impact of the

traffic on residential properties and to avoid interference with the movement of the traffic on arterial highways and major collectors. Refer to the Grand County Road and Bridge Standards.

- (7) Half streets shall be prohibited. When a proposed half street in an exempted tract is adjacent to another property, the approval of the adjacent owner shall be obtained and the entire street shall be platted and dedicated by the owners. The responsibility for acquiring the additional right-of-way shall be with the applicant.
- (8) All street rights-of-way shall have a minimum width of sixty (60) feet.
- (9) All street rights-of-way shall be designed to accommodate a constructed road with a maximum grade of seven percent (7%).
- (10) Radius of curvature. Refer to the Grand County Road and Bridge Standards.
- (11) Driveway requirements. Refer to the Grand County Road and Bridge Standards.
- (12) Easements of not less than twenty (20) feet in width shall be provided along rear or side lot lines for utilities. Such easements may be provided by ten (10) foot 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.
- (13) All roads created to serve the Subdivision Exemption shall be assigned county road numbers. The applicant shall be required to meet with the Planning and Zoning Department to determine proper county road number designations that are compatible with the area.
- (14) The Grand County Road and Bridge Standards and the Grand County Storm Drainage Design and Criteria Manual have been integrated into the Subdivision Exemption Regulations wherever applicable and at the discretion of the Board of County Commissioners. Standards may be reduced according to density impacts.

### **2.3 LOTS**

- (1) As a minimum requirement, lot dimensions shall conform to applicable zoning or other land use requirements. In addition, each lot shall have a minimum area of two and four tenths (2.4) acres.
- (2) Each lot shall have access to a street right-of-way.
- (3) Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or incompatible land uses.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.
- (5) Prior to approval of the final plat, the applicant will provide a black-line mylar, 14" x 18", at the applicant's expense, depicting each lot or tract according to a formula provided by the Grand County Planning Commission. The Grand County Planning Commission may require the applicant to consult with a specific engineering firm to determine proper addresses. The cost of said consultation will be the responsibility of the applicant. The mylar will also contain the name of the exemption and the section(s), township(s) and range(s) in which it is located.
- (6) Corner lots or tracts are to be given an address off of each road adjacent to said lot or tract.

### **2.4 DEDICATIONS**

- (1) Dedication of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements, may be required.



- (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.

## **2.5 DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER**

### **(1) Storm Drainage**

Land within an existing one hundred (100) year floodplain 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 Grand County Board of County Commissioners.

### **(2) Sewer**

- (a) On-lot sewage disposal systems shall comply with the current standards adopted by the Grand County Board of Health 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.

### **(3) Water Supply**

- (a) On-lot water supply systems shall comply with current standards in effect in Grand County, Colorado. Proof of adequate water supply for any proposed development shall be submitted pursuant to §29-20-103 Colorado Revised Statutes.
- (b) Water supply systems, whether on-lot or otherwise, located in floodplain areas, shall be designed and located so as to minimize or eliminate infiltration and avoid their impairment during or subsequent to flooding.

## **2.6 DESIGN STANDARDS FOR NATURAL HAZARD AREAS**

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

## **2.7 IMPROVEMENTS REQUIRED**

In each proposed land division, the applicant and the Board of 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 Board of County Commissioners.

- (1) Permanent survey monuments shall be set as required by Colorado Revised Statutes, 1973, Title 38, Article 51. In addition, half inch (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 the land surveyor responsible for the establishment of said monument.
- (2) Roads meeting County standards promulgated by the Grand County Board of County Commissioners may be required.
- (3) 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 Board of County Commissioners.

- (4) The Applicant(s)/Developer(s) will be responsible for paying all engineering fees associated with any new subdivision exemption. In addition to the initial costs associated with the development the applicant/developer will be responsible for ongoing engineering fees throughout the project (i.e. traffic study reviews, subdivision improvement inspections, etc.).

These fees will be billed at cost plus 10% and must be paid within thirty (30) days.

- (5) No final plat shall be signed by the Board of County Commissioners until the improvements required by these Subdivision Exemption Regulations have been constructed and approved by the appropriate county officials having jurisdiction over such improvements, or until assurance in the form of an improvements agreement is given to the Board of County Commissioners that the required improvements will be completed.

## **2.8 SLASH REMOVAL/DISPOSAL**

- (1) The preferred method for removal of excess forest materials (slash) in Subdivision Exemptions requiring the clearing of forested areas for lots, roads, utilities, etc., is mulching and chipping. Supplemental methods for slash removal are to separate for firewood collection, remove all saleable lumber or use other methods which do not involve burning of slash from subject property. Excess slash may not be disposed of at any Grand County landfill. All stumps shall be buried. Cost estimates for mulching and chipping or other slash removal methods, whether used or not, are required at final plat submittal of the Subdivision Exemption.
- (2) If burning methods are used to dispose of slash materials from subject property, the subdivider of said property must contact the Colorado State Forest Service and the local fire protection district, if any, to receive guidelines and technical direction on burning methods before recording of the final plat.

## **2.9 SOLID FUEL BURNING DEVICES**

### **DEFINITIONS**

**SOLID FUEL BURNING DEVICE** is any fireplace, stove, firebox, or other device intended and/or used for the purpose of burning wood, coal, pulp, paper, pellets or other non-liquid or non-gaseous fuel.

**APPROVED SOLID FUEL BURNING DEVICE** is an appliance or device which is designed or intended to burn solid fuel and which is certified by the air pollution control division of the State Department of Health to meet the emission standards set forth in the Colorado State Air Pollution Regulation No. 4.

**APPROVED NON-SOLID FUEL BURNING DEVICE** is an appliance or device which burns a non-solid fuel such as natural gas, liquefied petroleum, fuel oil, recycled motor oil or similar fuel in an appliance or device which has been approved by Underwriters Laboratory, American Gas Associates, other approved laboratories or the Grand County Building Official.

- (1) Single-family residences located within Subdivision 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 a Subdivision Exemption recorded before effective date of this Resolution 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.

## 2.10 SCHOOL LANDS

- (1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations.
- (2) Provision of land areas for schools shall be at the rate of .045 acres per single family dwelling unit within the subdivision. Such provision may include, subject to the Board of County Commissioners' approval:
  - (a) Reservation of such sites and land areas, for acquisition by the County.
  - (b) Dedication of such sites and land areas to the County, or in lieu thereof, payment of a sum of money not exceeding the fair market value of such sites and land areas. Any such sums, when required, shall be held by the Board of County Commissioners and shall be used as provided for in Colorado Revised Statute §30-28.133 (4) and (4.3) as now enacted and hereafter amended. The Board of County Commissioners for the acquisition of such sites and land areas. Dedication of such sites and land areas shall be made at the time of final platting in one (1) or any combination of the following ways:
    - (i) By dedicating to the County of Grand, a body politic incorporate, in fee simple, on the final plat.
    - (ii) By granting the land areas in fee simple on General Warranty Deeds to the County.
- (3) In lieu of dedication of land areas for public school sites, the County may require the payment of a sum of money not to exceed the fair market value of such sites and land areas at the time of final plat submittal.
  - (a) Fair market value shall be determined by mutual agreement between the subdivider and the Board of County Commissioners. In the event of inability of any of the above parties to agree on the fair market of the sites, an independent party, being a qualified appraiser in the County of Grand, shall be selected by mutual agreement of the disagreeing parties. Said independent party's findings on fair market value of the site shall be final and binding on all parties. A qualified appraiser shall be certified by the State of Colorado Department of Regulatory Agencies Division of Real Estate.
  - (b) Payments made under the requirements of this Section shall be made payable to the County of Grand. The Board of County Commissioners shall receive such funds at the time of the final plat approval and deposit them with the County Treasurer who may in turn deposit such funds in any County approved and designated financial institution.
    - (i) Such funds shall be deposited to special interest bearing escrow accounts, one such account for each school district within Grand County. Each deposit shall be credited to the name of the subdivision for which the payment was made and shall be deposited in the account of the school district in which the subdivision is located. The status of these accounts shall be reported annually to the Board of County Commissioners and shall be made available to the school districts and the general public.
    - (ii) Funds may be withdrawn from the special escrow accounts by the Board of County Commissioners and shall be used as provided for in Colorado Revised Statute §30-28.133 (4) and (4.3) as now enacted and hereafter amended within the school district wherein the subdivision is located.
  - (c) The Board of County Commissioners shall, from time to time, adopt a Resolution setting forth the formula to be used to determine the sums of money to be paid in lieu of dedication of land areas.

- (4) Land conveyed to the County for public school sites shall be transferred and conveyed to the appropriate school district upon written request by the District. Funds paid to County in lieu of dedication of land areas for public school sites shall be made available to the appropriate school district and shall be used as provided for in Colorado Revised Statute §30-28.133 (4) and (4.3) as now enacted and hereafter amended.
- (5) Land areas that shall not be acceptable in determining the fulfillment of the requirements for the provision of land area for public school sites shall include the following:
  - (a) Natural drainage ways, streams, gulleys, and rivers including all lands within the one hundred (100) year flood plain. (Note, unless the school district specifically accepts a certain portion for a reasonable use and it is approved by the Board of County Commissioners.)
  - (b) Rights-of-way and /or easements for irrigation ditches and aqueducts.
  - (c) Steep or rugged land areas, hazardous geological land areas, hazardous wildfire land areas and such other areas are not conducive for use as school sites.
- (6) Improvements that shall be constructed or installed on or adjacent to designated school sites shall be as follows:
  - (a) Curb, gutter, and pavement, in accordance with the Grand County standards in those subdivisions requiring same.
  - (b) Utilities shall be extended to the property line.
  - (c) All drainage structures and facilities.

**The following formula is to be used to calculate school fees in lieu of dedication of land areas:**

- (1) The determined unit value for the purpose of the dedication of school sites for money in lieu of school sites for Grand County is determined and established through educational criterion in both East Grand School District and West Grand School District.
- (2) When money in lieu of land is recommended by the appropriate Board of Education, the following formula shall be applied:  
  
Dwelling units or lots up to and including three (3) units: 50 % per unit/lot of the fixed rate of .090
- (3) Determine the cost per unit/lot, multiply the dedication percentage 50% times the determined unit/lot value (.090) times the fair market value per acre of the developed land

Example: 3 lots/units

$$3 \times .50 = 1.5$$

$$1.5 \times .090 = .135$$

$$.14 \times \$4,000/\text{acre} = \$560.00 \text{ school fees}$$

(\$4,000/acre is an arbitrary number used for this example. When calculating this formula on a specific project, the fair market value per acre of the developed land would be used in place of the \$4,000/acre shown above.)

**2.11 STORMWATER MANAGEMENT**

- (1) Driveway drainage design shall follow Road and Bridge Standards, to ensure that design directs storm water flow away from any County Road.

- (2) A storm water management plan shall be required for any site disturbance in excess of one (1) acre.

## **2.12 DESIGN STANDARDS FOR MINERAL RESOURCE AREAS**

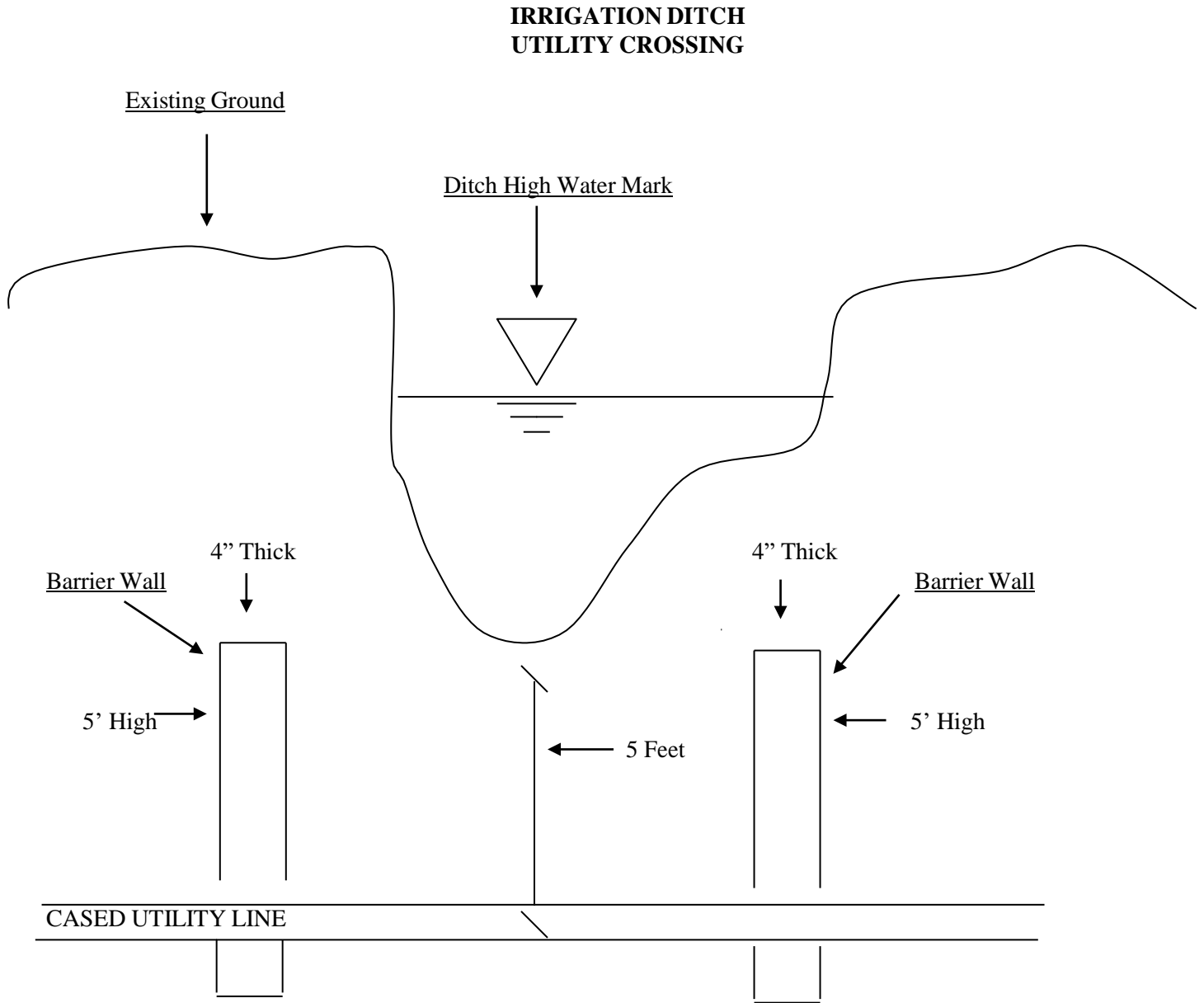
Mineral extraction and exploration are prohibited in order to protect public health and safety as the same also contradicts the purpose of the Subdivision Exemption process.

## **2.13 DITCH CROSSINGS**

Development of land that contains irrigation ditches requires that the developer and all future land owners respect the rights of the ditch owner(s) to access and maintain the ditch without any increased burden of maintenance or liability due to the development of the land. Subdivision Exemption plats shall minimize ditch crossings. If crossings are necessary, at a minimum, the following rules shall apply:

- (1) Approval from the ditch owner or ditch company to cross the ditch easement may be required prior to any disturbance of the ditch. The developer shall be required to provide the ditch easement owner with design drawings and hydraulic analysis of the proposed crossing. The developer or owner is responsible for all costs associated with any review of plats or specifications for ditch crossings by the ditch company.
- (2) Crossings shall be at roads or driveways whenever possible. The crossing shall be sized so as not to interfere with the ditch operation or alter the existing flow characteristics. (i.e. width, depth, slope, velocity or pattern)
- (3) Provide access to the ditch on both sides from all roads that allow vehicles and maintenance equipment access to the ditch, on both sides.
- (4) An executed agreement binding the property owner and all successor property owners to accept all liability for damage caused by any improvements installed within the ditch or ditch easement.
- (5) An executed agreement that requires current and successor property owners to maintain the ditch crossing and to keep it and the ditch access easement safe and clean at all times. Maintenance shall include but not be limited to trash removal, as well as repair or replacement of the crossing when necessary. Ditch owners or easement owners shall be notified in writing by certified mail prior to any disturbance within the ditch easement.
- (6) The Board of County Commissioners, through the Planning and Zoning Department, may require specific improvements to the ditch crossings in order to limit the liability of ditch owners or ditch easement owners caused by any approved ditch crossings or improvements. These improvements may be required in order to minimize the possibility of flooding or to protect downstream water rights. The cost of these improvements shall be paid by the developer.
- (7) All utilities crossing the ditch must be cased at as near a right angle as feasible and installed at a minimum of five (5) feet from the bottom of the ditch to the top of the casing. This is to allow for future cleaning and ditch maintenance.
- (8) Any approved ditch crossing by any utility company shall be cased so future maintenance of the carrier pipe will not interfere with the operation of the ditch. Additionally, the location of any crossing shall be clearly marked on each side of the irrigation ditch.
- (9) All open cuts across any irrigation ditch are only allowed during the off season while the ditch is dry and shall be replaced with a four (4) inch thick impermeable soil barrier placed on the ditch bottom and banks. The barrier walls shall meet soil classification CL or ML-CL and shall be compacted to ninety-five percent (95%) of the standard proctor density.

- (10) Utilities installed during the irrigation season while the ditch is in operation must be bored as to not interrupt the operation of the ditch.



**2.14 POST CONSTRUCTION**

The County shall review and compare all construction with the Construction Plans approved at Final Plat and any design revisions made during construction. A request for construction review shall not be submitted between October 1<sup>st</sup> and April 1<sup>st</sup> due to variable weather conditions in Grand County, Colorado. A request for review may be denied if snow accumulation is present.

**PRELIMINARY ACCEPTANCE**

Prior to Preliminary Acceptance the following items shall be supplied to the County:

- (1) Record Drawings for the improvements shall be submitted at the time the letter requesting monies release is submitted. Release of monies shall not occur if the County determines deviations are present which have not received prior approval.
- (2) A letter or letters of acceptance and responsibility for maintenance of the improvements by the appropriate utility company, special district, or town for all utilities and roads.
- (3) A letter from the appropriate fire authority stating that fire hydrants are in place, in accordance with the approved plans. The letter shall also state that the fire hydrants are operational and provide the results of the fire flow tests.
- (4) Certifications.
- (5) Quality control test results shall be submitted for all phases of the project in accordance with the schedule for minimum materials sampling, testing, and inspection as found in CDOT's Materials Test Procedure Module.
- (6) Photos (if applicable).
- (7) Field Notes (if applicable).
- (8) Any addendums/changes to the Final Plat Submittal.
- (9) Any other pertinent information associated with the Construction.

If any substantial variations or discrepancies are discovered between the approved construction plans and the improvements actually constructed, the Engineer shall propose and recommend a solution or alternative solutions to the County for review and approval. If no proposed alternative will satisfy the requirements of these Standards, the Engineer shall submit a variance request or the Applicant shall reconstruct the deficient public improvements to comply with the approved construction plans.

Findings of Preliminary Acceptance may influence security release, as found in the Subdivision Improvements Agreement.

## **CERTIFICATIONS**

The following certifications shall be required on letterhead with stamp, seal, date and shall address the appropriate construction plans/ documents that the professional is approving.

### **ENGINEER**

The licensed engineer of record shall review the information required in Section 2.6.1 to state that the actual construction and materials used are in substantial compliance with the county accepted construction design plans.

"I, \_\_\_\_\_, A DULY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF COLORADO, STATE THAT CONSTRUCTION HAS BEEN COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE CONSTRUCTION PLANS APPROVED BY GRAND COUNTY, AS DETERMINED BY REVIEW OF THE RECORD DRAWINGS AND DURING PERIODIC ON-SITE OBSERVATIONS DURING AND AFTER THE COURSE OF CONSTRUCTION AS DETERMINED BY ME OR UNDER MY DIRECT SUPERVISION. DATE: \_\_\_\_\_."

**GEOTECHNICAL ENGINEER**

THE GEOTECHNICAL ENGINEER OF RECORD SHALL SUPPLY GRAND COUNTY WITH A LETTER STATING THAT, BASED ON THE RESULTS OF THE QUALITY CONTROL TEST RESULTS, CONSTRUCTION WAS COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE PAVEMENT DESIGN AND GEOTECHNICAL RECOMMENDATIONS APPROVED BY GRAND COUNTY.

"I, \_\_\_\_\_, A DULY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF COLORADO, STATE THAT CONSTRUCTION HAS BEEN COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE FINAL GEOTECHNICAL REPORT APPROVED BY GRAND COUNTY, AS DETERMINED BY COMPLETION AND REVIEW OF THE QUALITY CONTROL TEST RESULTS AND DURING PERIODIC ON-SITE OBSERVATIONS DURING AND AFTER THE COURSE OF CONSTRUCTION AS DETERMINED BY ME OR UNDER MY DIRECT SUPERVISION. DATE: \_\_\_\_\_."

**LANDSCAPE ARCHITECT**

The Landscape Architect of record will supply Grand County with a letter stating that, based on the actual landscaped place on site, the landscape was in substantial compliance with the county accepted construction design plans.

"I, \_\_\_\_\_, A DULY LICENSED LANDSCAPE ARCHITECT IN THE STATE OF COLORADO, STATE THAT CONSTRUCTION HAS BEEN COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE LANDSCAPE PLANS APPROVED BY GRAND COUNTY, AS DETERMINED BY PERIODIC ON-SITE OBSERVATIONS DURING AND AFTER THE COURSE OF CONSTRUCTION AS DETERMINED BY ME OR UNDER MY DIRECT SUPERVISION. DATE: \_\_\_\_\_."

**FINAL ACCEPTANCE**

Consideration for Final Acceptance shall be no less than two (2) years from Preliminary Acceptance. If upon final inspection of the Subdivision Improvements, the County finds the Subdivision Improvements are not substantially free of defects in materials and workmanship or have not been repaired or maintained as required under the Subdivision Improvements Agreement, the County shall issue a written notice of noncompliance within 14 days after the final inspection specifying the respects in which the Subdivision Improvements are not substantially free of defects in materials and workmanship or have not been repaired and maintained as required under the Subdivision Improvements Agreement. The Applicant shall thereupon take such action as is necessary to cure any noncompliance and, upon curing the same, shall request a new Final Re-inspection from the County. The release of monies shall be contingent on County review and acceptance. A letter requesting final acceptance from engineer/landscape architect/geotechnical engineer shall be signed, stamped and sealed.



## **ARTICLE III PROCEDURE**

Any proposed division of land pursuant to these Regulations shall be subject to approval by the Grand County Board of County Commissioners. Approval shall be based on compliance with the standards and conditions herein set forth.

When a division of land under these Regulations is contemplated, the applicant shall first engage in a preliminary conference with a member of the Grand County Department of Planning and Zoning. The purpose of this meeting is to consider whether or not a proposed division of land qualifies under the Subdivision Exemption Regulations, and to inform the applicant of the requirements and procedures for processing a proposed land division under these Regulations.

If the applicant feels he is qualified to process an application under these Regulations, he shall prepare and submit a sketch plan as provided in 3.2 below for consideration by the Grand County Planning Commission and the Grand County Board of County Commissioners as to the general layout and density of the proposed division of land. Review of the sketch plan is to insure that the proposed division of land qualifies under the Subdivision Exemption Regulations, that it is in accordance with the Grand County Master Plan, that adequate utilities and access are available, and to insure that the property on which the division is proposed is at least apparently suitable for division in the manner contemplated by the applicant.

After the approval, conditional approval, or disapproval of the Board of County Commissioners has been received, the applicant shall, if he wishes to divide his land, submit a final plat in accordance with 3.3 below, and any required supplementary material for review and evaluation by the Grand County Department of Planning and Zoning. This material will be thoroughly checked for compliance with design standards, improvements required, and other standards set forth in these Regulations, as well as additional conditions imposed by the Grand County Board of County Commissioners. If approved, this final plat, together with required supplemental material, shall represent the land division actually to be permitted. Execution of an improvements agreement to guarantee the completion of required improvements may be necessary before the plat will receive final approval and be recorded, and before any lots may be sold.

### **3.1 PRELIMINARY CONFERENCE**

The applicant is required to confer with a member of the Grand County Department of Planning and Zoning prior to submission of a sketch plan 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 Subdivision Exemption Regulations. If the applicant feels his proposed land division does qualify, he will be informed regarding requirements and procedures for processing such a division under these Regulations.

### **3.2 SKETCH PLAN**

After the preliminary conference, but prior to the submission of the materials required for final plat approval, the applicant shall submit a sketch plan of his proposed division of land and certain additional materials.

(1) The sketch plan shall be prepared as follows:

- (a) The design shall be in accord with the applicant's plans for actual development and therefore shall be an approximate representation of the land division which may eventually be recorded.
- (b) The drawing shall be a legible sketch drawing showing the proposed layout or plan of development for the total development area.
- (c) A vicinity map shall accompany the sketch plan. The vicinity map shall be at a scale of not less than one (1) inch equals two thousand (2,000) feet, extending at least two (2) miles beyond the tract to be divided, showing existing parcels of land, streets and highways, natural drainage courses, municipal and special district boundaries, sites for proposed water and sewage treatment facilities, topographical characteristics, and similar major natural or man-made

features of the area. U.S. Geological Survey topographical maps are acceptable vicinity maps.

- (2) The sketch plan shall contain or be accompanied by the following information:
- (a) Proposed name of the exempted tract.
  - (b) A correct legal description of the entire property to be divided.
  - (c) The names, addresses, and telephone numbers of the applicant(s), and the land surveyor, engineer, and/or designer of the proposed division, if any (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land surveyors).
  - (d) Date of preparation, scale and North sign (designated as true North).
  - (e) Location and approximate dimensions for all proposed street rights-of-way, easements and lot lines.
  - (f) Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses, and other important features within and adjacent to the tract to be divided.
  - (g) The names of abutting subdivisions and the names of the owners of abutting unplatted properties.
  - (h) Approximate acreage of all lots to be created by the division of land.
  - (i) Relevant site characteristics including the existence of any special natural or man-made hazards.
  - (j) The Applicant shall certify that notice has been provided to the mineral estate owner pursuant to C.R.S. '24-65.5-101 et al., which includes time and place of the Sketch Plan hearing before the Planning Commission, nature of the hearing, location of the property that is the subject of the hearing, and name of the applicant. The name and address of the mineral estate owner are required to be provided within said certification notice. Grand County shall, pursuant to C.R.S. '24-6-402(7) et al., provide notice of subsequent hearings to Mineral Estate Owners who register for such notification.
  - (k) 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 extinguished, released, or purchased by the developer. If such land is mortgaged by the developer it shall be sufficient if the mortgagee joins in the dedication.
- (3) The sketch plan shall be processed as follows:
- (a) Fifteen (15) copies of the sketch plan, together with required supplemental material, and a processing fee according to the current fee schedule to cover the cost of review, shall be presented by the applicant to the Grand County Department of Planning and Zoning.
  - (b) Within twenty (20) days after the sketch plan is submitted, the Grand County Department of Planning and Zoning shall complete its review and convey the sketch plan and a certificate of recommendation to the Grand County Planning Commission recommending approval, approval subject to specified conditions, or disapproval of the proposed land division.

- (c) The Planning Commission and its staff shall complete its review of the proposed development within twenty (20) days of receipt of the sketch plan and certificate of recommendation. The applicant shall be advised that the sketch plan shall be presented to the Planning Commission at the next regular meeting following the completion of its review. At the meeting, the Planning Commission shall discuss with the applicant any changes deemed advisable in the proposed plan, any additional technical data or other information which may be necessary for final approval, and the kind and extent of improvements which may be required, if any. At such meeting, the Planning Commission shall approve as submitted, disapprove, or approve with conditions, the sketch plan. The Planning Commission shall then prepare a certificate of recommendation for submission to the Board of County Commissioners recommending that the proposed division of land be approved, disapproved, or approved subject to specified conditions. A decision by the Planning Commission may be delayed until the following regularly scheduled meeting only with the consent of the applicant. Failure of the Planning Commission to approve, conditionally approve or disapprove the sketch plan within two (2) successive regularly scheduled meetings at which the sketch plan is considered shall constitute automatic approval, provided the applicant or his authorized representative shall have attended such regular meetings to discuss the plan. Regardless of the type of approval, such approval of a sketch plan shall be conditional for purposes of guidance and the preparation of a final plat which shall be submitted to the Board of County Commissioners for final approval prior to recording.
- (d) Any conditions of approval of the sketch plan or a copy of the certificate of recommendation shall be noted in the minutes of the meeting of the Planning Commission.
- (e) Within thirty (30) days after the approval, conditional approval or disapproval of the sketch plan by the Planning Commission it shall be presented to the Board of County Commissioners of Grand County for their approval, conditional approval or disapproval. The applicant shall be advised of the date when the sketch plan shall be presented to the Board of County Commissioners and a decision by the Board of County Commissioners shall not be delayed more than thirty (30) days unless an extension is consented to by the applicant. An approval or conditional approval of a sketch plan by the Board of County Commissioners shall be valid for no longer than twelve (12) months except in the case of an extension granted upon application and for good cause shown. The Board of County Commissioners shall provide the applicant with a written statement of requirements to be met before final approval will be granted.
- (f) After submission and review of the sketch plan by the Planning Commission and Board of County Commissioners the applicant shall, if he wishes to divide his property submit a final plat in conformance with the Grand County Subdivision Exemption Regulations.

### **3.3 FINAL PLAT**

- (1) The final plat shall be prepared as follows:
  - (a) The design shall conform to the sketch plan and the statement of conditions.
  - (b) The drawing shall be made at a scale of one inch (1") equals one hundred feet (100'), 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 registered engineer hired by the developer, and such design shall be submitted with the final plat.
- (2) The final plat shall contain or be accompanied by the following information:

- (a) Title (which shall include the phrase "Subdivision 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 each lot or site and acreage of each site to nearest 1/100th of an acre, and a statement that all lots shall be used for single-family residences only.
- (h) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (i) Location and description of monuments.
- (j) Statement by owner platting the property and, if required by the Grand County Board of County Commissioners, dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form (dedication language may be omitted if not required by the Board of County Commissioners):

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS: That (owner's name) is the owner of that real property situated in Grand County, Colorado, more fully described as follows: (legal description). That he has caused said real property to be laid out and surveyed as (Subdivision Exemption Name), and does hereby dedicate and set apart all the streets, alleys, and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF (owner's name) has caused his name to be hereunto subscribed this day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(owner's name)

STATE OF COLORADO        }  
  }ss  
COUNTY OF GRAND        }

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by (owner's name).

My commission expires:

\_\_\_\_\_  
Notary Public

- (k) Certification by a surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final plat, to be in substantially the following form:

**SURVEYOR'S CERTIFICATE**

I, (surveyor's name), a duly registered land surveyor in the State of Colorado, do hereby certify that this plat of (Subdivision Exemption Name) 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 Subdivision Exemption Regulations have been placed on the ground.

\_\_\_\_\_  
(surveyor's name)

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

- (l) 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 Subdivision Exemption Regulations  
adopted by Resolution No. \_\_\_\_\_.

\_\_\_\_\_  
Chairman  
Board of Commissioners  
Grand County, Colorado

- (m) 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 Subdivision Exemption Regulations, and the statement of requirements issued by the Board of County Commissioners.
- (n) 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.
- (o) A vicinity map.
- (p) Documented proof of legal access.
- (q) Documented proof of the availability of sewer and water supply.
- (r) Such additional information as may be required by the Grand County Board of County Commissioners.
- (s) A 14" x 18" black-line mylar with approved addresses and road numbers required.
- (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](http://www.blm.gov/gcdb). The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.

- (u) Statement of taxes due showing current taxes paid.
  - (v) Current title commitment.
- (3) The final plat shall be processed as follows:
- (a) Within twelve (12) months after approval or conditional approval of the sketch plan by the Board of County Commissioners, the original and fifteen (15) copies of the final plat and required supplemental materials, together with a processing fee according to the current fee schedule shall be filed by the applicant with the Department of Planning and Zoning.
  - (b) The Department of Planning and Zoning shall have twenty (20) days to review the final plat for conformity with the sketch plan, the statement requirements, and other requirements of these regulations.
  - (c) Following review, the final 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 final plat shall be presented to the Board of County Commissioners. The Board shall review the final plat, especially with regard to required improvements and the acceptance of areas dedicated for public use, if any, and shall approve or disapprove the final 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 Commissioners may withhold approval of the plat in order to await 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 final plat, it shall prepare a written statement of defects setting forth all of its reasons for disapproval. At such meeting, any required improvements agreement shall be provided by the applicant.
  - (d) No changes, erasures, modifications or revisions shall be made in a final 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 final plat by the Board of County Commissioners and the completion of the required improvements or execution of an improvements agreement, the final 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 final approval of the final plat, the County shall require the payment of an emergency services impact fee, pursuant to Section 3.3 of the Subdivision Regulations of Grand County. Any final plat not recorded within one (1) year after approval by the Board of County Commissioners shall not be recorded and the approval by the Board of County Commissioners shall become null and void. The applicant must reapply for an exemption if he wishes to divide his land pursuant to these Regulations.
  - (g) Upon final approval, the County shall require the payment of \$1,000.00 per lot if served by Individual Sewage Disposal Systems, and \$500.00 per lot if served by central wastewater treatment for water quality impact fees to be used by the County as follows:
    - (i) Compliance with C.R.S. §30-28-136(1)(g), as now enacted or hereinafter amended.

- (ii) Studies to establish need for new water or wastewater treatment facilities.
- (iii) Studies for expansion and upgrades to existing water and wastewater treatment facilities.
- (iv) Studies to establish impacts and causes of no-point source pollution to surface and ground water.
- (v) Purchase of water to help dilute surface or ground water pollution caused by either point or non-point source pollution.
- (vi) Studies to establish the impact of individual sewage disposal systems on ground and surface water.
- (vii) Purchase of property needed to accommodate new wastewater treatment facilities.
- (viii) Purchase of property to accommodate expansion of wastewater treatment facilities.
- (ix) Partial or total funding for expansion of wastewater main lines into areas deemed to significantly contribute to point or non-point source pollution when outside of approved special district boundaries.
- (x) Studies to determine impact of point or non-point source pollution on fish and aquatic invertebrate.
- (xi) 201 Facilities Plans or updates
- (xii) Any other item that would address water quality impacts, as deemed to be necessary, in the sole discretion of the Board of County Commissioners.

Contribution of these funds will be set forth in a Water Quality/Wastewater Agreement. Payment will be as set forth in this agreement.

## **ARTICLE IV ADMINISTRATIVE PROVISIONS**

### **4.1 VARIANCES**

- (1) The Board of County Commissioners may authorize variances from these Regulations in cases where, due to exceptional topographical conditions or other unusual conditions peculiar to the site, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of these Regulations. The conditions of any variance authorized shall be stated in writing by the Board of County Commissioners with the justification set forth.
- (2) Variances may be authorized only after due notice has been given and acknowledged by adjacent property owners.

### **4.2 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 that these regulations are repealed, any proposed division of land pursuant to these Regulations which has not received final plat approval by the Grand County Board of County Commissioners will be subject to the Grand County Subdivision Exemption Regulations.



**4.3 SEVERABILITY**

It is hereby declared to be the legislative intent that the 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 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 of land.

**4.4 REPEALS, EFFECTIVE DATE**

These Regulations shall not be construed in any manner as a repealer of any provisions of the Grand County Subdivision 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.

**SUBDIVISION EXEMPTION PROCESS  
GRAND COUNTY BOARD OF COUNTY  
COMMISSIONERS RESOLUTIONS**

ADOPTED by the Grand County Board of County Commissioners on December 13, 2005,  
Resolution No. 2005-12-1 (effective January 1, 2006).

AMENDED and READOPTED by the Grand County Board of County Commissioners on March 18,  
2008, Resolution No. 2008-3-46

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

AMENDED and READOPTED by the Grand County Board of County Commissioners on November  
3, 2008, Resolution No. 2014-4-29

AMENDED and READOPTED by the Grand County Board of County Commissioners on January  
1, 2022, Resolution No. 2021-12-19