

SECTION 6-105: SUBMITTAL FOR FINAL ACTION FOR MINOR IMPACT PROJECT

- A. COPIES OF INFORMATION NECESSARY FOR ACTION BY RECOMMENDING AND DECISION-MAKING BODIES.** If the Planning Commission, after a work session(s) and the applicable required public hearing, directs the staff to prepare a Recommendation or Decision document for approval of a Minor Impact project, the Planning Department shall determine the number of copies of a plan submitted for final action (including protective covenants, blue line copies of a plat, or final plan layout as applicable) necessary for review and action by the County, and advise the applicant of that number.
- B. CONDOMINIUM AND TOWNHOME DEVELOPMENTS.** A Minor Impact project that is a plan for condominium or townhome development shall require a Final Plan approval for the layout, infrastructure and amenities for the project. Building Permits may then be issued for construction of individual buildings. A Final Plat shall be submitted after the buildings are constructed, that is reviewed and recorded pursuant to Article 5: *Administrative Review Projects That Require Land Use Change Permits*.
- C. FEES.** To compensate the County for the cost of reviewing and processing applications for Land Use Change Permits, each applicant shall pay the Final Plan fee as shown in a schedule of fees charged for permits issued by the Planning Department, adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be incurred by the County in reviewing and processing the application.
- 1. IMPACT FEES.** As applicable, payment in full of any impact fees.
- D. SUBMITTAL OF DRAFT COPY.** The applicant shall submit one draft copy of the plan for final action to the Planning Department.
- E. TOTAL NUMBER OF COPIES REQUIRED.** Once the Planning Department has determined the submittal to be complete, it shall determine the number of copies of the plan for final action that are necessary for review and action by the Planning Commission and/or Board, and other review agencies or County departments, and shall notify the applicant of the number required to be submitted. The Department shall, as applicable, forward the plan for final action and any relevant comments to the Planning Commission and/or Board.
- F. NARRATIVE.** The plan for final action shall include the following, presented in the same order as it is listed here, in a stapled or otherwise bound document, on consecutively-numbered pages:
- 1. APPLICANT OTHER THAN APPLICANT WHEN APPLICATION ORIGINALLY SUBMITTED.** If the applicant is not the same as the applicant who submitted the initial application, that fact shall be noted, and a notarized letter of consent from the current property owner for the current applicant to proceed with the review shall be submitted.
 - 2. PROPERTY OWNER OTHER THAN OWNER WHEN APPLICATION ORIGINALLY SUBMITTED.** If the property owner is not the same as the owner who submitted the initial application, that fact shall be noted, and a notarized letter of consent from the current property owner for the current applicant to proceed with the review shall be submitted.
 - a. APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, and the ownership of the property has changed since the initial application, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.
 - 3. PROJECT DESCRIPTION.** A detailed description of the uses and activities for which final approval is requested, including:

- a. **USES AND ACTIVITIES.** Proposed uses or activities, division of land, adjustment of boundaries, expansion of existing uses, and construction, stockpiled materials, indoor and outdoor storage areas.
 - b. **NUMBERS OF UNITS OR OTHER SIZES OF USES.** Numbers of units or lots. The square footage or acreage of commercial, industrial or other uses.
 - c. **DESCRIPTION OF STRUCTURES.** Description of structures to be constructed, their estimated size(s) and appearance.
 - d. **DESCRIPTION OF OFF-SITE RESOURCES.** Description of off-site resources, hazardous activities and haul routes.
 - e. **IDENTIFICATION OF LOT USE WITHIN SUBDIVISION.** If subdivision of the property is proposed, the uses proposed for all resulting lots.
 - f. **SEASONS AND HOURS OF OPERATION.** As applicable, the seasons of the year in which the activity is proposed to be conducted, and the intended hours of operation.
 - g. **PHASES.** Phases of the plan, if applicable.
4. **DOCUMENTATION OF CONVEYANCE OF LAND OR EASEMENT.** As applicable, a copy of warranty deed(s) to, or easement agreement(s) with, the appropriate entity conveying or providing easement to the County or other entity, for any land set aside for road rights-of-way, public trails, or other public use.
5. **PROTECTIVE COVENANTS AND DESIGN GUIDELINES, CONDOMINIUM OR TOWNHOME DECLARATIONS, OR DEED RESTRICTIONS.** Protective covenants, design guidelines, condominium or townhome declaration or similar restrictions that will be imposed on the development.. The protective covenants shall be the final recordable form and, at a minimum, shall address:
- a. **CONDITIONS OF LAND USE CHANGE PERMIT.** As applicable, those items required as conditions of the Land Use Change Permit approval to be included within protective covenants, design guidelines, condominium or townhome declarations or deed restrictions.
 - b. **RESPONSIBILITIES OF HOMEOWNERS' ASSOCIATION.** As applicable, responsibilities of property owners or homeowners' association to collect dues, maintain common areas, improve infrastructure common to the development, maintenance of a decreed water augmentation plan and the augmented water supply, treatment of wastewater and/or water, and to oversee the maintenance of the general appearance of the development.
 - c. **COUNTY IS PARTY TO AMENDMENT OR TERMINATION.** Language that requires that amendment or termination of the protective covenants or restriction is subject to approval by Gunnison County.
 - d. **DESIGN CRITERIA.** Design criteria that will govern development within the subdivision, including:
 - 1. **BUILDING SCALE AND LOCATION.** Language defining building heights, compatibility with terrain, and sizes of all structures that will be allowed by the protective covenants. The requirements of Section 11-108: *Standards for Development on Ridgelines*, Section 13-103: *General Site Plan Standards and Lot Measurements*, Section 13-105: *Residential Building Sizes and Lot Coverages* shall guide the drafting of the covenant language.
 - 2. **ARCHITECTURAL STYLE AND EXTERIOR APPEARANCE.** Language describing the architectural style that will be required of all structures in the proposed development, and the types and colors of exterior materials to be used, including siding, roofing.

- e. **DOMESTIC ANIMAL CONTROL.** Language limiting the maximum number of domestic animals allowed on a lot or within the development, and requiring that they be confined on site by kenneling, leashing or other similar means. Language that includes requirements that comply with those specified by Section 11-106: F.6: *Domestic Animal Controls*, Section 11-109: D: *Domestic Animal Controls*, and Section 9-508: *Keeping of Livestock Not On an Agricultural Operation*.
 - f. **EXTERIOR LIGHTING.** Language that includes requirements that comply with those specified by Section 13-114: *Exterior Lighting*.
 - g. **FENCING.** Language that includes requirements that comply with those specified by Section 13-113: *Fencing*. If there is proposed to be a fence separating the proposed development from lands on which there are agricultural operation or are public lands, language shall be required acknowledging Colorado's "fence out" requirements, and placing responsibility for construction and maintenance of the fence with the property owners or homeowners' association.
 - h. **RECLAMATION AND NOXIOUS WEED CONTROL.** Language that includes requirements that comply with those specified by Section 13-115: *Reclamation and Noxious Weed Control*.
 - i. **USE AND MAINTENANCE OF OPEN SPACE AREAS.** As applicable, language shall be included that lists uses allowed on, and requires maintenance of common open space areas by the homeowners association, or other appropriate entity. Pursuant to Section 13-108: *Open Space and Recreation Areas*.
 - j. **SIGNS.** Language shall be included that informs property owners or other land users within the proposed development that installation of signs requires compliance with the Gunnison County regulations and may require a Gunnison County Sign Permit.
 - k. **RULES CONCERNING PARKING.** Language concerning limitations on parking pursuant to Section 13-110: *Off-road Parking and Loading*.
 - l. **LANDSCAPING AND BUFFERING.** Language addressing installation and maintenance of landscaping on individual lots and common areas pursuant to Section 13-111: *Landscaping and Buffering*.
 - m. **PROVISION FOR SNOW REMOVAL AND SNOW STORAGE.** Language identifying responsibility of a property owners' or homeowners' association or other entity to remove snow from interior roads and parking areas, and other applicable requirements pursuant to Section 13-112: *Snow Storage*.
 - n. **STANDARDS TO ENSURE COMPATIBLE USES.** As applicable, specific covenants or other restrictions designed to mitigate impacts to nearby residential or public use areas or adjacent land uses, pursuant to Section 13-119: *Standards to Ensure Compatible Uses*.
 - o. **SOLID-FUEL-BURNING DEVICES.** If solid-fuel-burning devices are to be used in the proposed development, restrictions shall be listed ensuring compliance with Section 13-107: *Installation of Solid-fuel-burning Devices*.
 - p. **GEOTECHNICAL SITE-SPECIFIC STUDIES.** When a parcel is proposed for subdivision and analysis has indicated it is located within a geologic hazard area, language shall be included that identifies the specific hazard in which the development, or identified portions of the development, are located, and refers by title, name of preparer, and date of preparation to the geotechnical analysis of the site.
 - 1. **COPY OF GEOTECHNICAL STUDY TO BE ATTACHED.** A copy of the geotechnical study(ies) shall be required to be attached as an exhibit to the protective covenants or deed restriction.
6. **DOCUMENTATION ESTABLISHING ADMINISTRATIVE ASSOCIATION.** If the development is a subdivision, condominium or townhome development, proof of the establishment of any

applicable homeowners' or property owners' association, district, architectural control committee or other group that will administer or enforce protective covenants, declarations or deed restrictions. If proof of establishment is not submitted with the plan for final action, establishment shall be guaranteed through provisions in the Development Improvement Agreement, and all relevant documentation creating the organization shall be submitted to the Planning Department.

7. **FINAL COST ESTIMATES.** As applicable, documentation from contractors, materials providers, engineers or other professionals, certifying final estimates for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements required by the County for final approval.
8. **COPY OF PROPERTY TAX CERTIFICATE.** Copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the land use change is proposed have been paid up to the year in which approval is under consideration. If the copy provided in the Minor Impact application is current, no additional copy need be provided.
9. **INFORMATION TO ASSESSOR'S OFFICE.** If the development is a subdivision, condominium or townhome development, a copy of a notarized signed statement from the developer agreeing to provide the Gunnison County Assessor's Office with the following information before November 30 of each year shall be submitted:
 - a. **PARCELS SOLD.** A description of all lots or parcels sold within the development.
 - b. **PURCHASER INFORMATION.** Name and address of each purchaser.
 - c. **PURCHASE PRICE.** Purchase price of each parcel sold.
- G. **LAYOUT AND DESIGN.** The application shall include a rendering of the final layout and design plan of the project that shall include:
 1. **SURVEY.** A scale survey of the boundaries of the land parcel, showing all planned, recorded and apparent rights-of-way and all easements including ditches, utility lines, roads, and paths or trails; a description of all monuments found and set marking the boundaries of the property; and a description of all control monuments used and all dimensions necessary to establish the boundaries in the field. All section, quarter-section, township and range lines that cross the development shall be identified.
 2. **SCALE.** Scale shall be 100 feet to the inch, except building plans and townhome or condominium plans may be at a larger scale if appropriate.
 3. **SHEET SIZE.** Sheet size shall be 24 inches by 36 inches. When a large development requires more than two sheets at the required scale, the applicant shall also submit a total area plan showing the entire development at a scale that is clearly legible.
 4. **LOCATIONAL INFORMATION.** Each sheet shall contain a scale (written and graphic), north arrow and a heading containing the name and location of the development by reference to a quarter-section, township and range, and a reference to a U.S. Mineral survey where applicable.
 5. **SUBDIVISION PLAT.** If the development is a subdivision, the final layout shall be presented as a recordable Plat, and include the required language pursuant to Section 6-105: L: *Specifications for Subdivision Plats.*
- H. **ENGINEERED PLANS.** Final engineering design plans and descriptions for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements proposed to be installed by the developer, or required by the County; such plans shall be designed and stamped by a qualified professional engineer licensed in the State of Colorado. Engineering plans may be bound separately when size or bulk makes it advisable. Two folded copies of each of the plans shall be provided that can be stored in legal-sized folders, and shall not be submitted in rolled form.

- I. **UTILITY LOCATION PLANS.** As applicable, final utility location plans approved by all utility companies identified as providing service to the development.
- J. **WATER SUPPLY.** Documentation of a final court decree, deed or other written evidence demonstrating ownership and/or right to use water in the amounts, manner and location(s) for the uses and activities included in the development.
1. **WATER AUGMENTATION PLAN.** If the Division of Water Resources required that a plan of water augmentation be designed, submitted and approved, a copy of the decree(s) for the plan shall be submitted. The plan shall accurately portray the number and types of uses described in the applicant's Final Plan application submittal, including phases, if applicable.
- K. **RURAL ADDRESSING SYSTEM PLATS.** If the development is a subdivision, condominium or townhome development, three copies of the Final Plat, 14 inches by 17 inches, for inclusion in the rural addressing system, one of which the Planning Department will provide to the applicable County department for emergency services purposes.
- L. **SPECIFICATIONS FOR SUBDIVISION PLATS.** Subdivision plats intended for recording shall be prepared by a surveyor registered in the State of Colorado, clearly and legibly drawn on indelible mylar so that legible prints can be made from it. The Plat recorded in the Office of the Clerk and Recorder of Gunnison County shall be a nonerasable mylar copy of the original. Sheet size shall be 24" x 36". The scale of the final plat shall be sufficiently large to show clearly the details of the plan (preferably 1" = 100').
1. **PUBLIC AREAS.** All public or common areas shall be identified.
2. **NON-DUPLICATING ROAD NAMES.** All roads shall be named. Road names shall not duplicate those of any existing named road within the unincorporated county or any incorporated municipality, to avoid confusion and duplication.
3. **ACCESS AND OTHER EASEMENTS.** Planned and existing, recorded or apparent easements shall be shown, including 25-foot easements from each irrigation ditch bank pursuant to Section 11-109: G. 2.: *Irrigation Ditch Easements*, watercourses, public utilities, drains, sewers, snow storage areas, roads and paths or trails crossing the property, the closing or changing of which might affect the rights of others or result in damage to the property of the owner.
4. **BLOCKS AND LOTS.** All blocks and lots or spaces shall be consecutively numbered.
5. **LOT ADDRESSES.** The applicant shall provide a copy of the Plat to the Gunnison County Building Inspector who shall assign the appropriate addresses, which shall be shown on the recordable Plat.
6. **REFERENCE TO PROTECTIVE COVENANTS.** If protective covenants are included as an element of the development, they shall be filed with the plat and the plat shall contain the correct recording references.
7. **CURVE DATA.** All curve data, in a chart that includes radii, internal angles, and lengths of all arcs and points of curvature.
8. **REQUIRED PLAT LANGUAGE.** The following plat language:
- a. **FLOODPLAIN WARNING AND DISCLAIMER.** If subject property is located within an identified floodplain, language shall be included on the plat pursuant to Section 11-103: F. 1. *Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of This Property.*
- b. **GEOLOGIC HAZARDS WARNING AND DISCLAIMER.** If the subject property is located within an identified geologic hazard area, language shall be included on the plat pursuant to Section 11-104: F. 5: *Warning and Disclaimer of Geologic Hazards Affecting Use and Occupancy of This Property.*

- c. **WILDFIRE HAZARD AREA WARNING AND DISCLAIMER.** If the subject property is located within an area designated as a wildfire hazard area, language shall be included on the plat pursuant to Section 11-106: G: *Warning and Disclaimer of Wildfire Hazards Affecting Use and Occupancy of This Property.*
- d. **COMPLIANCE WITH COUNTY APPROVAL DOCUMENTS.** A Plat presented for approval shall contain one of the following statements, as applicable:

- 1. **COMPLIANCE WITH BOARD RESOLUTION.**

COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No. _____ of the Records of the Clerk and Recorder of Gunnison County.

- 2. **COMPLIANCE WITH APPLICABLE CERTIFICATE OF APPROVAL.**

COMPLIANCE WITH CERTIFICATE OF APPROVAL

The property described on this plat is subject to all the requirements, terms and conditions of Certificate of Approval No. _____, recorded at Reception No. _____ of the Records of the Clerk and Recorder of Gunnison County.

- e. **GENERAL NOTES.** Pursuant to Section 11-110: H: *Protective Covenants or Deed Restrictions and Plat Language*, the following paragraphs shall be included within a section of General Notes on a Final Plat:

- 1. **CONFINEMENT OF DOMESTIC ANIMALS.** Language directing that domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
- 2. **AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS.** Language referencing C.R.S. 35-46-101 *et seq*: clearly stating that a property owner is required to construct and maintain fencing in order to keep livestock off his/her property.
- 3. **IRRIGATION DITCH MAINTENANCE.** Language notifying individual lot owners that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.

- f. **ATTORNEY'S OPINION.** The following opinion by the applicant's attorney:

ATTORNEY'S OPINION

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in _____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows: _____ (list same or indicate none).

Dated this _____ day of _____, A.D. 20____.

Attorney-at-Law

- g. **DEDICATION.** A Final Plat presented for approval shall contain one of the following statements concerning dedication, which shall be followed by the Notary Statement set forth in (3) below:

- 1. **DEDICATION LANGUAGE.**

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and/or subdivided

and include area in acres to two (2) decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof (printed name of the owner) has (have) subscribed (his, her, their) name(s) this ____ day of _____, A.D. 20____.

By _____
Owner(s), Mortgagee(s) and Lien holder(s)

2. DEDICATION/ALTERNATIVE LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____, being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and/or subdivided and include area in acres to two (2) decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof (printed name of the owner(s)) has (have) subscribed his, her, their name(s) this ____ day of _____, A.D. 20____.

By _____
Owner(s), Mortgagee(s) and Lien holder(s)

3. NOTARIAL.

State of Colorado)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this ____ day of _____, A.D. 20____, by (printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers of a corporation, then insert the title of said officers and the name of the corporation).

My commission expires: _____

My address is: _____

Witness my hand and official seal:

_____ (seal)

Notary Public

h. PLANNING COMMISSION APPROVAL.

GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado, hereby recommends _____ approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held on this ____ day of _____, A.D. 20____.

Chairperson, Gunnison County Planning Commission

- i. **BOARD OF COUNTY COMMISSIONERS' APPROVAL.** As is consistent with the selected paragraph of dedication, any Final Plat submitted for approval shall contain one of the following statements of approval as appropriate:

1. **BOARD APPROVAL LANGUAGE:**

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this ____ day of ____, A.D. 20____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance or snow removal purposes. Maintenance of, or snow removal from, the subject roads shall be only upon a separate Resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.

Chairperson, Gunnison County Board of Commissioners
Attest:

Gunnison County Clerk and Recorder

2. **BOARD APPROVAL: FIRST ALTERNATIVE LANGUAGE:**

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this ____ day of ____, A.D. 20____, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

3. **BOARD APPROVAL: SECOND ALTERNATIVE LANGUAGE:**

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this ____ day of ____, A.D. 20____, as a seasonal use development only and not as a development served by a road opened or to be opened on a year-round basis. The roads and other public areas are hereby accepted provided, however, such acceptance shall not in any way be considered as an acceptance for maintenance purposes. Maintenance of, or snow removal from the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

4. **BOARD APPROVAL: THIRD ALTERNATIVE LANGUAGE:**

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this ____ day of ____, A.D. 20____, as a seasonal use development only and not as a development served by a road opened or to be opened on a year-round basis. The private dedication of roads and common areas is approved on the condition that such

roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

5. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE.** (To be placed in the lower right-hand corner of cover sheet.)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this ____ day of ____, A.D. 20____, Reception Number _____, Time _____, Date _____.

Gunnison County Clerk and Recorder

6. **SURVEYOR'S STATEMENT.** A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him or under his direct responsibility and supervision and explaining how bearings, if used, were determined.