
SUBDIVISION REGULATIONS LOGAN COUNTY, COLORADO

Official Copy as Incorporated
by Resolution No. _____

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April 26, 2011

SUBDIVISION REGULATIONS

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ARTICLE

1

General Provisions

1.1 **Title.** These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of Logan County, Colorado.

1.2 **Policy.**

1. It is declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the County pursuant to the official "2008-2018" Logan County Master Plan and amendments thereto for the orderly, planned, efficient, and economical development of the County.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools and parks, recreational facilities, transportation facilities, and related improvements when such are reasonably necessary to serve the proposed subdivision and future residents thereof.
3. The proposed public improvements shall conform to and be properly related to the proposals shown in the Logan County, Colorado, Master Plan, Official Map, and the capital budget and program of the County. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building codes, zoning regulations, the Master Plan, Official Map and land use plan, transportation plan and the capital budget and program of the County.
4. The land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulation(s) identified in Article 1.3.

1.3 **Purposes.** These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the County.

2. To guide the future growth and development of the County in accordance with the "2008-2018" Logan County, Colorado, Master Land Use Plan.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the County and to encourage the orderly and beneficial development of the community through appropriate growth management techniques which assure the timing and sequencing of development, promote infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper suburban and open space separation of suburban and rural areas, and protect the environmentally critical areas and areas premature for suburban development. This will include the proper development of our unincorporated established communities.
5. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, drainage, electric, sewer, water, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land, buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
9. To ensure 1) that public facilities and services are available concurrent with development and which will have a sufficient capacity to serve the proposed subdivision; and 2) that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures so that the development provides its fair share of capital facilities needs generated by the development.
10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the aquifers, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve the natural beauty and topography of the County and to ensure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning regulation of the County.
13. To ensure that land is subdivided only when subdivision is necessary to provide for uses of lands for which market demand exists and which are in the public interest.

14. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

1.4 **Authority.** The Logan County Planning Commission (hereinafter “Planning Commission”) is vested with the authority to review, request redesign, recommend approval to the Logan County Board of County Commissioners (hereinafter “the Board”), conditionally approve and disapprove applications for the subdivision of land, including sketch, preliminary, and final plats. The Planning Commission may recommend variances from these regulations pursuant to the provisions of Article 1.12. This authority is in accordance with Colorado Revised Statutes 30-28-133 as may be amended from time to time.

1.5 **Jurisdiction.**

1. These regulations apply to all subdivision of land, as defined in Article 2.2 – Words and Terms Defined, located within the corporate limits of Logan County, Colorado as provided by law.
2. No land may be subdivided through the use of any legal description and it shall be unlawful to file such plats with the Logan County Clerk and Recorder unless a notation has been made on the plat by the Planning Commission and the Board certifying that the Planning Commission and the Board have approved the plat in accordance with these regulations.
3. All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same, intended to be dedicated for public use or for the use of purchasers or owners of the lots fronting or adjacent thereto, shall be submitted to the Planning Commission for its consideration and recommendation of approval as provided by law. Recommendation shall be submitted to the Board for their official consideration and action in the acceptance of right-of-way and easements dedicated/granted for public purpose.
4. The Director of Planning or his/her designee shall have the authority and shall be required to review all preliminary plans, plats, and specifications for compliance with all subdivision regulations before they are submitted to the Planning Commission.
5. The Director of Planning or his/her designee shall have the authority and shall be required to make a written report on preliminary plans, plats, and specifications concerning adequacy of streets, other public improvements, lot sizes, etc, and shall comment on those items that, in his/her professional judgment, would improve the land use, traffic circulation, utility services, and other environmental conditions for the future inhabitants of the subdivision. Review may include field inspection trips, an evaluation of the proposed subdivision in relation to the Master Plan, and an evaluation of its impact on the environment and all other pertinent data regarding the subdivision.
6. It shall be the duty of the Director of Planning or his/her designee to process, review, and evaluate proposed subdivisions of land, and to advise the Planning Commission and the Board in a timely fashion. The Director of Planning or his/her designee shall determine if the plat conforms to the completeness requirements of the subdivision regulations. If such determination is not made within sixty (60) days after the first

applicant meeting following the date of the submission of the plat to the County, such plat shall be placed on the Planning Commission agenda for determination of completeness of submittal requirements to these regulations. If the Planning Commission finds that the plat does not conform to the submission requirements of the subdivision regulations, the Planning Commission shall notify the owner or owners of such fact.

7. The Planning Commission shall have the authority to require changes or redesign in the preliminary plan, which more fully meets the purposes of these subdivision regulations as set forth in Article 1.3.
8. In reviewing preliminary plans, the intent and requirements of these regulations are followed and shall also determine compatibility with the approved Master Plan.
9. The Board shall accept or refuse the dedication of land for public purposes within thirty (30) days after the first meeting of the Board following the date of the submission of the plat to the Board by the Planning Commission. The Board may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Board. No additional filing fees shall be assessed during that period. If the Board defers or refuses such dedication, it shall advise the Planning Commission of the reasons therefore.
10. The Planning Commission also shall have the authority to review and recommend for approval, development of lands subdivided prior to or following the effective date of these regulations as follows:
 - a. The plat of the subdivided land was recorded without the prior approval of the Planning Commission and the Board whether or not prior approval was required at the time the land was subdivided, and the plat contains contiguous lots in common ownership where one or more of the lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider.
11. No land described in Article 1.5 shall be subdivided or developed until each of the following conditions has occurred in accordance with these regulations:
 - a. The subdivider or his agent has submitted a conforming sketch plat of the subdivision to the Director of Planning; and
 - b. The subdivider or his agent has obtained approval of the sketch plat, a preliminary or minor subdivision plat when required, and a final plat from the Planning Commission and the Board; and
 - c. The subdivider or his agent files the approved plat(s) with the Logan County Clerk and Recorder.
12. No building or zoning permit or certificate of occupancy shall be issued for the construction or use of any structure upon any lot, tract or parcel of land located within the area governed by these Regulations or for any parcel or plat of land created by subdivision unless in full conformance with these subdivision regulations.
13. No excavation of land or construction of any public or private improvements shall take place or be commenced until; 1) until and unless the plat is recorded; and 2) either all required improvements are completed and approved; 3) or the Board has accepted security pursuant to C.R.S. 30-28-137.

RESOLUTION
NO. 2011-17

A RESOLUTION ADOPTING THE LOGAN COUNTY, COLORADO, SUBDIVISION REGULATIONS PURSUANT TO C.R.S. 30-28-133, THROUGH C.R.S. 30-28-139.

WHEREAS, the Board of Commissioners is empowered to regulate land use in Logan County outside the jurisdictional limits of any incorporated city, and

WHEREAS, the Board of Commissioners is charged with promoting the public health, safety, morals, comfort, general welfare, and conserving property values in the areas so planned, and


WHEREAS, a series of Public Hearings required by C.R.S. 30-28-133, Colorado Revised Statutes, were held to review the Logan County, Colorado, Subdivision Regulations and the review as completed by the Logan County Planning Commission, recommends approval the Subdivision Regulations, at the Logan County Courthouse, Sterling, Colorado. Following the guiding language of the 2008-2018 Master Plan with its associated Land Use Maps the Logan County Planning Commission certifies and recommends approval of the Logan County Subdivision Regulations while incorporating the currently approved Cluster Development Code adopted by this Board on April 18, 2006 into the Subdivision Regulation, and

WHEREAS, this Board concurs with the recommendation of the Planning Commission and finds that the Subdivision Regulations is superior to the Subdivision Regulations that this Board adopted on June 21, 1972 with amendments.

NOW, THEREFORE, BE IT RESOLVED that the Logan County Subdivision Regulations adopted on June 21, 1972 with amendments, is hereby abolished as the Subdivision Regulations for Logan County, the Cluster Development Regulations adopted April 18, 2006 are hereby incorporated into the Subdivision Regulations and the Logan County Subdivision Regulations as certified to the Board of County Commissioner's by the Logan County Planning Commission on the 21st day of December, 2010, is hereby adopted and effective the date signed as the Subdivision Regulations for Logan County, Colorado.

DONE on Tuesday, this 26th day of April, 2011.

LOGAN COUNTY BOARD OF COMMISSIONERS
LOGAN COUNTY, COLORADO

 (Ave)(Nay)
Debra L. Zwirn, Chair

 (Ave)(Nay)
James Edwards

 (Ave)(Nay)
David G. Donaldson

I, Pamela M. Schneider, County Clerk and Recorder in and for the County of Logan, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the Board of County Commissioners of the Logan and State of Colorado, in regular session on the 26th day of April, 2011.


County Clerk and Recorder

14. The Logan County Clerk and Recorder pursuant to C.R.S. 30-28-137 shall not file any plat, or record of survey used in lieu of a plat until such plat shall bear the endorsement herein required.

1.6 **Enactment.** In order that land may be subdivided in accordance with these policies, these subdivision regulations are hereby adopted by Resolution No. 2011-17, and made effective as of April 26, 2011. The Planning Commission recommended approval of these regulations on December 21, 2010. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations. These regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the County, unless the Planning Commission determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

1.7 **Interpretation, Conflict, and Severability.**

1. **Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
 - a. *Public Provisions.* These regulations are not intended to interfere with, abrogate, or annul any other rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes requirements different from those imposed by any other provision of these regulations or any other rule or regulation, or other provision of law, the provision, which imposes higher standards, shall control.
 - b. *Private Provisions.* These regulations are not intended to abrogate any easement, covenant or other private agreement or restriction, provided that where the provisions of these regulations impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction imposes duties and obligations or standards that are higher than the requirements of these regulations, or the determinations of the Planning Commission or the Board in approving a subdivision or in enforcing these regulations, the private provisions shall be operative and supplemental to these regulations and the determinations made under the subdivision regulations.
2. **Severability.** If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application, which is judged to be invalid.

- 1.8 **Saving Provision.** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any Article or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the county except as shall be expressly provided for in these regulations.
- 1.9 **Reservations and Repeals.** Upon the adoption of these regulations according to law, the Subdivision Regulations of Logan County, Colorado, adopted June 21, 1972, as amended, are hereby repealed.
- 1.10 **Amendments.** For the purpose of protecting the public health, safety, and general welfare, the Planning Commission may from time to time propose amendments to these regulations which shall then be approved or disapproved by the Board via resolution and recorded in the official records of the County. The approved amendments shall be incorporated into these regulations.
- 1.11 **Public Purpose.** Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this County. The developer has the duty of compliance with reasonable conditions established by the Planning Commission and approved by the Board for design, dedication, improvement, and designated use of the land to conform to the physical and economic development of the County and to the health, safety, and general welfare of the future lot owners in the subdivision and the community at large.
- 1.12 **Variances, Exceptions, and Waiver of Conditions.**
1. **General.** Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend approval to the Board for variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not recommend approval of variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case as follows:
 - a. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner

would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and

- d. The relief sought will not in any manner vary the provisions of the Zoning Resolution, Master Plan, or Official Maps of same, except that those documents may be amended in the manner prescribed by law.
2. **Conditions.** In the recommendation of approval of such variances, exceptions, or waivers of conditions, the Planning Commission may recommend such conditions as will, in its judgment, secure substantially the purposes described in Article 1.3.
3. **Procedures.** A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.13 Enforcement, Violations, and Penalties.

1. **General.**
 - a. It shall be the duty of the Director of Planning to enforce these requirements and to bring to the attention of the County Attorney or his designated agent any violations of these regulations.
 - b. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been recommended for approval by the Planning Commission and approved by the Board in accordance with the provision of the regulations and filed with the Logan County Clerk and Recorder.
 - c. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale or development is prohibited.
 - d. No building permit shall be issued for the construction of any building or structure located on a lot or plat, subdivided or sold in violation of the provisions of these regulations, nor shall the County have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.
2. **Violations and Penalties.** Any person who violates any of these regulations shall be subject to a fine of not to exceed \$100.00 or by imprisonment for not more than ten days for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense pursuant to the provisions of C.R.S. 30-28-124.
3. **Civil Enforcement.** Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a structure. These remedies as set forth in C.R.S. 30-28-124.5 shall be in addition to the penalties described above.
4. **Guarantee of Public Improvements.** No final plat shall be recorded until the subdivider has submitted and the Board has approved a subdivision improvements agreement or other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown on the final plat documents which, in the judgment of said Board, will make reasonable provision for the completion of said improvements in accordance with the design and

time specifications. The Board or any purchaser of any lot, lots, tract, or tracts of land subject to a plat restriction which is the security portion of a subdivision improvements agreement shall have the authority to bring an action in any district court to compel the enforcement of any subdivision improvements agreement on the sale, conveyance, or transfer of any such lot, lots, tracts of land or any other provision of Part 1, Article 28, Title 30 of Colorado Revised Statutes.

ARTICLE

2

Definitions

2.1 Usage.

1. For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this Article.
2. Unless the context clearly indicates to the contrary, words used in the present tense included the future tense and words used in the plural include the singular.

2.2 Words and Terms Defined.

1. *Acceptance.* Formal action by the Board whereby dedicated public improvements are accepted for maintenance. This action can only be taken after the improvements are completed and inspected by authorized personnel and certified for acceptance.
 - a. Approval of a subdivision by the Planning Commission and the Board shall not constitute an acceptance by the County of roads, streets, alleys, or other public lands for maintenance 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 Board only by specific action of the Board.
2. *Adequate Public Facilities.* Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the Logan County Board of County Commissioners based upon specific levels of service.
3. *Administrative Assistant to the Planning Commission.* Known as the Director of Planning, the officer appointed by the Logan County Board of County Commissioners to administer these regulations and to assist administratively other Boards and Commissions. If no such officer is appointed, the Planning Coordinator shall serve also as Administrative Assistant.

4. *Alley.* A public or private right-of-way primarily designed to serve as secondary access to and provide utility access to the side or rear of adjacent properties whose principal frontage is on some other street.
5. *Applicant.* The owner of land proposed to be subdivided or their representatives who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.
6. *Area of Benefit.* An area of land which is designated by the Planning Commission as receiving benefits from or creating the need for the construction, acquisition, or improvement of a Public Facilities Project.
7. *Area-related Facility.* A capital improvement which is designated in the capital improvements program as serving new development and which is not a site-related facility. Area-related facility may include land dedication or construction of an oversized capital improvement, whether located offsite, or within or on the perimeter of the development site.
8. *Assessment District.* The service area for a category of public facilities that is assessed a fee to retire bonded indebtedness for the identified category of facility.
9. *Average Density.* See *Cluster Development*.
10. *Block.* A tract of land bounded by streets, or by a combination of streets, alleys and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, subdivision boundary lines of the County or a combination thereof.
11. *BOD.* Biochemical Oxygen Demand.
12. *Bond.* Any form of a surety bond in an amount and form satisfactory to the legal counsel for the Logan County Board of County Commissioners. The County Attorney shall approve all bonds whenever a bond is required by these regulations.
13. *Buffer.* See External Buffer.
14. *Building.* Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.
15. *Building Inspector.* The person(s) designated by the County to enforce the Zoning Resolution. If no Administrative Assistant to the Planning Commission is appointed to administer these regulations, the Building and Zoning Inspector shall administer these regulations.
16. *Capital Improvement.* A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the County.

17. *Capital Improvements Program [CIP]*. A plan setting forth, by category of public facilities, those capital improvement(s) and that portion of their costs, which are attributable to serving new development within, designated service areas for such public facilities over a period of specified years (1-15). Capital improvement programs may refer either to the plan for a particular service area or to the aggregation of capital improvement(s) and the associated costs programmed for all service areas for a particular category of public facilities.
18. *Certify*. Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the County by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.
19. *Cluster Development*. A technique which allows lots to be reduced in size and buildings sited closer together, provided the total development density does not exceed that which could be constructed on the site under conventional zoning and the remaining land is utilized for open space or public purposes.
20. *Collector Roads*. Collector roads/streets serve dual functions. They collect and distribute traffic between neighborhoods and arterial streets while providing access to abutting property. Collectors are normally two-lane streets, and usually have traffic counts in the range of 1,500 to 5,000 Average Daily Traffic.
21. *Common Ownership*. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
22. *Community Improvement District*. *See Assessment District*.
23. *Concurrency*. Requirement that development applications demonstrate those adequate public facilities are available at prescribed levels of service concurrent with the impact or occupancy of development units.
24. *Condominium*. A common interest community in which portions of the real estate is designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (C.R.S. 38-33.3-101 et.seq.).
25. *Construction of housing by a Sponsor*. Construction of housing units by an entity which includes the sponsor as a partner or joint venture provided that the sponsor has general liability for the obligations of such entity. Construction of housing shall include rehabilitation of substandard, deteriorated units which:

- a. Are unsafe, unsanitary, or a danger to the health, safety, or welfare of an occupant;
 - b. Have a rehabilitation cost in excess of \$20,000 per unit; and
 - c. Have been occupied continuously for three years prior to commencement of construction to rehabilitate the units, except for those units owned and operated by a government agency or a nonprofit organization.
26. *Construction Plan.* The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat, and which plans shall be approved by the Board.
27. *Contiguous.* Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot. Touching does not mean at a cross Section point.
28. *Cottage Housing.* Clustering of single-family-detached homes limited in size, clustered with common parking, required common area(s), covered porches and access gained via access easement or a dedicated tract [public or private]. Cottage housing is located on one tract or lot. Specific landscape requirements do apply.
29. *Cooperative.* An entire project which is under the common ownership of a Board of Directors with units leased and stock sold to individual cooperators.
30. *Correction Plat.* A plat which corrects errors which have been discovered after recording the final plat, and which have no relation to the conformity to the subdivision regulations. This shall also allow for the change of building set back lines. Also called an "amended plat."
31. *County.* County of Logan County, Colorado.
32. *County Attorney.* The licensed attorney designated by the Logan County Board of County Commissioners to furnish legal assistance for the administration of these regulations.
33. *Credit.* The amount of the reduction of a development fee(s), payments or charges for the same type of capital improvement for which the fee has been charged.
34. *Cul-de-Sac.* A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement. It shall serve twenty (20) or less lots, is less than 600 feet long, and whose primary function is to provide access to abutting property and provide utility access.
35. *Dedication.* An appropriation of land to some public use, made by the owner and by which the owner reserves to himself no other right than such as one compatible with

the full exercise and enjoyment of the public uses to which the property has been devoted. Dedication shall not be evidence of acceptance of improvements or land for maintenance, repair, or other control by the County.

36. *Design Criteria.* Standards that set forth specific improvement requirements.
37. *Developer.* The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations. See *Subdivider*.
38. *Developer Costs.* Cost imposed on new development by the County pursuant to these regulations in order to mitigate the impacts on community facilities created by the demand for capital improvements by the new development. Developer Costs do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements.
39. *Development.* The construction of improvements for residential, institutional, commercial, industrial, transportation, public flood control, utilities, and recreational and similar uses, in contrast to use of the land for growing crops, truck farming, grazing of animals, and other agricultural pursuits. The term also applies to vacant ground which has been or is being prepared for development by such steps as installation of water and sewer lines, construction of access streets, and construction of a railroad spur or branch track and construction of railroad utility facilities.
40. *Development Agreement.* An agreement entered into between the Logan County Board of County Commissioners and Developer through which the Board agrees to vest development use or intensity of development, and by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final plat approval. The Development Agreement also memorializes all agreements and actions, and creates a covenant which runs with the land and which is required as a matter of development policy of the County.
41. *Drainage Course [water course].* Any natural or man-made, depression, draw, or ravine, which directs and facilitates the flow of water.
42. *Easement.* Authorization by a property owner for the County or another property owner to use the owner's property for a specified purpose.
43. *Equivalent Dwelling Unit.* The service unit used that is equal to 750 gallons per day (gpd) of peak wastewater flow and 300 gpd of average wastewater flow.
44. *Escrow.* A deposit of cash with the local government or escrow agent to secure the promise to perform some act.
45. *Exactions.* Requirement of development to dedicate or pay for all or a portion of land or costs of public facilities as a condition of development approval.

46. *Expenditure.* A sum of money paid out in return for some benefit or to fulfill some obligation. The term includes binding contractual commitments whether by development agreement or otherwise to make future expenditures as well as any other substantial changes in position.
47. *Expansive Soil.* Rock or soil that shrinks or expands excessively with changes in moisture content.
48. *External Buffer.* A naturally vegetated area or vegetated area along the exterior boundaries of an entire development processed in accordance with a multiphase or phased subdivision application, and which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.
49. *FEMA.* Federal Emergency Management Agency.
50. *Final Plat.* The map of a subdivision to be recorded after approval by the Planning Commission and Board including acceptance of easements and right-of-way by the Board and any accompanying material as described in these regulations. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, and after all required signatures are affixed to the plat and along with the copy of ad valorem paid taxes, the Director of Planning shall forward the plat to the Logan County Clerk and Recorder for filing.
51. *Flexible Zoning.* Zoning which permits uses of land and density of buildings and structures different from those which are usually allowed within the zoning district in which the land is situated. Flexible zoning applications shall include, but not be limited to, all special permits and special uses, cottage housing, planned unit developments, group housing projects, community unit projects, and average density or density zoning projects.
52. *Flood Plain.* An area that is anticipated to receive flood waters in years of certain storm intensity, such as fifty (50) year storm or a one-hundred (100) year storm.
53. *Floor Area Ratio (FAR).* Ratio of total floor area to the total land area, or net land area excluding environmentally sensitive land or other undevelopable areas.
54. *Flood Hazard Boundary.* The relatively flat or lowland area adjoining a river, streambed, or watercourse which may be temporarily covered by flood water. For administrative purposes, the flood hazard area may be defined as the area that would be inundated by the "Standard Project Flood," defined by the Corps of Engineers as a shaded area on a Flood Hazard Boundary Map or a Flood Insurance Rate Map.
55. *Frontage.* That side of a lot abutting on a street and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

56. *Frontage Road/Street*. A minor street, which is generally parallel to or adjacent to a major thoroughfare, highway or railroad right-of-way and provides access to abutting property.
57. *Logan County Board of County Commissioners*. The elected body of the local government having the power to adopt regulations. (Board of Commissioners of the County of Logan County, Colorado.) (the Board)
58. *Grade*. The slope of a road, street, alley or other public way specified in percentage terms.
59. *Health Department and Health Officer*. The agency and person designated by the Logan County Board of County Commissioners to administer the health regulations of the County. Northeast Colorado Health Department is so designated.
60. *Health, Safety, or General Welfare*. The purpose for which the County may adopt and enforce land use regulations for the prevention of harm or conversely, promotion of public benefit to the community; commonly referred to as police power.
61. *High Density*. Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 6,000 square feet.
62. *Highway, Limited Access*. A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as maybe determined by the public authority having jurisdiction over the traffic way.
63. *Homeowners Association*. See *Property Owners Association*.
64. *Household*. Any person or persons who reside or intend to reside in the same housing unit.
65. *Improvements*. See *Lot Improvement or Public Improvement*.
66. *Infill Development*. Development designed to occupy scattered or vacant parcels of land that remain after the majority of development has occurred in an area.
67. *Landscaping*. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.
68. *Licensed Professional Engineer*. A professional engineer properly licensed by the State of Colorado.

69. *Linkage*. A program that requires developers constructing nonresidential structures to either construct affordable housing units or pay money in lieu of construction into a designated fund to provide housing for the future employees of the site.
70. *Local Government*. The County of Logan County, Colorado.
71. *Local Road/Street*. A road whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way on, under and over public utilities.
72. *Lot*. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.
73. *Lot, Corner*. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
74. *Lot Improvement*. Any building, structure, place, work of art, or other object situated on a lot.
75. *Low Density*. Those residential zoning districts in which the density is equal to or less than one dwelling unit per 40,000 square feet.
76. *Major Subdivision*. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the County facilities or the creation of any public improvements.
77. *Manufactured Home*. A single-family detached dwelling unit which is partially or entirely manufactured in a factory. It is installed on an engineered permanent foundation. It is certified according to the National Housing Construction and Safety Standard Act of 1974.
78. *Manufactured Home Subdivision*. An area of land subdivided for occupancy by manufactured homes exclusively, and containing lots in divided or separate ownership. Manufactured home subdivisions will be processed as a traditional subdivision according to these Subdivision Regulations.
79. *Market Value*. The price that a commodity can be expected to bring when sold in a given market. The Director of Planning will coordinate with the County Assessor to determine the correctness of the fair market value of a designated unit at the time such value is reported.
80. *Master Land Use Plan*. A Master plan for development of the community prepared and adopted by the Planning Commission and Logan County Board of County Commissioners, pursuant to State law, and including any part of such plan separately

adopted and any amendment to such plan, or parts thereof. Currently known as "2008-2018" Logan County Master Plan.

81. *Master Preliminary Plat.* That portion of a preliminary plat submitted in connection with a multiphase or phased subdivision application, which provides the information and graphics meeting the requirements of this regulation for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.
82. *Medium Density.* Those residential zoning districts in which the density is between 6,000 and 40,000 square feet per dwelling unit.
83. *Minor Arterial.* A road intended to collect and distribute traffic in a manner similar to principal arterials, except that these roads service minor traffic-generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices and is designed to carry traffic from collector streets to the system of primary arterials.
84. *Minor Subdivision.* Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of County facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Logan County, Colorado, "2008-2018" Master Land Use Plan; Official Map; Zoning Regulation, or these regulations. These lots shall meet the requirement of access to public highways as set forth in C.R.S. 30-28-133.1.
85. *Mobile Home.* A detached, transportable, one-family dwelling unit intended for year-round occupancy. A mobile home differs from a factory built home or manufactured home and a recreational vehicle by definition.
86. *Mobile Home Park.* A parcel of land under single or unified ownership or control within which spaces are rented for occupancy by mobile homes. Mobile home parks will be processed as a Special Use Permit in applicable zone districts. Park set foundation is authorized.
87. *Model Home.* A dwelling unit used initially for display purposes, which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.
88. *Money in Lieu of Land.* Payment of money into a County earmarked fund to provide for acquisition of facilities off-site in place of dedicating land or providing such facility on site.
89. *Neighborhood Park and Recreation Improvement Fund.* A special fund established by the Logan County Board of County Commissioners to retain moneys contributed by developers in accordance with the "money in lieu of land" provisions of these regulations.

90. *New Development.* A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the County's subdivision regulations, the issuance of a building permit, or connection to an electric, water or sanitary sewer system.
91. *Nonresidential Subdivision.* A subdivision whose intended use is other than residential, such as commercial or industrial.
92. *Notice of Noncompliance.* A notice issued by the Director of Planning informing the applicant for approval of a major subdivision that the sketch plat is not in compliance with these regulations and that the applicant may not apply for preliminary plat approval.
93. *Notice to Proceed.* A notice issued by the Director of Planning informing the applicant for approval of a major subdivision that the sketch plat is in compliance with these regulations and that the applicant may proceed to apply for preliminary plat approval.
94. *Offset.* The amount of the reduction of a development fee designed to fairly reflect the value of area-related facilities or other oversized facilities, pursuant to established administrative guidelines, provided by a Developer pursuant to the County's subdivision or zoning regulations or requirements.
95. *Off-Site.* Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant.
96. *Office Development Project.* Any new construction, addition, extension, conversion, or enlargement, or combination thereof, of an existing structure, which includes any gross square feet of office space.
97. *Office Use.* Space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location, services including but not limited to the following: professional, banking, insurance, management, consulting, technical, sales, and design; or the office functions of manufacturing and warehousing businesses, but excluding retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving, and storage; and design showcases, or any other space not intended and primarily suitable for display of goods.
98. *Official Map(s).* The maps established by the Board pursuant to law showing the streets, highways, parks, drainage systems and setback lines laid out, adopted, and established by law, and any amendments or additions to adopted by the Board

resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of approved plats.

99. *Overlay Zone.* A boundary on the zoning map which distinguishes between infrastructure requirements for the County in general outside of incorporated communities and those areas within the Overlay Zone, areas anticipated to be annexed into the incorporated community. Exception: those related to agricultural endeavors as determined by the Board, and within Overlay Zones and the balance of Logan County. Agriculturally related structures are not required to obtain building permits but may be required to obtain a Zoning Permit.
100. *Owned Unit.* A designated unit, which is a condominium, stock cooperative, or community apartment.
101. *Owner.* The record owners of the fee or a vender in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the definition of *Same Ownership*.
102. *Pedestrian Way.* A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
103. *Performance Criteria.* Regulation of development based on open space ratio, impervious surface ratio, density, and floor area ratio (FAR).
104. *Perimeter Street.* Any existing street or street right-of-way to which the parcel of land to be subdivided abuts on only one (1) side.
105. *Permanent Monument.* Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.
106. *Person.* Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.
107. *Phased Subdivision Application.* An application for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned unit developments, mixed-use projects, and residential developments. Phased development requires a Development Agreement between the Board and Subdivider.

108. *Planned Unit Development (PUD)*. A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/ or nonresidential uses on the land.
109. *Planning Commission*. The Logan County Planning Commission.
110. *Plat*. A plan, map, or chart of a piece of land with actual or proposed features (as lots, topography) as outlined in the regulations for sketch, preliminary, partial, minor or final plat. [See Subdivision Plat]
111. *Police Power*. Inherent, delegated, or authorized legislative power for purposes of regulation to secure health, safety, and general welfare.
112. *Preliminary Plat*. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
113. *Principal Arterial*. A road intended to move through traffic to and from major attractions such as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas and/or which carries high volumes of traffic.
114. *Property Owners Association*. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision, be it a lot, parcel site, unit plot, condominium, or any other interest is automatically a member as a condition of ownership, and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.
115. *Public Facility Improvements Program*. The adopted plan(s), as may be amended from time to time, which identifies the public facilities and their costs for each public facility benefit area or sub-area, which serve new development for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of public facilities fees or financing.
116. *Public Facilities Project*. Any and all public improvements, the need for which is directly or indirectly generated by development, including but not limited to the following:
 - a. Water mains, conduits, tunnels, hydrants, and other necessary works and appliances for providing potable water service. Pipes, hydrants, and appliances for fire protection.
 - b. Lines, conduits, and other necessary works and appliances for providing electric power service. Poles, posts, wires, pipes, conduits, lamps, and other necessary works and appliances for lighting purposes.

- c. Mains, and other necessary works and appliances for providing gas service.
 - d. Sidewalks, crosswalks, steps, safety zones, platforms, seats, culverts, bridges, curbs, gutters, tunnels, streets, parks and parkways, recreation areas, including any structures, buildings, and other facilities necessary to make parks, parkways and recreation areas useful for the purposes for which intended.
 - e. The grading or re-grading, the paving or repaving, and the oiling or re-oiling of streets.
 - f. Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, force mains and lift stations, manholes, catch basins, flush tanks, disposal plants, connecting sewers, drains, conduits, or other appurtenances.
 - g. Drains, retention and detention basins, ponds, conduits, culverts and channels for drainage purposes, with necessary outlets, manholes, catch basins, flush tanks, connecting ditches, drains, conduits, channels, and appurtenances, retaining walls, embankments, buildings, and any other structures or facilities necessary or suitable in connection with any of the work mentioned in this Article.
 - h. Breakwaters, levees, bulkheads, groins and walls of rock, or other material to protect the streets, places, public ways, and other property from overflow by water, or to prevent riverbank erosion or to promote accretion to the riverbank.
 - i. Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains, and other structures suitable for the purpose of stabilizing land.
 - j. Acquisition, construction, and installation of traffic signs, signals, lights, and lighting.
 - k. All other work auxiliary to any of the above which may be required to carry out that work including, but not limited to, the maintenance of Public Facilities Projects and administrative, engineering, architectural, and legal work performed in connection with establishing, implementing, and monitoring Public Facilities Projects.
 - l. Acquisition of any and all property, easements, and rights-of-way, which may be required to carry out the purposes of the project.
117. *Public Hearing.* An adjudicatory proceeding held by the Planning Commission and Board preceded by published notice and actual notice to certain persons, and at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted. Witnesses may be sworn and subject to cross-examination. The rules of civil procedure binding on the courts shall not, however, bind the Planning Commission or Board.
118. *Public Improvement.* Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, public park/drainage retention-detention area, off-street parking area, lot improvement, or other facility for which the County may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the County responsibility is established.

119. *Public Improvement District (PID)*. Within the unincorporated territory of any county, the governing body of such county is vested with jurisdiction, power, and authority to establish a district for the acquisition, construction, installation, operation, or maintenance of improvements or the provision of services. The governing body of a county may establish a district wholly or partially within the boundaries of any municipality if the municipality consents by resolution to the establishment of such district. Tax exempt bonds may be sold to offset the improvements within the district so formed and shall be repaid by the taxable property owners with the district. The district shall be run by a Board established at the time of formation.
120. *Public Meeting*. A meeting of the Planning Commission or Logan County Board of County Commissioners preceded by notice, open to the public and at which the public may, at the discretion of the body holding the public meeting, be heard.
121. *Public Utility*. Electric, water, sewer, drainage, solid waste as provided by the "public" utility and franchised "private" utilities, or others permitted, including but not limited to natural gas, CATV, fiber optic and telecommunication providers.
122. *Recoupment*. The imposition of a development fee to reimburse the local government for capital improvements previously oversized to serve new development.
123. *Referral Agencies*. Agencies where subdivision preliminary plans are sent for formal technical comments. These agencies include, but are not limited to:
- a. Planning Commission.
 - b. Regional Transition Zone Planning Commission.
 - c. County Attorney.
 - d. When applicable, to the county, district, regional, or state department of health for its review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision. The department of health to which the plan is referred may require the subdivider to submit additional engineering or geological reports or data and to conduct a study of the economic feasibility of a sewage treatment facility prior to making its recommendations. No plan will be approved by the Board unless a favorable recommendation is received from the health department.
 - e. Electric company.
 - f. Gas company.
 - g. Telephone company.
 - h. Appropriate fire protection district.
 - i. Local soil conservation district.
 - j. Appropriate school district.
 - k. Adjacent property owners.
 - l. Municipalities located within two miles of proposed subdivision or to entities who conduct reviews by agreement with the County.
 - m. To the State Engineer for an opinion regarding injury to decreed water rights to serve the subdivision.

- n. State Geological Survey.
 - o. Division of Wildlife.
 - p. Division of Parks and Outdoor Recreation.
 - q. Others as deemed necessary by the Director of Planning and Zoning.
124. *Registered Land Surveyor.* A land surveyor properly registered by the State of Colorado.
125. *Register of Deeds.* The office of the Clerk and Recorder, Logan County, Colorado.
126. *Rental Unit.* A designated unit, which is not a condominium, stock cooperative, or community apartment.
127. *Resubdivision/Replat.* Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Replatting shall be conducted in accordance with the requirements of Article 6 of these Subdivision Regulations.
128. *Retail Use.* Space within any structure or portion thereof intended or primarily suitable for occupancy by persons or entities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and also including all space accessory to such retail use.
129. *Resolution.* Any legislative action by the County, which has the force of law, including any amendment or repeal of any resolution.
130. *Right-of-Way.* A strip of land occupied or intended to be occupied by a street, alley, pedestrian and bicycle paths, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, CATV, fiber optic, telephone, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Within rights-of-way intended for crosswalks, water mains, sanitary sewers, the maker of the plat on which such right-of-way is established shall dedicate storm drains, or any other use involving maintenance by a public agency to public use.
131. *Road.* See Street.
132. *Road, Functional Classification Map.* For the purpose of providing for the development of the streets, highways, roads and rights-of-way in the County, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, alley, and right-of-way, and those located on approved and filed plats, have been

- n. State Geological Survey.
 - o. Division of Wildlife.
 - p. Division of Parks and Outdoor Recreation.
 - q. Others as deemed necessary by the Director of Planning and Zoning.
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129. *Resolution.* Any legislative action by the County, which has the force of law, including any amendment or repeal of any resolution.
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131. *Road.* See Street.
132. *Road, Functional Classification Map.* For the purpose of providing for the development of the streets, highways, roads and rights-of-way in the County, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, alley, and right-of-way, and those located on approved and filed plats, have been

designated on the Official Map of the County and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the local government and its present and estimated future traffic volume and its relative importance and function as specified in the Master Plan of Logan County. The required improvements shall be measured as set forth for each street classification on the Official Map.

133. *Road, Dead-End.* A road or a portion of a road with only one (1) vehicular-traffic outlet.
134. *Road Right-of-Way Width.* The distance between property lines measured perpendicular to the centerline of the street.
135. *Sale or Lease.* Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.
136. *Screening.* Either (a) a strip at least ten (10') feet wide of densely planted (or having equivalent natural growth) shrubs, two (2) to five (5) gallon size or trees at least fifteen (15) gallon size at the time of planting, properly staked, of a type that will form a year-round dense screen at least six (6') feet high, with approved ground cover; or (b) an opaque wall or barrier or uniformly painted solid fence at least six (6') feet high.
137. *Security.* The cash escrow, letter of credit, or other approved securities placed in the Logan County Board of County Commissioners' name provided by the applicant to secure its promises in the subdivision improvement agreement. The County Attorney shall approve all securities.
138. *Setback.* The minimum distance between a building and the street or alley right-of-way line nearest to the building.
139. *Sewage Collection System or Sewage System.* A community sewer system including collection and treatment facilities established to serve a new subdivision within the County or outside of the City of Sterling limits via consent of the land owner and the Board with the requirement to consent to annexation in the future, and if financed by the City, an Interlocal agreement between the County and City to vacate the County's authority to subdivide for the area designated as supported by such utility.
140. *Sketch Plan.* A conceptual plan preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

141. *Street*. A right-of-way that provides a channel for vehicular circulation; is the principal means of vehicular access to abutting properties; and includes space for utilities, side-walks, pedestrian walkways, and drainage. Any such right-of-way is included in this definition, regardless of whether or not it is developed. Includes any vehicular way that is an existing state, county or municipal roadway; is shown upon a plat approved pursuant to law; or is approved by other official action; and includes the land between the street lines, whether improved or unimproved.
142. *Structure*. Anything constructed or erected.
143. *Subdivide*. The act or process of creating a subdivision.
144. *Subdivider*. Any person (1) who has an interest in land, causes it, directly or indirectly, to be divided into a subdivision or (2) who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, (3) who engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development of a subdivision or any interest in a lot, parcel site, unit, or plat in a subdivision, and (4) who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.
145. *Subdivision/Subdivided Land*. Any land, vacant or improved, which is divided or proposed to be divided into more than two (2) lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision tracts shall not again be divided without replatting such lot. Also included in the term subdivision are conversions of structures with multiple units or units capable of separate ownership by condominiumization, or creation of a cooperative, time-share interests, fractional fee or similar device. As used in this definition, "interests" includes any and all interest in the surface of land, but excludes any and all subsurface interests.
- a. The terms "subdivision" and "subdivided land", as defined in this Article, shall not apply to any division of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land, none of which is intended for use by multiple owners. Subdivisions of this nature are covered under Article 8 of these Regulations. Unless the method of disposition is adopted for the purpose of evading these Regulations, the terms "subdivision" and "subdivided land", as defined above, shall not apply to any division of land:
- 1) Which creates parcels of land, such that the land area of each of the parcels comprises thirty-five (35) or more acres, and when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest; or
 - 2) Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of

evasion of this Article prior to entry of the court order; and, if the Board does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court; or

- 3) Which is created by a lien, mortgage, deed of trust or any other security instrument; or
 - 4) Which is created by a security or unit of interest in any investment trust regulated under the laws of this state of any other interest in any investment entity; or
 - 5) Which creates cemetery lots; or
 - 6) Which creates an interest or interests in oil, gas, minerals, water or wind energy production which are now or hereafter severed from the surface ownership of real property; or
 - 7) Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposes of this Article as only one interest; or
 - 8) Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph; or
 - 9) Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide (pursuant to this article and any applicable county regulations) the land which the purchaser is to acquire pursuant to the contract.
- b. The Board may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board determines that such division is not within the purposes of these regulations.

146. *Subdivision Improvements Agreement.* One or more security arrangements which the County shall accept to secure the actual cost of construction of such public improvements, as are required by county subdivision regulations, within the subdivision. The "subdivision improvements agreement" may include any one or a combination of the types of security or collateral listed in this Article, and the subdivider may substitute security in order to release portions of the subdivision for sale. The types of collateral which may be used as security under the "subdivision improvements agreement" are as follows: Performance or property bonds; private or public escrow agreements; irrevocable letters of credit; deposits of certified funds; or other similar surety agreements. Security required under the "subdivision improvements agreement" shall equal in value, plus ten percent (10%) of the cost of improvements to be completed. The amount of security may be incrementally reduced as subdivision improvements are completed. Security shall be in a form acceptable to the County, in its sole discretion.

147. *Subdivision, Major.* See Major Subdivision

148. *Subdivision, Minor.* See Minor Subdivision

149. *Temporary Improvement.* Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.
150. *Tract.* A lot. The term “tract” is used interchangeably with the term “lot,” particularly in the context of subdivision, where a “tract” is subdivided into several lots, parcels, sites, units, plots, condominiums, tracts, or interests.
151. *Transfer of Development Rights [TDR].* The conveyance of development rights by deed, easement, or other legal instrument, authorized by regulation, to another parcel of land and the recording of that conveyance.
152. *Use-to-Use Relationship.* Focusing on the unique aspects of established, newly developed and redeveloping neighborhoods, and commercial/industrial areas in order to achieve improved compatibility and fit of infill development projects, and at the same time to assist in the preservation and conservation of stable existing neighborhoods and commercial areas.
153. *Vacation of a Plat, Right-of-Way, or Public Easement.* Recorded plats, right-of-way, or public easements which are made null and void by action of the Board pursuant to any statutory provisions or Regulations adopted thereunder.
154. *Vehicle-Non-Access-Easement [VNAE].* An easement(s) on the non-addressed side of a “double-fronted,” or other multiple “fronted” lots, which is one (1’) foot wide and has erected upon it a solid six (6’) foot wall or fence of materials as approved by the Planning Commission. The utilization of a VNAE will negate the requirement of multiple front yard setbacks thus utilizing the standard side yard or rear yard setback for that zoning district on the VNAE side of the property. The VNAE is preferred over multiple fronted lot designs.
155. *Vested Rights.* Right to initiate or continue the establishment of a use, which will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.
156. *Water Distribution System.* A community water system to serve property in existing or new subdivision(s) within the County or outside of the County limits via consent of the land owner and the Logan County Board of County Commissioners with the requirement to consent to annexation in the future, and if financed by the County, an Interlocal agreement between the City and County to vacate the County’s authority to subdivide for the area designated as supported by such utility. It includes water production, treatment and distribution facilities.
157. *Zoning Permit.* A permit utilized for the placement of an agricultural structure that is for the storage of agricultural equipment or livestock (These structures do not have to follow the building codes adopted by the County.) or for accessory structures which are erected, occupied, moved, or structurally altered when the value of the building or cost of the alteration is less than five hundred (\$500) dollars.

158. *Zoning Resolution.* The Logan County Zoning Resolution.

ARTICLE

3

Subdivision Application Procedure and Approval Process

3.1 General Procedure.

1. ***Classification of Subdivisions.*** Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include two (2) principal steps for a minor subdivision and three (3) principal steps for a major subdivision:
 - a. *Minor Subdivision.*
 - i. Sketch Plat
 - ii. Final Subdivision Plat
 - iii. Includes Re-Subdivision for Industrial Purposes as a Final Plat
 - b. *Major Subdivision.*
 - i. Sketch Plat
 - ii. Preliminary Plat
 - iii. Final Subdivision Plat
 - c. *Other Land Division*
 - i. One Submission to the Director of Planning or his/her designee, thence to the Planning Commission Chairman for Review, recommendation of Approval or Disapproval (if disapproval schedule hearing before Planning Commission), signature of Planning Commission Chairman, Director of Planning or his/her designee, and the Board Chair following approval by the Board.
 - d. *Subdivision Exemption*
 - i. One Submission to the Director of Planning or his/her designee, thence to the Planning Commission Chairman for Review, recommendation of Approval or Disapproval (if disapproval schedule hearing before Planning Commission), signature of Planning Commission Chairman, Director of Planning or his/her designee, and the Board Chair following approval by the Board.
 - e. *Cluster Development*
 - i. Preliminary Cluster Development Plan
 - ii. Final Cluster Development Plan

iii. Development Agreement

2. ***Official Subdivision Dates.*** For the purposes of these regulations, for both major and minor subdivisions, the date of the meeting of the Planning Commission at which the public meeting on approval of a sketch plat or public hearing on approval of a preliminary or final subdivision plat, including any adjourned date thereof, is closed shall constitute the Official Submission Date of the plat on which the statutory period required for formal approval, conditional approval or disapproval of the sketch, preliminary or final subdivision plat shall commence to run.
3. ***Coordination of a Site Specific Development Plan or a Flexible Zoning Application with Subdivision Approval.***
 - a. It is the intent of these regulations that subdivision review is carried out simultaneously with the review of a site specific development plan or a flexible zoning application under the Zoning Resolution. The plans required for flexible zoning applications or a site specific development plan shall be submitted in a form to satisfy the requirements of the subdivision regulations.
 - b. ***General Requirement.*** Whenever the Zoning Resolution authorizes flexible zoning applications or a site specific development plan which permit uses of land and density of buildings and structures different from those which are allowed within the zoning district in which the land is situated, and the application entails the division of the land, vacant or improved, into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, or conditions, including resubdivision, whether residential or nonresidential, subdivision approval by the Planning Commission shall be required. (Any other procedures and approvals required in the Subdivision Regulation and Zoning Regulations, also require Planning Commission approval, review or recommendation.) Flexible zoning applications or a site specific development plan shall include, but not be limited to, all conditional permits and conditional uses, planned unit developments, group housing projects, "cottage housing" projects, community unit projects and average density or density zoning projects, and shall apply to all such applications, whether before the Logan County Board of County Commissioners, Board of Adjustment, Planning Commission, Building and Zoning Official, or other official or agency of the County.
 - c. ***Other Provisions Unaffected.*** Approval of a site specific development plan or flexible zoning application shall not constitute an exemption from or waiver of any other provisions of these regulations pertaining the subdivision, development, or use of the property. The establishment of a vested property right shall not preclude the application of regulations which are general in nature and are applicable to all property subject to land use regulations by a local government including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

d. *Procedure to Be Followed:*

- i. *Sketch Plat and Preliminary Plat Approval Required.* The application shall be made on the forms required for a sketch plat as set forth in Article 3.2 of these regulations and shall include all information required of a sketch plat application as set forth in Articles 3.2 and 7.1. Whenever a flexible zoning application is submitted which involves a subdivision of land as set forth in Article 3.1(3)(b) of these regulations, the application shall be submitted first to the Director of Planning who is authorized to accept the application under the Zoning Resolution. The Director of Planning shall then refer the application to the Planning Commission for sketch plat and, when required, preliminary plat approval. The Planning Commission shall also, when applicable under the provisions of the Zoning Resolution, make such reviews of use, density, and bulk standards as are required under the flexible zoning regulation.
 - ii. *Referral Back for Zoning Approval.* After completing its review the Planning Commission shall make the sketch plat and/or preliminary plat (when required) a conditional approval, or disapproval, together with such recommendations and review of use, density, and bulk standards as it was required to make under the flexible zoning provisions of the Zoning Resolution or a site specific development plan and submit same, to the Board. Application shall then be made to the Planning Commission for final plat approval. No building permits or certificates of occupancy shall be issued for the project until the zoning application has been finally approved and the final subdivision plat is recorded with the Logan County Clerk and Recorder.
- e. *Resubdivision of Flexible Zoning Developments or a Site Specific Development Plan.*
- i. A flexible zoning development, a site specific development plan or land use plan may be subdivided or resubdivided for purposes of sale or lease after the project plan has been finally approved and development completed or partially completed.
 - ii. If the subdivision or resubdivision of a flexible zoning development or a site specific development plan will create a new lot line, the applicant shall make application to the Planning Commission for the approval of the subdivision or resubdivision. The Planning Commission shall approve the subdivision only if an amended zoning application also is approved by the Board for the flexible zoning development, or a site specific development plan.

4. ***Subdivision Fees.*****

- a. Major Subdivision Sketch Plat: \$50.00 plus \$10.00 per lot.
- b. Minor Subdivision Sketch Plat: \$30.00 plus \$5.00 per lot.
- c. Revised Subdivision Sketch Plat (Not requested by Planning Commission)
 - i. Minor Revision: \$25.00 plus \$5.00 per lot.
 - ii. Major Revision: \$40.00 plus \$10.00 per lot.
- d. Major Subdivision Preliminary Plat: \$75.00 plus \$10.00 per lot.*
- e. Minor Subdivision Preliminary Plat: \$50.00 plus \$5.00 per lot.*
- f. Revised Subdivision Preliminary Plat (Not requested by Planning Commission)

- i. Minor Revision: \$25.00 plus \$5.00 per lot.*
- ii. Major Revision: \$40.00 plus \$10.00 per lot.*
- g. Major Subdivision Final Plat: \$ 50.00 plus \$5.00 per lot.*
- h. Minor Subdivision Final Plat: \$ 30.00 plus \$5.00 per lot.*
- i. Correction Plat: \$40.00.
- j. Amended Major Final Plat: \$40.00 plus \$3.00 per lot.*
- k. Amended Minor Final Plat: \$20.00 plus \$2.00 per lot.*
- l. Subdivision Exemption Plat: \$90.00
- m. Application for Petition of Exception: \$100.00 for each requested variation of the regulation not submitted at the Preliminary or Revised Preliminary Plat review stage.
- n. Application for Reversion to Acreage or Abandonment: \$50.00 minimum plus \$5.00 per acre for areas larger than two (2) acres, with a maximum application fee of \$150.00 dollars, all properties on any single application must be contiguous.*
- o. Government Agencies with Surveyor/Engineer Seal: NO FEE.**
- p. Roadways, P.U.E., Drainage Easement, etc. or Abandonment: \$50.00.
- q. Manufactured Home Subdivisions: \$150.00 plus \$5.00 per space*
- r. *NOTE: Air Space and Parcels are considered the same as lots.*
- s. Colorado Geological Survey Fee Chart (Land Use Review Fees)

Residential Land Uses

- o Very Small-3 or less lots-less than 100 acres \$600.00
- o Small-more than 3 lots-less than 100 acres \$950.00
- o Large- greater than or equal to 100 acres
but less than 500 acres \$950.00
- o Very Large- 500 or more acres \$950.00

Commercial, Industrial, Mixed-Use and Other Land Uses

- o Small-Less than 100 acres \$950.00
- o Large-Greater than or equal to 100 acres
But less than 500 acres \$950.00
- o Very Large-500 or more acres \$950.00
- o For State Land Use Program, application fees, and submittal requirements can be found at www.geosurvey.state.co.us

* Fees apply to Cluster Development based upon size and action requested.

** Logan County will not incur any expenses for subdivision review, inspection, advertizing, posting, filing fees, or any other expenses incidental to Subdivision approval process. Such costs will be borne by the subdivider. This will include reasonable expense for the County to pay for an independent engineer to review submitted engineer stamped plans required for the subdivision process.

Payment of Costs

In addition to any and all other fees and charges imposed by these regulations, the applicant for approval of a site specific development plan shall pay all of the County's costs resulting from the site specific development plan review, including publication of notices, public hearing and review costs.

3.2 Sketch Plat.

1. ***Discussion of Requirements.*** Before preparing the sketch plat for a subdivision, the applicant shall schedule an appointment and meet with the Director of Planning to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services, including schools. The Director of Planning shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.
2. ***Application Procedure and Requirements.*** Prior to subdividing land and after meeting with the Planning Director, the owner of the land, or his authorized agent, shall file an application for approval of a sketch plat with the Planning Commission. The application shall:
 - a. Be made on forms available at the office of the Director of Planning;
 - b. Include all contiguous holdings of the owner including land in "common ownership" as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page where each conveyance to the present owner is recorded at the Logan County Clerk and Recorder. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date the contract of sale was executed, and, if any corporations are involved;
 - c. Be accompanied by minimum of seven (7) copies of the sketch plat as described in these regulations and complying in all respects with these regulations;
 - d. Be presented to the Director of Planning in duplicate;
 - e. Be accompanied by the fee as stipulated in Article 3.1 4; and
 - f. Include an address and telephone number of an agent located within the territory of the Board who shall be authorized to receive all notices required by these regulations.
3. ***Classification and Approval Procedure.*** The Director of Planning shall determine whether the sketch plat constitutes a major, minor or other land division subdivision and notify the applicant of the classification within twenty (20) days from the date that the sketch plat is submitted to the Director of Planning.

Applications submitted for review in accordance with these regulations shall be complete. The Director of Planning will return incomplete submittals to the submitting party with a letter so stating. Timelines identified in these regulations shall not begin unless, and until, a complete application is submitted and accepted as complete by the Director of Planning. The Director of Planning shall acknowledge complete applications by letter to the submitting party and/or owner.

- a. ***Minor Subdivision.*** If the sketch plat constitutes a minor subdivision, the Director of Planning shall place the matter on the next available regular meeting agenda of the Planning Commission for public hearing. The Planning Commission shall provide notice and hold public hearing on the sketch plat in the same manner

required for preliminary plats in Article 3.3 2. The Planning Commission shall approve, conditionally approve, or disapprove the sketch plat within thirty (30) days from the Official Submission Date. Subsequent to an approval or conditional approval by the Planning Commission, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat as provided in these regulations. The applicant shall have 120 days from the date that the sketch plat is approved by the Planning Commission to submit a final subdivision plat, after which time a new sketch plat must be submitted for approval in accordance with the regulations at the time of new submittal.

- b. *Minor Subdivision for Re-Subdivision of Industrially Zoned Property.* If the area being re-subdivided is platted as an industrial development and zoned industrial and dedication of right-of-way, easements and public improvements are provided, a final plat shall be submitted to the Planning Commission for approval without the need for a sketch plan and the Board shall review for approval the acceptance of right-of-way, easements, as well as the provision of public improvements to be controlled by the County. The Director of Planning shall place the matter on the next available regular meeting agenda of the Planning Commission for public hearing. Should there be no dedication of right-of-way, easements and additional public improvements due to the split of subdivided property within the existing platted industrial subdivision, a final plat denoting the Replat shall be submitted to the Planning Commission for their consideration and approval.

- c. *Major Subdivision.*

- i. *Notice to Proceed.*

If the sketch plat constitutes a major subdivision, *the Director of Planning shall issue a Notice to Proceed only if the sketch plat complies with all applicable laws governing the subdivision of land.* The Notice to Proceed shall include, as appropriate, recommended changes in the sketch plat to be incorporated into the preliminary plat to assist the applicant in obtaining preliminary plat approval from the Planning Commission. If the Director of Planning determines that the sketch plat does not comply with all applicable laws governing the subdivision of land and the applicant refuses to modify the sketch plat, the Director of Planning shall issue a Notice of Noncompliance. The Director of Planning shall issue either the Notice to Proceed or the Notice of Noncompliance not later than twenty (20) days after the date on which the sketch plat was submitted to the Director of Planning. After receipt of a Notice to Proceed, the applicant must first file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

- ii. *Referral of Sketch Plat.*

If the Director of Planning issues a Notice to Proceed, the Director of Planning shall transmit the sketch plat for review to appropriate officials or agencies of the County, adjoining counties or municipalities, school and special districts, and other official bodies, as deemed necessary or as mandated by law. The Director of Planning shall request that all officials and agencies submit their comments within thirty (30) days after receipt of the request. The Director of Planning will consider all the comments submitted

by the officials and agencies concerning the sketch plat and shall submit a report to the Planning Commission upon the applicant's submission of a preliminary plat.

3.3 Preliminary Plat. No sooner than thirty (30) days and no later than 120 days after the date of the Notice to Proceed, the applicant may apply for preliminary plat approval. If the applicant fails to apply for preliminary plat approval within the 120-day period, a new sketch plat must be submitted pursuant to the applicable regulations in effect at the time of filing.

1. ***Application Procedure and Requirements.*** Based on the Notice to Proceed, the applicant shall file with the Director of Planning an application for approval of a preliminary plat if they elect to proceed. The preliminary plat shall conform substantially to the sketch plat submitted by the applicant and which formed the basis for the Notice to Proceed. The application shall:
 - a. Be made on forms available at the office of the Director of Planning together with a fee as stipulated in Article 3.1 4.
 - b. Proof of ownership in the form of a title insurance commitment or attorney's title opinion showing that the applicant is the owner of all the land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use, or for common use by all lot owners are free and clear from all liens and encumbrances, except patent reservations and except liens and encumbrances which cannot be extinguished, released, or purchased by the owner. If such land is mortgaged by the owner, it shall be sufficient if the mortgagee joins in the dedication.
 - c. Include all land which the applicant proposes to subdivide and all land immediately adjacent extending five-hundred (500') feet (minus rights-of-ways) from the subject property, or of that directly opposite the subject property, extending one-hundred (100') feet from the street frontage of opposite land, with the names of owners as shown in the County Assessor's files (apply to County Planning for listing of property owners).
 - d. Be accompanied by a minimum of ten (10) copies of the preliminary plat as described in these regulations.
 - e. Be accompanied by a minimum of three (3) copies of construction plans as described in these regulations.
 - f. Be presented to the Director of Planning at least four (4) weeks prior to a regular meeting of the Planning Commission.
2. ***Public Hearing.*** Upon acceptance of a complete application for preliminary plat approval, the Director of Planning to the Planning Commission shall call a public hearing for the next scheduled meeting of the Planning Commission to be held at least four (4) weeks after the date of the application. The Director of Planning shall post notice of the public hearing by Agenda of the Planning Commission on the public bulletin Board outside of the office of the Director of Planning at least seven (7) days prior to the public hearing and mail notices to all property owners, as specified in Article 3.3 1.(b), and shall maintain file copies of the plat and construction plans when appropriate for public review prior to the hearing.

3. **Preliminary Approval.** After the Planning Commission has reviewed the preliminary plat and the County Engineer has recommended approval of the construction plans along with the report of the Director of Planning, any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days from the Official Submission Date. One (1) copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Planning Commission approves a preliminary plat showing park reservation or land for other public use that is proposed to be dedicated to the County, the Planning Commission shall obtain approval of the park or land reservation from the Board.
4. **Standards for Approval of Preliminary Plats.** No preliminary plat of a proposed subdivision shall be approved by the Planning Commission unless the applicant proves by clear and convincing evidence that:
 - a. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
 - b. If a public sewage system is proposed, adequate provision has been made for such a system;
 - c. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;
 - d. The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state, and local laws and regulations;
 - e. There is no other available subdivided land in the jurisdiction of the County that would be suitable for the applicant's proposed uses of the subdivision;
 - f. The proposed subdivision will not result in the scattered subdivision of land outside of the identified growth areas of the County that leaves undeveloped parcels of land lacking urban, suburban or rural services between developed parcels;
 - g. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare;
 - h. The subdivider shall submit for the Boards approval [utilizing the County approved format for same], a proposed Development Agreement that shall be a condition for approval of the Final Plat.

The Planning Commission is authorized to disapprove the preliminary plat even though the land proposed for subdivision is zoned for the use intended and the proposed use is consistent with the Logan County, Colorado Master Land Use Plan.
5. **Other Land Divisions.** Certain basic improvements and design standards may be necessary and desirable in order to ensure proper development of any specific area. Some of these basic improvements and design standards are also needed when other land divisions are involved. These provisions are necessary to prevent circumventing the intent and spirit of these Subdivision Regulations.

Other land divisions shall be the division of any land, lot, or parcel for the purposes of sale or lease whether immediate or future, into: (a) two or three lots, parcels or fractional interests; (b) for the purposes of these subdivision regulations "fractional interest" means an undivided interest in land, lots, or parcels in which, for the purpose of sale or lease, such interest is created and such interest is evidenced by a receipt, certificate, deed, or other document conveying such interest.

- a. Before proceeding with any division of land or the preparation of a Minor Subdivision Plat, or an informal discussion on a proposed Other Land Division the owner or his/her agent should meet with the Director of Planning or his/her designee, then onto the Planning Commission.
- b. A Minor Subdivision Plat conforming to standard submittal practices for Final Plat may then be prepared and submitted with four (4) prints to the Director of Planning or his/her designee. The Director of Planning or his/her designee shall review the Minor Subdivision Plat, as it relates to the following:
 - 1) The current Logan County Master Plan relating to the site;
 - 2) Provisions for Utility Easements;
 - 3) The applicable requirements of these regulations;
 - 4) Zoning requirements;
 - 5) Provisions for access to each parcel;
 - 6) Minimum usable lot area requirements; and
 - 7) *Fees*: as stipulated in Article 3.1 4.
- c. A copy of the Minor Subdivision Plat shall be submitted to the County Road and Bridge Department, and other agencies as determined by the Director of Planning or his/her designee for evaluation and recommendation. Interested agencies shall have five (5) working days from the date the application is deemed completed to submit their report to the Director of Planning . No reply by an agency shall be interpreted as having no objections.

The Director of Planning or his/her designee shall review the reports submitted by other departments and shall determine whether or not the Minor Subdivision Plat meets the requirements of these Regulations and make specific recommendations, where necessary, in writing, to be incorporated by the owner on a revised Minor Subdivision Plat. Upon written approval from the Director of Planning or his/her designee the originals and appropriate recording fee should be submitted to the Planning Commission.

- d. The Minor Subdivision Plat shall contain the information listed herein:
 - 1) Name, address and telephone number of the subdivider and/or owner(s) of the land;
 - 2) Name, address and telephone number of the person who prepared the plat;
 - 3) Legal description of original parcel;
 - 4) Source of water supply and proposed method of sewage disposal for each parcel; and
 - 5) Proof of ownership.
- e. If the Director of Planning or his/her designee disapproves the Minor Subdivision Plat as to form, the owner or his agent may appeal the decision to the Planning Commission.

- f. Upon confirmation that all parcels have been surveyed and boundaries monumented, the Director of Planning or his/her designee shall record the Minor Subdivision Plat upon approval of the Planning Commission and Board.
6. **Public Improvements.** The Planning Commission shall require that the applicant execute a subdivision improvement agreement and provide security for the agreement as provided in Article 4.1 2. The Planning Commission shall require the applicant indicate on the plat all roads and public improvements to be dedicated.
7. **Effective Period of Preliminary Plat Approval.** The approval of a preliminary plat shall be effective for a period of one (1) year from the date that the preliminary plat is approved by the Planning Commission, [unless specifically addressed in a Development Agreement approved by the Board and the Developer]. At the end of this time the applicant must have resubmitted a preliminary plat with a final subdivision plat for approval. This may occur as a phase of the approved preliminary plat. If a subdivision plat is not submitted for final approval within the one (1) year period of the preliminary approval, the preliminary plat shall be made null and void by majority motion of the Planning Commission, and the applicant shall be required to resubmit a preliminary plat application for approval or sketch plat review if changed, subject to the then existing zoning and subdivision regulations.
8. **Zoning and Subdivision Regulations.** Every preliminary plat shall conform to existing zoning and subdivision regulations applicable at the time that the proposed preliminary plat is submitted for the approval of the Planning Commission, unless the Planning Commission or Logan County Board of County Commissioners has taken official action toward amending the applicable zoning and subdivision regulations and the applicant has reason to know of that action.
9. **Grading of Site Prior to Final Approval.** Where extensive grading is necessary to provide adequate building sites, drainage, or access to the lots, a general grading plan may be required and submitted with the construction plans to the County Engineer.
10. **Model Homes.** For the purpose of allowing the early construction of model homes in a residential subdivision, the Planning Commission may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions, provided the lots derive access from an existing County street, water and wastewater service is available and provided further that no future road or other improvement is anticipated where the lots are proposed. No sale of the model homes or lots may occur until the Final Plat of the subdivision is approved and recorded unless authorized by the Planning Commission. The subdivision plat for the "minor" portion shall be submitted to the Planning Commission simultaneously with the preliminary plat for the entire subdivision. Subsequent to preliminary approval, the model homes may be constructed, subject to such additional requirements as the Planning Commission may require.

3.4 Amendments to Preliminary Plat. At any time after preliminary plat approval and before submission of a final plat, the applicant may request an amendment to the preliminary plat. Under regulations established by the Planning Commission, the Director of Planning may approve proposed amendments that are deemed to be minor, followed by a report to the Planning Commission and Board at their next meeting. Fees shall be submitted as stipulated in Article 3.1 4. If the proposed amendment is major, the

Planning Commission shall hold a hearing on the proposed major amendment in accordance with the same requirements for preliminary plat approval found in Article 3.2 2. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Planning Commission shall approve or disapprove any proposed major amendment and make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more or increasing density in the subdivision by ten percent (10%) or more. An applicant may not propose more than two (2) amendments—whether major or minor—to any preliminary plat. The Planning Commission shall render a decision on the proposed major amendment within thirty (30) days after the meeting at which the public hearing was held, including any adjourned session.

3.5 Final Subdivision Plat.

1. ***Application Procedure and Requirements.*** Following the approval of the sketch plan in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Commission an application for final approval of a subdivision plat. The application shall:
 - a. Be made on forms available at the office of the Director of Planning, together with a fee as stipulated in Article 3.1 4 plus a fee of Ten Dollars (\$10.00) for reproduction of plans.
 - b. Include the entire subdivision, or section thereof, which derives access from an existing state or county road or street.
 - c. Be accompanied by a minimum of ten (10) copies of the subdivision plat as described in these regulations.
 - d. Comply in all respects with the sketch plat or preliminary plat, as approved; whichever is applicable, depending upon the classification of the subdivision.
 - e. Be presented to the Director of Planning at least four (4) weeks prior to a regular meeting of the Planning Commission in order that a public meeting may be scheduled and the required fifteen (15) days public notice provided. The notice shall advise the public that the final plat and all conforming documents have been received by the Planning Commission and may be viewed by members of the public who may then submit written or oral comments to the Planning Commission concerning whether final approval should be granted. The notice shall include a deadline for receipt of comments and shall include the date of the public meeting at which final plat approval will be considered.
 - f. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, Public uses, utilities, schools, parks, and easements, in a form approved by the County Attorney. The offers of dedication shall be shown on the final plat.
 - g. Be accompanied by the Development Agreement and security, if required, in a form satisfactory to County Attorney and in an amount established by the Planning Commission upon recommendation of the County Engineer. It shall include a provision that the subdivider comply with all the terms of the resolution of final subdivision plat approval as determined by the Planning Commission and

- h. Be accompanied by proof that the applicant has submitted petitions in writing for the creation or extension of any utility or improvement district as required by the Planning Commission upon preliminary plat approval.
- i. At this procedural point the County shall mail notices of all property owners within five-hundred (500') feet of the property being developed minus any public rights-of-way.

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after June 20 but before December 20 of the same year. No final approval shall be endorsed on the plat until a review has indicated that all requirements of the plat approval have been met.

- a. The Final Plat shall be submitted on a transparent reproducible polyester film (Mylar), drawn with high capacity indelible ink or Xero Graphics print (or similar printing medium), waterproof, for computer driven plotters/printers, or as a tracing reproduction of polyester film for recording; and shall be on sheets twenty-four (24") inches wide by thirty-six (36") inches long, shall be at a scale of either 1" = 200', 1" = 100', or 1" = 50' or as approved by the Director of Planning; and shall include dedications, affidavits, certificates and acknowledgments permanently inked to the polyester film [no affixed overlays authorized]. Further, a diskette in digital format acceptable to the County Engineer, oriented to Colorado State Plane Coordinate System, Colorado North zone containing the final subdivision plat information, and an eight and one-half (8 ½") inch x eleven (11") inch copy of the information shall be submitted with the original of the final plat. The basis of bearings shall also be noted in the legend. All stamped or written matter, including signatures, shall be made with permanent opaque ink so that legible blue line prints may be obtained. All Final Plats shall be drawn consistent with acceptable professional standards.
- b. Every sheet comprising the plat shall bear the title (but not subtitle), scale, North point, legend, and date of plat preparation, sheet number, and the number of sheets comprising the map. Its relation to each adjoining sheet shall be clearly shown.
- c. The title of each plat shall consist of the subdivision name placed at the top of each sheet. Below the title on the first sheet shall appear a subtitle consisting of a general description of all the property being subdivided by reference to governmental subdivisions or portions thereof, by sections, township and range; by metes and bounds description, or by reference to subdivision plats previously recorded at the Logan County Clerk and Recorder Office. In addition, a small-scale location or vicinity map, showing the relative location of the subdivision with respect to township, range, section, and any access roads, shall be shown on the face sheet.
- d. Location and description of section or quarter corner(s), either found or set, and ties to such corners, all dimensions, angles, bearings, and similar data on the plat shall be referred, indicated and referenced. Boundaries of the tract to be subdivided shall be fully balanced and closed, showing all the bearings and distances determined by an accurate survey in the field. Corners of the subdivision shall be noted, monuments found or set shall be indicated and described; two (2) corners to the subdivision traverse shall be tied by course and distance to separate section corners or quarter section corners.
- e. Presentation of the plat shall be neat, clear, legible, and complete in all respects and shall be sufficiently detailed to include, but shall not be limited to, the following:
 - 1) Tract boundary lines, lot and parcel lines, easement lines, and section lines, all showing accurate bearings and dimensions with dimensions expressed in feet

and decimals thereof (angle, radius, cord bearing and distance and arc length of all curves).

- 2) Width of streets, width of easements and indication of their purpose.
- 3) Location and description of existing or found monuments, such as section corners and subdivision boundary corners, elevation of benchmarks (for a condominium development), existing rights-of-way and easements, if any. Easements shall be dimensioned, labeled, and identified, and if already of record, properly referenced to the record. If any easement is not definitely located of record, a statement of such easement shall appear on the title sheet.
- 4) Where there are contiguous developments, show name of tract with reference of record, street names, street width, easements clearly dimensioned, labeled, and identified, if any.
- 5) The legend shall specify the type of monuments used.
- 6) Any excepted parcel(s) within the plat boundary shall be accurately depicted by bearings and distances on the plat.
- 7) Each lot shall be numbered and each block may be numbered or lettered. Each street shall be named. All lots not intended for sale or resale for private purposes, and all parcels offered for dedication for any purpose, public or private, and any private streets permitted shall be so designated.
- 8) If any portion of any land within the boundaries shown on a subdivision plat is subject to overflow, inundation or flood hazard by storm water such fact and said portion shall be clearly shown on such plat and enclosed in a border on each sheet of said plat.
- 9) The plat shall also show other data that is required by law.
- f. Certifications required on the Final Plat: Dedications, certifications, approvals, acknowledgements, endorsements, and acceptance of dedications shall appear only once and upon the first and such other sheets as may be required, of several sheets.
 - 1) Certificates which shall appear on the plat are as follows:
 - a. Certification and dedication by the parties holding title, signed and acknowledged by all parties having title interest in the land being platted and consenting to the preparation and recording of the plat as submitted. The original copy of the plat shall carry the signatures of the owner(s) or corporation and shall be duly notarized by a Notary Public, at the time it is presented for approval to the Planning Commission or staff for approval.
 - b. Surveyor's Certificate:

This is to certify that the survey and monumentation of the above described land division was made under my direction and supervision and is accurately represented on this plat, to the best of my knowledge and belief.

Signature, Date, Registration No., Seal

c. Records Certificate:

This plat was filed for records in the office of the County Clerk and Recorder of Logan County at ___M on the ____ day of _____, A.D., 20__ in book _____, page _____, map _____, reception.

Clerk and Recorder

By: _____
Deputy

d. This certification ONLY need be presented on plats designated ***Other Land Divisions*** as set forth in Article 3.3 5.

APPROVAL:

This plat has been checked for conformance to Article 3.3 5. of the Logan County Subdivision Regulations and appears to comply with all the requirements.

Chairman, Planning Commission

Date

Chairman, Logan County Board of
County Commissioners

Date

e. If a dedication of roadway or utility right-of-way is included on the plat a dedication, acknowledgment and acceptance similar to the following should be included on the plat:

KNOW ALL MEN BY THESE PRESENTS: that _____
(is, are) the owner(s) of the land included within the plat shown here on,
that (I, we) (am, are) the only person(s) whose consent is necessary to pass
clear title to said land and (I, we) hereby consent to the making and
recording of said plat and (I, we) hereby dedicate to the public for use as
such, the (public roadways, public utility easements) as shown on said plat
and included in the above described premises:

IN WITNESS WHEREOF this dedication is executed this ____ day of
_____, 20____,

NOTARY ACKNOWLEDGMENT:

STATE OF _____)
) SS:
COUNTY OF _____)

This dedication was acknowledged before me, the undersigned officer,
by _____ this _____ day of _____, 20____.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(Seal)
Notary Public

My Commission Expires: _____

- f. Approval by the Planning Commission to be signed by the Chairman.
- g. Approval by the Logan County Board of County Commissioners: To be signed by the Chairman and attested to by the County Clerk. The Board will not consider a final plat unless all certifications, dedications and approvals required above have been executed. Additionally, the Board will not consider a final plat unless it has entered into a Development Agreement in accordance with the Article 3.6 4. ***Development Agreements.***

3.6 Vested Rights and Development Agreements.

- 1. ***Effect of Approval.*** Except as otherwise provided in this Article 3.6, no vested rights shall accrue to the owner or Developer of any subdivision by reason of preliminary or final plat approval until the actual signing of the final plat by the Logan County Board of County Commissioners.
- 2. ***Effect of Recordation.*** Except as otherwise provided in this Article 3.6, no vested rights shall accrue to the owner or developer of any subdivision by virtue of the recordation of a final plat.
- 3. ***Applicable Laws.*** C.R.S. 24-68-101 et. seq. prescribes vesting for platted developments:
 - a. If the proposed plat is for a single-family residential development, development rights in such land use statutorily vest upon recording of the plat. If construction has not commenced, however, within three (3) years of recording the plat, the development rights will expire. C.R.S. 24-68-104
 - b. Vesting must occur in the same manner for all uses of land within the same land-use classification under adopted zoning regulations. C.R.S. 24-68-103 (2).

To obtain final plat approval, the applicant shall be in compliance with all federal and state laws applicable at the time that the final plat is considered for approval by the Planning Commission. The applicant also shall be in compliance with all local laws

and regulations applicable at the time that the preliminary plat was submitted to the Planning Commission in accordance with Article 3.3. 7. (or, if a minor subdivision, at the time the sketch plat was submitted to the Director of Planning). If the Planning Commission required the applicant to complete public improvements in the subdivision prior to final plat approval [the developer elects to construct the subdivision in lieu of providing improvement guarantees], and the improvements have, in fact, been completed, the applicant may be required to comply with local laws and regulations in effect at the time that the final plat is considered for approval if the Planning Commission makes a finding on the record that such compliance is necessary to prevent a substantial risk of injury to public health, safety and general welfare.

4. ***Development Agreements.*** By the passage of these regulations the Logan County Board of County Commissioners has made the requirement of a Development Agreement a condition of final plat approval. The County may, but under no circumstances is it required to, enter into a Development Agreement:
 - a. *General.* The Development Agreement shall constitute a binding contract between the subdivider of the proposed subdivision and the County (the “parties”) and shall contain those terms and conditions agreed to by the parties and those required by this Article 3.6. 4. The Director of Planning, the County Attorney or other designee(s) of the Board are authorized to negotiate Development Agreements on behalf of the County.
 - b. *Covenants.* Any covenant by the County contained in the Development Agreement to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period of five (5) years. The covenant shall also contain a provision that the County may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if it makes a determination on the record that the action is necessary to avoid a substantial risk of injury to public health, safety, and general welfare. The covenant shall contain the additional provision that the County may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.
 - c. *Third Party Rights.* Except as otherwise expressly provided in the Development Agreement, the Development Agreement shall create no rights enforceable by any party who/which is not a party to the Development Agreement.
 - d. *Limitation on Liability.* The Development Agreement shall contain a clause that any breach of the Development Agreement by the County shall give rise only to damages under state contract law and shall not give rise to any liability for violation of the fifth and fourteenth amendments of the U.S. Constitution or similar state constitutional provisions.
 - e. *Developers Compliance.* The Development Agreement shall include a clause that the County’s duties under the Agreement are expressly conditioned upon the subdivider’s or developer’s compliance with each and every term, condition, provision, and covenant of the Development Agreement, all applicable federal,

state and local laws and regulations, and its obligations under the Development Agreement.

- f. *Adoption.* The Development Agreement shall be adopted by the Logan County Board of County Commissioners pursuant to applicable state and local laws and shall be recorded with the Logan County Clerk and Recorder.
- g. *Incorporation as Matter of Law.* All clauses, covenants, and provisions required by these regulations to be included in a Development Agreement shall be incorporated into the Development Agreement as a matter of law without respect to the intent of the parties.

3.7 Signing and Recordation of Subdivision Plat.

1. *Signing of Plat.*

- a. When a Development Agreement and security are required, the Chairman of the Planning Commission shall endorse approval on the final plat after the agreement and security have been approved by the Board, and all the conditions stipulated by the Planning Commission pertaining to the final plat have been satisfied.
- b. When installation of improvements is required prior to recordation of the final plat, the Chairman of the Planning Commission shall endorse approval on the final plat *after all conditions have been satisfied and all improvements satisfactorily completed for the subdivision.* There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the County as shown by a certificate signed by the County Engineer and County Attorney stating that the necessary dedication of public lands and improvements has been accomplished.

2. *Recordation of Plat.*

- a. The Chairman of the Planning Commission shall sign the reproducible Mylar original of the final subdivision plat.
- b. It shall be the responsibility of the Director of Planning to file the final plat with the Logan County Clerk and Recorder within ten (10) days of the date of signature of the Board subject to all provisions being met in accordance with the approved Development Agreement whereby both documents shall be filed for record.

- 3. ***Phasing Major Subdivision Plat.*** Prior to granting final approval of a major subdivision plat, the Planning Commission may permit the plat to be divided into two or more phases and may impose such conditions upon the filing of the phases as it may deem necessary to assure the orderly development of the plat. The Planning Commission may require that the subdivision improvement(s), Development Agreement and security be in such amount as is commensurate with the phase or phases of the plat to be filed and may defer the remaining amount of the security until the remaining phases of the plat are offered for filing. The Developer may also file irrevocable offers to dedicate streets and public improvements in the section(s) offered to be filed and defer filing offers of dedication for the remaining phases until those phases, subject to any conditions imposed by the Planning Commission. If phasing is approved, the entire approved subdivision plat including all phases shall be filed within sixty (60) days after the date of final approval with the County Clerk and

Recorders Office and such phases as have been authorized by the Board shall be filed with the Logan County Clerk and Recorder. Such phases must contain at least ten percent (10%) of the total number of lots contained in the approved plat. The approval of all remaining phases not filed with the Logan County Clerk and Recorder shall automatically expire unless such phases have been approved for filing by the Board or a period of time for the extension of the preliminary plat is agreed upon in the Development Agreement, and all fees paid, all instruments and offers of dedication are submitted, and subdivision improvement agreements, security and performance bonds, if any, are approved and actually filed with the Logan County Clerk and Recorder within three (3) years of the date of final subdivision approval of the subdivision plat.

- 3.8 Time Periods for Action.** Whenever these regulations establish a time period for action by the Board, Planning Commission, Director of Planning, or any other person or entity and the action is not taken within such prescribed period, the applicant shall have a right to file an action in mandamus to compel action. The County's duty to act shall be dependent on the applicant's substantial compliance with all application and approval procedures.
- 3.9 Suspension and Invalidation of Final Plat.** If the County suspends final plat approval for any subdivision under these regulations, it shall record a document with the County Clerk and Recorder declaring that final approval for the subdivision is suspended and that the further sale, lease, or development of property within the subdivision is prohibited. This prohibition shall not apply to persons or parties who have acquired property from the subdivider unless the person or party acquiring property meets the definition of "common ownership" in Article 2.2. 21. If any court of competent jurisdiction invalidates final plat approval for any subdivision, the County shall record a document with the Logan County Clerk and Recorder declaring that the final plat for the subdivision is no longer valid and that further subdivision activity is prohibited.

ARTICLE

4

**Assurance for Completion
And Maintenance of
Improvements**

4.1 Improvements and Subdivision Improvement Agreement.

1. ***Completion of Improvements.*** Before the final subdivision plat is signed by the Chairman of the Planning Commission, all applicants shall be required to complete, in accordance with the Board decision and to the satisfaction of the County Engineer, all street, water, sanitary sewer and other public improvements, as required in these regulations, and specified in the final subdivision plat, and to dedicate those public improvements to the County, free and clear of all liens and encumbrances on the dedicated property.
2. ***Development Agreement and Guarantee.***
 - a. ***Development Agreement.*** The Board in its sole discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final subdivision plat and, as the alternative, permit the applicant to enter into a Development Agreement by which the Developer covenants to complete all required improvements per the terms of the Development Agreement. The Development Agreement shall contain such other terms and conditions agreed to by the applicant and the Board. The County is not required to issue any building permit for occupancy in the subdivision until and unless the public improvements have been accepted by the County into its system.
 - b. ***Covenants to Run.*** The subdivision Development Agreement shall provide that the covenants contained in the Development Agreement shall run with the land and bind all successors, heirs, and assigns of the Developer. The Development Agreement will be adopted by the Board, pursuant to applicable state and local laws and shall be recorded with the Logan County Clerk and Recorder.
 - c. ***Security Pursuant to C.R.S. 30-28-137.*** Whenever the Board permits an applicant to enter into a Development Agreement, it shall require the applicant to provide for security for construction of public improvements, which shall be enforceable by all legal and equitable remedies.

In addition, the Board may require a maintenance and/or warrantee bond, or other acceptable security in a reasonable amount to be in force for a period of one year after approval of such work or improvements.

3. ***Failure to Complete Improvements.*** For subdivisions for which no subdivision improvement agreement has been executed and no security has been posted, if the improvements are not completed within the period specified by the Board in the Development Agreement, the sketch plat or preliminary plat approval shall be deemed to have expired. In those cases where a Subdivision Improvement Agreement has been executed, security has been posted and required public improvements have not been installed within the terms of the Development Agreement, the County may then: (1) declare the Development Agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the Development Agreement is declared to be in default; (2) suspend final subdivision plat approval until the improvements are completed and record a document to that effect for the purpose of public notice; (3) obtain funds under the security and complete improvements itself or through a third party; (4) assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; or (5) exercise any other rights available under the law.
4. ***Acceptance of Dedication Offers.*** The approval of a subdivision plat by the Planning Commission or Board, whether sketch, preliminary or final, shall not be deemed to constitute or imply the acceptance by the County for maintenance of any street, easement, or park shown on plat. Dedication of streets, public areas, easements, and parks shall be by statement on the final plat and shall be accepted by the approval of the plat by the Board and its subsequent recording.

4.2 Inspection of Improvements.

1. ***General Procedure and Fees.*** Developers must accept responsibility for all engineering and surveying costs for all improvements for the Development, whether such improvements are constructed directly by Developer or by a third party under contract by Developer. County shall be responsible for inspection of all infrastructure construction and the Developer shall pay the County the inspection costs specified in the Development Agreement or Subdivision Improvement Agreement. These fees shall be due and payable upon demand of the County and no building permits or certificates of occupancy shall be issued until all fees are paid. If the County Engineer finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the County's construction standards and specifications or the Development Agreement, the applicant shall be responsible for properly completing the improvements.
2. ***Release or Reduction of Security.***
 - a. ***Certificate of Satisfactory Completion.*** The Board will not accept dedication of required improvements, nor release or reduce the amount of any security posted by the subdivider until the County Engineer has submitted a certificate stating that

all required improvements have been satisfactorily completed and the applicant's engineer or surveyor has certified to the County Engineer, through submission of detailed "as-built" construction plans of the subdivision, and other information as may be required by the Planning Commission or County Engineer, that all public improvements are in accordance with the construction plans for the subdivision. Upon such approval and recommendation by the County Engineer, and County Attorney, the Board shall thereafter accept the improvements for dedication in accordance with the established procedure.

- b. *Reduction of Escrowed Funds and Security.* If the security posted by the subdivider was a cash escrow, the amount of that escrow may be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five (25%) percent of the principal amount. Funds held in the escrow account shall not be released to the subdivider, in whole or in part, except upon express written instructions of the County Attorney. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider. If the security provided by the subdivider was a letter of credit, the County Attorney shall execute waivers of the County's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five (25%) percent of its original amount.

4.3 Lot Improvements.

Temporary Certificate of Occupancy. Whenever, by reason of the season of the year, any final grading of the lot and exterior site improvements in accordance with regulations cannot be performed, the Building Inspector may issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare. The Development Agreement shall remain in full force and effect.

4.4 Maintenance of Improvements.

The Developer shall be required to maintain all required public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required by the Board, until acceptance for maintenance of the improvements by the Board. Following the acceptance of any public improvement for maintenance, the County may, at its sole discretion, require the subdivider to maintain the improvement for a period of one (1) year from the date of acceptance.

4.5 Deferral or Waiver of Required Improvements.

1. The Board may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements as are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or inexistence of connecting facilities. Any determination to defer or waive the provision of any public improvement and the reasons for the deferral or waiver shall be made on the record.
2. Whenever it is deemed necessary by the Board to defer the construction of any improvement required under these regulations for any reason, the subdivider or Developer shall deposit his share of the costs of the future improvements with the County prior to the Boards signing the final subdivision plat. The Developer may be required to execute a separate Development Agreement guaranteeing completion of the deferred improvements upon demand of the County.

4.6 Issuance of Building Permits and Certificates of Occupancy.

1. When a Development Agreement and security have been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the County, as required in the Logan County Board of County Commissioners' approval of the final subdivision plat.
2. The extent of street improvement shall be adequate for vehicular access by the prospective occupant(s) and by public safety equipment prior to the issuance of the occupancy permit.
3. No building permit shall be issued for the final ten (10%) percent of lots in a subdivision, or if ten (10%) percent would be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Board for the subdivision have been fully completed and the County has accepted the Developer's dedication of the improvements.

4.7 Consumer Protection Legislation and Conflicts of Interest Statutes.

1. No building permit or certificate of occupancy shall be granted or issued if a Developer or its authorized agent has violated any federal, state or local law pertaining to (1) consumer protection; or (2) real estate land sales, promotion, or practices; or (3) any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until a court of competent jurisdiction so determines.
2. With respect to any lot or parcel of land described in the preceding section, if a building permit or certificate of occupancy has been granted or issued, it may be revoked by the County until a court of competent jurisdiction orders otherwise, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

4.8 Improvement Districts/Benefit Districts/Special Assessment Financing

1. Developers may propose to the Board the creation of Special Improvement Districts (SID's) or Benefit Districts, using Special Assessment Financing to fund necessary infrastructure improvements within or outside of the proposed subdivision.
2. Property owners/developers requesting the formation of the above shall be required to provide evidence demonstrating the financial capability to satisfy associated financial obligations.
3. Special assessment financing pursuant to 2. above shall not be authorized whenever there exists more than 300 undeveloped residential lots subject to special assessments within the incorporated area of the County, provided further that no single developer shall be permitted to have more than 100 undeveloped lots subject to special assessments.
 - a. It is the policy of the Board to limit "special assessment financing."
 - b. No individual may be a part of one company, partnership, L.L.C., or corporation as well as another under another name and request "special assessment financing" where the combined entities would exceed the 100 undeveloped lot cap.
 - c. A Developer may utilize a combination of private financing and special assessment financing for necessary improvements for up to three (3) of the following improvements:
 - (i) Off site infrastructure improvements.
 - (ii) Curb and gutter, including curb ramps and storm sewer.
 - (iii) Street improvements.
 - (iv) Sanitary sewer.
 - (v) On-site Electric utility infrastructure.
 - (vi) Note: Engineering costs for the above improvements may be included in the special assessment financing with a recommendation of the County Engineer and approval of the Board.
4. The following formula for "special assessment financing" will be utilized when determining utilization of the 100/300 cap for landowners or developers pursuant to section 3, above:
 - a) If full utilization of up to three (3) items is applied for, the developer is charged one (1) full lot, or
 - b) If one (1) of the five (5) are applied for, the Developer is charged 1/3 of a full lot, or
 - c) If two (2) of the five (5) is applied for, the Developer is charged 2/3 of a full lot.

The number of lots removed from the total count due to development is based upon the method charged for a particular development.

ARTICLE

5

**Requirements for
Improvements, Reservations,
and Design**

5.1 General Improvements.

1. ***Conformance to Applicable Rules and Regulations.*** In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations:
 - a. All applicable statutory provisions.
 - b. The Logan County Zoning Resolution, building codes, and all other applicable laws of the County.
 - c. The Official Master Plan, Official Map, Public Utilities Plan, and Capital Improvements Program of the County, including all streets, drainage systems, and parks shown on the Official Map or Master Plan as adopted.
 - d. The special requirements of these regulations and any rules of the Environmental Code and/or appropriate state, sub-state or contracted agencies.
 - e. The rules of the Colorado Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.
 - f. The policy standards and regulations adopted by the Board and all other Boards, commissions, agencies, and officials of the County.
 - g. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of these regulations established in Article 1.3, above.
2. ***Adequate Public Facilities.*** No preliminary plat shall be approved unless the Planning Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities and services to be examined for adequacy will include roads and public transportation facilities, sewage, drainage and water utilities.
 - d. The applicant for a preliminary plat must, at the request of the Planning Commission, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by possible uses of said subdivision.

- e. *Master Plan Consistency Required.* Proposed public improvements shall conform to and be properly related to the County's approved Master plan and all applicable capital improvement plans.
 - f. *Water.* All habitable buildings and buildable lots shall be served by a State of Colorado approved public water source.
 - g. *Wastewater.* All habitable buildings and buildable lots shall be served by an approved wastewater collection and treatment system. This system shall be approved by the State of Colorado or the NE Colorado Health Department.
 - h. *Storm water Management.* Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream discharges. The County Engineer may recommend the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the downstream impacts of the proposed development(s).
 - i. *Roads.* Proposed roads shall provide a safe, convenient, and functional system for vehicular and pedestrian traffic, (properly related to the Master plan); and shall be appropriate for the particular traffic characteristics of each proposed development.
 - j. *Extension Policies.* All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater lines, drainage facilities, electric lines, gas, CATV/fiber, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The County may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval, subject to rebate agreement, or the County assuming the cost of oversize pursuant to the Development Agreement.
3. ***Self-Imposed Restrictions.*** If the Developer places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Resolution or these regulations, such restrictions or reference to those restrictions may be required to be indicated on the subdivision plat, or the Planning Commission may require that restrictive covenants be recorded with the Logan County Clerk and Recorder in a form to be approved by the Logan County Clerk and Recorder.
4. ***Monuments.*** The applicant shall cause permanent reference monuments to be placed in the subdivision by the surveyor of record for the development as required in these regulations or applicable state regulations.
- a. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curves and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street boundaries.
 - b. The external boundaries of a subdivision shall be constructed in the field by monuments conforming to the requirements of C.R.S. 38-53-101 et. seq.
 - c. All monuments required by these regulations shall meet State of Colorado Survey Regulations.
5. ***Character of the Land.*** Land that the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse earth formations or topography, utility easements, or other features that will reasonably be

harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of the County Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for other uses which shall not involve any danger to public health, safety, and welfare.

6. ***Subdivision Name.*** The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the County covered by these regulations. The Planning Commission shall have final authority to authorize the name of the subdivision, which shall be determined at the time of sketch/preliminary plat approval.

5.2 Lot Improvements.

1. ***Lot Arrangement.*** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Resolution and Northeast Colorado Environmental Health Regulations and in providing driveway access to buildings on the lots from an approved street.
2. ***Lot Dimensions.*** Lot dimensions shall comply with the minimum standards of the Zoning Resolution and these Regulations. Where lots are more than double the minimum required area for the applicable zoning district, the Planning Commission may require they be arranged so as to allow further resubdivision and the opening or future streets where necessary to serve potential new lots, all in compliance with the Zoning Resolution and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curvilinear lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of lots reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Resolution.
3. ***Lot Orientation.*** The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.
4. ***Double Frontage Lots and Access to Lots.***
 - a. ***Double Frontage Lots.*** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. In such cases the utilization of Vehicle Non-Access Easements (VNAE) will be required. A solid fence of an approved material by the Planning Commission shall be erected on the VNAE. Accommodation shall be made in the solid fence for pedestrian gates to allow access to the Public Utility Easement(s) (PUE's), and the right-of-way. The property owner must maintain, gate to said access.

- b. *Access from Major and Secondary Arterials.* Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or local street may be necessary for two or more adjoining lots, the Planning Commission may require that such lots be served by a joint use access drive in order to limit possible traffic hazards on the street. Driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on major and secondary arterials.
- 5. *Lot Drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings and alleys (if provided by developer), and individual lot drainage shall be in conformance with the approved storm drainage plan. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- 6. *Debris and Waste.* No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy. Removal of those items and materials shall be required prior to issuance of any certificate of occupancy in a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of any subdivision improvement agreement or dedication of public improvements, whichever occurs sooner.

5.3 Roads.

- 1. *General Requirements.*
 - a. *Level of Service.* No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector so that the street does not function at a proper level of service as determined by the County Road and Bridge Department. The County may require or the applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development or the County may require traffic mitigation measures to provide adequate roadway capacity for the proposed development. The applicant for any development projected to generate more than one-thousand (1,000) vehicle trips per day shall submit a traffic impact analysis.
 - b. *Grading and Improvement Plan.* Roads shall be improved and conform to the County construction standards and specifications and shall be approved as to design and specifications by the County Road and Bridge Department, in accordance with the construction plans required to be submitted prior to final plat approval.
 - c. *Classification.* All roads shall be classified as principle, arterial, minor arterial, collector, or local as determined by the County Road and Bridge Department. In classifying roads, the County shall consider projected traffic demands 10 years after development.

SURFACE TRANSPORTATION PLAN							
Exhibit VII.7 - PAVEMENT DESIGN STANDARDS							
Item		Arterial		Collector	Local		
		Principal	Minor		Commercial	Industrial	Residential
Pavement type	preferred	concrete	concrete	asphalt	concrete	concrete	asphalt
	thickness	7" - 9"	7"	6"	6"	7"	4"
Pavement type	alternate	asphalt	asphalt	---	asphalt	asphalt	---
	thickness	12"	8"	---	6"	7"	---
Roadbase type	preferred	AB-2	AB-2	AB-2	AB-2	AB-2	AB-2
	thickness	6"	6"	6"	6"	6"	6"
NOTES:							
1) Pavement and roadbase thickness are minimum, subject to geotechnical report with pavement design							
2) Alternative pavement and/or roadbase type shall be approved by the City Engineer							

SURFACE TRANSPORTATION PLAN								
Exhibit VII.6 - STREET DESIGN STANDARD								
Item		Principal Arterial		Minor Arterial		Collector		Local
		5-lane	4-lane	3-lane	2-lane	3-lane	2-lane	2-lane
Right-of-way	minimum	80	70	60	60	60	60	50
	preferred	100	90	80	70	60	60	---
Street width (back to back)		65	53	40	40	40	40	34
Design volume (ADT range)		<12000	<12000	5000	5000	1500	1500	>1500
				12000	12000	5000	5000	
Design speed, mph		35-45	35-45	30-40	30-40	30-40	30	30
Centerline radius, min.	30 mph	---	---	300	300	300	300	200
	35 mph	500	500	500	500	500	500	---
	40 mph	750	750	750	750	750	750	---
	45 mph	1,000	1,000	---	---	---	---	---
Turning lanes	left	yes	if warranted	yes	if warranted	yes	if warranted	no
	double left	if warranted	no	if warranted	no	if warranted	no	no
	right	if warranted	if warranted	if warranted	if warranted	if warranted	if warranted	no
Sidewalk required		both sides	both sides	both sides	both sides	both sides	both sides	both sides
On-street parking allowed		no	no	no	one side	no	both sides	both sides
NOTES:								
1) rights-of-way, street width and centerline radii are in feet								
2) centerline radii based upon AASHTO standards								
3) double left turning lane warrant is determined by driveway spacing, intersection spacing and classification of intersection streets								
4) minimum sidewalk shall meet current handicapped requirements								
5) driveway spacing shall be determined by City (if in overlay zone) and/or CDOT or County Road & Bridge Department								

d. *Design of Gravel Surface Roadways.*

- (i) General. To insure a uniform road including sub-grade, sub-base and surface material, Logan County Road and Bridge Department has set the following standards for all new construction of gravel surfaced roads within subdivisions.

(ii) Material Description. This section describes materials that will be acceptable to the Logan County Road and Bridge Department for the construction of sub-grade, sub-base and surface course.

1. Material for sub-grade may be approved local material free of vegetation and that can meet the compaction requirements of this standard.
2. Material for sub-base construction on county and subdivision roads must meet the minimum standards of Class 2 material as specified in the Classification Table for Aggregate Base Course in Section 700 of the current edition of the Colorado Highway Specifications Manual.
3. Aggregate for surface course construction when the road is to have a gravel surface. The material must be well graded gravel similar to Class 6 as specified in the Classification Table for Aggregate Base Course in Section 700 of the Colorado Highway Specifications Manual with the exception of 7% - 15% by weight must pass the #200 sieve.
4. If a road can be shown through a traffic study to generate less than 100 Average Daily Traffic (ADT) at full subdivision build out, including adjacent subdivisions that may utilize this portion of roadway or new phases planned on adjacent property that are part of the Preliminary Plat approval, a gravel surface of lower quality may be approved by Logan County Road and Bridge Department.

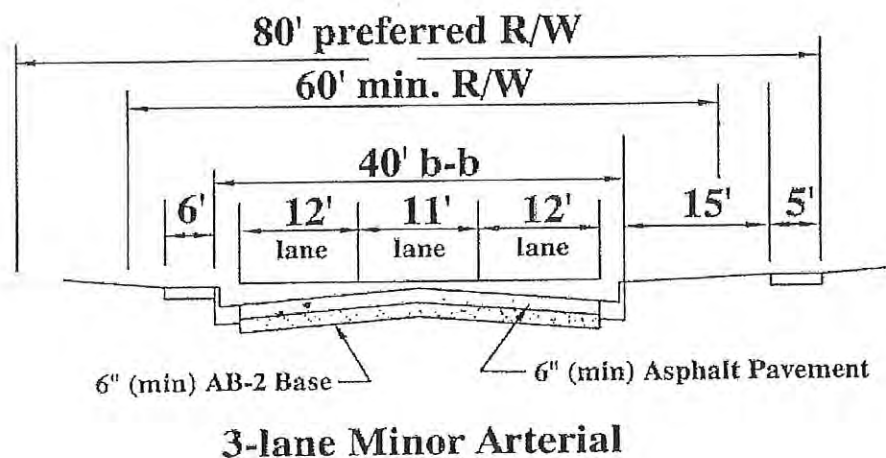
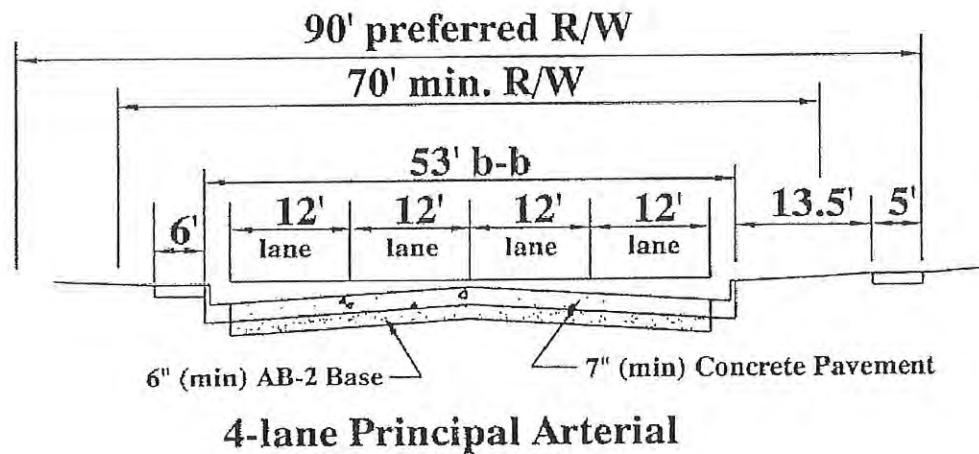
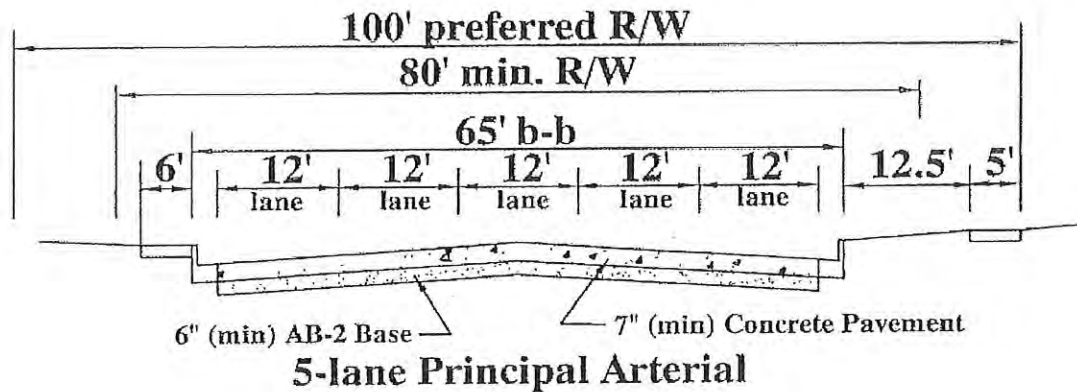
(iii) Compaction. The following standards have been established for compaction.

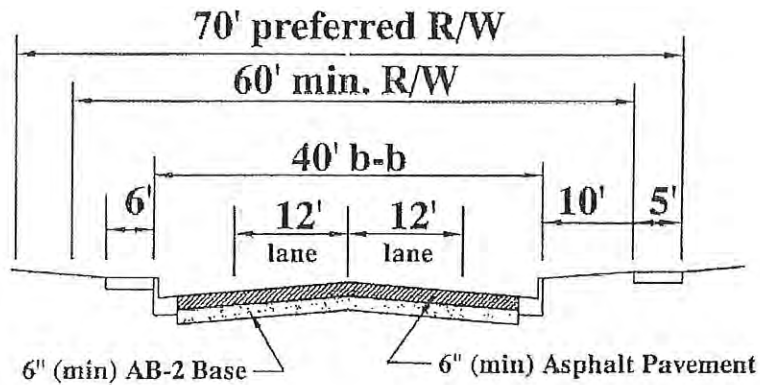
1. Sub-grade. From two (2') feet below grade and lower, roads shall be constructed in lifts relative to the suitable compaction equipment used but shall not exceed 12 inches loose measurement, with compaction of 90% Standard Proctor.
2. Sub-base and Surface courses. From grade, to a depth of two (2') feet below grade, roads shall be constructed in lifts relative to the suitable compaction equipment used, with compaction of 95% Standard Proctor.
3. Testing. The compaction test for the sub-base and surface course shall be tested in the field every 600'.
- This test shall be completed by an independent testing lab with test records provided to the County, submitted at the time of application for county maintenance.

(iv) Inspections. Inspections by County personnel to insure compliance with County standards and specifications will be made. Recommendations for bond release and for acceptance of completed work will depend upon the results of these inspections. It is the responsibility of the contractor or the developer to contact the County, forty-eight (48) business hours in advance of the required inspection.

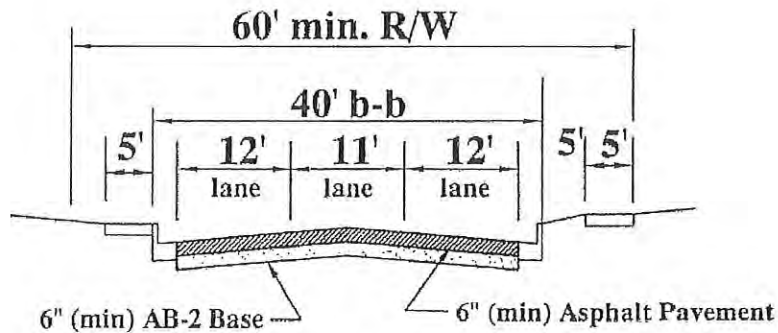
1. Periodic inspections will be made at the completion of major stages of work. These will include, but will not be limited inspection of to culverts, road sub-grade, sub-base and surface.
2. A final inspection must take place after all other periodic inspections are complete.

3. Any work or material which does not conform to County standards will be rejected and brought to the attention of the contractor or developer. If immediate corrections are not made, construction may be stopped.
 4. Locations for field testing will be determined by Logan County Road and Bridge Department.
- (v) Acceptance for Maintenance. The Board may, upon application, withhold all public works improvements and maintenance from all required facilities until accepted for maintenance by resolution. The Board shall formally accept for maintenance all public improvements completed by the subdivider. The subdivider shall also warrant the improvements for a period of twenty-four (24) months from the date of acceptance.

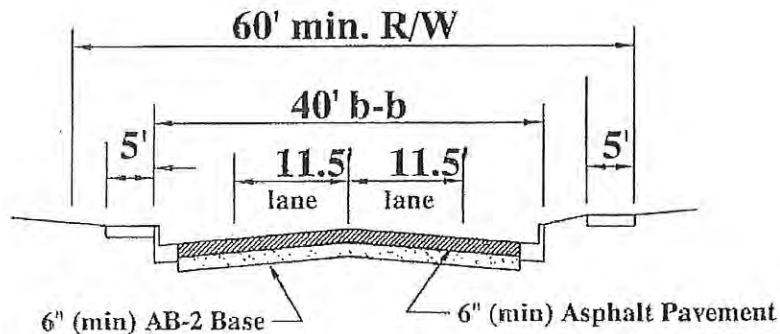




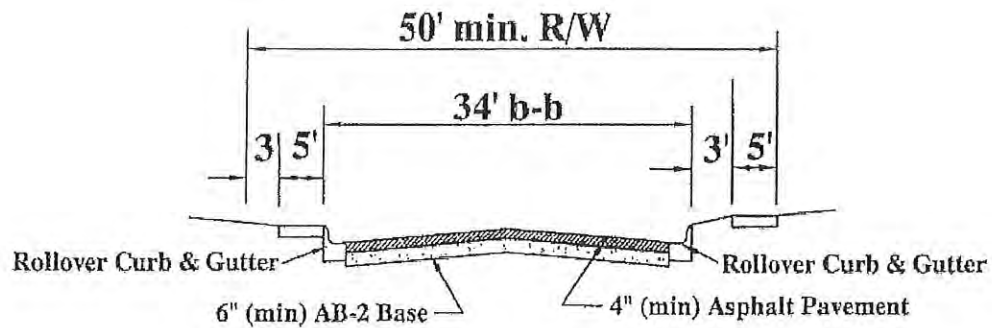
2-lane Minor Arterial



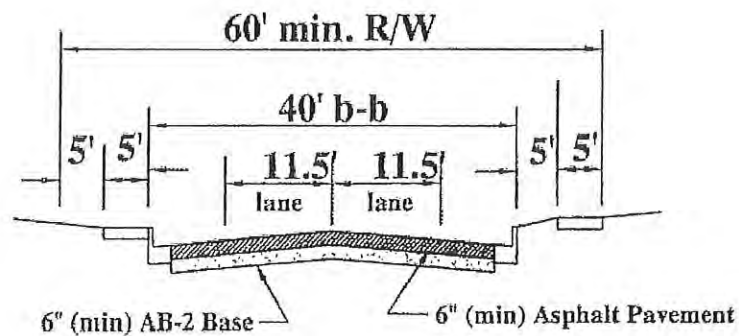
3-lane Collector



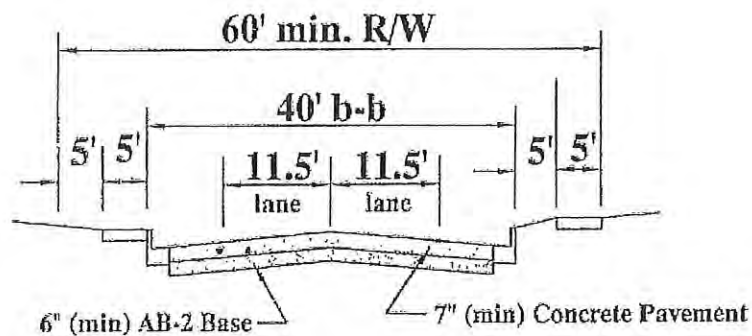
2-lane Collector



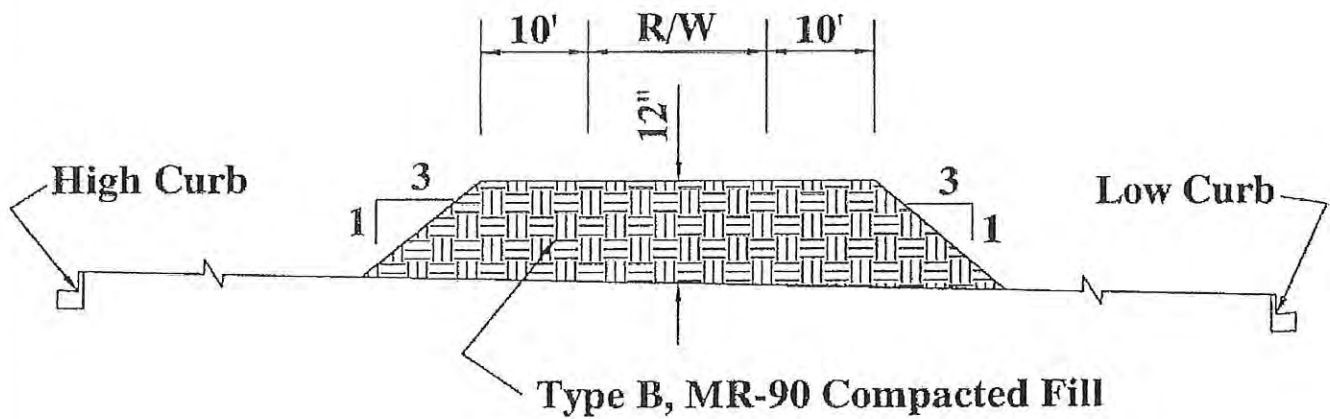
Local Residential Street



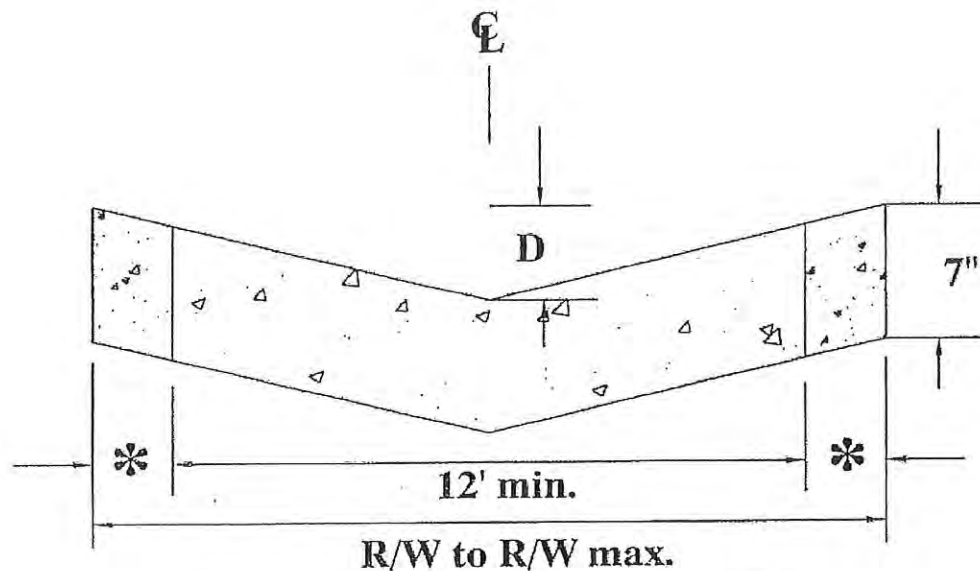
Local Commercial Street



Local Industrial Street



**Alley Grade
Cross Section Through Block**



D = 3" for 12' width, 4" for full width

*** Outer 3' on either or both sides may be paved**

**Alley Pavement
Cross Section**

- e. *Topography and Arrangement.*
- i. Roads shall be related appropriately to topography. Local roads may be curved or morphed from a grid pattern of development wherever possible to avoid a consistency of lot appearance. All streets shall be arranged so as to obtain as many building sites as possible, at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
 - ii. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map and/or Master Plan.
 - iii. All streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - iv. Minor or local streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - v. The rigid rectangular grid street pattern may be undesirable and may not be acceptable, and the use of curvilinear streets and cul-de-sacs is encouraged.
 - vi. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 - vii. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- f. *Blocks.*
- i. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or drainage ways/waterways.
 - ii. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated. However, block lengths in residential areas shall not exceed the lesser of one thousand two hundred (1,200') feet or twelve (12x) times the minimum lot width required in the zoning district. Wherever practicable, blocks along major arterials and collector streets shall not be less than one thousand (1,000') feet in length.
 - iii. In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities and drainage utilities, or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10') feet wide, may be required by the Planning Commission through the center of blocks more than eight-hundred (800') feet long where deemed essential to

provide circulation or access to schools, playgrounds, shopping areas, transportation, or other community facilities in urban designated areas. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

- g. *Access to Primary Arterials.* Where a subdivision borders on or contains an existing or proposed principle arterial, the Planning Commission may require that access to such streets be limited by one of the following means:
 - i. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening sitting on an approved VNAE shall be provided in a strip of land along the rear property line of such lots.
 - ii. A series of cul-de-sacs or short loops entered from and designed generally at right angles to such principle arterial, with the rear lines of their terminal lots backing onto the principle arterial.
 - iii. A marginal access or service road (separated from the principle arterial by a median and having access at suitable points as determined by the County Road and Bridge Department).
- h. *Road Names.* The sketch plan as submitted shall not indicate any names for proposed streets. If the developer desires he/she may submit suggestions for right-of-way names at the sketch plan stage for review. The Planning Commission shall name all roads upon recommendation of the Director of Planning at the time of preliminary approval. The Director of Planning or his/her designee shall consult with the postmaster, Emergency Services and County Assessor prior to rendering its recommendation to the Planning Commission. Names shall be sufficiently different in sound and spelling from other road names in the County so as not to cause confusion. A road that is (or is planned as) a continuation of an existing road shall bear the same name.
- i. *Regulatory Traffic Control Signs.* The County shall install all traffic control signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which will be approved by the County Road and Bridge Department. The expense of all signage is the responsibility of the developer.
- j. *Street Lights.* Installation of streetlights may be required (due to location of the development – i.e., within approved overlay zones) in accordance with design and specification standards approved by the County Road and Bridge Department.
- k. *Construction of Roads and Dead-End Roads.*
 - i. *Construction of Roads.*

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where the continuation is in accordance with the County approved Official County Road Map. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the

subdivision plat that land outside the normal street right-of-way shall revert to abutting lot owners whenever the permanent street is constructed. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

ii. **Dead-End Roads (Permanent).**

Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50') feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with County construction standards and specifications. For short streets that permanently dead-end the Planning Commission may allow a T-shaped turnaround in lieu of a cul-de-sac. In these cases a visual screen will be developed and maintained at the boundary to limit the number of vehicle entry and exits into the dead-end street. For greater convenience to traffic and more effective emergency services, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

2. ***Design Standards.***

- a. *General.* In order to provide roads of suitable location, width, and improvement; to accommodate prospective traffic; to afford satisfactory access to emergency services, snow removal, sanitation, and road-maintenance equipment; and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required. (Road classification may be indicated on the Master Plan or Official Map; otherwise, it shall be determined by the Planning Commission or the County Road and Bridge Department.)
- b. *Road Surfacing and Improvements.* After the Developer has installed underground utilities, the Developer shall construct street improvements as prescribed in these regulations. The timing and sequence of construction may vary due to location of the subdivision, i.e., rural vs. located within designated overlay zones of the City of Sterling or incorporated towns in the County. Adequate provision shall be made for drainage improvements. All road improvements and sidewalks (if required) shall conform to the construction standards and specifications adopted by the Planning Commission, County Road and Bridge Department, or Board as incorporated into the construction plans required to be submitted by the developer for plat approval.
- c. *Excess Right-of-Way.* Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three-to-one.
- d. *Railroads and Limited Access Highways.* Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- i. In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures on this land is prohibited."
 - ii. In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.
 - iii. When streets parallel to the railroad right-of-way intersect a street, which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one-hundred (150') feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future grade separation.
- e. *Intersections.*
- i. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection at an angle of less than seventy-five (75°) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be within seventy-five (75°) degrees for at least one-hundred (100') feet therefrom. Not more than two (2) streets shall intersect at any one point.
 - ii. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Side streets with centerline offsets of less than one-hundred-fifty (150') feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be contiguous. Intersections of the arterials shall be at least five-hundred (500') feet apart; intersections with collectors – at least three-hundred (300') feet apart.
 - iii. Minimum curb radius (if required) at the intersection of two (2) local streets shall be twenty (20') feet; and minimum curb radius (if required) at an intersection involving a collector street shall be twenty-five (25') feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
 - iv. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent required by the County Road and Bridge Department to provide an adequate sight distance.
 - v. Vision clearance area, a triangular sight area on a corner lot, which is formed by a line between the points eighty-five (85') feet from the intersection of the centerline of the road easements. The vision clearance area shall contain no temporary or permanent obstructions in the excess of two (2') feet in height. Street trees may be permitted provided such trees are pruned at least eight (8')

feet above the surrounding grade. At the intersections of major or arterial streets, or roads, the vision clearance area is created by points one hundred (100') feet from the intersection of the centerlines of the road easements.

vi. The cross-slopes on all streets, including intersections, shall be two percent (2%) or less.

f. *Bridges.* Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the County. The sharing of expense for the construction of bridges, not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the Board and the applicant.

3. ***Road Dedications and Reservations.***

a. *New Perimeter Streets.* Street systems in new subdivisions shall be laid out so as to eliminate new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the developer. The Planning Commission may authorize a new perimeter street where the developer improves and dedicates the entire required street right-of-way width within its own subdivision boundaries.

b. *Widening and Realignment of Existing Roads.* Where a subdivision borders an existing narrow road or when the Master Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at its expense those areas for widening or realignment of those roads. Frontage roads and streets as described above shall be improved and dedicated by the applicant at its own expense to the full width as required by these subdivision regulations when the applicant's development activities contribute to the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Resolution, whether the land is to be dedicated to the County in fee simple or an easement is granted to the County.

5.4 **Drainage.**

1. ***General Requirements.*** The Planning Commission shall not recommend for approval any plat of subdivision that does not make adequate provision for storm runoff. The storm water drainage system shall be separate from the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the County Engineer and the Planning Commission. A copy of design computations shall be submitted along with plans. Surface water drainage patterns shall be shown for each and every lot and block. If alleys are incorporated into the subdivision design, drainage shall be diverted away from the alley unless the alley is paved and the design approved by the County Road and Bridge Department.

2. ***Natural Storm Water Facilities.***

a. *Location.* The applicant may be required by the Planning Commission to convey by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the

road rights-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

- b. *Accessibility to Municipal Designed Storm Sewers.*
 - i. Where a municipal storm sewer is accessible, the applicant shall install connecting storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the control and disposal of storm waters, subject to the requirements of the County Engineer. The County Engineer shall conduct inspection of facilities.
 - ii. If a connection to a municipal storm sewer will be provided eventually, as determined by the County Engineer and the Planning Commission, the developer shall make arrangements for future storm sewer connection to the municipal drainage utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the subdivision improvement agreement required for the subdivision plat.
- c. *Accommodation of Upstream Drainage Areas.* A culvert or other drainage facility shall accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer in review of the drainage specification submitted by the developers engineer shall approve the necessary size of the facility.
- d. *Effect on Downstream Drainage Areas.* The County Engineer in review of the drainage specification submitted by the developer's engineer shall also take into consideration the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Localized drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the County Engineer and the Planning Commission may require detention or retention facilities.
- e. *Areas of poor Drainage.* Whenever a plat is submitted for an area that is subject to localized flooding, the Planning Commission may approve such subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12") inches above the elevation of the one-hundred (100) year floodplain, as determined by the Floodplain Administrator, subject to adopted FEMA flood regulations. The plat of the subdivision shall provide for an overflow zone along the drainage way or watercourse, in a width that shall be sufficient in times of high water to contain or move the water. No fill shall be placed in the overflow zone nor shall any structure be erected or placed in the overflow zone. The boundaries of the overflow zone shall be subject to approval by the County Engineer following review of the drainage specification submitted by the developer's engineer. The Planning Commission may deny subdivision approval for areas of extremely poor drainage or locations within designated FEMA flood zones.
- f. *Floodplain Areas.* The Planning Commission may, when it deems necessary for the health, safety, or welfare of the present and future population of the area and

necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property that lies within the floodplain or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission and as approved by the Board.

3. ***Dedication of Drainage Easements.***

- a. *General Requirements.* When an existing watercourse or drainage way traverses a subdivision, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose.
- b. *Drainage Easements.*
 - i. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15') feet in width for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.
 - ii. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage easements must be secured in the name of the County for recording with the Logan County Clerk and Recorder at the time of final plat/Development Agreement recording. If the subdivision placement is such that sheet flow was picked up upstream and converted to drainage ditches, it shall be returned to sheet flow before entering downstream lands unless the aforementioned drainage ditch easement is secured.
 - iii. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedures, nor for computing the area requirement of any lot.

5.5 Water Facilities.

1. ***General Requirements.***

- a. The Developer shall install adequate water facilities (including fire hydrants) subject to the specifications of the County. Eight (8") inch water lines shall be constructed to service the subdivision, unless the County Water Master Plan, or Water System Model of a utility providing the water indicates requirement for larger/smaller water line.
- b. The County shall coordinate approval for Water main extensions with all utilities.
- c. The location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat. The cost of installing same shall be borne by the Developer and included in the subdivision improvement agreement and security to be furnished by the Developer.

2. **Fire Hydrants.** Fire hydrants shall be required for all subdivisions connected to municipal water systems. Fire hydrants shall be approved as to type and be placed as required by the Fire Chief and/or Director of Public Utilities of the municipal water system.

5.6 Sewage Facilities.

1. **General Requirements.** The applicant shall install sanitary sewer facilities in a manner prescribed by the State of Colorado or NE Colorado Environmental Department construction standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the appropriate agency or the Engineer, or Director of Public Utilities, if connected to a municipal system, and other appropriate agencies.
2. **Mandatory Connection to Public Sewer System.** If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner of the property shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to replace upon any such property an individual sewage disposal system if it should fail.
3. **Design Criteria for Sanitary Sewers.**
 - a. **Design Criteria.** Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow.
 - b. Modeling for capacity in the sewer system shall be accomplished by the Developer's engineer and verified by the County Engineer or the municipality, if so connected, prior to approval of the subdivision to determine if adequate capacity is available through the system to the existing disposal facility. If capacity is questioned, the Developer shall be responsible for any current or future upgrades that will be needed to the sewer system to assure capacity is available when full build-out of the subdivision is achieved and/or current sewer districts build-out and trigger the need for additional sewer capacity.

5.7 Sidewalks.

1. **Required Improvements.**
 - a. Sidewalks shall be constructed within the dedicated right-of-way of all roads within a suburban or urban designed and approved subdivision.
 - b. Sidewalks shall be a requirement of the building permit and shall be in place at the time of issuance of the certificate of occupancy unless temporarily waived by the Building Official due to winter conditions.
 - c. Sidewalks shall be improved if required in Article 5.3. 2.(b) of these regulations.
2. **Pedestrian Accesses.** The Planning Commission may recommend and the Board may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10') feet in width. Easements shall be indicated on the plat.

5.8 Other Utilities.

1. **Location.** All utility facilities, including but not limited to electric, gas, telephone, and CATV/fiber, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street or alley property line of each platted lot shall be installed at the subdivider's expense.
2. **Easements.**
 - a. Easements provided for front lot line utilities shall be at least eight (8') feet wide with a minimum of fifteen by fifteen (15' x 15') foot wide easement at the intersecting lot lines to accommodate meters, pedestals, sectionalizes and transformers. The subdivider shall coordinate with the applicable utility companies to establish utility easements in adjoining properties and within the provided front lot loaded utility easement.
 - b. When topographical or other conditions, such as design, make the inclusion of utilities impractical along the front lot easement, utilization within the rear lot lines at least ten (10') feet in width shall be provided. Should mid-block connections alongside lot lines be required by the utility, at least ten (10') feet in easement width shall be provided with satisfactory access to the road, alley or rear lot lines. Easements shall be indicated on the plat. The County does not encourage rear lot easements as fences and other appurtenances become a problem in the maintenance of the utility.
 - c. Alleys are not a requirement for subdivision development within the County. If the developer desires to create alleys to accommodate utility placement there may be mid-block connections alongside lot lines as required by utilities and these easements shall be at least ten (10') feet in easement width and provide satisfactory access to the road and alley.

5.9 Public Uses.

1. **Parks, Playgrounds, Open Spaces and Recreation Areas.**
 - a. **Recreation Standards.** The Planning Commission may require that land be reserved for parks and playgrounds or other recreation purposes in locations designated in the Master Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Open Space, Park or Recreation Purposes and/or Drainage Detention/Retention Areas designed in conjunction with Open Space, Park, or Recreation Purposes." The required recreation areas are established on the basis of providing two (2) acres of recreation area for every one-hundred (100) dwelling units, or eight-hundred-seventy-one (871) square feet per lot set aside. The Planning Commission may refer such proposed reservations to the designated County official for recommendation.

- i. The Planning Commission encourages Developers to design the drainage detention requirements to coordinate with park, open space or recreation purposes. The use of drainage detention/retention areas in conjunction with open spaces, parks and recreation areas will require review and approval by the County Engineer of the drainage specification submitted by the developer's engineer.
 - ii. For Cottage, Urban Homes, Infill Residential, Multifamily and High-Density Residential, the Planning Commission shall determine the acreage for reservation based on the number of dwelling units per acre to occupy the site as permitted by the Zoning Regulation.
- b. *Minimum Size of Regional Park and Regional Playground Reservations.* In general, land reserved for regional recreation purposes shall occupy at least four (4) acres. When the development proposal would create less than four (4) acres, the Planning Commission may require that a vicinity recreation-playground be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. When the developer designs and constructs open space or parks-playgrounds in conjunction with drainage detention areas or retention areas, if approved by the County, , no further action other than dedication to the County is required if the design meets the minimum square footage requirements established for a per lot reservation. Where there exists a public school with a suitable playground or recreation open space area, such area(s) may count towards the required recreation area for the development. The proposed development must be within two (2) blocks with only local streets separating the school grounds and the development. Where recreation land in any subdivision is not reserved, or the land reserved is less than established herein, the provisions of Article 5.9. 1.(d) shall apply.
- c. *Recreation Sites/Community Open Space.* Land reserved for recreation or community open space purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation/open space purposes. It shall be relatively level and dry, unless developed in conjunction with drainage requirements of the subdivision, whereupon the area of recreation or open space shall be signed to warn of potential temporary flooding. The land shall be improved by the developer to the standards required by the Planning Commission and Board, and the improvements shall be included as a requirement in the subdivision improvement agreement.

A recreation/open space site may be part of the subdivision drainage system or open space requirements for "cottage," "urban home," or "residential infill" developments. Infill areas and areas of redevelopment require community open space of ten (10%) percent for infill parcels. In the case of "residential infill" developments, the Planning Commission may refer any subdivision proposed to contain a dedicated park, recreation area or community open space to the County or agency in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the County for park purposes shall have prior approval of the Board and shall be identified on the plat, "Reserved for Park and/or Recreation Purposes."

- d. *Alternative Procedure: Money in Lieu of Land.* Where, with respect to a particular subdivision, the reservation of land required pursuant to this Article does not equal the total land required to be reserved in Article 5.9. 1.(a), the Planning Commission shall require, prior to final approval of the subdivision plat, that the applicant deposit with the Logan County Board of County Commissioners a cash payment in lieu of land reservation. Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund to be established by the Logan County Board of County Commissioners. The deposit shall be used by the County for acquisition and improvement of a neighborhood park, playground, or recreation area. The deposit must be used for facilities that actually will be available to and benefit the persons in the subdivision for which payment was made and be located in the general neighborhood of subdivision. The Planning Commission shall determine the amount to be deposited, based on the following formula: two-hundred dollars (\$200) multiplied by the number of lots that the total area of the subdivision is divisible less a credit for the amount of land actually reserved for open space/recreation purposes, if any, as the land reserved bears in proportion to the land required for reservation in Article 5.9. 1.(a). This shall not include any lands reserved through density zoning.
 - e. *Applicability to Land Utilizing Average Density.* Any subdivision plat in which the principle of average density of flexible zoning has been utilized shall not be exempt from the provisions of this Article, except as to such portion of land which is actually dedicated to the County for park and recreation purposes. If no further area, other than the area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in Article 5.9. 1.(d). If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by Article 5.9. 1.(d).
 - f. *Other Recreation Reservations.* The provisions of this Article are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for open space or recreation purposes in addition to the requirements of this Article.
2. ***Other Public Uses.***
- a. *Plat to Provide for Public Uses.* Except when an applicant utilizes planned unit development or density zoning where land is set aside by the Developer as required by the Zoning Resolution, whenever a tract to be subdivided includes a school, recreation uses [in excess of the requirements of Article 5.9. 1], or other public use as indicated on the Master Plan, the space shall be suitably incorporated by the applicant into its sketch plat. After proper determination of its necessity by the Planning Commission and the appropriate County official or other public agency involved in the acquisition and use of each such site, and a determination has been made to acquire the site by the public agency [in accordance with C.R.S. 30-28-133(4)(a)], the site shall be suitably incorporated by the applicant in the preliminary and final plats.
 - b. *Referral to Logan County Board of County Commissioners.* The Planning Commission shall refer the sketch plat to the Board for potential acquisition of recreational area or school area, for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the

Board at least thirty (30) days to reply. The Board recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition. The Board shall have sole discretion to accept or reject recreational areas or a school area.

- c. *Notice to Property Owner.* Upon a receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on the preliminary and final plats the area proposed to be acquired by the County or School District.
- d. *Duration of Land Reservation.* The acquisition of land reserved by the Board on the final plat shall be initiated within eighteen (18) months of notification, in writing, from the property owner that he intends to develop the land. Such letter of intent shall be accompanied by a sketch plat of the proposed development and a tentative schedule of construction. Failure on the part of the Board or the School District to initiate acquisition within the prescribed eighteen (18) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

5.10 Preservation of Natural Features and Amenities.

1. *General.* Existing features that would add value to residential development or to the County as a whole, such as trees, watercourses, shorelines, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any proposed subdivision and no change of grade of the land affected shall occur until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be protected against change of grade. The sketch plan shall show the number and location of existing trees and shall further indicate all those marked for proposed retention.
2. *Shade Trees In Developments.* Developers are encouraged to work with an arborist or landscape architect in the placement of long-lived shade trees throughout the development on individual lots.

5.11 Nonresidential Subdivisions.

1. *General.* A nonresidential subdivision shall be subject to all the requirements of site plan approval set forth in the Zoning Resolution. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Planning Commission and the Board, and shall conform to the proposed land use and standards established in the Master Plan, Official Map, and Zoning Resolution.
2. *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, lot, and block pattern proposed is specifically adapted to the uses anticipated and takes into

account other uses in the vicinity. The following principles and standards shall be observed:

- a. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- b. Street rights-of-way and improvements shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
- c. The County, may impose special requirements with respect to street improvements.
- d. The County, may also impose special requirements with respect to the installation of public utilities.
- e. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing to existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- f. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential development areas.

ARTICLE

6

Land Readjustment

6.1 Resubdivision of Land.

1. ***Procedure for Resubdivision.*** Whenever a Developer desires to re-subdivide an already approved or recorded final subdivision plat, the Developer shall first obtain approval for the resubdivision by the same procedures prescribed for the subdivision of land.
2. ***Resubdivision.*** Resubdivision includes:
 - a. Any change in any street layout or any other public improvement;
 - b. Any change in any lot line;
 - c. Any change in the amount of land reserved for public use or the common use of lot owners;
 - d. Any change in any easements shown on the approved plat.
3. ***Waiver.*** Whenever the Planning Commission, in its sole discretion, makes a finding on the record that the purposes of these regulations may be served by permitting resubdivision by the procedure established in this Article, the Planning Commission may waive the requirement of Article 6.1. 1. The Planning Commission, after an application for resubdivision that includes an express request for waiver, shall post notice of the application and shall provide personal notice to property owners in the subdivision within five-hundred (500') feet (minus rights-of-way) of the boundaries of the change. The notice shall include:
 - a. The name and legal description of the subdivision affected by the application;
 - b. The proposed changes in the final subdivision plat;
 - c. The place and time at which the application and any accompanying document may be reviewed by the public;
 - d. The place and time at which written comments on the proposed resubdivision may be submitted by the public; and
 - e. The place and time of the public meeting at which the Planning Commission will consider whether to approve, conditionally approve, or disapprove the proposed resubdivision. The public meeting shall occur no sooner than thirty (30) days and no later than forty-five (45) days after notice is posted.
4. ***Procedure for Subdivisions When Future Resubdivision is indicated.*** Whenever land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be re-subdivided, the Planning Commission may require that the applicant allow for

the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a requirement of plat approval.

6.2 Plat Vacation.

1. ***Owner Initiated Plat Vacation.*** The owner or owners of lots in any approved subdivision, including the Developer, may petition the Planning Commission to vacate the plat with respect to their properties. The petition shall be filed on forms provided by the County. The Planning Commission shall refer one (1) copy to the Board.
 - a. ***Notice and Hearing.*** The Planning Director shall post and provide personal notice of the petition for vacation to all owners of property within one-hundred (100) feet of the affected vacation minus any public rights-of-ways, and shall state in the notice the time and place for a public hearing on the vacation petition. The public hearing shall be at the next regularly scheduled Planning Commission Meeting but no sooner than thirty (30) and no later than forty-five (45) days after the posting and personal notice.
 - b. ***Criteria.*** The Planning Commission may approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety, and welfare. In no event may the Planning Commission approve a petition for vacation if it will materially injure the rights of any non-consenting property owner or any public rights in public improvements, unless expressly agreed to by the Board.
 - c. ***Developer Initiated Vacation.*** When the Developer of the subdivision, or its successor, owns all of the lots in the subdivision, the Developer or successor may petition for vacation of the subdivision plat and the petition may be approved, conditionally approved, or disapproved at a regular public meeting of the Planning Commission subject to the criteria in this Article 6.2. Regardless of the Planning Commission's action on the petition, the Developer or its successor will have no right to a refund of any monies, fees, or charges paid to the County, nor to the return of any property or consideration dedicated or delivered to the County except as may have previously been agreed to by the Board and the Developer.
 - d. ***Recordation of Vacation Plat/Vacation Ordinance.*** Upon approval of any petition for vacation, the Planning Commission shall direct the petitioners to prepare a vacation plat in accordance with these regulations. The vacation plat may be recorded only after having been properly signed. The Board may approve a vacation resolution so vacating the plat or portion thereof. This resolution may be petitioned in a format approved by the Board.
2. ***Government Initiated Plat Vacation.***
 - a. ***General Conditions.*** The Planning Commission, on its own motion, may recommend vacation of the plat of an approved subdivision to the Board when one or more of the following exist:
 - i. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was signed by the Board;

- ii. The Developer has breached a subdivision improvement agreement and the County is unable to obtain funds with which to complete construction of public improvements. The vacation shall apply only to lots owned by the Developer or its successor;
 - iii. The plat has been of record for more than five (5) years and the Planning Commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare. The vacation shall apply only to lots owned by the Developer or its successor.
 - b. **Procedure.** Upon any motion of the Planning Commission to vacate the plat of any previously approved subdivision, in whole or in part, the Planning Commission shall post notice and provide personal notice to all property owners within five-hundred (500') feet of the subdivision action and shall also provide notice to the Board. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision plat. The public hearing shall be no sooner than thirty (30) and no later than forty-five (45) days from the date of the posted and personal notice. The Planning Commission may after all considerations, recommend approval of the resolution vacating the plat only if the criteria in Article 6.2. 1.(b) are satisfied.
 - c. **Recordation of Notice.** If the Board adopts a resolution vacating a plat in whole, it shall forward a copy of the resolution to the County Clerk and Recorder. If the Board adopts a resolution vacating a plat in part, it shall cause a Revised Final Subdivision Plat to be forwarded to the Planning Commission for review and recommendation before submission to the Board for final approval/disapproval. If approved, the Revised Final Subdivision Plat shall be recorded which shows that portion of the original subdivision plat that has been vacated and that portion that has not been vacated.
2. **Correction Plats.**
- a. After certain types of errors on a recorded plat have been discovered, a correction plat may be prepared which when approved, shall be filed with the Logan County Clerk and Recorder. The types of errors which may be corrected are:
 - i. Angular or linear dimensions on a lot or lots.
 - ii. Legal description errors.
 - iii. Change in building setback lines.
 - iv. Other errors, which do not affect streets, alleys, easements or other public property.
 - b. The original correction plat and three (3) prints thereof shall be submitted to the Planning Director. The Planning Director shall cause the correction plat to be reviewed. If, in the opinion of the Planning Director, the plat does not contain any nonconforming items or adverse affects to streets, alleys, easements, or other public property, the Planning Director shall forward the plat to the Board for action. Upon approval, the correction plat shall then be filed with the Logan County Clerk and Recorder.
 - c. **Filing Fee:** A recording fee of Eleven Dollars (\$11.00) per page shall be charged.
 - d. **Contents of Correction Plat:** The correction plat shall conform to the original plat of record.

- i. The name of the subdivision shall be the same as the original plat or portion thereof and shall be identified as a Correction Plat.
- ii. The correction made shall be identified in an appropriate manner, so as to be easily distinguished.
- iii. Certificates Required:
 - A Registered Land Surveyor shall sign a certificate of corrections.
 - Certificate signed by the property owner of record, identifying the portions being corrected and acknowledging the correction plat.
 - A certificate of approval signed by the Chairman of the Board of County Commissioners.
 - Space shall be provided for recording information on the instrument by the Logan County Clerk and Recorder.

ARTICLE

7

Specifications for Documents to be Submitted

7.1 Sketch Plan.

Sketch plats submitted to the Planning Commission shall be drawn to a convenient scale of not more than one-hundred (100') feet to an inch and shall show the following information:

1. **Name.**
 - a. Name of subdivision if property is within an existing subdivision.
 - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
 - c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.) (Note: Planning Commission shall approve name of subdivision.)
2. **Ownership.**
 - a. Name and address, including telephone number, of legal owner (and owners agent, if any) of the property, and a citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - b. Citation of any existing legal rights-of-way or easements affecting the property.
 - c. Existing covenants on the property, if any.
 - d. Name and address, including telephone number, of the professional(s) responsible for subdivision surveys, design, and for the design of public improvements.
3. **Description.** Location of property by government lot, section, township, range and County, graphic scale, north arrow, and date.
 - a. Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas or trees eight (8") inches or more in diameter, measured four (4') feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners within five-hundred (500') feet (minus rights-of-way) of any perimeter boundary of the subdivision (apply to County Planning Department for a listing of property owners).
 - b. The approximate location and widths of proposed streets.

- c. Preliminary proposals for connection with existing water supply and sanitary sewer systems; preliminary provisions for collecting and discharging surface water drainage.
- d. The approximate location, dimensions, and areas of all proposed or existing lots.
- e. The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- f. The location of temporary stakes to enable the Planning Commission staff to find and appraise features of the sketch plat in the field.
- g. Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two-hundred (200') feet to the inch, a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
- h. A vicinity map showing streets and other general development of the surrounding area.

7.2 Preliminary Plat.

1. **General.** The preliminary plat shall be prepared by a registered land surveyor at a convenient scale not more than one (1") inch equals one-hundred (100') feet, the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be on sheets eighteen (18") inches wide by twenty-four (24") inches long, or twenty-four (24") inches wide by thirty-six (36") inches long. The map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on reproducible media.
2. **Features.** The preliminary plat shall show the following:
 - a. The location of property with respect to surrounding property and streets [show existing development or approved preliminary plat of adjacent land within five-hundred (500') feet minus rights-of-way of the submitted plat]; the names of all adjoining property owners of record (apply to County Planning Department for listing), or the names of adjoining developments; and the names of adjoining streets.
 - b. The location and dimensions of all boundary lines of the property, expressed in feet and decimal fractions thereof.
 - c. The location of existing streets, easements, rivers, and other pertinent features such as railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
 - d. The location and width of all existing and proposed streets, easements, and rights-of-ways, alleys, and other public ways, and building setback lines.
 - e. The locations, dimensions, and areas of all proposed or existing lots.
 - f. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.

- g. The names and addresses of the owner or owners of land to be subdivided, the subdivider if other than the owner, and the land surveyor.
- h. The date of the map, approximate true north point, scale, and title of the subdivision.
- i. Sufficient data as submitted by the Surveyor of record to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; and the location of all proposed monuments.
- j. Proposed names of the subdivision and all new streets as approved by the Planning Commission.
- k. Indication of the proposed residential use of any lot (single-family, two-family, multifamily, townhouse or zero-lot line residential) and all other proposed all uses.
- l. Verification that residential unit(s) can fit on all lots with standard zoning setbacks.
- m. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- n. All lots in each block shall be consecutively numbered. Out lots shall be lettered in alphabetical order. If blocks are numbered or lettered, out lots shall be lettered in alphabetical order within each block.
- o. All information required on the sketch plat should also be shown on the preliminary plat, with the following notations also shown:
 - i. Explanation of drainage easements, if any.
 - ii. Explanation of site easements, if any.
 - iii. Explanation of reservations, if any.
 - iv. Endorsement of owner, as follows:

Owner

Date

- p. Form for endorsements by Planning Commission as follows: Approved by Resolution of the Planning Commission.

Chairman

Date

Planning Director

Date

- q. The lack of information under any item specified herein, or inaccurate information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

7.3 Construction Plans.

- 1. **General.** Preliminary construction plans shall be prepared and submitted for all required improvements. Plans shall be drawn at a scale of no more than one (1") inch equals fifty (50') feet, and map sheets shall be twenty-four (24") inch x thirty-six (36") inch sheets. The following shall be shown:

- a. Plan and profiles showing existing and proposed elevations along centerlines of all roads, including typical cross sections.
- b. The County Engineer and County Road and Bridge Department may require, where steep slopes exist, that cross-section(s) of all proposed streets at even stations be provided.
- c. Plans and profiles showing the proposed location, size, and invert elevations of existing and proposed sanitary sewers, storm sewers, water mains, and fire hydrants (note: verify type with local jurisdiction), showing connection to any existing or proposed utility systems, and exact location and size of all existing public utilities, whether underground or overhead.
- d. Location, size, elevation, and other appropriate descriptions of any other pertinent features such as rivers, railroads, buildings, and each tree with a diameter of eight (8") inches or more, measured four (4') feet above ground level. All elevations shall be on U.S.G.S. datum. If the subdivision borders a river, Ditch Company or drainage ditch, the distances and bearings of a meander line established not less than twenty (20') feet back from the ordinary high-water mark of such waterways shall be provided.
- i. Topography at the same scale as the sketch plat with a contour interval of two (2') feet.
- f. All specifications and references required by the County construction standards and specifications, including a site grading plan in relation to drainage for the entire subdivision.
- g. Notation of approval as follows:

Owner

Date

County Engineer

Date

County Road & Bridge Dept.

Date

- h. Title, name, address, and signature of professional engineer and surveyor, and revision dates if any.

7.4 Final Subdivision Plat.

1. **General.** The final subdivision plat shall be presented in map form, at the same scale and containing the same information, except for any changes or additions required by the Planning Commission, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Planning Commission's approval. All revision dates must be shown, as well as the following:
 - a. Notation of any self-imposed restrictions and locations of any building lines proposed to be established, if required by the Planning Commission in accordance with these regulations.
 - b. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitude's, and easements imposed on the property.
 - c. Lots numbered, as approved by the Planning Commission.

-
- d. All monuments, corners, and other points found or set in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown.
 - e. Provide a computer disc of the final plat in a format approved by the County Engineer.
2. ***Preparation.*** A registered land surveyor shall prepare the final subdivision plat.

ARTICLE

8

RULES AND REGULATIONS FOR SUBDIVISION EXEMPTIONS

8.1 Exemption from Definition of "Subdivision" or "Subdivided Land."

A. The Board hereby determines that land divisions which meet the requirements for exemption in this Article are not within the purposes of Article 28 of Title 30 of C.R.S., as amended. Pursuant to Subsection (10) (d) of 30-28-101 of C.R.S., as amended, such land divisions are exempt from the definition of "subdivision" or "subdivided land" and from following the complete regulations, requirements and procedures set forth in these Subdivision Regulations. Such land divisions must follow the procedures outlined in this Article. Exemptions approved pursuant to this Article shall be referred to as "Subdivision Exemptions."

8.2 Subdivision Exemption.

A. General

A subdivision exemption, exempting the applicant from the improvements and design requirements of the Subdivision Regulations, may be applied for in cases of land division involving the creation of up to three (3) lots on lands used for agricultural/energy related business purposes (homes, accessory structures, or agribusiness support structures, or other agricultural endeavors). An exemption may be permitted without requiring a rezoning; however, these Rules and Regulations for Subdivision Exemptions must be strictly followed. These divisions shall be a minimum of two and one-half (2 ½) acres to thirty-five (35) acres in size. They may be created because of mortgage or lending requirements; or to break out a home site for immediate or related family members, or for sale or lease. The subdivision of up to three (3) lots will require that there shall be a minimum of thirty-five (35) acres left over as part of the contiguous parcel after all subdivision exemptions are complete.

1. The subdivision exemption process shall be required for the division of any land, lot, or parcel for the purposes as stated above whether immediate or future, into:
 - (a) up to three lots, parcels or fractional interest, any one of which is less than thirty-five (35) acres in area as defined herein while retaining a minimum of thirty-five (35) acres after all lots or parcels have been subdivided off. For

purposes of this Article, "fractional interest" means an undivided interest in land, lots, or parcels in which, for the purpose of sale or lease, such interest is created and such interest is evidenced by a receipt, certificate, deed, or other document conveying such interest.

2. No subdivision exemption shall be granted to divide a parcel that was created by a previous Subdivision Exemption, except in the case of a property transfer within immediate family members. Immediate family is defined as the record owner's: father, mother, sister, brother, son or daughter.
3. No subdivision exemption shall create any parcel containing land areas divided by a public road or by lands contained within the legal boundaries of any municipality.
4. All exempted parcels and the original parcel from which it was created shall have clear and consolidated legal public access to a public right-of-way. Where terrain or other unusual circumstances preclude a consolidated public access, a deviation from this general rule may be recommended by the Planning Commission. Access locations and easements are to be clearly marked on the Subdivision Exemption Plat.
5. The cumulative impacts of clustering exemptions within a three (3) mile radius together shall be considered and may constitute a basis for denial.
6. Before the subdivision exemption is considered, the Director of Planning may require applications for Special Use Permits, Conditional Use Permits, Building/Zoning Permits and Flood Plain Development Permits. If the Director feels that the application is incomplete, or there are other needed permits, but the applicant desires to move forward and have a hearing before the Planning Commission, the Director shall set it for the next available Planning Commission meeting.
7. No lot which is part of a Board approved subdivision shall be re-divided or changed in any manner by the Subdivision Exemption procedure. Such platted lots may only be changed by the Resubdivision procedure.

B. Submission Requirements

1. The applicant shall submit a Subdivision Exemption application with information which shall include:
 - a. Name, address and telephone of the owner(s) of the property involved.
 - b. Legal description of property to nearest quarter section.
 - c. Total acreage of land involved.
 - d. Estimate of the acreage of the new parcel.
 - e. Water well information.
 - f. Sewage information consisting of adequate evidence that sanitary waste disposal is sufficient based on criteria established by the Northeast Colorado Health Department for size and design of the system or evidence that public or private sewage disposal agencies can and will supply service to the property.
 - g. Signature of owner(s) or their authorized agent.
2. The applicant shall submit the following supplemental information:

- a. Where an authorized legal agent signs the application for the owner(s), an instrument granting power of attorney to the agent from the property owner(s) must be provided.
 - b. Copy of deed or other appropriate legal document by which the applicant(s) obtained interest in the property under consideration. If the deed indicates that the mineral rights have been severed from the property and there are Mineral Estate Owner(s), the Surface Owner must certify to Logan County that the provisions of Colorado Revised Statutes 24-65.5-103 and 31-23-215, C.R.S. have been met. This requires that the Surface Owner provide thirty (30) days notice to the Mineral Estate Owner of the Subdivision Exemption hearing.
 - c. Proof of ownership in the form of a title insurance commitment or attorney's title opinion showing that the applicant is the owner of all the land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use, or for common use by all lot owners, are free and clear from all liens and encumbrances except patent reservations and except liens and encumbrances which cannot be extinguished, released, or purchased by the owner. If such land is mortgaged by the owner, it shall be sufficient if the mortgagee joins in the dedication.
 - d. An original copy of Certificate of Taxes Paid from the County Treasurer's Office, showing no delinquent taxes and showing that all taxes have been paid for the current year.
3. The following information shall be submitted in plat form along with three (3) paper copies of which one (1) can be reduced to eleven (11") inch x seventeen (17") inch. The dimensions of the map should be twenty-four (24") inches high by thirty-six (36") inches wide or eighteen (18") inches high by twenty-four (24") inches wide. The Plat shall be prepared by a registered land surveyor in the State of Colorado. The plat shall contain the following:
- a. Public access to the parcel(s), existing or proposed.
 - b. Location and measurement of easements or rights-of-way.
 - c. Amount of road frontages.
 - d. Identification of any county, state, or federal roads or highways, or driveway access.
 - e. Irrigation ditch locations.
 - f. Existing improvement locations.
 - g. Existing Water well locations.
4. Drawing requirements of Subdivision Exemption plat:
- a. The plat shall be prepared on Mylar.
 - b. The plat shall be titled: "Subdivision Exemption Number ____" with the appropriate number filled in by the Director of Planning or by his/her designee. The plat shall include a complete and accurate legal description of the parcel of land and its acreage.
 - c. The plat shall include an accurate drawing of the tract. The drawing shall include ties to aliquot corners, monuments and/or adjoining lots or parcels, basis of bearings, lengths and curve data of all perimeter and lot lines, areas

involved and identification of the owner of the property being divided. Existing public rights-of-way which provide access to the tract(s) shall be shown. Visible utilities, easements and dedications within or contiguous to the area being surveyed and their names, if any, shall also be shown on the plat. Items listed above, if of record, shall be so referenced.

d. The plat shall bear the following certifications:

(1) Property owner's certificate example:

I(We)_____ being the sole owner(s) in fee of the above described property do hereby divide the same as shown on the attached map.

The foregoing certification was acknowledged before me this ____ day of ___, A.D., 20__.

My commission expires:

Notary Public

Witness my Hand & Seal

(2) Registered land surveyor's certificate example:

I hereby certify that this plat was prepared under my supervision and that the same is correct to the best of my knowledge and belief.

Registered land surveyor, Colorado Reg. #

(3) This plat has been checked for conformance to Article 8 of the Logan County Subdivision Regulations and appears to comply with all the requirements.

Director Planning

Date

(4) I have reviewed this plat and concur with staff that this plat appears to be in conformance with all the requirements of Article 8 of the Logan County Subdivision Regulations and submit this to the Board of County Commissioners for final approval.

Chairman-Logan County Planning Commission Date

Board of County Commissioner's Certificate

This plat is accepted and approved for filing this
_____, day of 20____.

Chairman-Board of County Commissioners Date

Attest:

County Clerk and Recorder

By _____

Date _____

- (5) If a dedication of roadway or utility right-of-way is included on the plat, a dedication, acknowledgement and acceptance similar to the following shall also be included on the plat:

(a) KNOW ALL MEN BY THESE PRESENTS:
that _____ (is, are) the owner(s) of land
included within the plat shown hereon, that (I, we) (am,are) the only
person(s) whose consent is necessary to pass clear title to said land and
(I,we) hereby dedicate to the public for use as such, the (public
roadways, public utility easements) shown on said plat and included in
the above described premises:

IN WITNESS WHEREOF this dedication is executed this _____
day of _____ 20____,

(b) _____ NOTARY ACKNOWLEDGMENT:

STATE OF _____)
_____)SS:
COUNTY OF _____)

This dedication was acknowledged before me, the undersigned officer
by _____ this _____ day of _____, 20____.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.
_____(seal)

My Commission Expires: _____

Plat Note

Logan County has adopted a Right to Farm and Ranch Policy.
Resolution No. 99-50 Recorded September 21, 1999, in Book 925 at

Page 430 of the Logan County Records. Please read it and be aware of its provisions.

(c) ACCEPTANCE:

I. _____ Clerk and Recorder of Logan County, hereby certify that the Board of County Commissioners of Logan county, Colorado on the _____ day of _____, 20____, accepted on behalf of the public the forgoing described parcel of real property offered for dedication for public use, in conformity with the terms of the offer of dedication.

_____(seal)
Clerk and Recorder, Logan County, Colorado

8.3 Duties of the Planning Department.

A. General.

- 1.) The Planning Department shall be responsible for ensuring that all application submittal requirements are met prior to initiating official action.
- 2.) The Planning Department shall refer the application to other agencies, when applicable, for their review and comment. The agencies shall respond within fourteen (14) days after mailing of the application by the Planning and Zoning Department. The failure of any agency to respond within fourteen (14) days may be deemed to be a favorable response to the County. The County may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the County. The authority and responsibility for making the decision to approve or deny the request for the Subdivision Exemption rests with the County. The following agencies may be utilized:
 - (a) The City of Sterling or other incorporated community when the application is within the Regional Transition Zone/Overlay Zone Boundary.
 - (b) The Northeast Colorado Health Department.
 - (c) Colorado State Department of Highways.
 - (d) Colorado State Engineers, Div of Water Resources
 - (e) Any Irrigation Ditch Company with a facility on the parcel under consideration.
 - (f) Any other agency or individual whose review might be necessary to the Planning and Zoning Department or the Board (this includes as a minimum, written notice to all property owners contiguous and within five-hundred (500') feet of the boundary of the proposed exemption [minus public rights-of-way]), and a legal ad shall be placed in the official newspaper of the County giving notice of the proposed subdivision action.
- 3.) The Director of Planning may, after a complete review, recommend approval of such Subdivision Exemption without a public hearing if all requirements of

Article 8 of the Logan County Subdivision Regulations are met. The Director shall then request the Chairman of the Planning Commission to review the findings and make a recommendation. If either the Director or the Chairman of the Planning Commission has issues with the submittal and its associated requirements, they may request a public hearing of the request before the Logan County Planning Commission. If the application is complete and there are no unresolved issues with the submittal or from the above referral agencies, both the Director and Chairman may sign the plat and recommend approval of same to the Board of County Commissioners at their next available meeting. If the Board of County Commissioners raises issues or concerns, they may refer it back to the Planning & Zoning Commission for formal hearing and recommendation, or the Board may conditionally approve the plat as presented.

- 4.) The Director of Planning shall submit to the Logan County Clerk & Recorder for recording all approved Subdivision Exemption plats.
- 5.) All actions of the Board are final.

B. Post-Approval Action.

- 1.) The Planning and Zoning Department shall be responsible for recording the plat and all other necessary documents with the Logan County Clerk and Recorder. The applicant will be responsible for paying all recording fees.
- 2.) Amendments to a Subdivision Exemption plat may be made only in the case where technical errors have been found after recording. Errors include survey errors and other minor errors that do not change the basic exemption intent. The Board may approve such amendments without a public hearing. Such plat shall be called a "Corrected Subdivision Exemption Plat". This corrected plat will void the earlier recorded plat as stated on the corrected plat and it will carry the same Plat Number as previously approved.
- 3.) Under no circumstances may Subdivision Exemption plats be amended to create new parcels without vacating the existing plat and then going through the Subdivision Exemption application process.

ARTICLE

9

CLUSTER DEVELOPMENT

9.1 The purposes of the Cluster Development in Logan County are:

- A. To recognize the current thirty-five (35) acre exemption law and implement the provisions of C.R.S. § 30-28-401 et. seq. and amendments to C.R.S. § 37-92-602, concerning cluster developments and domestic water permits for cluster developments;
- B. To consider and take under advisement a development that fosters continued agricultural land uses, protects the County's rural character, and preserves open space consistent with existing zoning, and which does not pose a potentially harmful effect on the environment or alter the character of existing communities;
- C. To provide guidelines that are flexible, are interpreted with intelligence and fairness, and that encourage land use designs that optimize preservation of environmental resources and/or lessen the public cost of infrastructure;
- D. To provide flexibility in land use regulations responding to the needs of the agricultural community;
- E. To consider alternatives to thirty-five (35) acre parcels that will allow maximum retention of characteristics considered special to Logan County and most valued by its citizens;
- F. To educate individuals who purchase property adjacent to ranches, farms, and other agricultural operations about agricultural practices, and to support Logan County's Right to Farm and Ranch policy (RFRP); and
- G. To encourage and request public involvement in the early resolution of conflicts with proposed cluster developments by shortening the time line for approval or denial;

9.2 Applicability.

In addition to complying with the minimum standards established by House Bill 96-1364, cluster developments in Logan County can be proposed on any parcel that meets the following criteria:

- 1. The total parcel consists of one (1) contiguous piece of property of at least seventy (70) acres and of not more than six-hundred and forty (640) acres;
- 2. At least two-thirds (2/3) of the total acreage must be set aside as open space for a minimum of forty (40) years or a longer period, including perpetuity, as agreed upon;

3. The portion of the total parcel that will contain residential lots is zoned for single-family residential purposes; and
4. Any and all proposed developments (including open space) within five (5) miles of any municipality must be recommended for approval by the governing body of the municipality.

9.3 Cluster Development Process.

The process of the proposal, approval, and implementation of a cluster development will be conducted as follows:

1. The process is initiated when a landowner or landowner's agent (hereinafter referred to as landowner or applicant) contacts the Director of Planning or his or her representative to discuss the landowner's objectives to preserve, sell, or develop all or part of his/her land. The Director of Planning or his/her representative will conduct a site visit to assess the land and its attributes as well as the landowner's objectives, and to determine whether the Cluster Development Regulations are applicable to the property in question.
2. The landowner and the Director of Planning or his/her representative will meet and discuss all aspects of developing the land to determine the exact features of the proposed cluster development. These features include, but are not limited to, number of lots, size of lots, layout of lots, roads, utilities, water supply requirements, wastewater systems, drainage improvements, proposed open space intended to be excluded from development, possible environmental impacts, and the establishment of a homeowners' association. The Director of Planning or his/her representative may involve appropriate personnel of review agencies to obtain input during the early design phase of a cluster development.
3. A Preliminary Cluster Development Plan will be developed by the landowner. The Preliminary Cluster Development Plan map is not required to be drawn precisely to scale, but should be in sufficient detail to allow review by all interested parties and the public. The Director of Planning or his/her representative will review the Preliminary Cluster Development Plan to determine whether the plan meets the minimum standards of the Cluster Development Regulations and any other applicable regulations. The landowner will also submit the materials designated in a list of submittal requirements prepared by the Director of Planning.
4. Once the Director of Planning or his/her representative has determined that the Preliminary Cluster Development Plan is complete, the landowner will complete and submit a Cluster Development Application and pay all applicable fees. The application will be placed on the next available agenda of the Logan County Planning Commission for a public hearing. Upon submitting the Cluster Development Application, a file regarding the Preliminary Cluster Development Plan will be opened and the Director of Planning or his/her representative will notify various affected agencies and persons of the Preliminary Cluster Development Plan for review and comments, pursuant to paragraph 5 below.
5. The Director of Planning or his/her representative will send notification of a public hearing regarding the Preliminary (and Final) Cluster Development Plan to the following affected agencies and persons:

- a. Property owners abutting the property proposed for development and others within an area to be defined by the Director of Planning or his/her representative;
- b. State Water Engineer;
- c. the Northeast Colorado Health Department;
- d. the appropriate fire protection district;
- e. beneficiaries of deeds of trusts or other lien holders;
- f. owners of any easements across the property;
- g. the planning department of any county or municipality within five (5) miles of the proposed site;
- h. irrigation and reservoir companies that may be affected;
- i. the U.S. Army Corps of Engineers, if any activity within a designated wetlands area or flood plain is proposed;
- j. the local soil conservation district;
- k. the appropriate public land management agency (e.g., Colorado State Parks, Colorado Division of Wildlife, etc.) if a proposed development is adjacent to lands managed by that agency;
- l. any other individuals or agencies that are considered appropriate by the Director of Planning or his/her representative, including areas or interests outside of Logan County that may be affected.

All notifications will indicate that the preliminary (or final) cluster development plan is available at the Logan County Planning and Zoning Department for review.

6. The first public hearing will occur during a regular Logan County Planning Commission meeting, will be open to the public and the date, time and location of the hearing will be given by means determined to be the most effective and informative, including publication in local newspapers, mailing and/or posting. Technical problems with delivery of notice will not affect the validity of any action undertaken at the hearing. At its hearing, the Planning Commission will consider the proposed Preliminary Cluster Development Plan and all information presented to it by the Director of Planning or his/her representative concerning the plan. Proponents and opponents of the proposed cluster development will also be given an opportunity to express support, concerns, and suggestions. The applicant **MUST** be present at the Planning Commission hearing. If the applicant is **NOT** present, the Planning Commission **WILL** table the application until the next regular meeting. After hearing all public comments, the Planning Commission will make a recommendation to the Board of County Commissioners regarding the proposed Preliminary Cluster Development Plan and whether it meets the purposes and objectives of the applicant and Logan County. The recommendation may be for approval, denial, or approval with conditions. Minutes of the Planning Commission hearing will be prepared that reflect the Planning Commission's discussion and recommendation.
7. The Director of Planning or his/her representative will forward the Preliminary Cluster Development Plan, the Planning Commission's recommendation, and a staff review to the Board and place the plan on the agenda as soon as practicable for consideration by the Commissioners during a Commissioner's meeting.
8. At its meeting, the Board will consider the proposed Preliminary Cluster Development Plan, all information presented to it by the Director of Planning or his/her

- representative, and the Planning Commission's recommendation concerning the plan. Proponents and opponents of the proposed cluster development will also be given an opportunity to express support, concerns, and suggestions. The applicant **MUST** be present at the Board meeting. If the applicant is **NOT** present, the Board **WILL** table the application until the next regular meeting. After the Planning Commission's recommendation has been presented and all public comments have been received, the Board will make a decision regarding the Preliminary Cluster Development Plan. The Board decision may consist of approval, denial, or approval with conditions. If the Board seeks to impose conditions not previously discussed with and agreed to by the landowner applicant, the Board shall allow the applicant and the public to comment on the proposed conditions. The Board shall issue written findings in the form of a resolution stating its decision and the reason for the decision.
9. If the Board denies the Preliminary Cluster Development Plan, the landowner may revise the plan to address the reason(s) for denial indicated by the Board or the landowner may voluntarily withdraw from the process.
 10. If the Board approves the Preliminary Cluster Development Plan or approves the plan with conditions, the applicant will have 365 calendar days from the date of the Board resolution to submit a Final Cluster Development Application and Plan, including Final Plat, a Final Development Agreement, and any other required documents (e.g., covenants, easement agreements, etc.) prepared in accordance with the preliminary approval, to the County Planner and pay all applicable fees. No Final Cluster Development Plan and application shall be accepted which has exceeded this time period unless an extension not exceeding 90 days has been granted by the Board upon written request of the applicant. A request for an extension must occur, if at all, prior to the expiration of the 365 day time frame for submitting the Final Cluster Development Application and Plan, and must state the reasons for the landowner's inability to comply with the deadline. Unless an extension has been granted, the approval of the Preliminary Cluster Development Plan will automatically expire and be deemed revoked if the landowner does not submit the Final Cluster Development Plan, a Final Development Agreement, and other required submittals, within the time period described above.
 11. The Final Cluster Development Plan must correspond to the approved portions of the Preliminary Cluster Development Plan and any conditions attached to the approval of the Preliminary Cluster Development Plan by the Board. The survey plat for the Final Cluster Development Plan must be prepared by a registered land surveyor licensed by the State of Colorado. The drawing requirements for the Final Cluster Development Plan survey plat shall be identical to the current drawing requirements for Final Subdivision plats according to the Logan County Subdivision Regulations. The Final Development Agreement shall contain all terms and provisions discussed, and agreed to during the application submittal process to insure the development conforms to the preliminary plan approval and the understanding of all parties.
 12. Upon receipt of a complete Final Application and Cluster Development Plan, Final Development Agreement, and all supporting documents, the Director of Planning will conduct a review for compliance with the approved Preliminary Cluster Development Plan and any applicable conditions. When compliance has been determined, the Director of Planning or his/her representative will place the Final Cluster Development

Plan on the next available agenda of the Logan County Planning Commission for a public hearing. The Director of Planning or his/her representative will notify the various affected agencies and persons listed in paragraph 5, above, seeking review of the Final Application/Plan and comments.

The required supporting documents to be submitted with the Final Cluster Development Plan shall include but not be limited to the current required supporting documents to be submitted with a Final Subdivision application according to the Logan County Subdivision Regulations.

In addition to the aforementioned supporting documents, the applicant shall supply, with the Final Cluster Development Plan, a water supply report. This report, which must be prepared and certified by a registered engineer licensed by the State of Colorado, shall indicate whether water of sufficient quantity and quality is available for the residential lots in the proposed cluster development.

13. The Planning Commission hearing will be open to the public and notice of the date, time and location of the hearing will be given by means determined to be most effective and informative. Technical problems with delivery of notice will not affect the validity of any action undertaken at the hearing. At its hearing, the Planning Commission will consider the proposed Final Cluster Development Plan and all information presented to it by the Director of Planning or his/her representative concerning the plan. Proponents and opponents of the proposed cluster development will also be given an opportunity to express support, concerns, and suggestions. The applicant **MUST** be present at the Planning Commission hearing. If the applicant is **NOT** present, the Commission **WILL** table the application until the next regular hearing. After reviewing the Final Plan, Final Development Agreement and related documentation, and hearing public comments, the Planning Commission will make a recommendation to the Board regarding the Final Cluster Development Plan. The recommendation may be for approval, denial, or approval with conditions. Minutes of the Planning Commission hearing will be prepared that reflect the Planning Commission's discussion and recommendation.
14. The Director of Planning or his/her representative will forward the Final Cluster Development Plan, the Planning Commission's recommendation, and staff reviews to the Board and place the plan on the agenda.
15. At its meeting, the Board will consider the proposed Final Cluster Development Plan, all information presented to it by the Director of Planning or his/her representative, and the Planning Commission's recommendation concerning the plan. Proponents and opponents of the proposed cluster development will also be given an opportunity to express support, concerns, and suggestions. The applicant **MUST** be present at the Board hearing. If the applicant is **NOT** present, the Board **WILL** table the application until the next regular meeting. After the Planning Commission's recommendation has been presented and all public comments have been heard, the Board will make a decision regarding the Final Cluster Development Plan. The Board decision may consist of approval, denial, or approval with conditions. If the Board approves the Final Plan subject to additional conditions, public comment will be received on the

proposed conditions. The application may be withdrawn if the conditions are unacceptable to the applicant.

16. If the Board approves the Final Cluster Development Plan, a resolution reflecting that decision will be prepared. The Resolution, Final Plan, Final Plat, Final Development Agreement, and any other applicable documents will be recorded with the Logan County Clerk and Recorder's office. No on-site improvements may begin until the Board has approved the final plat and any other required submittals.
17. The Director of Planning or his/her representative, on behalf of the Board, shall notify the State Engineer, no later than ten days after approval of the Final Plan, Plat and Development Agreement, of the approval and provide a copy of the approved Final Plan and Final Development Agreement to the State Engineer.

9.4 Review Requirements.

A. General.

1. The applicant must sign a development agreement detailing restrictions on further development and subdivision of the subject property so that the percentage of total development or the maximum number of dwelling units permitted on the property does not exceed the number approved through the cluster development review process.
2. The applicant must sign a cluster development improvements agreement detailing the specific infrastructure improvements (curb and gutter, culverts, water lines, water wells, waste water facilities, streets, etc.) that will be constructed in the cluster development. The applicant shall provide a bond of a value consistent with the cost of the installation of all or a portion of these improvements. Such a bond shall remain in effect until all infrastructure improvements covered by the bond have been inspected by the appropriate county department, state agency, or federal agency and have been found to comply with the specifications approved in the Final Cluster Development Plan.
3. The Applicant must require the purchaser of each residential unit to sign an agreement that requires the owner to submit an annual water usage report to the Logan County Planning Department. This requirement will run with the land and must be adequately addressed in applicable Home Owner's Association covenants or similar binding documents. Any water usage exceeding the annual withdrawal rate issued on the well permit will be reported to the State Water Engineer. The State Water Engineer may independently meter water withdrawals, require periodic reporting of withdrawals, and order cessation of withdrawals that exceed permitted amounts.

B. Specific Siting.

1. In reaching agreements as to lot sizes, lot separations, contiguity and building envelopes, a parcel of land shall be considered individually with attention to its unique qualities and characteristics. The parcel shall also be considered in context with surrounding areas.
2. Residences should be sited in areas deemed compatible with the special characteristics of the specific parcel under consideration as well as surrounding areas. Lot sizes and spacing will depend on the specific site and technical and environmental factors.

3. Results of specific siting may be:
 - a. Dispersed Siting: the locating of residential sites on lots smaller than thirty-five (35) acres which may or may not share common boundaries in order to enhance the special characteristics of the specific parcel.
 - b. Clustered Siting: groups of residential sites on lots smaller than thirty-five (35) acres which may have shared boundaries and result from evaluation of special characteristics of the specific parcel.
4. Additional factors which should be considered in siting are:
 - a. Type of development currently existing in the surrounding areas;
 - b. Amount of land being preserved;
 - c. Potential environmental impacts;
 - d. Agricultural productivity;
 - e. Internal road impacts – new or improved;
 - f. Owner's desires for utilization of the land;
 - g. Type of restrictions for areas intended to be excluded from development;
 - h. Critical areas including but not limited to:
 - (1) wetlands/riparian lands/waterways.
 - (2) unique geologic features.
 - (3) agricultural lands.
 - (4) viewscapes.
 - (5) traditional use features.
 - (6) areas prone to natural disturbances.
 - (7) groundwater features.
 - (8) wildlife habitats.
 - i. Impact on infrastructure;
 - j. Water supply requirements;
 - k. Wastewater;
 - l. Surface and ground water quality;
 - m. Public lands: proposals for cluster development plans may occur next to public lands such as National Grasslands, State Parks, Wilderness areas or State Wildlife Management areas. Management objectives for these public lands will vary depending on the type of protected area. Cluster development proposals may in some cases be in conflict with area management objectives or create risks for future residents. These problems can be minimized or mitigated if area public land managers are involved in the cluster development approval process for such proposals. The following issues that may need to be addressed include, but are not limited to:
 - (1) If the management for the public land includes the use of controlled or prescribed fire, how the proposed development would affect the public land manager's ability to manage fires;
 - (2) If the management for public land includes wildlife or game management practices, how the proposed development might affect efforts to protect threatened or endangered species or control predators;
 - (3) If the management plan for the public land includes a strategy to control or eliminate exotic plant or animal species or restore native or endemic species, how the proposed development would affect these efforts;

- (4) Whether any of the aforementioned public land management practices or others presents a threat to the health, safety and welfare of residents of the proposed development;
- (5) Whether there are site design criteria or strategies that could preclude or mitigate any of the potential conflicts or problems mentioned above.

Other topics not specifically referred to above but which may also need discussion include, but are not limited to: grazing management, stock driveways, hunting, mineral extraction, off-road vehicle use, and specialized forms of recreation.

Including public land managers in the early stages of the planning process for a preliminary cluster development plan should become a routine part of the cluster development approval process, where applicable.

C. Preserved Open Space

1. All cluster developments shall reserve at least two-thirds of the total acreage of the parcel for preservation of undeveloped land (such undeveloped land shall be referred to as "Preserved Open Space").
2. Preserved Open Space shall remain undeveloped for a period of time to be agreed upon. The time period may be any time up to and including perpetuity, but in no event shall it ever be less than forty (40) years (the "non-development period").
3. Any single family residence located on the preserved open space which is in existence at the time the preliminary cluster development application is submitted shall be included in the cluster development's density calculations.
4. Preserved Open Space will be precluded from additional development by an appropriate legal process (deed restriction, covenant, etc.). The Preliminary and Final Cluster Development Plans must indicate all existing dwellings and structures located on the preserved open space. No development shall be permitted during the non-development period.
5. A use and management plan for the preserved open space, which defines all proposed uses of the open space and methods and responsibility for managing the preserved open space, shall accompany and be approved as part of the Final Cluster Development Plan.
6. In the event that the preserved open space will remain undeveloped through the use of a conservation easement, Logan County or an acceptable alternate (e.g., land trust, homeowner's association, etc.) shall be designated as the grantee of the easement. The grantee will then be responsible for monitoring the easement.
7. At any time after the expiration of the non-development period for the preserved open space, the person or entity owning or controlling the land may propose to change the use of the land using the following process:
 - a. All persons or entities owning and/or controlling the preserved open space must apply to and receive approval from the Board or any governmental entity having jurisdiction at that time for any change in use. Any proposed uses or

developments must comply with all laws, regulations, and policies then in effect.

- b. A public process shall be required. The procedures involving public notice, public hearing, public participation, etc., shall be in accordance with Colorado and/or Logan County land use hearing processes in place at that time.
- c. All governmental interests affected by the proposed change will be notified and allowed to comment or participate in the process.
- d. The terms of any approval for a change in use shall take into account at least the following:
 - 1. The adopted county master plan and zoning for the area.
 - 2. The impacts of any approval upon nearby properties and on all of the specific siting factors listed in Review Requirements; paragraph B., of these Cluster Development Regulations.

D. Development Standards.

Land divisions into parcels of thirty-five (35) acres or more are currently exempt from many of the development standards that are applied to subdivisions containing smaller parcels. In recognition of this fact, the standards that are applied to development under the Cluster Development Regulations shall be those necessary for public health, safety, and welfare.

- 1. All cluster developments shall be designed to preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, and vegetation.
- 2. Groves of trees, water features, desirable natural landscapes, unusually attractive topography, and view corridors must be preserved. If these natural features cannot be preserved, they must be replaced with substitute features at a ratio double to that of their original occurrence.
- 3. Any proposed cluster development must be designed in such a manner that utilities, road rights-of-way, drainage corridors, and open spaces create no significant detriment to adjoining properties.
- 4. All cluster developments must have a pre-approved fire mitigation and emergency services approved by the applicable local jurisdiction.
- 5. All water, waste-water, erosion control and traffic plans must be engineered by a Colorado Registered Engineer.
- 6. Developers proposing a cluster development must submit to the Director of Planning reports with supporting data showing that adequate potable water will be available during all seasons for use by the development when fully developed as planned.

9.5 Amendments, Vacation, and Re-division.

Substantial changes or alterations to an approved cluster development Final Plat, including any proposed re-division of lots, shall require review and processing in compliance with the requirements for review, referral and hearing as set forth in this cluster development approval process.

ARTICLE

10

Appendix A
Forms For Subdivision Approval Procedures

The following forms are keyed to the Logan County Subdivision Regulations. These forms will provide the important vehicle necessary to successfully carry out the objectives of the Logan County Subdivision Regulations.

Form 1.	Application for Sketch Plat Approval	105
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Form 3.	Application for Preliminary Plat Approval	110
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Form 5.	Application for Final Plat Approval.....	115
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Form 8	Checklist for Filing of Subdivision Exemption Plat	123
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Form 12	Checklist for Filing of Final Cluster Plan	132

FORM 1. APPLICATION FOR SKETCH PLAT APPROVAL
(To be filed in duplicate)
(Incomplete Applications will not be accepted)

Date _____

1. Name of Subdivision _____

2. Name of Applicant _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

3. Name of Local Agent _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

4. Owner of Record _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

5. Engineer _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

6. Land Surveyor _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

7. Attorney _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

8. Subdivision Location: on the _____ side of _____

_____ feet _____ of _____
(Direction) (Street)

9. Postal Delivery Area _____ School District _____

10. Total Acreage _____ Zone _____ Number of Lots _____

11. Tax Map Designation: Article _____ Lot(s) _____

12. Is any open space being offered as part of this subdivision application?

If so, what amount? _____

13. Has the Board of Adjustment granted any variance, exception, or special permit concerning this property?

If so, list Case No. and Name _____

14. Is any variance from the Subdivision Regulations requested? _____ If so, describe

15. Proposed Classification of Subdivision _____
(Major or Minor)

16. Does the application involve a flexible zoning application? _____

If so, describe _____

17. Attach seven (7) copies of Sketch Plat.

The applicant hereby consents to the provisions of §30-28-133, 30-28-133.1 or 30-28-137. Any applicable time periods may be extended by the county to receive a recommendation from any agency to which a plat has been referred or providing that the decision of the Planning Commission shall be made within sixty (60) days after the first meeting of the Planning Commission where the plan or plat was referred pursuant to § 30-28-136, but such extension shall not exceed thirty (30) days unless the agency has notified the county that it will require additional time to complete its recommendation.

List all contiguous parcels in the same ownership (as defined in the Subdivision Regulations).

Section/Township/Range _____ Lot(s) _____

Section/Township/Range _____ Lot(s) _____

Section/Township/Range _____ Lot(s) _____

Section/Township/Range _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective parcels of land were acquired, together with the book and page of each conveyance to the present owner, as recorded with the Logan County Clerk and Recorder. This affidavit shall indicate the current legal owner of the property; the grantor of the property, and the date the deed was executed and delivered.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers, and stockholders of each corporation who own more than five percent (5%) of any class of stock must be attached [this need only be provided if Developer is requesting special assessment financing, the formation of improvement districts].

STATE OF COLORADO)
COUNTY OF LOGAN) SS:

I, _____ hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address _____
(Street)

(County) (State) (Zip Code)

Subscribed and sworn to before me this day of _____.

MY COMMISSION EXPIRES:

FORM 2. SKETCH PLAT CHECKLIST
(For County of Logan County Use Only)

Subdivision _____

- _____ 1. Two copies of application _____ 2. Received check for \$ _____ (_____ lots at \$ _____ ea.)
- _____ 3. Seven copies of Plat (At scale of 1" = 100' or less) showing the following information:
- _____ 4. Legal Description (Lot, Article, Township, Range, and County)
- _____ 5. Name of Proposed Subdivision _____ 6. Graphics Scale
- _____ 7. North Arrow _____ 8. Date
- _____ 9. Property Owners Name and Address
- _____ 10. Covenants, Liens and Encumbrances
- _____ 11. Conveyance (Book and Page) to Owner
- _____ 12. Name and Address of licensed professional engineer, surveyor preparing the Sketch Plat, and Attorney.
- _____ 13. Location of Property Lines _____ 14. Existing Easements
- _____ 15. Burial Grounds _____ 16. Railroad Rights-of-Way
- _____ 17. Water Courses _____ 18. Existing Wooded Areas
- _____ 19. Trees eight inches (8") or more in diameter, measured four feet (4') above ground level.
- _____ 20. Location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to tract.
- _____ 21. Existing permanent buildings.
- _____ 22. Utility poles on or immediately adjacent to the site and utility right-of-way.
- _____ 23. Approximate Topography, at the same scale as the Sketch Plat (USGS).
- _____ 24. The approximate location and widths of proposed streets.
- _____ 25. Preliminary proposals for connection with existing water supply and sanitary sewerage systems, preliminary provisions for collecting and discharging surface water drainage.
- _____ 26. The approximate location, dimensions and areas of all proposed or existing lots.
- _____ 27. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use or for the use of property owners in the proposed subdivision.
- _____ 28. The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field.

____ 29. Whenever the sketch plat covers only a part of an applicant's contiguous parcels, the applicant shall submit, at the scale of no more than two hundred feet (200') to the inch, a sketch in pen of the proposed subdivision area, together with its proposed street systems and an indication of the probable future street and drainage system for the remaining portion of the tract.

____ 30. A vicinity map showing streets and other general developments of the surrounding area; the sketch plat shall show all school and improvement district lines and zoning district lines with the zones properly designated.

____ 31. Has applicant or agent discussed the sketch plat with Director of Planning prior to filing?

Date of Conference _____

With Whom _____

____ 32. Referred to the following officials, agencies, and municipalities:

Official, Agency or County Department	Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

____ 33. Reports (or protests) from Officials, Agencies and Local Governments received:

Official, Agency or County Department	Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

____ 34. Date sketch plat referred to Planning Commission _____

____ 35. Date of Planning Commission Meeting on Sketch Plat _____

____ 36. Date of Approval of Sketch Plat _____

____ 37. Conditions and Remarks by Planning Commission

Date Received in the Office of the Director of Planning: _____
Application (is) (is not) complete as submitted.
Named individual reviewing the submitted application: _____

**FORM 3. APPLICATION FOR
PRELIMINARY PLAT APPROVAL**
(To be filed in duplicate)
(Incomplete Applications will not be accepted)

Date _____

Major _____

Minor _____

1. Name of Subdivision _____

2. Name of Applicant _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

3. Name of Local Agent _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

4. Owner of Record _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

5. Engineer _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

6. Land Surveyor _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

7. Attorney _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

8. Subdivision Location: on the _____ side of _____

_____ feet _____ of _____
(Direction) (Street)

9. Postal Delivery Area _____ School District _____

10. Total Acreage _____ Zone _____ Number of Lots _____

11. Tax Map Designation: Article _____ Lot(s) _____

12. Has the Board of Adjustment granted a variance, exception, or conditional permit concerning this property?

If so, list Case No. and Name _____

13. Date of sketch plat approval _____

14. Have any changes been made since this plat was last before the Board? _____

If so, describe _____

15. List all land proposed to be subdivided _____

16. Park reservation approval has been granted by the Logan County Board of County Commissioners prior to Preliminary Plat hearing if subdivision is determined to be a major subdivision.

17. Owners of land 100 feet adjacent or opposite (apply to County Planning for listing).

18. Attach ten (10) copies of proposed preliminary plat.

19. Attach three (3) copies of construction plans.

20. List all contiguous holdings in the same ownership:

Section/Township/Range _____ Lot(s) _____

The applicant hereby consents to the provisions of §30-28-133, 30-28-133.1 or 30-28-137. Any applicable time periods may be extended by the county to receive a recommendation from any agency to which a plat has been referred or providing that the decision of the Planning Commission shall be made within sixty (60) days after the first meeting of the Planning Commission where the plan or plat was referred pursuant to § 30-28-136, but such extension shall not exceed thirty (30) days unless the agency has notified the county that it will require additional time to complete its recommendation.

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded with the Register of Deeds. This affidavit shall indicate the legal ownership of the property; the contract owner of the property, and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached [this need only be provided if Developer is requesting special assessment financing, the formation of improvement district(s) or benefit district(s)].

STATE OF COLORADO

)

) SS:

)

I, _____ hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address

(Street)

(County)

(State)

(Zip Code)

Subscribed and sworn to before me this day of _____

MY COMMISSION EXPIRES:

FORM 4. PRELIMINARY PLAT CHECKLIST
(Incomplete checklist will not be accepted)

Subdivision _____

- _____ 1. Two copies of application _____ 2. Received check for \$ _____ (____ lots at \$ _____ ea.)
- _____ 3. Ten copies of plat (at a scale of not more than 1" = 100').
- _____ 4. Location of property with respect to surrounding property and streets.
- _____ 5. Names of all adjoining property owners within 100' (apply to County Planning for listing).
- _____ 6. Names of adjoining streets.
- _____ 7. Location and dimensions of all boundary lines of the property in feet and fractions thereof (expressed in decimals).
- _____ 8. Location of existing streets. _____ 9. Location of existing easements.
- _____ 10. Location of existing water bodies, streams, and other pertinent features such swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, etc.
- _____ 11. Locations, dimensions, and areas of all proposed or existing lots.
- _____ 12. Location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- _____ 13. Date of plat. _____ 14. Approximate true north point.
- _____ 15. Scale of plat. _____ 16. Title of subdivision.
- _____ 17. Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground.
- _____ 18. Location of all proposed monuments.
- _____ 19. Names of new streets as approved by the Planning Commission.
- _____ 20. Indication of the use of any lot and all uses other than residential.
- _____ 21. Blocks consecutively numbered or lettered. _____ 22. Lots in each block consecutively numbered.
- _____ 23. Explanation of drainage easements.
- _____ 24. Explanation of site easements.
- _____ 25. Explanation of tree easements for buffer areas (if required).
- _____ 26. Explanation of reservations.
- _____ 27. All information shown on sketch plat.

____ 28. Endorsement of owner.

____ 29. Construction plans (at a scale of not more than 1" = 50')

- ____ A. Profiles showing existing and proposed evaluations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100') feet of the intersection(s), shall be shown.
- ____ B. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- ____ C. If required, where steep slopes exist, cross-sections of all proposed streets at one-hundred foot stations shown at five (5) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.
- ____ D. Plans and profiles showing the locations and typical cross section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude's, rights-of-way, manholes, and catch basins.
- ____ E. Locations of street trees.
- ____ F. Location of street lighting standards.
- ____ G. Location of street signs.
- ____ H. Location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing and proposed utility systems.
- ____ I. Location and size of all water, gas, or other underground utilities or structures.
- ____ J. Location, size, elevation, and other appropriate description of any existing facilities or utilities including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings, features; noted on the Official Map (Major Street Plan) or Master Plan, and each tree with a diameter of eight (8) inches or more measured twelve (12") inches above ground level, at the point of connection to proposed facilities and utilities within the subdivision.
- ____ K. Water elevations of adjoining streams at date of survey and approximate high water elevations referred to the U.S.G.S. datum plane.
- ____ L. If the subdivision borders a river, or stream, the distances and bearings of a meander line established not less than twenty (20') feet back from the ordinary high water mark of such waterways.
- ____ M. Topography at the same scale as sketch plat with contour interval of two feet.
- ____ N. Grading and drainage: It shall be the responsibility of the developer to distinguish the drainage plan of the development, for streets, alleys, and all interior lots.
- ____ O. Title, name, address and signature of professional engineer and surveyor.
- ____ P. Date, including revision dates.
- ____ Q. Notation of approval.

Date Received in the Office of the Director of Planning: _____
Application (is) (is not) complete as submitted.
Named individual reviewing the submitted application: _____

FORM 5. APPLICATION FOR FINAL PLAT APPROVAL
(To be filed in duplicate)
(Incomplete Applications will not be accepted)

Date _____

Major _____

Minor _____

1. Name of Subdivision _____

2. Name of Applicant _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

3. Name of Local Agent _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

4. Owner of Record _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

5. Engineer _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

6. Land Surveyor _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

7. Attorney _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

8. Subdivision Location: on the _____ side of _____

_____ Feet _____ of _____
(Direction) (Street)

9. Postal Delivery Area _____ School District _____

10. Total Acreage _____ Zone _____ Number of Lots _____

11. Tax Map Designation: Article _____ Lot(s) _____

- If so, list Case No. and Name _____

14. Date of preliminary plat approval _____

15. Have any changes been made since this plat was last before the Commission?

Section/Township/Range _____ Lot(s) _____

The applicant hereby consents to the provisions of §30-28-133, 30-28-133.1 or 30-28-137. Any applicable time periods may be extended by the county to receive a recommendation from any agency to which a plat has been referred or providing that the decision of the Planning Commission shall be made within sixty (60) days after the first meeting of the Planning Commission where the plan or plat was referred pursuant to § 30-28-136, but such extension shall not exceed thirty (30) days unless the agency has notified the county that it will require additional time to complete its recommendation.

I, _____ hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address _____

(County) (State) (Zip Code)

MY COMMISSION EXPIRES:

**FORM 6. CHECKLIST FOR FILING OF
FINAL SUBDIVISION PLAT
(Incomplete Checklist will not be accepted)**

Plat Name _____ Major _____
Minor _____

Location _____

Owner _____

1. Date of Final Approval _____

2. Date(s) of Re-approval _____

3. Bonds:

Public Improvement _____

Sewer _____

Other _____

Other _____

(Bond Resolutions Provided On _____)

4. Fees: (To Logan County Board of County Commissioners)

A. Money in lieu of land _____

B. Two percent (2%) Inspection Fee _____

C. Money In Lieu of Public Improvement _____

D. Logan County Clerk and Recorder (For Filing of Plat) _____

E. Street Signs _____

F. Other _____

G. Other _____

5. Mylar:

Received _____

Checked:

_____ a. Signature Block

_____ b. Owner's Signature

_____ c. Lot Designations

_____ d. Seal(s)

- _____ e. _____
- _____ f. _____
- _____ g. _____
- _____ h. _____

6. Instruments Necessary for Public Improvements (Checked by County Engineer, City Director of Public Utilities-if within the boundaries of the Overlay Zone District or if utilities will be provided by City/Town)

(a) Off-Site (Easements, Servitude's, Agreements, Deeds)

- 1. _____
- 2. _____
- 3. _____
- 4. _____

(b) Streets

- 1. _____
- 2. _____
- 3. _____
- 4. _____

(c) Road Widening (City/Town, County, State)

- 1. _____
- 2. _____
- 3. _____
- 4. _____

(d) On-Site Drainage (Easements)

- 1. _____
- 2. _____

(e) Electric Power/Sewer Line/Water Line, Gas Line, Fiber Line (Easements) (Purpose)

- 1. _____
- 2. _____
- 3. _____
- 4. _____

(f) Reserved Lands (Purpose)

1. _____

2. _____

(g) Other Right-of-Way (Purpose)

1. _____

2. _____

(h) Conformity to Engineering Report

1. _____

(Instruments checked above to be recorded immediately)

APPROVED FOR FILING: _____
COUNTY ENGINEER

7. Director of Planning

1. List of Stockholders _____

2. Cash Bond(s) _____
Letter(s) of Credit _____

3. (a) Off-Site Instruments _____

(b) Title Report* _____

(c) Releases of any existing
Mortgages. _____

(d) Check for recording _____

4. (a) On-Site Instruments _____

(b) Agreement of Dedication _____

(c) Title Report* _____

(d) Releases of any existing
Mortgages. _____

(e) Check for Recording
(Agreement and Releases) _____

5. Water Supply Distribution
Formation (Special District) _____

6. Sanitary Sewer Formation
(Special District) _____

Instruments Received

Director of Planning, Planning Commission

Instruments Approved

County Attorney

*Can be included in one title report.

Filed _____

Book _____

Page _____

Date Received in the Office of the Director of Planning: _____
Application (is) (is not) complete as submitted.
Named individual reviewing the submitted application: _____

FORM 7. APPLICATION FOR SUBDIVISION EXEMPTION PLAT APPROVAL
(To be filed in duplicate)
(Incomplete Applications will not be accepted)

Date _____

1. Name of Subdivision Exemption _____
2. Name of Applicant _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
3. Name of Local Agent _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
4. Owner of Record _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
5. Prospective Buyer _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
6. Land Surveyor _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
7. Attorney _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
8. Subdivision Exemption Location: on the _____ side of _____
_____ Feet _____ of _____
(Direction) (Street)
9. Postal Delivery Area _____ School District _____
10. Total Acreage _____ Zone _____ Number of Lots _____
11. Tax Map Designation: Section/Township/Range _____ Lot(s) _____

**FORM 8. CHECKLIST FOR FILING OF
SUBDIVISION EXEMPTION PLAT
(Incomplete Checklist will not be accepted)**

Plat Name _____

Location _____

Owner _____

1. Date of Final Board Approval _____

2. Date of Planning Commission Approval (If required) _____

3. Logan County Clerk and Recorder (For Filing of Exemption Plat) _____

4. Mylar:

Received _____
Checked: _____

_____ a. Board Signature Block

_____ b. Owner(s) Signature

_____ c. Planning Commission Chairman Signature

_____ d. Seal(s)

_____ e. Lot Designations

_____ f. Notes on Plat

_____ g. _____

_____ h. _____

5. (a) Instruments (Necessary for Public Improvements Checked by County Engineer, City Director of Public Utilities if within the boundaries of the Overlay Zone District) (Off-Site Public Access Easements, Servitude's, Agreements, Deeds) (Title Insurance or attorney's opinion) (Letter certifying notice to Mineral Estate Ownership) (Information on Water Wells) (Application for Waste Water Permit or certification current system meets code) (Current Property Tax Statement)

1. _____ 5. _____

2. _____ 6. _____

3. _____ 7. _____

4. _____ 8. _____

(b) Streets

1. _____

(c) Road /Driveway (City/Town, County, State)

1. _____

2. _____

(d) On-Site Drainage (Easements)

1. _____

2. _____

(e) Electric Power/Sewer Line/Water Line, Gas Line, Fiber Line (Easements) (Purpose)

1. _____

2. _____

(f) Reserved Lands (Purpose)

1. _____

(g) Other Right-of-Way (Purpose)

1. _____

2. _____

(Instruments checked above to be recorded immediately)

APPROVED FOR FILING: _____
Director of Planning

6. Director of Planning

Instruments Received

Director of Planning, Planning Commission

Instruments Approved

County Attorney

*Can be included in one title report.

Filed _____

Book _____

Page _____

Date Received in the Office of the Director of Planning: _____
Application (is) (is not) complete as submitted.
Named individual reviewing the submitted application: _____

**FORM 9. APPLICATION FOR
PRELIMINARY CLUSTER PLAN APPROVAL**
(To be filed in duplicate)
(Incomplete Applications will not be accepted)

Date _____

Major _____
Minor _____

1. Name of Cluster Subdivision _____
2. Name of Applicant _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
3. Name of Local Agent _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
4. Owner of Record _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
5. Engineer _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
6. Land Surveyor _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
7. Attorney _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
8. Subdivision Location: on the _____ side of _____
_____ feet _____ of _____
(Direction) (Street)
9. Postal Delivery Area _____ School District _____
10. Total Acreage _____ Zone _____ Number of Lots _____ Preserved Open Space Acreage _____
11. Tax Map Designation: Article _____ Lot(s) _____

12. Has the Board of Adjustment granted a variance, exception, or conditional permit concerning this property?
If so, list Case No. and Name _____

13. Date of initial meeting with County Staff _____

14. Have any changes been made since this plat was last before the Staff? _____

If so, describe _____

15. List all land proposed to be subdivided _____

16. Owners of land 100 feet adjacent or opposite (apply to County Planning for listing).

17. Attach ten (10) copies of proposed preliminary plat.

18. Attach three (3) copies of construction plans.

19. List all contiguous parcels in the same ownership:

Section/Township/Range _____ Lot(s) _____

The applicant hereby consents to the provisions of §30-28-133, 30-28-133.1 or 30-28-137. Any applicable time periods may be extended by the county to receive a recommendation from any agency to which a plat has been referred or providing that the decision of the Planning Commission shall be made within sixty (60) days after the first meeting of the Planning Commission where the plan or plat was referred pursuant to § 30-28-136, but such extension shall not exceed thirty (30) days unless the agency has notified the county that it will require additional time to complete its recommendation.

Additionally the applicant consents to the provision of Article 9.3 10. that requires submittal of a Final Plan within three-hundred-sixty-five (365) days from the date of the Resolution approving the Preliminary Cluster Plan. The applicant will have an option of requesting a ninety (90) day extension which further requires approval by the Board.

In accordance with §30-28-404 Water – sewage – roadways – notification to state engineer, an effort is made to preserve open space and water resources. The applicant and County shall abide by these guidelines.

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded with the Register of Deeds. This affidavit shall indicate the legal ownership of the property; the contract owner of the property, and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached [this need only be provided if Developer is requesting special assessment financing, the formation of improvement district(s).

[illegible]

I, _____ hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address _____
(Street)

(County) (State) (Zip Code)

Subscribed and sworn to before me this day of _____

MY COMMISSION EXPIRES:

FORM 10. CLUSTER PRELIMINARY PLAN CHECKLIST
(Incomplete checklist will not be accepted)

Cluster Plan _____

- _____ 1. Two copies of application _____ 2. Received check for \$ _____ (____ lots at \$ _____ ea.)
- _____ 3. Ten copies of plat (at a scale of not more than 1" = 100').
- _____ 4. Location of property with respect to surrounding property and streets.
- _____ 5. Names of all adjoining property owners within 100' (minus Rights-of-way) (apply to County Planning for listing).
- _____ 6. Names of adjoining streets.
- _____ 7. Location and dimensions of all boundary lines of the property in feet and decimals of a foot.
- _____ 8. Location of existing streets. _____ 9. Location of existing easements.
- _____ 10. Location of existing water bodies, streams, and other pertinent features such swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, etc.
- _____ 11. Locations, dimensions, and areas of all proposed or existing lots.
- _____ 12. Location and dimensions of all property proposed to be set aside for school/park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- _____ 13. Date of plat. _____ 14. Approximate true north point.
- _____ 15. Scale of plat. _____ 16. Title of Cluster Plan.
- _____ 17. Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground.
- _____ 18. Location of all proposed monuments.
- _____ 19. Names of new streets as approved by the Planning Commission.
- _____ 20. Indication of the use of any lot/parcel and all uses other than residential.
- _____ 21. Blocks consecutively numbered or lettered. _____ 22. Lots in each block consecutively numbered.
- _____ 23. Explanation of drainage easements.
- _____ 24. Explanation of site easements.
- _____ 25. Explanation of shade tree easements.
- _____ 26. Explanation of reservations.
- _____ 27. All information shown on sketch plan.

____ 28. Endorsement of owner.

____ 29. Construction plans (at a scale of not more than 1" = 50')

- ____ A. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one-hundred (100') feet of the intersection(s), shall be shown.
- ____ B. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- ____ C. If required, where steep slopes exist, cross-sections of all proposed streets at one-hundred foot stations shown at five (5) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.
- ____ D. Plans and profiles showing the locations and typical cross section of street pavements including curbs and gutters, borrow-ditches, sidewalks, drainage easements, servitude's, rights-of-way, manholes, and catch basins.
- ____ E. Locations of street trees.
- ____ F. Location of street lighting standards.
- ____ G. Location of street signs.
- ____ H. Location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, borrow-ditches, and fire hydrants [note approval of type of fire hydrant from fire district _____], showing connection to any existing and proposed utility systems.
- ____ I. Location and size of all electric, water, gas, fiber, or other underground utilities or structures.
- ____ J. Location, size, elevation, and other appropriate description of any existing facilities or utilities including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings and features; noted on the Official Map (Major Street Plan) or Master Plan, and each tree with a diameter of eight (8) inches or more measured twelve (12") inches above ground level, at the point of connection to proposed facilities and utilities within the cluster plan.
- ____ K. Water elevations of adjoining streams at date of survey and approximate high and low water elevations referred to the U.S.G.S. datum plane.
- ____ L. If the cluster plan borders a river, or stream, the distances and bearings of a meander line established not less than twenty (20') feet back from the ordinary high water mark of such waterways.
- ____ M. Topography at the same scale as sketch plat with contour interval of two feet.
- ____ N. Grading and drainage: It shall be the responsibility of the developer to distinguish the drainage plan of the development, for streets, alleys (if provided), and all interior lots.
- ____ O. Title, name, address and signature of professional engineer and surveyor.
- ____ P. Date, including revision dates.
- ____ Q. Notation of approval.

Date Received in the Office of the Director of Planning: _____
Application (is) (is not) complete as submitted.
Named individual reviewing the submitted application: _____

FORM 11. APPLICATION FOR FINAL CLUSTER PLAN APPROVAL
(To be filed in duplicate)
(Incomplete Applications will not be accepted)

Date _____

Major _____

Minor _____

1. Name of Subdivision _____

2. Name of Applicant _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

3. Name of Local Agent _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

4. Owner of Record _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

5. Engineer _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

6. Land Surveyor _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

7. Attorney _____ Phone _____

Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)

8. Subdivision Location: on the _____ side of _____

_____ Feet _____ of _____
(Direction) (Street)

9. Postal Delivery Area _____ School District _____

10. Total Acreage _____ Zone _____ Number of Lots _____ Reserved Open Space Acreage _____

11. Tax Map Designation: Section/Township/Range _____ Lot(s) _____

12. Has the Board of Adjustment granted a variance, exception, or conditional permit concerning this property?

If so, list Case No. and Name _____

13. Date(s) of initial/subsequent meeting(s) with County Staff _____

14. Date of Cluster Preliminary plan approval _____

15. Have any changes been made since this plat was last before the Commission?

List all contiguous parcels in the same ownership:

Section/Township/Range _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective parcels of land were acquired, together with the book and page of each conveyance to the present owner as recorded with the Logan County Clerk and Recorder. This affidavit shall indicate the current legal owner; of the property; the prior owner of the property, and the date the Deed of Sale was executed. IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached [this need only be provided if Developer is requesting special assessment financing, the formation of improvement district(s).

The applicant hereby consents to the provisions of §30-28-133, 30-28-133.1 or 30-28-137. Any applicable time periods may be extended by the county to receive a recommendation from any agency to which a plat has been referred or providing that the decision of the Planning Commission shall be made within sixty (60) days after the first meeting of the Planning Commission where the plan or plat was referred pursuant to § 30-28-136, but such extension shall not exceed thirty (30) days unless the agency has notified the county that it will require additional time to complete its recommendation.

Additionally the applicant consents to the provisions of Article 9.3 10. that require submittal of a Final Plan within three-hundred-sixty-five (365) days from the date of the Resolution approving the Preliminary Cluster Plan. The applicant will have an option of requesting a ninety (90) day extension which further requires approval by the Board.

In accordance with §30-28-404 Water – sewage – roadways – notification to state engineer, an effort is made to preserve open space and water resources. The applicant and County shall abide by these guidelines.

STATE OF COLORADO)
) SS:
COUNTY OF LOGAN)

I, _____ hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

(Signature)

Mailing Address _____
(Street)

(County) (State) (Zip Code)

Subscribed and sworn to before me this day of _____

MY COMMISSION EXPIRES:

**FORM 12. CHECKLIST FOR FILING OF
FINAL CLUSTER PLAN
(Incomplete Checklist will not be accepted)**

Cluster Plan Name _____

Location _____

Owner _____

1. Date of Final Approval _____

2. Date(s) of Re-approval _____

3. Bonds:

Public Improvement _____

Sewer _____

Other _____

Other _____

(Bond Resolutions Provided On _____)

4. Fees: (To Logan County Board of County Commissioners)

A. Money in lieu of land _____

B. Two percent (2%) Inspection Fee _____

C. Money In Lieu of Public Improvement _____

D. Logan County Clerk and Recorder (For Filing of Plat) _____

E. Street Signs _____

F. Other _____

G. Other _____

5. Mylar:

Received _____

Checked:

_____ a. Signature Block

_____ b. Owner's Signature

_____ c. Lot Designations

_____ d. Seal(s)

- _____ e. _____
- _____ f. _____
- _____ g. _____
- _____ h. _____

6. Instruments Necessary for Public Improvements (Checked by County Engineer, City Director of Public Utilities or Town Council-if within the boundaries of the Overlay Zone District or if utilities will be provided by City/Town)

(a) Off-Site (Easements, Servitude's, Agreements, Deeds)

- 1. _____
- 2. _____
- 3. _____
- 4. _____

(b) Streets

- 1. _____
- 2. _____
- 3. _____
- 4. _____

(c) Road Widening (City/Town, County, State)

- 1. _____
- 2. _____
- 3. _____
- 4. _____

(d) On-Site Drainage (Easements)

- 1. _____
- 2. _____

(e) Electric Power/Sewer Line/Water Line/Fiber Line/ Gas Line (Easements) (Purpose)

- 1. _____
- 2. _____
- 3. _____

4. _____

(f) Reserved Lands (Purpose)

1. _____

2. _____

(g) Other Right-of-Way (Purpose)

1. _____

2. _____

(h) Conformity to Engineering Report

1. _____

(Instruments checked above to be recorded immediately)

APPROVED FOR FILING: _____
COUNTY ENGINEER

7. Director of Planning

1. List of Stockholders _____

2. Cash Bond(s) _____
Letter(s) of Credit _____

3. (a) Off-Site Instruments _____

(b) Title Report* _____

(d) Releases of any existing
Mortgages. _____

(d) Check for recording _____

4. (a) On-Site Instruments _____

(b) Agreement of Dedication _____

(c) Title Report* _____

(e) Releases of any existing
Mortgages. _____

(f) Check for Recording
(Agreement and Releases) _____

5. Water Supply Distribution
Formation (Special District) _____

6. Sanitary Sewer Formation
(Special District)

Instruments Received

Instruments Approved

Director of Planning, Planning Commission

County Attorney

*Can be included in one title report.

Filed _____

Book _____

Page _____