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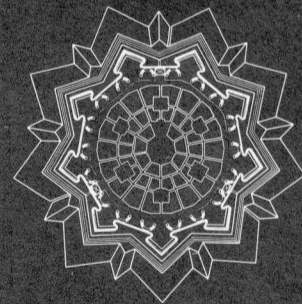


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SUBDIVISION REGULATIONS

Ouray County



OURAY COUNTY
SUBDIVISION REGULATIONS

Prepared for the
Board of County Commissioners
of
Ouray County

by the

COLORADO DIVISION OF PLANNING
700 State Capitol Annex
1375 Sherman Street
Denver, Colorado 80203



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ARTICLE I

GENERAL PROVISIONS

A. PURPOSE

These subdivision regulations have the primary purpose of promoting and protecting the physical well being of the citizens of Ouray County by establishing minimum standards for the design of land subdivision projects through the provision of essential public streets and other forms of access, drainage facilities needed for protection against flooding, public (or private) water supplies as needed to furnish citizens safe potable water and public (or private) sanitation improvements as needed for disposal of wastes. To assure that the facilities provided are operated and maintained in the condition required to perform their functions, it is necessary that the subdivision and its improvements be planned in an efficient and economical manner.

B. TERRITORY COVERED BY SUBDIVISION REGULATIONS

These subdivision regulations shall apply to the entire area of Ouray County, Colorado, except within incorporated towns and cities. They shall apply to all divisions of land into two or more parcels for the purpose, whether immediate or future, of sale or building development or for re-subdivision into smaller parcels; provided however that the subdivision of land for agricultural purposes only into parcels larger than 40 acres shall not be subject to these regulations.

C. FEE REQUIRED FOR PROCESSING PLATS

At the time of submitting the preliminary plat a filing fee shall be paid as follows:

1. For plats of 5 lots or less, a fee of Twenty-Five dollars (\$25.00)
2. For plats of more than 5 lots a total fee of five dollars (\$5.00) per lot.
3. Percent of lots with
curved boundaries

	<u>additional fees</u>
00% - 05%	None
05% - 20%	10% of total fee above
20% - 50%	15% of total fee above
50% - 75%	25% of total fee above
75% - and over	35% of total fee above

In addition, the County Commissioners may require an engineering field inspection or other services, the cost of which shall be paid by the subdividers when billed and prior to final acceptance of the plat.

D. DEFINITIONS

1. Alley: A public right-of-way providing only secondary access to the rear of a property and not intended for general travel.
2. Easement: A conveyance or reservation of the use of land for a specialized purpose in the interest of public need.
3. Lot: A portion of a subdivision intended as a unit for transfer of ownership or for development.
4. Subdivision: Subdivision means a division of a tract of land into two or more divisions for the purpose, whether immediate or future, or sale of building development and includes re-subdivision: provided that a division of land for agricultural purposes into lots or parcels of 40 acres or more shall not be deemed a subdivision. The term when appropriate to the context shall relate to the process of subdividing or to the land subdivided.
5. Street: A right-of-way reserved for public use which provides vehicular and pedestrian access to adjacent properties. A street may also be used for utilities access to the properties.

ARTICLE II
PROCEDURE

STEP ONE - PRE-APPLICATION CONFERENCE

In order to expedite the processing of each subdivision plat, the subdivider should meet with the Planning Commission before taking any action and developing plans for the area to be subdivided. The purpose of this meeting is to review the applicable subdivision standards with the subdivider and to ascertain the location of proposed major streets, park areas, school sites, and other affecting factors. This conference is not mandatory on the part of the subdivider, but should prevent unnecessary and costly revisions later.

STEP TWO - PRELIMINARY SUBDIVISION PLAN

The subdivider shall file with the Planning Commission four copies of the preliminary subdivision plat along with the supporting information required herein. The preliminary plat and supporting information should be filed at least 45 days prior to the date of desired final plat approval. The filing fee shall accompany this preliminary plat.

- A. The following information and format is required of the preliminary plat:
1. Name of the proposed subdivision which shall be different from that of any existing subdivision previously recorded in Ouray County.
 2. The name and address of the record owner or owners, the subdivider and the person or firm preparing the preliminary plat.
 3. The total acreage of land to be subdivided and acreage intended for each type of usage.
 4. Proposed terms of reservations or dedications of public sites for schools, parks, fire station sites, utility facilities or other public buildings.
 5. Brief description of proposed covenants if any.
 6. The date, north point, written and graphic scale. The scale, unless otherwise approved, shall be 100 feet to the inch. Boundary lines of the tract to be subdivided showing angles and distances and a description of the property shall be shown. All plats will be in compliance with state statutes governing these.

7. Lot lines and numbers.
8. Existing and proposed easements for drainage, other access and utilities.
9. Proposed street lay-out with widths, curves, radii and other dimensions clearly shown.
10. Name of streets.

B. The following information shall be submitted accompanying the Preliminary Subdivision Plan:

1. A vicinity sketch normally drawn at a scale of one inch equals 500 feet although if such maps are not available, a USGS quadrangle map, 1:24,000 Scale may be accepted. The vicinity sketch should show tract lines of all abutting subdivisions, the locations of streets and highways within an area of approximately one half mile of the proposed subdivision tract; the location of all adjacent utility systems within an approximately half-mile area minimum; the natural drainage courses for streams flowing through the proposed subdivision with the limits of tributary areas shown where this is reasonable.
2. A contour map of the proposed subdivision shall be included, platted on a scale of approximately one inch equal to 100 feet. The contours may be drawn on the preliminary plat or a supplemental plat. Contours shall be drawn normally at a five-foot interval unless a maximum ten-foot interval is approved in rugged areas. USGS Quadrangle map 1:24,000 scale with elevations and contours may be accepted.
3. Water Supply. The description of the proposed water supply system if a community system is to be constructed. The source available and general design of the system must be described. If connection is to an existing system, information on the existing system must be furnished. The nature of the legal entity which will own and operate the water system shall be described.

If it is intended that individual water systems will be provided by lot owners, a report by a qualified licensed geologist or water resources engineer will be required. This report must indicate the availability of ample ground water at reasonable depths.

4. Sanitary Sewage Disposal. If a community sanitary sewage system is to be provided, the general description of the collection system and treatment facilities shall be furnished. If the collection sewers will discharge to existing adjacent treatment facilities, a description of these facilities must be provided.

If it is intended that sanitary sewage disposal will be accomplished by individual lot owners, the results of soil percolation tests and maximum ground water level data where applicable shall be furnished. The percolation tests shall be performed and signed by a registered engineer, geologist or sanitarian qualified to do this work. The number and location of tests shall be as necessary to produce reliable results for the whole area to be platted.

5. Drainage Study. A drainage study shall be furnished. All existing water courses shall be shown; limits of tributary areas where practical shall be shown and computations of expected tributary flows shall be made and the results indicated. Design of drainage facilities shall be such as to prevent major damage or flooding of residences in a 25 year storm. Location and sizes of all culverts to be provided, bridges and drainage ditches, channels and easements shall be shown. The drainage study shall be performed and signed by a registered engineer.
6. Street Profiles. Typical cross sections of streets and roads and general paving or graveling specifications shall be furnished along with grade specifications.

STEP THREE - PLANNING COMMISSION ACTION ON PRELIMINARY SUBDIVISION PLAN

After receiving the preliminary subdivision plan and supporting information the Planning Commission shall be responsible for referring the information to appropriate County and other governmental agencies for their review as required. The Planning Commission and/or their representatives shall proceed with their review of the subdivision to determine if the proposed subdivision represents good planning and if it conforms to the designed standards specified herein.

The Preliminary Plat and accompanying data should be submitted to a designated representative of the Planning Commission at least 15 days prior to the desired hearing date. Hearings will normally be at one of the regular meetings of the Planning Commission. The secretary of the Planning Commission should notify the subdivider by registered mail of the time and place of the hearing not less than five days before the date fixed for the hearing. Similar

notice should be mailed to the owners of land immediately adjoining the area proposed to be platted. Normally, the Planning Commission will complete its review within 30 days of the receipt of the preliminary subdivision plan. The Planning Commission may request additional information from subdivider. The Planning Commission will, upon receiving all information requested, shall within 30 days complete the review of the preliminary plat. Failure of the Planning Commission to complete the review within 30 days shall not constitute automatic approval. When the approval is given it shall be conditional approval only and shall depend on any modifications which may be stipulated for the final subdivision plat. Such stipulations shall be noted on two copies of the preliminary subdivision plan, one to be returned to the subdivider and one to be retained in the County files. Conditional approval of the preliminary subdivision plan shall be valid no longer than one year unless an extension of time is granted.

STEP FOUR - FINAL SUBDIVISION PLAN

Within one year after conditional approval of the Preliminary Subdivision Plan, a Final Subdivision Plat may be filed for all or part of the tract. Three reprints and one reproducible linen of the final subdivision plat shall be required. The final plat shall be clearly and legibly drawn in black waterproof India ink upon tracing cloth or Mylar and shall be an original. Signatures shall be in black waterproof India ink. The dimensions of each sheet of said plat shall be 24 inches by 36 inches. Each sheet of the plat shall show the title of the subdivision, date and sheet sequence number, date of survey, north point and written and graphic scale which shall be a minimum of 100 feet to the inch.

- A. Information and format required of the final plat is as follows: (Note that the certificates and description, etc., are only required on the first or title sheet in the event that the platting requires more than one drawing.)
1. Trace boundary lines and right-of-way lines or street lines in solid black lines; easements or other rights-of-way lines in dashed lines; and lot boundaries in solid lines shall be shown with accurate dimensions to the nearest 0.01 feet. Bearings or deflection angles, arc lengths, tangent distances and central angles of all curves shall be shown. Lot numbers and all dimensions of each lot shall be shown. Widths and dimensions of all easements, rights-of-way and streets shall be indicated.
 2. Names of all streets or roads, block letters and lot numbers shall all be indicated for easy plat identifications.
 3. All survey data shall be tied to government land subdivision corners and indicated on the plat in accordance with the land survey laws of

the State of Colorado. Concrete monuments shall be set at the intersection points of all street right-of-way boundary lines. These concrete monuments shall be at least 36 inches in depth and 4 inches square with a suitable metal-rod center point in the top. The top of the monuments shall be flush with the finished surface grade of the street. All other points on boundary lines where a change of direction or a lot corner occurs shall be monumented in accordance with the land survey laws of the State of Colorado. The survey shall be conducted in such a manner that the ratio of the probable error to the length measured for all or any part of the subdivision survey shall not be greater than 1/50,000.

4. A legal description of the property.
5. The location of all major drainage channels or areas showing the boundaries of lands subject to inundation.
6. A reference to any protective covenants which shall be filed with the plat and an indication of the purpose for which sites other than residential lots are dedicated or reserved.
7. A certificate of Dedication and Ownership.
8. Surveyor's Certificate. The certificate shall be signed by a licensed land surveyor responsible for the survey and final subdivision plat, and who is registered in the State of Colorado.
9. An approval block for the Planning Commission.
10. An approval block for the Board of County Commissioners.
11. The Recorder's Certificate.

B. Supplemental requirements to be filed with final plat shall be as follows:

1. The Attorney's Certificate signed by a licensed attorney in the State of Colorado.
2. A letter must be received stating that all supplemental information furnished with the preliminary plat is valid for the final plat or if this is not the case, revised supplemental data of the same scope and format as required for the preliminary plat shall be furnished. In the event that substantial changes have been made, the Commissioners may require an additional filing fee not to exceed the amount specified for the preliminary plat.

3. Three copies of all the protective covenants or restrictions placed on the subdivision, one copy of which shall be filed with the plat.
4. Engineering plans, descriptions and costs estimates for streets, drainage facilities, utility systems, bridges and all other improvements proposed to be installed by the subdivider.
5. Before the final plat is accepted for record by the County Clerk, the improvements shall be constructed in place and approved by the County Commissioners; or in lieu of construction, a performance bond or certified check shall be furnished in an amount sufficient to cover cost of all improvements. A bond or check for less than the total amount may be accepted at the discretion of the Planning Commission.

STEP FIVE - COUNTY ACTION ON FINAL SUBDIVISION PLAT

The County Planning Commission shall be responsible for distribution of the final plat and supplemental information to the necessary County agencies for their approval. The Commission shall begin its own investigation and normally will approve or request modification of the plat within 30 days. Such time may be extended, if required, for legal or engineering investigations. The plat shall then be presented to the Board of County Commissioners for final action.



ARTICLE III
DESIGN STANDARDS

The individual lots and subdivision layout, the constructed improvements and engineering investigation and design shall conform to the provisions of this Article.

A. LOT LAYOUT

The Subdivision layout shall result in the creation of lots which are developable and capable of being built upon. Street layout shall provide access to all lots. Private streets may be permitted. Steep land, unstable land, land subject to flooding or to inadequate drainage, or otherwise substandard land shall not be platted for any use which might endanger health, life, property, or which may aggravate flood or erosion hazards. Such land shall be set aside for other uses which will not present these hazards. Public dedication will be required of those roads which provide principal major access to the subdivision and to tracts of land beyond which are blocked from existing public roads by the location of the subdivision.

B. STREETS

1. Street Pattern. The street pattern in the subdivision may be required to be in general conformity with a plan for the most advantageous development of adjoining areas. Where appropriate to the design, the streets shall be continuous and in alignment with the existing plan or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the land to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Commission, such extension is not necessary for connection of the subdivision with the existing layout or the probable future layout of adjacent tracts. All dead-end streets shall be provided with a turn around with a minimum diameter of 90 feet. Proposed streets shall intersect one another as nearly at right angles as topography permits. Excessively long residential streets conducive to high speed traffic shall be discouraged. Alleys will not normally be permitted in residential subdivisions but may be required in commercial areas.

Where subdivisions are located adjacent to existing or proposed freeways or arterial highways, the street design shall conform to

the appropriate general plans, if available (County Master Plan, Major Road Plan or Highway Plan). The number of intersecting streets along arterial streets shall be held to a minimum.

2. Street Widths. Street widths and pavement widths shall not be less than those indicated by the following table. The classification of streets shall be in accordance with the Major Street Plan (if applicable) or in accordance with good planning requirements as determined by the Planning Commission. Wider streets and surfacing may be required by the Planning Commission to meet anticipated traffic density.

Street Type	Minimum Dedicated Right-of-Way Width	Minimum Pavement or Gravel Width
Arterial Streets	60 Feet	22 Feet
Collector Streets	60 Feet	22 Feet
Residential Streets or Mountain Roads	50 Feet	12 Feet

3. Grades, Curves and Sight Distances. Grades, curves and sight distances shall be subject to the approval of the County Commissioners to insure proper drainage and safety for vehicles and pedestrians. The minimum street grades shall be 0.3 percent. The maximum street grades shall normally be 8 percent except that for mountain roads, the Commissioners may permit steeper grades. The center line radii of curvature for arterial and collector streets shall not normally be less than 300 feet. The center line radii of curvature for residential streets and mountain roads shall be not less than 100 feet. Changes in grade shall be accomplished by vertical curves of sufficient length to maintain safe sight distances.
4. Sidewalks, Curb and Gutter. Sidewalks with curb and gutter shall be required for subdivisions or parts of subdivisions where the average size lot is less than 10,000 square feet. Where required by these regulations or where stipulated on the preliminary subdivision plan, sidewalks, curb and gutter shall be installed by the subdivider at his expense. Sidewalk construction details and specifications shall be as approved by the County Commissioners through their authorized representative.

5. Pavement. No subdivisions shall be platted where the streets are not acceptable to the County Commissioners for County maintenance. All roads and streets shall be laid out, graded, installed and surfaced by the subdivider and at his expense. Construction of streets and roads shall conform to the specifications, details and requirements of the County as furnished by the County Commissioners or their authorized representative. Asphaltic or higher type pavements shall be required in subdivisions or parts of subdivisions where the significant or average lot size is less than 10,000 square feet.

All residential streets, mountain roads and other streets shall be paved or graveled. The size and depth shall be subject to the approval of the County Commissioners, or through their designated representative.

6. Excavation. All excavation and fills shall be made to the sub-grade elevations substantially according to the design furnished with the plat. No excavation shall be made below the designed sub-grade unless required to remove vegetable matter or other soft material unsuitable for a sub-base. All excavation and fill work shall be subject to the approval of the County Commissioners through their designated representative.
7. Street Names and Signs. Names of streets shall be subject to the approval of the Planning Commission and wherever applicable, be consistent with surrounding areas. The County Commissioners may require that the subdivider install suitable street signs at the subdivider's expense. Suitable warning signs and/or devices shall be installed at the subdivider's expense at all railroad or other hazardous crossings.

C. DRAINAGE

Drainage easements, channels, culverts and required bridges shall be designed by a registered Colorado engineer and shall be capable of handling a flow as determined by the drainage study, all subject to the approval of the County Commissioners. These improvements shall be constructed by the subdivider at his expense. Drainage easements shall be provided as required to accommodate expected flows. In no case shall drainage easements be less than 20 feet wide. Culverts or drainage pipes where required shall be galvanized, corrugated steel or the approved equivalent with a strength design in accordance with AASHTO recommendations for a H-20 live load. Minimum acceptable culvert size shall be 15 inch diameter.

ARTICLE IV
LEGAL PROVISIONS

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or conditions that the strict application of the provisions of this Resolution shall result in substantial hardships, the Planning Commission may vary or modify such requirements to the end that the subdivision may be developed consistent with the public welfare and safety.

A. APPEAL

In the event that the plat of a subdivision has been disapproved by the Planning Commission, the applicant may petition the Board of County Commissioners for a hearing upon said rejection. After a public hearing, the County Commissioners upon two-thirds (2/3) vote of its entire membership may approve the subdivision or take other action consistent with the provisions of this Resolution.

B. PENALTIES

Any person who transfers or negotiates to transfer any land before the plat has been approved by the Planning Commission and recorded in the County Clerk's office, or attempts the description of land by metes and bounds in violation of the regulations, may be required to pay to the County a penalty of five hundred dollars (\$500.00) for each parcel of land so transferred as provided in the Colorado Revised Statutes 1953, Chapter 139, Article 56, Section 16. In addition, the County may, by action in any court of competent jurisdiction, enjoin the transfer or agreement to transfer land, as provided in CRS 1963, Chapter 106, Article 29, Subsection 4.

C. SEPARABILITY CLAUSE

If an article, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional or illegal, such invalidity shall not affect the validity of the remaining portion of this Resolution. The County Commissioners hereby declare that it would have passed this Resolution and every article, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses or phrases be declared unconstitutional or illegal.

D. WATER SUPPLY

Water supply shall be available or made available to all lots platted. The intended water supply may be through individual wells using sub-surface ground water providing that lots are of adequate size as hereinafter specified. If individual water supplies are to be used, a registered geologist's report confirming the adequacy of the supply and stating the expected aquifer depths shall be furnished. For large subdivisions or subdivisions having varying geology, the report shall be comprehensive so as to be appropriate for all lots in the subdivision.

Where a community water system is proposed, the availability and proof of ownership of the water sources shall be explained and certified by a registered Colorado engineer or geologist and an attorney if necessary to substantiate water rights. Representative samples of the water source must be analyzed by a reputable laboratory to confirm satisfactory chemical quality. Water supply, treatment and distribution facilities must be provided in conformance with the requirements of the Colorado State Department of Public Health and the Ouray County Commissioners through their designated representatives. Where a community water system is to be installed, an organization shall be set up to administer the operation of this system. Administration shall be by an incorporated town, water district or an approved corporation with a Public Utility Commission permit.

E. SANITARY SEWAGE DISPOSAL

No lots shall be platted unless an economical and practical method of disposal of sanitary sewage is available to that lot. Disposal by individual systems may be permitted if the lot sizes are adequate as specified hereinafter, and if other conditions specified herein are met. If individual systems are to be used, representative soil absorption tests must be performed by a registered Colorado engineer or qualified sanitarian. The absorption and percolation rates shall be determined by the methods prescribed by the U.S. Public Health Service or similar approved equal. In no case shall the observed percolation rate be less than one inch in 60 minutes. In subdivisions of varying geology, tests shall be run at sufficient locations to assure that each lot will have an acceptable location for a leaching field. Individual systems which utilize other than sub-surface leaching for disposal of liquid may be permitted subject to the approval of the Water Pollution Commissioner and the County Planning Commission. In addition to satisfying the minimum lot size acceptable for individual systems, each lot shall be individually designed so that a leaching field of sufficient size may be constructed on each lot.

Where a community sanitary sewer system is to be constructed, the design and construction of the system must be in conformity with the regulations of

t he Colorado State Department of Public Health and must be approved by that Department and by the County Commissioners through their authorized representative. Collection sewers shall be designated and provided to service each lot. Sewage treatment facilities of an approved design shall be constructed to adequately treat all collected sewage. Where a community sewage system is to be installed, an organization shall be set up to administer the operation of this system. Administration shall be by an incorporated town, a sanitation district, or an approved corporation with a Public Utilities Commission permit.

F. EASEMENTS

Utility easements shall in all cases be provided for each lot. Easements shall be no less than 10 feet in width. Easements along sides of lots shall be provided for as required by utility design; side lot easements shall be not less than 10 feet in width. Drainage easements shall be provided as required under the drainage paragraph.

THE FOREGOING RESOLUTION approved and adopted this _____
_____.

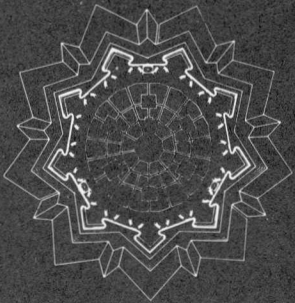
THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF OURAY, STATE OF COLORADO

Chairman

Attest:

County Clerk





**COLORADO STATE
DIVISION OF PLANNING**