



FREMONT COUNTY PRELIMINARY PLAN APPLICATION

1. Project Name: Mistry Subdivision Filing No. 2
2. Property Owner Name: Hoshedar Mistry
Mailing Address: 1245 3rd Street, Penrose, CO 81240
Telephone Number: (719) 250-5533 Facsimile Number: NA
Email Address: hmistry@kw.com
3. Applicant Name: Hoshedar Mistry
Mailing Address: 1245 3rd Street, Penrose, CO 81240
Telephone Number: (719) 250-5533 Facsimile Number: NA
Email Address: hmistry@kw.com
4. Consultant Name: Angela Bellantoni Ph.D. of Environmental Alternatives Inc.
Mailing Address: P.O. Box 326, Cañon City, CO 81215
Telephone Number: (719) 275-8951 Facsimile Number: NA
Email Address: angela@envalternatives.com

Please read prior to completion of this application

A Preliminary Plan application shall be required upon the following:

1. Four (4) or more lots are created from a parent parcel, tract or lot which has not been previously divided by a Subdivision Exemption (*old term for process creating 2 parcels*), Minor Subdivision (*3 or fewer lots*) or Major Subdivision (*4 lots or more*); or,
2. The total number of lots created by a previous division of the parent tract or parcel by a Subdivision Exemption or a lot through a Minor Subdivision or Major Subdivision (*sketch plan, preliminary plan and final plat*), plus the total number of proposed lots results in the creation of four (4) or more lots (*adding the proposed subdivision lots and the previously subdivided lots or parcels*).

An application for Sketch Plan (see FCSR Section III., A.) approval must be made and approved prior to the submittal of a Preliminary Plan application if the proposed subdivision is to be developed in phases (*multiple plat filings*) and or if the proposed subdivision is to contain multiple land uses (*a mixture of zoning classifications, such as Business and High Density Residence, etcetera*). In such circumstances, a preliminary plan application would be the second phase of a Major Subdivision process, with the first phase being Sketch Plan and the third phase being the Final Plat. All three phases require approval through a separate application. If the described circumstances are not the situation, then a Preliminary Plan would be the first phase of a Major Subdivision process (*at the applicants' option, the applicant could submit a Sketch Plan if so desired, even though not required by regulation*) with the Final Plat being the second phase.

Any application which is not complete or does not include all minimum submittal requirements will not be accepted by the Fremont County Department of Planning and Zoning (Department). Further, any application that is inadequately prepared, or is incomplete, may be subject to postponement (*until an*

adequate submittal is provided) of placement on an agenda of the Fremont County Planning Commission (Commission).

The applicant shall provide one (1) original document, five (5) copies and an electronic copy (PDF) of all documents and drawings at time of submittal of the application and all of its attachments at a minimum, however more copies could be required if early referrals are necessary. After submittal, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter). The letter will state the submittal deficiencies, Department comments and or questions about the application, which must be addressed by the applicant. In addition the letter will note the number of revised application packets that must be supplied to the Department in order to place the application on an agenda of the Commission and provide to the agencies for which notification will be required.

Attachments can be made to this application to provide expanded narrative for any application item including supportive documentation or evidence for provided application item answers. Please indicate at the application item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (*as an example, the first attached document providing evidence in support of the answer given at application item number 22 would be marked - Exhibit 22.1, the fifth attached document supporting the narrative provided for application item 22 would be marked - Exhibit 22.5*).

An application fee set by the Fremont County Board of County Commissioners (Board) shall accompany this application.

An additional full application fee will be charged to the applicant, as per resolution approved by the Board, if all deficiencies as per the initial D & C Letter are not adequately addressed or provided. Each subsequent D & C Letter, based on resubmitted items, will result in another full application fee. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

If the application is approved by the Board with contingencies and the contingencies cannot be met within the specified time frame (*18 months*), an additional fee will be charged, as per resolution approved by the Board, to the applicant for each request for extension of the contingency deadline. All such fees shall be paid along with a written request, explaining the need for extension, prior to being placed on a Board meeting agenda for consideration of the request. Said request for extension must be made prior to expiration of the specified time frame.

All Preliminary Plan Applications will be referred to several departments, agencies and entities which will be allotted twenty-one (21) days to provide a written response to the notice of the Application, to include any specific recommendations regarding the application. A failure to respond or request an extension of time for review of the Application within the twenty-one (21) day time frame will be considered to intend agreement with the Application as presented.

There are additional fees, which must be paid by the applicant, for review by the Colorado Geological Survey (fee to be determined by the CGS), and by the Colorado State Forest Service (\$75 flat fee). Referrals of all preliminary plans to the Colorado Geological Survey and to the Colorado State Forest Service are required by Colorado Revised Statutes. Proof of payment of these fees will be required prior to scheduling of the Preliminary Plan Application on the agenda of the Board.

The Department, The Commission and/or The Board may require additional information at any time during the application process as may be deemed necessary in order to review the application adequately,

to determine if the application is in compliance with all applicable regulations and to make an informed decision with regard to recommendations, approval or disapproval of the application.

For specific regulatory requirements and regulations the applicant should refer to the appropriate sections of the Fremont County Subdivision Regulations (FCSR) and the Fremont County Zoning Resolution (FCZR). In addition consideration shall be given to the Fremont County Master Plan (FCMP), as the Department will consider it in the review of Preliminary Plan applications which could result in the need for additional information from the applicant.

For further reference the Fremont County Zoning Resolution may be viewed on the Internet at <http://www.fremontco.com/planningandzoning/zoningresolution.pdf> and the Fremont County Subdivision Regulations may be viewed on the Internet at <http://www.fremontco.com/planningandzoning/forms/subdivisionregulations.pdf>

5. Has the subject property been previously platted or otherwise subdivided? Yes --- No If yes, please explain the circumstances. Mistry Subdivision Rec No. 663446 was recorded May 7, 1997.
6. Does the subject property contain portions of platted lots? Yes, --- No If answered yes, please explain the circumstances. _____
7. What is the total acreage of the subject property? 33.65 acres
8. What is the total number of proposed lots? Seven lots
9. What is the proposed total density of the proposed subdivision? 0.21 units per one (1) acre
Other; Please explain Each lot will be no less than 4.5 acres.
10. A copy of the current recorded deed of record shall be attached and appropriately marked as Exhibit 10.1, along with the following: Book: _____ Page: _____ Reception Number: 760247 and 760249 Date of Recording: 12/27/2002 An exhibit has been attached.
11. Was a Sketch Plan required for this application? Yes --- No If yes, what is the name, date of approval, Department file number?
Name: _____ Date: _____ File #: _____
In addition, a list of all Sketch Plan contingency items shall be attached to this application and appropriately marked as Exhibit 11.1. An exhibit has been attached.
12. Is this Preliminary Plan proposed to be developed in phases? Yes --- No If yes, how many phases does the Preliminary Plan consist of and what is the time frame for development of each phase? Number of phases: _____ Time frame for development of each phase: _____
13. Does this Preliminary Plan contain multiple land uses? Yes --- No If yes, how many and what types of land use are proposed? Number of land uses: _____ Types of land uses _____

proposed: Agricultural: _____ Single Family: _____ Multi-family: _____ Business: _____
Industrial: _____

(NOTE: If yes is answered to either or both 12 or 13 above, then a recommendation from the Commission and approval by the Board of a Sketch Plan is required prior to the submittal of a Preliminary Plan.)

14. What is the current land use of the subject property? Agricultural and residential
This current land use of the subject property is conforming -- non-conforming with the current zone district requirements. Please explain: _____

If the current use is a non-conforming use and proposed to remain on the subject property, an application for such shall be filed with the Department and a copy shall be attached to this application as Exhibit 14.1. *It should be noted that if this use is determined not to be a non-conforming use, said use shall be removed from the subject property.* An exhibit has been attached.

15. What is the proposed land use of the subject property? Residential
This proposed land use of the subject property will be conforming -- non-conforming with the current or proposed zone district requirements. Please explain: _____

16. What is the existing zoning of the property? Agricultural Rural

17. What is the proposed zoning of the property? Agricultural Rural

18. Does the property contain any existing structures that will remain on the property after subdivision?
 Yes --- No If yes, the proposed lot(s) housing the existing structures must comply with the development requirements of the proposed zone district regarding the structures; please provide all setback dimensions for each structure from the proposed lot lines and the percentage of the lot coverage for each lot which will continue to house an existing structure: _____

The setback for the structure closest to proposed lot line is follows: North lot line: 23' to hay barn; West lot line: 257' to metal barn; South lot line: 88' to south house; East lot line: 70' to south house. All other structures have greater setbacks than those stated herein.

19. Will all proposed lots conform to the minimum "Development Requirements" of the proposed zone district? (ie. size, width, etc.) Yes --- No If no, a list of requirements and specific regulation citations proposed not to be met shall be provided with an explanation why the requirements are not proposed to be met: _____

20. Does each proposed lot have an adequate building site, taking into consideration setback and lot coverage requirements for the proposed zone district, building restriction lines, flood plains and or

other natural features, and existing and proposed easements? Yes -- No If answered no, how is the lot to be used? _____

21. All easements of record on involved properties shall be shown on the preliminary plan drawing and labeled or noted as to use, recording information, location and size through appropriate survey information. Please answer the following questions and provide a brief description of each easement noted.

a. Do the properties involved in this application have easements of record as per the submitted title commitment? Yes --- No If answered yes, please identify each easement along with recording information and describe which properties it affects and how they are affected. Reception No.663446 affects Lots 4 and 5. The easement is a standard perimeter utility easement.

b. Do the properties involved in this application have easements not of record? Yes --- No If answered yes, please identify each easement along with identification of which properties are affected and how they are affected. _____

c. Are any easements proposed to be vacated by this application? Yes --- No If answered yes, please identify the easement and provide a statement as to why a vacation of the easement is necessary. Also provide a statement as to whether or not the easement currently contains improvements. The county easement for 2nd Street was vacated by the county subsequent to the pre-application meeting. The county vacation statement was provided in 9 16 21 Pre App Mtg Summary Mistry Subdivision F12 Issued v3. No improvements exist.

d. Are any easements proposed to be relocated by this application? Yes --- No If answered yes, please identify the easement and provide an explanation as to why relocation is necessary. _____

e. Are any new easements proposed by this application? Yes --- No If answered yes, please identify the easement and provide a description of the easement. An ingress/egress and utility easement is proposed across Lot 2 to accommodate Lot 1.

f. Do any existing easements contain improvements? Yes --- No If answered yes, please identify the easement and describe the improvements The easement in Item 21e includes the existing driveway and utilities to the existing structures in Lot 1.

22. Have at a minimum, six (6) copies of a preliminary plan general design map, **professionally drawn**, as stipulated by the FCSR Section VI., A. and B., been submitted with this application? Yes --- No If all such requirements are not proposed to be met then, a list of requested waivers, specifically citing the requirements for which waivers are being requested and justification for each requested waiver shall be attached hereto and marked appropriately as Exhibit 22.1. An

exhibit has been attached. At a minimum, the following shall be provided (*the Department, Commission or Board can require additional information*):

- a. Drawing sheet size shall be twenty-four (24) inches by thirty-six (36) inches, also copies of the drawing reduced in size to eight and one-half (8½) inches by eleven (11) inches or eleven (11) inches by seventeen (17) inches.
- b. The scale of the drawing shall be consistent and of adequate size to enable all information to be easily interpreted and read.
- c. Multiple sheets shall contain a key map showing the relationship of the individual sheets to each other. (*More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification*).
- d. Appropriate title - proposed subdivision name. *No subdivision, street, or road in the county shall bear the same name or substantially similar name as another subdivision, street, or road unless adjoining and using consecutive filing numbers. The Department shall have the authority to require applicant to change the proposed name if such name is substantially similar to the name of an existing subdivision, street, or road in the County.*
- e. Appropriate Sub-Title shall contain one of the following: A portion of the (*aliquot description*) Section, Township, Range, Fremont County, Colorado or A Vacation and Re-plat of (*Lot(s), Block(s) of [Name of Subdivision]*), Fremont County, Colorado, as appropriate, dependent on whether or not the property being subdivided is un-platted or platted property.
- f. The total acreage contained within the subdivision being platted.
- g. The acreage and / or square footage for each proposed lot.
- h. Name and address of the person, firm or organization preparing the drawing.
- i. The date of preparation of the drawing and all revision dates to the submitted drawing.
- j. A north arrow.
- k. A written and graphic scale.
- l. A vicinity map locating the proposed subdivision in relation to the surrounding area, streets and major natural features (*such as rivers, mountain peaks, cliffs, etcetera*).
- m. The proposed lot layout, including lot numbers, the total number of lots proposed, bearings and dimensions.
- n. The length and bearings for the exterior boundary lines of the proposed subdivision.
- o. Any proposed phasing shall be indicated by location and number of phases.
- p. The location, width, and name of all streets. *No roadway in the County shall bear the same or similar name to another roadway unless one roadway feeds to the other roadway with the similar name.*
- q. The location, width, length and identification label for all other public ways, easements and rights-of-way that traverse or adjoin the subject property.

- r. The acreage and lineal footage proposed to be devoted to roadways.
 - s. The location and an identification label for all section lines that traverse the subject property.
 - t. The location and an identification label for all Municipal and County boundaries adjacent to, or within the subject property.
 - u. The location and an identification label for all district boundaries, including but not limited to, sewer, water, school, recreation, conservation and fire or a note on the drawing indicating that the proposed subdivision lies entirely within certain districts.
 - v. The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade. In cases of predominantly level topography throughout a subdivision, one (1) foot interval contours are required.
 - w. The name of adjacent subdivisions.
 - x. The name of adjacent property owners.
 - y. The current and proposed zoning of the subject property.
 - z. The existing zoning for all adjacent properties.
 - aa. The location and size, by dimension, and an identification label of all existing structures to remain on the property after subdivision.
 - bb. The location of all existing sewer lines, water lines, public utilities, live streams, existing water bodies, water courses, drainage ditches, septic systems, natural features, and all structures.
 - cc. All legally described easements in the title insurance commitment or policy shall be located, or if not applicable, a written statement to that effect shall be provided.
 - dd. Sites to be reserved or dedicated for parks, playgrounds, schools or other public uses, other than easements shall be shown as outlots and shall be labeled with a statement as to the designated use.
 - ee. The total number of proposed off-street parking spaces, excluding those associated with single-family residential development.
 - ff. The total number of proposed lots shall be noted, including lot numbers per phase, if applicable.
 - gg. The overall densities shall be noted.
23. Has a copy of the proposed Preliminary Plan drawing been attached indicating dimension, the size and location (*dimensions from a minimum of two property lines*) of all improvements (*ie. roadways, driveways, sewer lines, water lines, wells, septic systems, irrigation ditches, buildings, structures, public utilities, etcetera*), natural physical features (*ie. bluffs, debris fans, watercourses, live streams, dry gulches, drainages, fault lines, soil type boundaries, etcetera*), and easements (*all easements and right-of-ways*) been attached to this submittal, marked as exhibit 23.1? (*more than one copy may be used*) Yes --- No
24. The following reports and maps, as required by the Fremont County Subdivision Regulations, Section VI., D. through S. (*the regulations are specific as to sizes and numbers of copies to be provided with the initial application*) shall accompany this application at the time of submittal.

(Whenever possible these reports and maps shall be packaged together as a "Preliminary Plan Report").

- a. Onsite Wastewater Treatment Systems Map and Report (by a Colorado Registered Professional Engineer) or a Public Sanitary Sewer System Report.
 - b. Water Resources Report for Individual Water Systems (individual wells) or a Water Resources Report for a Public Water Supply System. In addition, Fremont County's Colorado Division of Water Resources Information Form for Subdivisions shall be completed and attached, marked as Exhibit 24b.1. An exhibit has been attached.
 - c. A Drainage Map and Drainage Report prepared, signed and sealed by a Colorado Registered Professional Engineer.
 - d. An Erosion Control Map and Report prepared by an expert familiar with local erosion and sedimentation hazards and the soils in Fremont County.
 - e. A Geologic Hazard Map and Report prepared, signed and sealed by a Colorado Registered Professional Engineer or Professional Geologist.
 - f. A Geologic Resource Report prepared, signed and sealed by a Colorado Registered Professional Engineer or Professional Geologist.
 - g. A Potential Mineral Resource Areas Map and Report prepared, signed and sealed by a Colorado Registered Professional Engineer or Professional Geologist.
 - h. A Wildfire Hazard Map and Report.
 - i. A Wildlife Habitat Map and Report based on information from the Colorado Division of Wildlife.
 - j. A Soils Boundary Map and Report as shown on "Soil Survey of Fremont County Area, Colorado" as prepared by the U.S.D.A. Natural Resources Conservation Service.
 - k. A Drainage Features, Streams, Watercourses, Lakes, Topography and Vegetation Report.
 - l. A Potential Radiation Hazard Report.
 - m. A Fire Protection Map and Report. **If the subdivision is located within a fire protection district, use the Fremont County Fire Protection Plan Form.**
 - n. Roadway Impact Analysis Report. **Use Fremont County Roadway Impact Analysis Form.**
25. Is this application for a condominium or townhouse plat? Yes --- No If yes, then the condominium or townhouse application addendum, in accordance with the FCSR Section VI., S., shall be attached hereto and marked as Exhibit 25.1. An exhibit has been attached.
26. Have three copies of a title commitment with an effective date within thirty (30) days of the application submittal date, for each property involved in this application been attached to this application, marked as exhibit 26.1? Yes --- No

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27. Are there proposed covenants, grants of easements or restrictions to be imposed upon the use of land, buildings and structures in the proposed subdivision? Yes --- No If yes, the same shall be attached and appropriately marked as Exhibit 27.1. An exhibit has been attached.
28. Does the proposed subdivision of the subject property include any proposals for open space or common elements to be owned jointly by the future owners of the properties created by the proposed subdivision? Yes --- No If yes, a statement as to the function, ownership and maintenance of such properties shall be attached and marked as Exhibit 28.1. An exhibit has been attached.
29. Does the proposed subdivision of the subject property include any proposals for open space or other properties reserved or dedicated for public use? Yes --- No If yes, a statement as to the function, ownership and manner of maintenance of such properties shall be attached and marked as Exhibit 29.1. An exhibit has been attached.
30. Have three copies of an estimated construction cost of all required improvements (*such as streets, signs, utilities, and drainage structures, etcetera*) and a statement as to the proposed method of financing for the cost of construction been attached and marked as an Exhibit 30.1? Yes --- No
31. Is the applicant aware of the FCSR Section X., B., which allows at the Board's option and at the Developer's expense, the County to retain an independent engineering firm to review improvement plans, assure compliance in design with applicable regulations and site circumstances and conduct any necessary field investigations and inspections? Yes --- No
32. Is the applicant aware of the FCSR Section X., C., which requires the Developer to submit a written statement and or map which specifically designates the County Roads that will be traveled by the contractor, subcontractor and or independent contractor vehicles and heavy equipment during construction of improvements, prior to commencement of such construction? Yes --- No Representatives of the Board will inspect the proposed route(s) prior to the commencement of construction and post construction to determine damage to the public roadway system during the improvement construction period. The Developer will be responsible monetarily for any roadway damage that occurs during the improvement construction period.
33. Will the property require access from a State or Federal Highway? Yes --- No If yes, a copy of a Colorado Department of Transportation (CDOT) for an Access Permit Application will be required to be attached and marked as Exhibit 33.1. An exhibit has been attached. **NOTE:** *A copy of an approved CDOT Access Permit will be required prior to recording of a final plat.*
34. Does each lot in the proposed subdivision have direct access to a County right-of-way? Yes ---- No If yes, what is the name and or number of the right-of-way? L Street, 3rd Street and Margarita Way If no, provide a copy of a recorded easement document that provides access, adequate for the intended use, from a county right-of-way to the subject property marked as Exhibit 34.1. An exhibit has been attached. **NOTE:** *A Fremont County Driveway Access Permit will be required for any new or improved driveway access to County rights-of-way.*
35. Has a list of all property owners whose property lies within five-hundred (500) feet of the subject property boundary, said list to include names, mailing addresses and Assessor Parcel Numbers of each such owner, been attached and marked as Exhibit 35.1? Yes --- No **NOTE:** *This exhibit shall also contain an exact copy of the information packet to be sent to the listed parties. This required notice shall be mailed by the applicant, certified mail – return receipt requested, to all*

such owners, a minimum of fourteen (14) days prior to the Commission Meeting at which this Preliminary Plan Application is anticipated to be heard. It should be further noted that the Commission and or Board could require additional notifications.

36. Based on the real estate records of the county, which include the records of the County Assessor, and "requests for notification" filed by a mineral estate owner in the records of the County Clerk and Recorder, have the mineral interests of the subject property been severed?

Yes --- No If yes, name of mineral interest owner _____

As per the FCSR Section VI., V., 2., a notice of the proposed subdivision shall be sent (certified mail return receipt requested) to the severed mineral interest owner(s) not less than thirty (30) days before the date of the Commission meeting at which the application is anticipated to be heard. See Subdivision - Mineral Interest Owner Notification Form. Evidence of said notice and mail receipt shall be attached to this application, marked as Exhibit 36.1. An exhibit has been attached.

37. Is the applicant aware of the FCSR Section VI., V., 3., which requires that a public notice be published in a newspaper of general circulation within the County a minimum of fourteen (14) days prior to the Commission and Board Meetings at which the Preliminary Plan Application is to be heard and that said notice shall be published at the applicants expense? Yes --- No **NOTE:** The Department will prepare the public notice for publication and deliver the same to the newspaper, but the applicant must pay the publication fee and provide an affidavit of publication to the Department prior to each such meeting.

38. Have all design standards of the FCSR Appendix 1 and 2 been met by this proposal? Yes -----
 No If no, a list of requested waivers shall be attached, marked as Exhibit 38.1, specifically citing the design standards from Appendix 1 and 2, which waivers are being requested of and the proposals made by this application and why they are requested. An exhibit has been attached.

39. A submittal fee of \$ 2475⁰⁰ is attached Check # 19 246 Cash _____


By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

Hoshedar Mistry
Applicant Printed Name


Signature

February 7, 2022
Date

Hoshedar Mistry
Owner Printed Name


Signature

February 7, 2022
Date