



## Mineral Right Notification How To - Planning Applications

Use this document for guidance on mineral right notification if required for your application type.

### Overview

Colorado Revised Statutes (C.R.S.) 24-65.5-101 et. seq. require an applicant for development to notify all owners and lessees of mineral interests on the subject property of a pending application for development. To comply with this requirement, an applicant must complete the following:

- Send initial notice via Certified Mail to the mineral rights owners and lessees as well as the Planning Department at least 30 days prior to the initial public hearing or final decision.
- If required, send additional notice to
- Submit the mineral right owner notification affidavit no later than eight days prior to the required public hearing or final decision.
- If there are no mineral interests, submit a completed notarized affidavit to the Planning Department.

### Glossary of Terms

**Minerals:** Anything below the surface, such as oil, natural gas, coal, clay, silver, gold, copper, salt, sand and gravel, or any other material below the surface.

**Mineral Rights:** Ownership right to minerals under the surface of a piece of land. The right can be sold or leased.

**Surface Rights:** Ownership rights that are limited to the surface of the property and that do not include the minerals below the surface.

**Mineral Rights Lease:** A person or entity who has entered into a lease with the mineral rights owner to explore for, develop, and produce the leased minerals.

### Locating Mineral Rights Owners

Determining mineral rights owners involves examining ownership records and deeds. To find who owns the mineral rights under your land, consider the following options:

- Research the ownership on your own through the Assessor's Office and Clerk and Recorder's Office.
- Contact a law office or a title company to perform the research for you.

## **Frequently Asked Questions**

### **What type of applications do these notice requirements apply to?**

Mineral right owner notification is required for the following application types:

Zoning Map Amendments, Conceptual Development Plans, Development Plans-Public Hearing, Planned Unit Developments, TND Regulating Plans, Conditional Uses, and Preliminary Plats.

### **How do I find the mineral rights owners?**

To find the owners and lessees of the mineral interests on the subject property, you can do your own research the public records database available in the Clerk and Recorder's Office and the Assessor's Office, or you can hire an attorney or title company to do the research.

**Research On Your Own:** Mineral interest ownership records are located in the Assessor's Office (basement level of the Historic Courthouse, 522 Lincoln Avenue, between 5th and 6th Street, Steamboat Springs, CO). To begin your search, you will need the legal description of the subject property. Research the names and percent of interest for all mineral owners for the subject property. Owner addresses can be obtained from tax records available using the Assessor's Property Search on the Routt County website or the Assessor's guest computer. Copies of deeds can be obtained from the Clerk and Recorder's Office (first floor of the Historic Courthouse) or the Public Records search on the Routt County website (account required).

**Contact an Attorney or Title Company:** A law office that specializes in land and/or a title company may be able to assist you. You will need to provide a legal description and current deed to the subject property.

### **How do I notify the mineral rights owners?**

The C.R.S. requires that notice of the hearing be sent via Certified Mail to the mineral owners and lessees and local government (Steamboat Springs Planning Department) by certified mail, return receipt requested, or by a nationally recognized overnight courier, no less than 30 days prior to the initial hearing date. The notice must contain the time and place of the hearing, the nature of the hearing, the location and legal description of the property, and the name of the applicant. For applications that do not require a hearing, the notice should include the date a decision will be made by the Planning Department.

Per Section 703 of the CDC, an initial notice may be sent that contains a statement indicating additional notice will be provided when public hearing or final decision dates have been scheduled. Such initial notice shall be sent no less than 30 days prior to the public hearing or

decision date. The typical surrounding property owner notification may be used as the additional notice indicating the public hearing date.

**What affidavit do I submit to the Planning Department?**

A Mineral Right Owner Notification Affidavit must be signed by the applicant, notarized, and submitted to the Planning Department if there are no severed mineral rights or prior to the initial hearing date. Failure to do so will result in the hearing being rescheduled to a later date. The affidavit can be downloaded from the City of Steamboat Springs website.