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ARTICLE VI

SUBDIVISION REGULATIONS

DIVISION 1 SUBDIVISION REQUIREMENTS AND EXEMPTIONS

Section 6-100 County Approval of Subdivision Required.

- A. Approval Required. Unless otherwise exempted by Section 6-101 of this Article, every Division¹ of property within unincorporated areas of Park County requires prior County approval of a subdivision plat in accordance with these Land Use Regulations and this Article VI.
- B. Application of Regulations to Creation of Easements. The provisions of this Article VI and, in particular, Section 6-100A shall apply to the creation or reservation of an Easement² except an Easement for which the sole purpose is for one or more of the following and which easement expressly prohibits the construction, erection, or installation of any building or structure:
1. Creation or reservation of a right-of-way for a private road, street, or driveway meeting the design standards of Appendix D;
 2. Creation or reservation of temporary construction easements with a term not to exceed three (3) years;
 3. Preservation of scenic views;
 4. Creation or reservation of hunting, fishing, or wildlife habitat without right to construct improvements, buildings, or structures;
 5. Creation or reservation of areas for the flow and direction of surface waters;
 6. Creation or reservation of corridors and areas for Minor Utility Facilities as defined by Article IV;
 7. Creation or reservation of "conservation easement in gross" as defined by C.R.S. §38-30.5-102;
 8. Creation or reservation of a "solar easement" as defined by C.R.S. §38-32.5-100.3.
- C. Unlawful Division of Property. Except as may be expressly permitted by Section 6-101, it shall be unlawful for any person to divide any Interest in property subject to these Land Use Regulations except where such Division is first approved by Park County in accordance with these Land Use Regulations and, in particular, the Subdivision Regulations of this Article VI.

Section 6-101 Exemptions From County Subdivision.

IMPORTANT NOTE CONCERNING 35-ACRE LOT EXEMPTION: Although Owners may lawfully create Lots of thirty five (35) acres or larger without County subdivision approval, such Lots are subject to all regulations governing the use of property in Park County, including but not limited to, restrictions imposed by the applicable zone district classification (uses, setbacks, building heights, etc.), road and street standards, preservation of natural areas, and building permit requirements. The exemption from County

¹ See Definitions, Article IV, "Division"

² See Definitions, Article IV, "Easement"

subdivision approval is not an exemption from County regulation of the property's use and County development requirements.

IMPORTANT NOTE CONCERNING LOT CONSOLIDATION EXEMPTION: Park County provides to Owners a voluntary and administrative procedure (no hearings, notice, or meetings required) to assist Owners in the consolidation of legally recognized Lots. This voluntary procedure can be found at Division 9 of this Article VI. This voluntary procedure ensures that the Owner properly conforms to the requirements of the Lot Consolidation Exemption and records a properly executed plat map. The plat map enables the County to recognize the legality of the Consolidated Lot and facilitates County approval of building permits. Owners are encouraged to take advantage of the County Lot Consolidation Procedure found at Division 9 of this Article VI of these Land Use Regulations.

- A. Purpose. Certain divisions of land are exempt from the subdivision regulations if the division is not defined as a subdivision by 30-28-101, C.R.S., or if the Board of County Commissioners determines that such a division is not within the purposes of the subdivision statute, Section 30-28-133, C.R.S., *et seq.*, or the subdivision regulations of this Land Use Code. Although exempt from the subdivision regulations, uses of land on parcels of land created through subdivision exemption are subject to other County regulations.

- B. Types of Subdivision Exemptions. The Board of County Commissioners has established the following types of subdivision exemptions.
 - 1. Statutory Exemptions. The divisions of interests in land to which the term "subdivision" and "subdivided land" does not apply pursuant to Section 30-28-101 (10) (b) (c) and (d), C.R.S. are statutory exemptions. Easements and rights-of-way shall not be considered interests for the purposes of this Section 6-101.
 - a. Large-lot land divisions.
 - i All tracts of land thirty-five (35) acres or greater in size created after January 1, 1973 and which are not part of a recorded subdivision are considered to be parcels created by exemption, pursuant to 30-28-101 (10) (b), C.R.S.
 - ii Any division of land which creates parcels of land comprising thirty-five or more acres of land and none of which is intended for use by multiple owners.
 - b. Any division of land created by the court pursuant to the procedure set forth in Section 30-28-101 (10) (d), C.R.S. if the Board of County Commissioners has been given the notice and opportunity to join as a party of interest in the proceeding for the purpose of raising the issue of an intent to evade the statutory requirements for subdivision of land.
 - c. Any division of land which is created by a lien, mortgage, deed of trust, or any other security instrument.
 - d. Any division of land which is created by a security or unit of interest in any investment trust regulated under state law or any other interest in an investment entity.
 - e. Any division of land which creates cemetery lots.
 - f. Any division of land which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property.

- g. Any division of land 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. Any such interest shall be deemed as only one interest for purposes of satisfying the requirements of this Section 6-101.
- h. Any combination of contiguous parcels of land into one larger parcel which meets the following conditions.
 - i. If the resulting parcel is less than thirty-five acres in land area, only one interest in the land is allowed.
 - ii. If the resulting parcel is thirty-five (35) acres or greater in land area, the land area divided by the number of interests in the resulting parcel equals thirty-five (35) or more acres per interest
 - iii. Consolidation of contiguous parcels or lot mergers initiated by the County shall comply with the statutory requirements of 30-28-139, C.R.S.

2. Boundary Line Adjustments. Revisions to boundary lines of metes and bounds parcels as described in Article 6, Section 6-1300 through 6-1306 are subdivision exemptions.

C. Exemption for Certain Undocumented Subdivisions Created Prior to November 1, 2002 (Date that zoning verification policy was implemented by Park County).

Purpose. The purpose of this subsection is to resolve the dilemma of innocent citizens who have unknowingly acquired parcels, which were previously created without proper County approval and are therefore considered unlawful.

- 1. Parcels created without proper approval prior to November 1, 2002 may be considered legally buildable by an administrative decision of the Planning Director and are subject to all applicable development requirements of these Land Use Regulations and the Environmental Health Department's ISDS regulations. This administrative decision may be appealed to the Board of County Commissioners in accordance with Article III, Division of these Land Use Regulations. In hearing such an appeal, the Board shall also consider a recommendation from the Planning Commission.
- 2. Parcels created without proper approval on or after November 1, 2002 must be rendered legal by court order before any development permits can be issued for them or any variances, rezonings, or subdivision procedure applications can be accepted. Parcels rendered legal by court order will also be subject to all applicable development requirements of these Land Use Regulations and the Environmental Health Department's ISDS regulations.
- 3. The Division of Water Resources shall have sole authority over the issuance of well permits for both situations mentioned above.

DIVISION 2

SUBDIVISION APPLICATIONS AND PROCEDURES

Section 6-200

General Subdivision Information.

- A. Subdivision Applications. Park County regulates the subdivision of property through several different types of subdivision applications. These applications are each described in the specified Divisions of this Article VI shown below. Owners are encouraged to review the descriptions of the subdivision applications and consult with the Park County Planning Department in determining which application is necessary to complete their proposed subdivision.

<u>Type of Subdivision Application</u>	<u>Application Described In:</u>
Minor Subdivision	Division 3 of this Article VI
Major Subdivision	Division 4 of this Article VI
Common Plat Amendment	Division 5 of this Article VI
Administrative Plat Amendment	Division 6 of this Article VI
Survey Correction Plat	Division 7 of this Article VI
Lot Consolidation	Division 9 of this Article VI
Right-of-Way Vacation	Division 10 of this Article VI
Right-of-way Dedication	Division 11 of this Article VI
Grant of License within a Right-of-way	Division 12 of this Article VI
Boundary Line Adjustment	Division 13 of this Article VI

- B. Application Contents. Each Subdivision Application requires that the Owner submit different information to permit the County's review of the application. The particular contents of an application for each Subdivision Application are set forth in each of the Divisions identified above.

- C. Standard Subdivision Procedures. For each Subdivision Application, certain procedures or steps are applicable. The particular procedures applicable to a subdivision application are specified in the following Subdivision Procedure Table. Following the Subdivision Procedure Table, each of the steps is described in detail.

TABLE 6-200 – Subdivision Procedures

R = Required C = Courtesy D = County Discretion
Optional = Applicant's Request N/A = Not Applicable or None

	Pre-App Meeting Section 6-201	Application Content Required	Staff Application Completeness Determination Section 6-202	Referral Agencies Section 6-203	Notice of Planning Commission Action Section 6-206	Planning Commission Action Section 6-206	Notice of BOCC Action Section 6-206	BOCC Action Section 6-206	Document Recordation Section 6-207
Minor Subdivision	Required	Section 6-301	Required	Local Agencies, Others at County Discretion	R-Publication R-Mailing R-Agency R-Posting	Public Hearing	R-Publication R-Mailing R-Agency R-Posting	Public Hearing	BOCC Resolution, Minor Plat, SIA
Major Subdivision: Sketch Plan	Required	Section 6-403	Required	All Agencies	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	BOCC Resolution w/ Plan
Major Subdivision: Preliminary Plan	Required	Section 6-404	Required	All Agencies	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	BOCC Resolution w/ Plan
Major Subdivision: Final Plat	Required	Section 6-405	Required	All Agencies	R-Publication R-Mailing R-Posting R-Agency	Public Hearing	R-Publication R-Mailing R-Posting R-Agency	Public Hearing	BOCC Resolution, Final Plat, SIA
Common Plat Amendment	Required	Section 6-503	Required	Local Agencies	R- Publication R-Mailing R- Posting R-Agency	Public Hearing	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	Amended Plat/SIA
Administrative Plat Amendment	Required	Section 6-604	Required	County Discretion	None	None	None	None	Amended Plat

TABLE 6-200 – Subdivision Procedures (CONTINUED)

R = Required C = Courtesy D = County Discretion
Optional = Applicant's Request N/A = Not Applicable or None

	Pre-App Meeting Section 6-201	Application Content Required	Staff Application Completeness Determination Section 6-202	Referral Agencies Section 6-203	Notice of Planning Commission Action Section 6-205	Planning Commission Action Section 6-207	Notice of BOCC Action Section 6-205	BOCC Action Section 6-207	Plat/ Document Recordation Section 6-208
Survey Correction Plat	Required	Section 6-703	Required	County Discretion	N/A	N/A	N/A	N/A	Survey Correction Plat
Lot Consolidation	Optional	Section 6-903	Required	County Discretion	N/A	N/A	N/A	N/A	Consolidation Plat
Right-of-Way Vacation	Required	Section 6-1003	Required	County Discretion	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	R-Publication R-Mailing R-Posting R-Agency	Public Hearing	Vacation Resolution and Plat
R.O.W. Dedication not Pursuant to Subdivision	Required	Section 6-1101 B	Required	County Discretion	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	R-Publication R-Mailing R-Posting R-Agency	Public Hearing	R.O.W. Dedication Plat
Grant Of License Within R.O.W.	Required	Section 6-1202	Required	County Discretion	None	None	R-Publication R-Mailing R-Posting R-Agency	Public Hearing	Easement With Survey
Boundary Line Adjustment (B.L.A.)	Required	Section 6-1303	Required	County Discretion	None	None	None	None	B.L.A. Plat

Section 6-201 Pre-Application Meeting.

Where an application requires a pre-application meeting in accordance with the Subdivision Procedures Table 6-200, the following process shall apply:

- A. Applicant to Contact. Prior to the formal submission of the application, the Applicant shall contact the Planning Department to schedule and request an informal meeting with the Planning Director or staff member assigned to the case by the Planning Director.
- B. Attendance Required. The Applicant, or their authorized representative, shall attend the meeting at the designated date and time; if the representative attends, he/she must provide evidence of their authorization to represent the applicant. The Applicant shall be prepared to discuss the proposed application and the proposed development with the Planning Director or designee. The Applicant shall be encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to permit the conceptual review of the proposed application.
- C. Purpose of Meeting. The purpose of the pre-application meeting shall be to assist the Applicant in understanding the County's subdivision processes and to permit the Planning Director or designee to determine the applicable process and regulations for the proposed application. Upon request of the Applicant, the Planning Director or designee shall provide to the Applicant a written determination concerning the appropriate procedure for the processing of the Applicant's proposed application.
- D. Meeting Required – Effect. Where a pre-application meeting is required by the Subdivision Procedures Table 6-200, no application shall be accepted or processed by the County unless and until the pre-application meeting is held.

Section 6-202 Completeness Determination.

Where an application requires a completeness determination in accordance with the Subdivision Procedures Table 6-200, the following process shall apply:

- A. Delivery of Application. Applicants shall deliver applications for subdivision approval to the Planning Department. Applications shall be delivered together with all accompanying documentation specified by these Land Use Regulations; piecemeal delivery of applications and accompanying documentation shall not be accepted. All applications, plans, reports, maps and other information must be complete, collated and legible. With the Board of County Commissioners approval, the Director or designee may establish one or more dates during a calendar month upon which applications will be accepted.
- B. Director's Completeness Review. Within thirty (30) days following acceptance of an application by the Planning Department, the Planning Director or designee shall administratively review the application and determine whether the application complies with the applicable application content requirements of these Regulations. A determination that an application is complete shall not constitute a determination that it complies with the substantive standards of these Land Use Regulations or of other local, state, or federal laws of regulations, nor shall it preclude the County from later finding that the application must be supplemented.
- C. Complete Applications. In the event that the Planning Director or designee determines that the application complies with the applicable content requirements, the Planning Director or designee shall schedule the application for administrative review or presentation to the planning commission in accordance with the Subdivision Procedures Table 6-200.
- D. Incomplete Applications. In the event the Planning Director or designee determines that the application is incomplete, the Planning Director or designee shall inform the Applicant in writing of

the deficiencies in the application. No further processing of an incomplete application shall be undertaken until the Planning Director or designee determines that the Applicant has remedied the application's deficiencies. At the Planning Director or designee's discretion, applications that are not diligently supplemented and found complete within ninety (90) days of the date of the Director or designee's initial written finding of incompleteness may be deemed withdrawn and the incomplete application may be destroyed and application submittal fees returned to the applicant. Re-application shall require a completely new application and the payment of all applicable fees and charges.

Section 6-203 Agency Referrals

Where an application requires agency referral in accordance with the Subdivision Procedures Table 6-200, the following process shall apply:

- A. For purposes of any required agency referral as required by the Subdivision Procedures Table, the phrase "County Discretion" shall mean that there is no mandatory referral requirement but, at the Planning Director's, Planning Commission's, or Board of County Commissioners discretion, the County may require that the application be submitted to any one or more of the agencies listed in (B) or (C) below where such referral would enable the referral agency or agencies to comment upon issues raised by the application.
- B. For purposes of any required agency referral as required by the Subdivision Procedures Table, the phrase "Local Agencies" shall include:
 - 1. All Park County offices deemed necessary by the Planning Director or designee, including but not limited to the Road & Bridge, Environmental Health, and Assessors' departments, the Historic Preservation Advisory Commission, the Advisory Board on the Environment, the Sheriff, and the County Attorney;
 - 2. Appropriate Fire and Emergency Services District(s);
 - 3. Appropriate School District;
 - 4. Any utility companies, ditch companies, and municipalities that are known to provide services to the property;
 - 5. Any municipalities within two (2) miles of the proposed subdivision; and
 - 6. Any other local, regional, state, or federal agencies, special districts, or other units of government that may be deemed by the Planning Director or designee as specially affected or interested, including but not limited to agencies identified to in (C) below;
 - 7. At the County's discretion, the application shall be submitted to outside consultants, engineers, attorneys, or other specialists for opinions on any aspect of the proposed subdivision at the applicant's expense.
- C. For purposes of any required agency referral as required by the Subdivision Procedures Table, the phrase "All Agencies" shall include:
 - 1. All Local Agencies provided in (B) above;
 - 2. When applicable, the County, district or regional department of health, or the state department of public health and environment, for 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 public health and environment, or County, district or regional health department to which the plan is referred may require the applicant to submit additional engineering or geological reports or data and to conduct a study of the economic feasibility of a sewage treatment works prior to making its recommendations. No preliminary plan for a Major Subdivision shall receive the approval of the Board of County Commissioners unless the department of public health and environment or county, district, or regional health department to which the plan is referred has made a favorable recommendation regarding the proposed method of sewage disposal.³

3. The State Engineer for an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed subdivision and adequacy of proposed water supply to meet requirements of the proposed subdivision. If the state engineer finds such injury or finds inadequacy, the Engineer shall express such finding in an opinion in writing to the Board of County Commissioners, stating the reason for his finding, including, but not limited to, the amount of additional or exchange water that may be required to prevent such injury. In the event the subdivision is approved notwithstanding the state engineer's opinion, the subdivider shall furnish to all potential purchasers a copy of the State Engineer's opinion prior to the sale or a synopsis of the opinion; except that the subdivider need not supply the potential purchaser with a copy of such opinion or synopsis if, in the opinion of the Board of County Commissioners, the subdivider has corrected the injury or inadequacy set forth in the State Engineer's finding.⁴
 4. Colorado Department of Transportation;
 5. Colorado Parks and Wildlife;
 6. Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land.⁵
 7. The local conservation district(s) within the county for explicit review and recommendations regarding soil suitability, floodwater problems and watershed protection. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district.⁶
 8. Any other local, regional, state, or federal agencies that may be deemed by the Planning Director or designee as specially affected or interested, including but not limited to the Colorado Water Conservation Board; U.S. Forest Service, U.S. Fish & Wildlife Service, and/or U.S. Army Corps of Engineers;
 9. At County discretion, the application shall be submitted to outside consultants, engineers, attorneys, or other specialists for opinions on any aspect of the proposed subdivision at the applicant's expense.
- D. A copy of the application shall be referred by County staff to the appropriate agencies following a determination of application completeness by the Planning Director or designee. The purpose of all referrals is to define any conflict that the agencies or individuals may have with the proposal, and to allow for the possible resolution of conflicts through the processing of the application.

³ This referral requirement is required by C.R.S. §30-28-136(1)(g) for a preliminary plan.

⁴ This referral requirement is required by C.R.S. §30-28-136(1)(h) for a preliminary plan.

⁵ This referral requirement is required by C.R.S. §30-28-136(1)(i) for a preliminary plan.

⁶ This referral requirement is required by C.R.S. §30-28-136(1)(f) for a preliminary plan.

- E. It is the responsibility of the agency or individual receiving the referral to respond in accordance with C.R.S. §30-28-136 and to define any potential conflict with the application. The referral agencies named in this section shall make recommendations within twenty-one days after the mailing of such plans unless a necessary extension of not more than thirty (30) days has been consented to by the applicant and the Planning Director or designee. The failure of any agency to respond within twenty-one (21) days or within the period of an extension shall, for the purpose of the hearing on the application, be deemed an approval of such application; except that, where such plan involves twenty or more dwelling units, a school district shall be required to submit within said time limit specific recommendations with respect to the adequacy of school sites and the adequacy of school structures. Any referral responses that are not received in a timely manner may, at the option of the Planning Director or designee, be included in the processing of the application. The absence of a timely agency comment shall not preclude the Planning Commission or Board of County Commissioners from later seeking agency comment on any issue raised during the review process or during any hearing.
- F. Except for those referrals required by C.R.S. §30-28-136, the failure to forward a referral of an application to an agency as required by this Section shall not constitute a material deviation from the subdivision application review process and shall not void or invalidate any action taken by the Planning Commission or Board of County Commissioners.

Section 6-204 Notice Requirements.

- A. When Notice Required. Notice shall be made at the time and in the manner required by Subdivision Procedures Table 6-200 and by this section. Notice may include notice by publication, mailing, or posting, or a combination of these methods. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive and material and are found to have reasonably misled or misinformed the public.
- B. Content of Notice. All public notices of hearings required by these Subdivision Regulations shall include the date, time, place, and general purpose of the hearing, and a general description of the property affected. The general description may be stated as a metes and bounds description, lot and block of a recorded subdivision plat, or a reference to cross streets or roads and the approximate acreage involved. The Planning Department may include other information deemed appropriate by the Department to apprise the public of the general nature of the action proposed.
- C. Forms of Notice.
 - 1. Publication. Where notice by "publication" is required by the Subdivision Procedures Table 6-200, a notice of the hearing shall be published in the official County newspaper or in a newspaper of general circulation within Park County at least fourteen (14) days before the date of the hearing.
 - 2. Additional Notices. Where notice by "mailing" or "posting" is required by the Subdivision Procedures Table 6-200, such notice shall be a notice and the County shall provide such notice of the proposed application and hearing by mailing and/or posting in accordance with this section.
 - a. Mailing. A notice by mail should be deposited in the United States Mail; first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. Mail or delivery to another comparable service should be made at least fourteen (14) days before the date of the hearing. Failure of the addressee to receive a mailed notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice,

or invalidation of the hearing. Mailed notice shall be addressed to owners of Adjacent Property⁷ as their names appear in the real property records of the Park County Assessor's Office. For purposes of determining addressees for mailed notice, the County may rely upon the ownership information provided by the Applicant as part of the application.

- b. Posting. A notice by posting shall be made by the Planning Department's posting of a sign on or reasonably near the property that is subject to the hearing in a location that is reasonably determined by the Planning Director/County designee to provide the greatest degree of visibility and readability to members of the public. In most instances, the posting shall be made along the primary traveled public right-of-way adjacent to the property. Posting shall be initially made at least fourteen (14) days before the date of the hearing. Failure of the posted notice to remain in place and visible during the entire posting period prior to the hearing shall not be deemed sufficient cause to require a postponement, re-posting, or invalidation of the hearing. During each hearing, the Planning Department shall provide evidence of posting in accordance with this section to the Planning Commission or the Board of County Commissioners. Such evidence should be in the form of one or more photographs showing the posted sign.
- c. Referral Agency Notice. A notice may, at the County's election, be deposited in the United States Mail; first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address of any Referral Agency identified in 6-203(B) or (C). Failure of the addressee to receive such notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice, or invalidation of the hearing.

Section 6-205 Administrative Review.

Administrative Review is authorized where there exists no legal requirement for a public hearing and the simplified and administrative processing of an application would be an efficient and cost-effective means of rendering a recommendation or decision. Administrative Review is not a quasi-judicial proceeding. Where an application requires an "Administrative Review" by the Planning Director or designee, Planning Commission, or the Board of County Commissioners (the "Reviewing Body") in accordance with the Subdivision Procedures Table 6-200, the following process shall apply:

- A. Not a Public Hearing. An Administrative Review is not a public hearing. No prior public notice is required, except where required by the Colorado Open Meetings Act, C.R.S. §24-6-401 et seq. An Administrative Review is an opportunity for the Reviewing Body to render a decision on the application and supporting materials submitted to the County without taking testimony or public comment.
- B. Review and Decision. During the Administrative Review, the Reviewing Body shall review the application and supporting materials, including any staff report. No public testimony, statement by the Applicant, or other evidence need be taken or considered by the Reviewing Body although the Reviewing Body may seek clarification of issues and matters from County Staff, the Applicant, or those persons in attendance. The Reviewing Body shall, where appropriate, render any necessary recommendation or decision on the application.
- C. Appeals of Administrative Decisions. Decisions made by administrative review may be appealed as provided by Division 2 of Article III of these Land Use Regulations.

⁷ See Article IV, Definitions, "Adjacent Property"

Section 6-206 Public Hearing.

Where an application requires a public hearing before the Planning Commission or the Board of County Commissioners (the "Reviewing Body") in accordance with the Subdivision Procedures Table 6-200, the following process shall apply:

- A. Notice. The Planning Director or designee shall set the date and time of a public hearing. Notice of the public hearing shall be issued in accordance with the Subdivision Procedures Table 6-200 and Section 6-205.

- B. Hearing Procedures. At the public hearing, the Reviewing Body shall review the application for conformance with these Land Use Regulations and the applicable review standards for the application. The public hearing shall be conducted in accordance with any adopted bylaws of the Reviewing Body or, in the absence of any bylaws, the recommended procedure for the public hearing should be:
 - 1. Reviewing Body opens and announces the Public Hearing.
 - 2. County Staff Introduction of Application and Presentation.
 - 3. Applicant Presentation with questions from the Reviewing Body.
 - 4. Testimony of any other persons in attendance.
 - 5. Applicant Rebuttal Presentation.
 - 6. Reviewing Body questions.
 - 7. Closing of Public Hearing.
 - 8. Reviewing Body deliberation, comments, and motions.

- C. Hearing Record. Regardless of any failure of the Reviewing Body to designate the contents of the Hearing Record, the Hearing Record shall consist of the following:
 - 1. Application and all documents submitted by the Applicant and its agents in support of the application;
 - 2. County Staff report and all other electronic or paper documents resulting from the planning staff's review of the application;
 - 3. These Land Use Regulations and the Strategic Master Plan;
 - 4. All letters, written statements, and other documentation submitted to the Planning Department or the Reviewing Body by interested persons prior to the close of the public hearing;
 - 5. Any tape recording of the testimony of the public hearing and any written minutes taken by the clerk of the Reviewing Body following review and approval of the minutes by the Reviewing Body;
 - 6. Any written resolution, motion, or document of approval approved by the Reviewing Body.

7. Where the Reviewing Body's decision is appealed in accordance with Rule 106(a)(4), C.R.C.P., the record shall include a transcription of the tape-recorded proceeding prepared by a transcriber or transcription service selected by the County. The cost of preparation of the transcript shall be a cost of preparation of the record paid by the appellant.
- D. Continuation of Hearing. Any public hearing, specific issue(s), or action of the Reviewing Body may be continued or postponed at any time to a specified date and time. The reasons for the continuation should be stated by the Reviewing Body.
- E. Decision of Reviewing Body. Following the closing of the public hearing and following all deliberation by the Reviewing Body, the Reviewing Body shall render a decision that the application be approved, conditionally approved, or denied. The motion of the Reviewing Body should include one or more grounds to support the motion; however, the ultimate grounds and basis for any decision shall be derived from the Hearing Record.
- F. Date of "Filing" or "Submission" of Application. For any Preliminary Plan or Final Plat, the date upon which the application shall be deemed "filed" or "submitted" to the County for purposes of C.R.S. §§30-28-133 and 30-28-133.5 shall be the date at which the Reviewing Body declares the public hearing closed.
- G. Burden of Proof. The Applicant for any subdivision approval shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by these Land Use Regulations. Any decision by the Reviewing Body to approve or conditionally approve a subdivision plan, plat, or other application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the Planning Commission and Board of County Commissioners shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.

Section 6-207 Recording of Plat or Other Documentation.

Where the final decision by the Board of County Commissioners to approve or conditionally approve any subdivision application must be evidenced by the recordation of a plat or other documentation in accordance with the Subdivision Procedures Table 6-200, the following process shall apply:

- A. Presentation for Recordation. The Applicant shall cause the fully executed plat or other documentation intended for recordation as part of the application approval to be delivered to the Planning Director or designee in a form acceptable for recordation by the Park County Clerk and Recorder. Unless otherwise approved by the Board of County Commissioners, such delivery shall be made within thirty (30) days of the date of the final decision on the application. The Planning Director or designee shall reject any plat or other documentation that includes any substantive changes from the form of plat or documentation approved by the Board of County Commissioners.
- B. County Clerk's Recordation. The County Clerk shall review the form of the plat or other documentation for completeness of all required signatures and notarizations. Where the plat or other documentation is determined by the County Clerk to be complete and in the proper form for recordation, the County Clerk shall cause the plat or other documentation to be recorded in the office of the Park County Clerk and Recorder. The County Clerk shall promptly inform the Planning Director or designee of any rejection of the plat or other documentation and the reasons for such rejection.
- C. Cost of Recordation. All costs of recordation shall be paid in advance or, if paid by the County at the County's discretion, promptly reimbursed to the County by the Applicant not more than five (5) business days following demand for reimbursement.

DIVISION 3 MINOR SUBDIVISION

Section 6-300 Definition of Minor Subdivision.

A Minor Subdivision is the lawful Division⁸ of land that:

- A. Divides a parcel into eight (8) or fewer Lots; and
- B. Does not divide a parcel which has been previously subdivided as defined in Article IV of these Land Use Regulations; and
- C. Does not divide property zoned or intended for zoning as a Planned Unit Development; and
- D. Does not create or result in the creation of a Lot, Outlot, or a parcel of land that would violate or fail to conform to any applicable zoning or other standard.

Section 6-301 Minor Subdivision Application Contents.

- A. Delivery and Number of Copies. The Applicant shall deliver one (1) original and twenty (20) copies of all Minor Subdivision application materials required by this Section to the Planning Department. The Planning Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The copies of the original application (with accompanying documentation) shall be collated by the Applicant into individual and complete applications capable of easy distribution to referral agencies.
- B. Application Contents. The following submittals, materials, and information shall comprise a complete application for Minor Subdivision review:
 - 1. A completed application in the form approved by the County;
 - 2. Payment of all required application fees and any review fee deposit;
 - 3. An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-401 of these Land Use Regulations;
 - 4. Evidence of Ownership and Encumbrances as defined by Article IV of these Land Use Regulations;
 - 5. A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor;
 - 6. A list of the names and mailing addresses, as this information appears of record with the Park County Assessor's Office, of all owners of Adjacent Property⁹ to the property proposed for subdivision.
 - 7. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with C.R.S. §24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B.

⁸ See Article IV, Definitions, "Division"

⁹ See Article IV, Definitions, "Adjacent Property"

8. A Plat satisfying or containing the following:
- a. The Plat shall be drafted at a commonly used engineering scale by the use of permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four inches by thirty-six inches (24" x 36"). Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet. Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size with easily identifiable match lines may be used. The plat must also be submitted in a digital format that will allow the Mapping Department to accurately reference it into the county's geographic information system.
 - b. The plat shall include a title that prominently identifies the proposed name of the subdivision together with the phrase "Minor Subdivision."
 - c. Date of preparation, map scale, and north arrow.
 - d. Name, address and telephone number of the Applicant, land owner(s), planner, engineer, and surveyor.
 - e. Total acreage and surveyed legal description of the area.
 - f. Primary boundary survey control points with monument descriptions; all parcel and right-of-way lines dimensioned with lengths; curve data including chord lengths and bearings; basis of bearings and relation to true meridian. All required boundary monuments shall be placed in the field before the Minor Plat is recorded.
 - g. Tract boundary lines, road right-of-way lines, easements and other sites with accurate bearings and dimensions including chord lengths and bearings, central angles, arc lengths and radii of all curves.
 - h. Name and right-of-way width of each road. Right-of-way widths are to be shown at each leg of an intersection, at points of curvature and tangency, at dead-ends, and at angle points.
 - i. Locations, dimensions, and purposes of all existing or proposed easements.
 - j. Number or letter to identify each Lot and Outlot.¹⁰ Lots shall be numbered. Outlots shall be lettered. The Plat shall include sufficient information to designate and restrict the use of any outlot to the Outlot's intended purpose.
 - k. An identification of the easements, rights-of-way, and any other public facilities shown on the plat to be dedicated to public use, subject to acceptance by the Board of County Commissioners. No areas within the plat may be designated as areas of conditional, planned, or future public acquisition. Dedications of public property not made on the Plat shall be made only by General Warranty Deed recorded contemporaneously with the Minor Plat unless otherwise approved by the Board of County Commissioners.
 - l. Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such with the owners' names.

¹⁰ See Article IV, Definitions, "Outlot"

- m. Signature and seal of the registered land surveyor.
 - n. A delineation of the extent of the one hundred (100) year flood plain and any wetlands, if applicable according to the Planning Director or designee.
 - o. Approval certifications and plat language Forms A-1, A-2, A-3, A-4, A-5, and A-6 as identified in Appendix A of these Land Use Regulations. The Board of County Commissioners may modify the form of certification and plat language only with the consent of the County Attorney, which shall be subject to final approval.
9. A copy of any agreements, conveyances, restrictions, or covenants that currently govern or are proposed for recordation to govern the use and maintenance of the subdivision and any common open space or subdivision amenity.
 10. A report and descriptive plan identifying the means by which water and wastewater services will be provided to each proposed lot within the minor subdivision. Such report or descriptive plan shall include evidence that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed and shall meet the requirements of Divisions 7 and 8 of Article VII. All subdivisions proposing the use of five (5) or more individual wells shall submit to the County an analysis prepared by a professional deemed qualified by the county to evaluate water delivery systems that compares the efficiency, cost effectiveness, and adverse impacts upon other wells of the proposed individual wells to the efficiency, cost effectiveness, and adverse impacts of a common or community water delivery system(s).
 11. A drainage, erosion, and sedimentation plan as described in Article VII, Division 6 of these Land Use Regulations.
 12. If deemed applicable by the Planning Director or designee, either a wildfire hazard mitigation plan approved by the local fire protection district or a letter from the local fire protection district saying that no such plan is necessary.
 13. *Only where* Public Improvements¹¹ are proposed to serve the subdivision, the Applicant shall also deliver:
 - a. Preliminary engineering plans and specifications for all public improvements in a form sufficient to enable final engineering and construction plans to be prepared within thirty (30) days following Minor Plat approval. Substantive changes between the preliminary and final plans will require Board of County Commissioners approval and will be subject to the standards in Section 6-303.
 - b. A written description of arrangements and financial institution commitments for providing financial guarantees and sureties for the timely completion of all Public Improvements. For example, a letter of commitment from a financial institution to issue an irrevocable letter of credit upon approval of the Minor Plat.
 - c. A preliminary or draft Subdivision Improvements Agreement (SIA) in the general form provided by Appendix J of these Subdivision Regulations. In order to ensure timely processing of the application, Applicants are strongly encouraged to first submit a draft form of SIA to the County Attorney for review and revision prior to submitting the application for Minor Plat. The Board of County

¹¹ See Article IV, Definitions, "Public Improvements"

Commissioners shall revise the SIA into a form capable of finalizing upon the conclusion of the public hearing and approval or conditional approval of the Plat.

14. The Planning Director may require 1041 Permits if the development warrants any such permits.
- C. Applicants are strongly encouraged to submit with the application additional documentation and information to demonstrate that the proposed subdivision will satisfy the standards for approval contained in Section 6-303.
- D. The Planning Director, Planning Commission and/or Board of County Commissioners may require the Applicant's submission of other studies and reports prepared by a qualified professional at the Applicant's cost to address issues such as, but not limited to: drainage; grading; traffic; soils and geology; utilities services; and radiation or environmental hazards. Any decision of the Planning Director pursuant to this paragraph may be appealed to the Board of County Commissioners in accordance with Article iii, Division 2 of these Land Use Regulations.

Section 6-302 Minor Subdivision Review Procedures.

The procedures applicable to the processing of an application of a Minor Subdivision are provided in the Subdivision Procedures Table 6-200 and Division 2 of this Article VI.

Section 6-303 Standard for Approval of Minor Subdivision.

Recommendation of approval or conditional approval of any Minor Plat by the Planning Commission, and any approval or conditional approval by the Board of County Commissioners shall require a finding that competent and sufficient evidence presented to the Commission or the Board of County Commissioners established the following:

- A. The proposed subdivision conforms to all applicable requirements for the zone district(s) in which the property is located, including but not limited to, requirements for setbacks, height, floor and lot areas, and minimum lot sizes;
- B. The proposed Minor Subdivision meets or satisfies all applicable requirements of these Land Use Regulations;
- C. The proposed Minor subdivision substantially conforms to the goals and policies of the Strategic Master Plan to the extent that such advisory positions not conflict with provisions or requirements of the Land Use Regulations and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or the Board of County Commissioners to decide that such application or subdivision meets or fails to meet such goal or policy;
- D. The proposed Minor Subdivision (both during and following construction) will not result in substantial adverse impacts upon adjacent property or the public health, safety, or welfare of Park County residents.
- E. The proposed Minor Subdivision will obtain water and wastewater services from sources and facilities meeting the requirements of Divisions 7 and 8 of Article VII.
- F. Where Public Improvements¹² are proposed to serve the subdivision, the Applicant has executed a Subdivision Improvement Agreement in a form recommended for approval by the Board of County Commissioners and by the County Attorney, which adequately secures the timely and

¹² See Article IV, Definitions, "Public Improvements"

complete construction of the Public Improvements in accordance with these Land Use Regulations or other applicable design and construction standards.

Section 6-304 Conditions on Approval.

The Planning Commission may recommend and the Board of County Commissioners may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, these Land Use Regulations, or which are necessary to protect the health, safety, and welfare of Park County and its residents.

DIVISION 4 MAJOR SUBDIVISIONS

Section 6-400 Definition of Major Subdivision.

A "Major Subdivision" is any lawful Division of land that divides a parcel into nine or more Lots.

Section 6-401 Major Subdivision Generally.

- A. General Description. A major subdivision requires the processing and approval of three separate plans or plats: Sketch Plan; Preliminary Plan; and Final Plat. Full processing and approval by the Board of County Commissioners of all three phases in accordance with this Article constitutes approval of a "Major Subdivision."
1. **Sketch Plan:** The Sketch Plan is the first step of the three-step Major Subdivision approval process. Sketch Plan approval requires public hearings held before the Planning Commission and the Board of County Commissioners. The Applicant must receive approval or conditional approval of a Sketch Plan in order to proceed to the Preliminary Plan phase. The Sketch Plan process will review, at a conceptual level, the feasibility and general conceptual design characteristics of the proposal based on the standards set forth in these Land Use Regulations. Because the Sketch Plan is a conceptual review, technical engineering and design materials, survey work, and preparation of other subdivision documents will be required at later steps in the subdivision process.
 2. **Preliminary Plan:** The Preliminary Plan is the second step of the three-step Major Subdivision approval process. The Applicant must have received Sketch Plan approval or conditional approval in order to proceed with the Preliminary Plan application. Preliminary Plan approval requires public hearings held before the Planning Commission and the Board of County Commissioners. The preliminary plan process will review the feasibility and specific design characteristics of the proposal based on the standards set forth in these Land Use Regulations. The preliminary plan process will also evaluate preliminary engineering design. The Applicant must receive preliminary plan approval or conditional approval in order to proceed with the Final Plat application. Any required 1041 permits must be obtained prior to preliminary plan submittal.
 3. **Final Plat:** The Final Plat is the last step in the three step Major Subdivision approval process. An Applicant must have received preliminary plan approval or conditional approval and the approval must be valid at the time of submission of the Final Plat application in order to proceed with the Final Plat process. Final Plat review requires public hearings before both the Planning Commission and the Board of County Commissioners. No Major Subdivision shall be deemed finally approved until the Board of County Commissioners approves or conditionally approves the Final Plat and the Final Plat is properly recorded in the office of the Park County Clerk and Recorder. The Final Plat process will review the final engineering plans, the development agreement, homeowners' association covenants, the Final Plat itself, and any other documents, reports, or studies as may be necessary to ensure conformance with these Land Use Regulations.
- B. Combined Sketch and Preliminary Plans. Each of the three Major Subdivision application steps shall be processed separately. However, the Planning Director or designee may administratively agree to permit the consolidation and concurrent processing of a Sketch Plan and Preliminary Plan where the Planning Director or designee determines following a pre-submittal meeting with the Applicant that the issues associated with the proposed Major Subdivision are not substantial and that an adequate review of the anticipated impacts of the proposed subdivision can be accommodated during a consolidated and combined Sketch Plan/Preliminary Plan review.

Section 6-402 Major Subdivision Review Procedures.

The procedures applicable to the processing of each step of the Major Subdivision process (Sketch Plan, Preliminary Plan, and Final Plat) are provided in the Subdivision Procedures Table 6-200 and Division 2 of this Article VI.

Section 6-403 Sketch Plan Application Contents.

- A. Delivery and Number of Copies. The Applicant shall deliver one (1) original and thirty (30) copies of all Sketch Plan application materials required by this Section to the Planning Department. The Planning Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The copies of the original application (with accompanying documentation) shall be collated into individual and complete applications capable of easy distribution to referral agencies.
- B. Application Contents. The following submittals, materials, and information shall comprise a complete application for Sketch Plan review:
1. A completed application in the form approved by the County;
 2. Payment of all required application fees and any review fee deposit;
 3. An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-401 of these Land Use Regulations;
 4. Evidence of Ownership and Encumbrances as defined by Article IV of these Land Use Regulations;
 5. A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor;
 6. A list of the names and mailing addresses, as this information appears of record with the Park County Assessor's Office, of all owners of Adjacent Property¹³ to the property proposed for subdivision.
 7. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with C.R.S. §24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B.
 8. Sketch Plan: A graphic conceptual representation of the proposed subdivision and the proposed development prepared on a base map at a commonly used engineering scale. The site plan shall include or illustrate:
 - a. A general vicinity map of the subdivision illustrating the proposed subdivision's location within the County;
 - b. A title that prominently identifies the proposed name of the subdivision together with the phrase "Sketch Plan";
 - c. Approval and certification language Forms A-2 and A-7 as identified in Appendix A of these Land Use Regulations. The Board of County Commissioners may

¹³ See Article IV, Definitions, "Adjacent Property"

modify the form of certification and plat language upon the advice of the County Attorney.

d. If the Sketch Plan is submitted in support of a rezoning application for a Planned Unit Development¹⁴ (PUD):

i The title of the Sketch Plan shall also include the phrase "Planned Unit Development";

ii The Sketch Plan shall include information identifying all permitted land uses, setbacks, maximum heights, minimum and maximum lot sizes, proposed conditions or restrictions upon use, and other information governing the use of the property which is customarily associated with zone district restrictions or limitations;

iii The Sketch Plan shall include the following signature block in substitution and replacement for the County Approval Form A-7:

BOARD OF COUNTY COMMISSIONERS APPROVAL: The Board of County Commissioners by Resolution No. _____ approved this Sketch Plan to accompany the conditional rezoning of the Property as a Planned Unit Development (PUD) on the _____ day of _____, 20____.

BOCC Chairperson ATTEST: _____
County Clerk (Seal)

e. Location and type of natural features of the property including watercourses, lakes, topography, 100 year floodway and floodplain, rock outcrops/surface geology, geological hazards, wildlife corridors and known wildlife foraging areas, scenic vistas, and significant trees and vegetation;

f. Approximate location of all existing man-made structures, utilities, streets, driveways, ditches, fences, hazards, or other physical improvements on the property or within 100 feet of the property proposed for subdivision;

g. Approximate location of recorded or apparent easements or rights-of-way on the property or within 100 feet of the property;

h. Approximate location and type of cultural and historic resources located within the property to be subdivided, including Historic Architectural Resources, Historic Archeological Resources, and Prehistoric Archeological Resources as Article IV of these Land Use Regulations defines these phrases.

i. Proposed location of residential, commercial and/or industrial development and new improvements, including but not limited to buildings, access points, streets, alleys, pedestrian ways, parking areas, drainage ways and drainage detention areas, open space and parks, and utilities; and

j. Any other data or information essential to the evaluation as may be requested by the County to enable an adequate conceptual evaluation of the proposed subdivision.

¹⁴ See Section 5-313 of Article V for PUD Zone District requirements.

9. Proposal Summary: A narrative statement describing the existing conditions and the proposed subdivision and development including at least the following:
 - a. Total proposed development area in acres with a breakdown in percentages and amounts devoted to specific land uses;
 - b. Zoning district(s) of the property and of all adjacent properties;
 - c. Proposed zoning district(s) if a rezoning is being requested;
 - d. If zoned for residential use or proposed for rezoning to a residential use, an approximation of the number and types of dwelling units;
 - e. Anticipated providers of utilities (water, sewer, gas, electric, telephone);
 - f. Proposal for preservation, protection, alteration, or removal of significant natural features and man-made characteristics of the site.
10. A fiscal impact analysis prepared by a consultant selected by the Planning Director or designee describing the anticipated effect of the completed subdivision on the county's finances.
11. All subdivisions proposing the use of five (5) or more individual wells shall submit to the County an analysis prepared by a professional deemed qualified by the County to evaluate water delivery systems that compares the efficiency, cost effectiveness, and adverse impacts upon other wells of the proposed individual wells to the efficiency, cost effectiveness, and adverse impacts of a common or community water delivery system(s).

Section 6-404 Preliminary Plan Application Contents.

- A. Delivery and Number of Copies. The Applicant shall deliver one (1) original and thirty (30) copies of all Preliminary Plan application materials required by this Section to the Planning Department. The Planning Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The copies of the original application (with accompanying documentation) shall be accurately collated into individual and complete applications capable of easy distribution to referral agencies. If the required submissions are deemed incomplete by the Planning Commission, then the application will be returned to the Planning Department for completeness and the application shall be rescheduled for Planning Commission hearing.
- B. Application Contents. The following submittals, materials, and information shall comprise a complete application for Preliminary Plan review:
 1. A completed application in the form approved by the County;
 2. Payment of all required application fees and any review fee deposit;
 3. An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-401 of these Land Use Regulations;
 4. Evidence of Ownership and Encumbrances as defined by Article IV of these Land Use Regulations;
 5. A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor;

6. A list of the names and mailing addresses, as this information appears of record with the Park County Assessor's Office, of all owners of Adjacent Property¹⁵ to the property proposed for subdivision.
7. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with C.R.S. §24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B.
8. Preliminary Plan: The Preliminary Plan shall be prepared at a commonly used engineering scale and shall be prepared by, drawn, signed and stamped by a currently registered Colorado land surveyor. The size of the map sheet shall be twenty-four inches by thirty-six inches (24" x 36"). Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines. The Preliminary Plan must also be submitted in a digital format that will allow the Mapping Department to accurately reference it into the county's geographic information system. The Preliminary Plan shall include or illustrate:
 - a. A general vicinity map of the subdivision illustrating the subdivision's location within the County and showing major streets;
 - b. A title that prominently identifies the proposed name of the subdivision together with the phrase "Preliminary Plan."
 - c. Approval and certification language Forms A-2 and A-7 as identified in Appendix A of these Land Use Regulations. The Board of County Commissioners may modify the form of certification and plat language upon the advice of the County Attorney.
 - d. If the property described in the Preliminary Plan is proposed for rezoning as a Planned Unit Development¹⁶ (PUD):
 - i. The title of the Preliminary Plan shall also include the phrase "Planned Unit Development";
 - ii. The Preliminary Plan shall include information identifying all permitted land uses, setbacks, maximum heights, minimum and maximum lot sizes, proposed conditions or restrictions upon use, and other information governing the use of the property which is customarily associated with zone district restrictions or limitations;
 - iii. The Preliminary Plan shall include the following signature block in substitution and replacement for the County Approval Form A-7:

BOARD OF COUNTY COMMISSIONERS APPROVAL: The Board of County Commissioners by Resolution No. _____ approved this Preliminary Plan to accompany the conditional rezoning of the Property as a Planned Unit Development (PUD) on the _____ day of _____, 20__.

BOCC Chairperson

ATTEST: _____
County Clerk (Seal)

¹⁵ See Article IV, Definitions, "Adjacent Property"
¹⁶ See Section 5-313 of Article V for PUD Zone District requirements.

- e. Topography at vertical intervals of five (5) feet where the average cross-slope of the subdivision is more than ten percent (10%) and at vertical intervals of two (2) feet where the average cross-slope of the subdivision is less than ten percent (10%). Elevation data shall be based on current United States Geological Survey datum and the benchmarks used shall be identified on the plan;
- f. Date of preparation, map scale, and north arrow;
- g. Name, address and telephone number of the Applicant, land owner(s), planner, engineer, and surveyor;
- h. Subdivision names, lot lines, and lot numbers for property within any adjacent subdivision(s), unsubdivided tracts with owner's names, and all public lands with the agency name;
- i. Zone districts adjacent to the property proposed for subdivision;
- j. Proposed names of any new streets;
- k. Location and principal dimensions of all existing streets, pedestrian ways, alleys, easements, irrigation ditches and laterals, both of record and apparent from inspection of the property within or adjacent to the proposed subdivision;
- l. Location and size of existing and proposed utilities within or adjacent to the tract to be subdivided, including water, sewer, electricity, gas and phone lines (utilities may be illustrated on a separate map at a matching scale as used for the Preliminary Plan);
- m. Locations of streams, ditches, ponds, lakes, and other water features, including direction of flow, and the location and extent of those areas subject to inundation by the one hundred (100) year flood;
- n. Location and description of significant existing and proposed vegetation and landscaping (this may be illustrated on a separate plan at a matching scale);
- o. Location and dimensions of all proposed Lots, Blocks, and Outlots. Lots and Blocks shall be numbered. All Outlots shall be lettered in alphabetical order. The Preliminary Plan shall clearly designate and restrict the use of any Outlot for its proposed purpose;
- p. Location, dimensions, and areas expressed in acres and as a percent of the total project area of all proposed streets, off-street parking areas, pedestrian ways, bike and equestrian ways, alleys, easements and other public ways, and building setback lines;
- q. Location and dimensions in acreage and as a percent of the total of all property proposed to be set aside for park and/or open space purposes, or other private reservations;
- r. Location and types of any existing structures;
- s. Location, alignment, profiles, and cut and fill slope intercepts for streets and driveways for subdivisions with any slope area(s) of ten percent (10%) or greater;

- t. Location of existing or proposed exterior lighting (street lights, parking lot lights) and signs, including subdivision monument or entry signs;
 - u. Location, alignment, dimensions, and type of any fencing and cattle guards proposed by the Applicant or required by Park County regulations.
9. Written Statement. A written statement addressing the following:
- a. A description of the overall development concept, purpose, and function of the proposed subdivision. If the property is or will be residentially zoned, the description shall include representations concerning the proposed quality and styles of residential structures, anticipated sales price ranges, and amenities;
 - b. Environmental considerations, including but not limited to geologic hazards and constraints, any flood plains and wetlands, and the anticipated effect of the development on local plant and animal life. Hazards and constraints should also be graphically depicted;
 - c. A phasing plan and development schedule for each phase or unit for the construction and/or installation of streets, utilities, buildings, and landscaping;
 - d. Statements explaining the nature of all easements and reservations, if any;
 - e. A general description of the purpose and nature of covenants, homeowners' association, or other contemplated private or contractual restrictions on the use, character and maintenance of the subdivision;
 - f. If the subdivision will permit commercial, business, or industrial use, a description of the nature of the use, the trade area, and anticipated employment base shall be submitted in sufficient detail to demonstrate the economic viability of the proposed use.
10. Where applicable, the Board of County Commissioners approved resolution granting any required permits as required by the *Park County Regulations for Special Development Projects Designated as Matters of State Interest* (1041 permits, see appendices e and f);
11. Reports, Plans and Studies: The following preliminary studies and reports shall be prepared by a professional deemed qualified to perform the study by the County at the Applicant's cost and submitted with the application. Applicants may request that the Planning Director or designee issue an administrative determination that a proposed professional is qualified to perform the study. A determination of qualification by the Planning Director or designee does not constitute acceptance of the report, study, or conclusions, by the County. At a minimum, each report shall address the existing conditions, proposed changes resulting from the subdivision, and evaluate risks and challenges presented by the subdivision together with recommendations for mitigation measures to address any identified risks and challenges presented by the proposed subdivision.
- a. A preliminary drainage, erosion, and sedimentation control plan as described in Article VII, Division 6 of these Land Use Regulations;
 - b. Preliminary soils report describing suitability of soils for building, road, and utility construction;

- c. Preliminary utility plan for delivery of water, sewer, and electric services to and throughout the property.
- d. Preliminary traffic impact analysis including an evaluation of the vehicular and pedestrian traffic patterns, together with estimated trips, for roads within the subdivision and for all routes leading from the subdivision and connecting to highway and arterial roads;
- e. Preliminary wastewater report detailing how the Applicant proposes to provide sewer service to the subdivision. The report shall demonstrate that wastewater services can be provided in accordance with Division 8 of Article VII;
- f. Preliminary water report detailing how the Applicant proposes to provide water service to the subdivision. All subdivisions proposing the use of five (5) or more individual wells shall submit to the County an analysis prepared by a professional deemed qualified by the County to evaluate water delivery systems that compares the efficiency, cost effectiveness, and adverse impacts upon other wells of the proposed individual wells to the efficiency, cost effectiveness, and adverse impacts of a common or community water delivery system(s). Such report shall include evidence that a water supply that is sufficient in terms of quality, quantity, dependability, and availability. The report shall demonstrate that water services can be provided in accordance with Division 7 of Article VII. Such evidence shall include, but shall not be limited to:
 - i Evidence of ownership or right of acquisition of or use of existing and proposed water rights;
 - ii Historic use and estimated yield of claimed water rights;
 - iii Amenability of existing rights to a change in use;
 - iv Evidence that public or private water owners have the ability and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area. A letter from a municipality or special district stating that they will supply water to the proposed development may be deemed insufficient evidence of a water supply. The Planning Commission and/or the Board of Commissioners may require a review and/or report on this information from the County's water attorney at the applicant's expense;
 - v Evidence of compliance with the water quality standards in Division 7 of Article VII.
- g. A parks and open space plan documenting the location, proposed uses, phasing of development, and administrative and maintenance responsibilities for any parks or land to remain undeveloped;
- h. A report detailing the existence of, and proposal to protect or enhance, the cultural and historic resources located within the property to be subdivided, including Historic Architectural Resources, Historic Archeological Resources, and Prehistoric Archeological Resources as these phrases are defined by Article IV of these Land Use Regulations.

- i. A lighting plan identifying the locations of proposed exterior lighting sources in public rights-of-way or on commonly owned lots, buildings, and signs, including type(s) of fixtures and wattage as described in Section 5-709.
 - j. A dust control and mitigation plan identifying the specific methods to be employed in the subdivision to prevent, control, and manage dust created both during and following development of the subdivision.
 - k. A noxious weed control and mitigation plan identifying the existing noxious weed species within the subdivision, and describing specific methods to ensure control and elimination of noxious weeds during and following development of the subdivision.
 - l. A parking plan demonstrating how the subdivision will accommodate vehicles in conformance with the requirements of Division 3 of Article VII.
 - m. If deemed applicable by the Planning Director or designee, either a wildfire hazard mitigation plan approved by the local fire protection district or a letter from the local fire protection district saying that no such plan is necessary.
12. Other Requirements. The following other materials and information shall be provided by the Applicant
- a. A copy of any agreements, conveyances, restrictions, or private covenants that currently govern, or are proposed for recordation to govern, the use and maintenance of the subdivision and any common private open space or private subdivision amenity.
 - b. *Only where* Public Improvements¹⁷ are proposed to serve the subdivision, the Applicant shall also submit preliminary engineering plans and specifications for all Public Improvements in a form sufficient to enable final engineering and construction plans to be prepared for submission with the Final Plat application.
 - c. Applicants are strongly encouraged to submit with the application additional documentation and information sufficient to demonstrate that the proposed subdivision will satisfy the standards for approval contained in Section 6-406.
13. The Planning Director, Planning Commission and/or Board of County Commissioners may require the Applicant's submission of other studies and reports prepared by a qualified professional at the Applicant's cost to address issues not covered by the above requirements. Any decision of the Planning Director pursuant to this paragraph may be appealed to the Board of County Commissioners in accordance with Article III, Division 2 of these Land Use Regulations.

Section 6-405 Final Plat Application Contents.

- A. Delivery and Number of Copies. The Applicant shall deliver one (1) original and thirty (30) copies of all Final Plat application materials required by this Section to the Planning Department. The Planning Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The copies of the original application (with accompanying documentation) shall be collated into individual and complete applications capable of easy distribution to referral agencies.

¹⁷ See Article IV, Definitions, "Public Improvements"

- B. Application Contents. The following submittals, materials, and information shall comprise a complete application for Final Plat review:
1. A completed application in the form approved by the County;
 2. Payment of all required application fees and any review fee deposit;
 3. An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-401 of these Land Use Regulations;
 4. Evidence of Ownership and Encumbrances as defined by Article IV of these Land Use Regulations;
 5. A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor;
 6. A list of the names and mailing addresses, as this information appears of record with the Park County Assessor's Office, of all owners of Adjacent Property¹⁸ to the property proposed for subdivision;
 7. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with C.R.S. §24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B;
 8. Final Plat: The Final Plat shall be drafted at a commonly used engineering scale by the use of permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four inches by thirty-six inches (24" x 36"). Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet. Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size with easily identifiable match lines may be used. The Final Plat must also be submitted in a digital format that will allow the Mapping Department to accurately reference it into the county's geographic information system. The Final Plat shall include or illustrate:
 - a. A title that prominently identifies the proposed name of the subdivision together with the phrase "Final Plat." If the property described in the Final Plat is zoned as a Planned Unit Development¹⁹ (PUD), the title shall include the phrase "Planned Unit Development";
 - b. Date of preparation, map scale, and north arrow;
 - c. Name, address and telephone number of the Applicant, land owner(s), planner, engineer, and surveyor;
 - d. Total acreage and surveyed description of the area. No Final Plat showing plus or minus dimensions will be approved;
 - e. Primary boundary survey control points with monument descriptions; all parcel and right-of-way lines dimensioned with lengths; curve data including chord lengths and bearings; basis of bearings and relation to true meridian. The data shall be sufficiently complete to determine independently closures for rights-of-

¹⁸ See Article IV, Definitions, "Adjacent Property"

¹⁹ See Section 5-313 of Article V for PUD Zone District Regulations.

- way, easements, boundaries, lots,–outlots, and blocks. All required boundary monuments shall be placed in the field before the Final Plat is recorded;
- f. Name and right-of-way width of each road. Right-of-way widths are to be shown at each leg of an intersection, at points of curvature and tangency, at dead-ends, and at angle points;
 - g. Locations, dimensions, and purposes of all easements;
 - h. Number or letter to identify each Lot, Block, and Outlot²⁰. Lots and Blocks shall be numbered. All Outlots shall be lettered in alphabetical order. The plat shall include sufficient information to designate and restrict the use of any Outlot to the Outlot’s intended purpose;
 - i. An identification of the rights-of-way, easements, parks, open space, and any other public facilities shown on the plat to be dedicated to public use upon the approval of the Final Plat. No areas within the plat may be designated as areas of conditional, planned, or future public acquisition (e.g., “to be dedicated” or “reserved for dedication”). Dedications of public property not made on the Final Plat shall be made only by General Warranty Deed recorded contemporaneously with the Final Plat unless otherwise approved by the Board of County Commissioners;
 - j. Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such with the owners’ names;
 - k. Signature and seal of the registered land surveyor;
 - l. A delineation of the extent of the one hundred (100) year flood plain and any wetlands, if applicable; and
 - m. Approval certifications and plat language Forms A-1, A-2, A-3, A-4, A-5, and A-6 as identified in Appendix A of these Land Use Regulations. The language should be provided by the County Attorney subject to the approval of the Board of County Commissioners.
9. A copy of any agreements, conveyances, restrictions, or private covenants that currently govern, or are proposed for recordation to govern, the use and maintenance of the subdivision and any common private open space or private subdivision amenity.
 10. *Only where* Public Improvements²¹ are proposed to serve the subdivision, the Applicant shall also submit final engineering plans, construction drawings, and specifications for all public improvements in a form sufficient to commence construction of the Public Improvements following approval of the Final Plat.
 11. A written description of arrangements for providing financial guarantees and sureties for the timely completion of all public improvements. For example, a letter of commitment from a financial institution to issue an irrevocable letter of credit upon approval of the Final Plat.
 12. A preliminary or draft Subdivision Improvements Agreement (SIA) in the general form provided by Appendix J of these Subdivision Regulations. In order to ensure timely

²⁰ See Article IV, Definitions, "Outlot"

²¹ See Article IV, Definitions, "Public Improvements"

processing of the application, Applicants must submit a draft form of SIA to the County Attorney for review and revision prior to submitting the application for Final Plat. The Board of County Commissioners shall revise the SIA into a form capable of finalizing upon the conclusion of the public hearing and approval or conditional approval of the Final Plat.

13. Final versions of the studies and reports described in 6-404 B 11 shall be prepared by a qualified professional at the Applicant's cost and submitted with the application. At a minimum, each report shall address the existing conditions, proposed changes of the subdivision, and evaluate risks and challenges presented by the subdivision together with recommendations for mitigation measures to address any identified risks and challenges presented by the proposed subdivision. At the Planning Director or designee's discretion, some or all of the reports provided for the Preliminary Plat may be used again.
14. Applicants are strongly encouraged to submit with the application additional documentation and information sufficient to demonstrate that the proposed subdivision will satisfy the standards for approval contained in Section 6-406.
15. The Planning Director, Planning Commission and/or Board of County Commissioners may require the Applicant's submission of other studies and reports prepared by a qualified professional at the Applicant's cost to address issues not covered by the above requirements. Any decision of the Planning Director pursuant to this paragraph may be appealed to the Board of County Commissioners in accordance with Article III, Division 2 of these Land Use Regulations.

Section 6-406 Standards for Approval of a Major Subdivision.

Recommendation of approval or conditional approval of any stage of a Major Subdivision by the Planning Commission, and any approval or conditional approval by the Board of County Commissioners, shall require a finding that the Applicant and the evidence presented to the Commission or the Board of County Commissioners established the following by competent and sufficient evidence:

- A. All of the required prior approvals for the subdivision and development were issued and remain valid and effective:
 1. For a Sketch Plan, no prior approval is required.
 2. For a Preliminary Plan, a finding must be made that a Sketch Plan was approved or conditionally approved by the Board of County Commissioners not more than twenty four (24) months prior to the date of delivery of an application for Preliminary Plan approval or that the Sketch Plan is currently valid and effective as the result of the approval of an extension of the effective date of the Sketch Plan.
 3. For a Final Plat, a finding must be made that a Preliminary Plan for the subdivision was approved or conditionally approved by the Board of County Commissioners not more than twenty (24) months prior to the date of submission of an application for Final Plat approval or that the Preliminary Plan is currently valid and effective as the result of the approval of an extension of the effective date of the Preliminary Plan.
- B. The proposed Major Subdivision meets or satisfies all applicable requirements of these Land Use Regulations.
- C. The proposed Major Subdivision substantially conforms to the goals and policies of the Strategic Master Plan to the extent that such goals and policies do not conflict with provisions or requirements of the Land Use Regulations and to the extent that such goals and policies set forth

requirements which are sufficiently specific to permit the Planning Commission or the Board of County Commissioners to decide that such application or subdivision meets or fails to meet such goal or policy.

- D. The application:
1. For Preliminary Plan approval, is in substantial conformance with the approved Sketch Plan and all conditions of approval imposed upon the Sketch Plan have been or will be satisfied; or
 2. For Final Plat approval, is in substantial conformance with the approved Preliminary Plan and all conditions of approval imposed upon the Preliminary Plan have been or will be satisfied.
- E. The subdivision will be designed in a manner that addresses professionally identified and evaluated problems, conflicts, and concerns regarding: drainage; grading; soils; geology; radiation; utilities; traffic; wastewater and water service.
- F. Water and wastewater services can be provided to the subdivision in accordance with Divisions 7 and 8 of Article VII.
- G. Where Public Improvements²² are proposed to serve the subdivision, the Applicant has executed a Subdivision Improvement Agreement in a form recommended for approval by the Board of County Commissioners and the County Attorney that adequately secures the timely and complete construction of the Public Improvements in accordance with these Land Use Regulations or other applicable design and construction standards.

Section 6-407 Conditions on Approval.

The Planning Commission may recommend and the Board of County Commissioners may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, these Land Use Regulations, or which are necessary to protect the health, safety, and welfare of Park County and its residents.

Section 6-408 Effect of Approval of Sketch Plan.

Approval or conditional approval of a Sketch Plan shall be valid for twenty-four (24) months following the date of approval or conditional approval by the Board of County Commissioners. Such period may be extended by the Board of County Commissioners for not more than twelve (12) additional months upon written request of an Applicant only where the Applicant establishes to the satisfaction of the Board of County Commissioners that the Applicant is reasonably pursuing completion of a Preliminary Plan.

Section 6-409 Effect of Approval of Preliminary Plan.

Approval or conditional approval of a Preliminary Plan shall be valid for twenty-four (24) months following the date of approval or conditional approval by the Board of County Commissioners. The Board of County Commissioners may extend such period for not more than twelve (12) additional months upon written request of an Applicant only where the Applicant establishes to the satisfaction of the Board of County Commissioners that the Applicant is reasonably pursuing completion of a Preliminary Plan.

²² See Article IV, Definitions, "Public Improvements"

Section 6-410 Effect of Approval of Final Plat.

- A. Recording of Final Plat. As soon as practicable following approval by the Board of County Commissioners, the fully executed original of the Final Plat and any applicable Subdivision Improvements Agreement shall be filed and recorded by the County Clerk in the office of the County Clerk and Recorder at the Applicant's expense.

- B. Not Final Until Recorded. No approval or conditional approval of a Final Plat and any applicable Subdivision Improvements Agreement shall be deemed effective or finally approved until the Final Plat are recorded with the County Clerk and Recorder.

- C. Validity of Final Plat. Unless otherwise expressly modified by an approved Subdivision Improvements Agreement or other agreement between the owner and the Board of County Commissioners, final approval or conditional approval of a Final Plat shall be valid for three (3) years following the date of plat recordation and, thereafter, during any period for which a legally recognized vested property right inures to the subdivision.

DIVISION 5 COMMON PLAT AMENDMENT

Section 6-500 Definition of Common Plat Amendment.

- A "Common Plat Amendment" is any form of amendment or modification of a County-approved and recorded Plat that:
- A. Does not create any additional Lot(s) or Outlot(s); and
 - B. Does not create or result in the creation of a Lot or Outlot that would violate or fail to conform to any applicable zoning or other standard or would increase any nonconformity of an already legally nonconforming lot; and
 - C. Does not reduce the amount of any dedicated or publicly-owned land, and in the opinion of the Planning Director or designee does not significantly alter or impact the subdivision's access, parking, or traffic circulation system; and
 - D. Does one of the following:
 - 1. Relocates or reconfigures²³ one or more Lot Lines within the subdivision; and/or
 - 2. Modifies, amends, adds, or deletes a restriction, limitation, condition, or other obligation, right, or duty stated on a Minor Plat or a Final Plat.

Section 6-501 Authority to Seek Common Plat Amendment.

An application for plat amendment may only be initiated by all of the owners of record of all Lots and Outlots within the area directly affected by the proposed amendment. The "area directly affected by the proposed amendment" shall mean:

- A. The properties that would be physically affected by an amendment to relocate or reconfigure one or more lot lines within the subdivision. Where a single lot line is relocated or reconfigured, the "area directly affected by the proposed amendment" would customarily include the lots on each side of the lot line; and
- B. All properties which are directly benefited by the restriction, limitation, condition, or other obligation, right, or duty stated on the Minor Plat or Final Plat. In many instances, all properties within the subdivision are affected by a restriction, limitation, condition, or other obligation, right, or duty stated on the Minor Plat or Final Plat.

Section 6-502 Common Plat Amendment Review Procedures.

The procedures applicable to the processing of a Common Plat Amendment are provided in the Subdivision Procedures Table 6-200 and Division 2 of this Article VI.

Section 6-503 Common Plat Amendment Application Contents.

- A. Delivery and Number of Copies. The Applicant shall deliver one (1) original and twenty (20) copies of all Common Plat Amendment application materials required by this Section to the Planning Department. The Planning Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The copies of the original application (with accompanying

²³ Note that the *elimination* of a lot line would cause a consolidation of lots and should be processed in accordance with provisions for a Lot Consolation, see Division 9 of this Article VI.

documentation) shall be collated into individual and complete applications capable of easy distribution to referral agencies.

B. Application Contents. The following submittals, materials, and information shall comprise a complete application for Common Plat Amendment review:

1. A completed application in the form approved by the County;
2. Payment of all required application fees and any review fee deposit;
3. An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-401 of these Land Use Regulations;
4. Evidence of Ownership and Encumbrances as defined by Article IV of these Land Use Regulations;
5. A legal description of the property directly affected by the proposed amendment prepared by a licensed Colorado land surveyor;
6. A list of the names and mailing addresses, as this information appears of record with the Park County Assessor's Office, of all owners of Adjacent Property²⁴ to the property directly affected by the proposed amendment.
7. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with C.R.S. §24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B.
8. *For a Common Plat Amendment that relocates or reconfigures one or more lot lines within the subdivision, an Amended Plat shall be submitted with the application. The Amended Plat shall be drafted at a commonly used engineering scale by the use of permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four inches by thirty-six inches (24" x 36"). Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines. The Amended Plat shall show or illustrate:*
 - a. A title that prominently identifies the name of the recorded subdivision, together with the phrase "Plat Amendment." If the property described in the recorded plat is zoned as a Planned Unit Development (PUD), the title shall include the phrase "Planned Unit Development";
 - b. Date of preparation, map scale, and north arrow;
 - c. Name, address and telephone number of the Applicant, land owner(s), planner, engineer, and surveyor;
 - d. Total acreage and surveyed description of the lots and area subject to the proposed amendment; and
 - e. A clear illustration or description of the amendment proposed, using shading, crosshatching, highlighting, or other techniques to accurately illustrate the proposed amendment.

²⁴ See Article IV, Definitions, "Adjacent Property"

- f. Approval Certification and plat language Forms A-1, A-2, A-3, A-4, and A-5, as identified in Appendix A of these Land Use Regulations. The Board of County Commissioners may modify the form of certification and plat language upon the advice of the County Attorney.
9. For a Common Plat Amendment that modifies, amends, adds, or deletes a restriction, limitation, condition, or other obligation, right, or duty stated on the recorded plat, a written description clearly stating the proposed amendment in a form suitable for recordation with the office of the Park County Clerk and Recorder. The written description shall be subject to approval of the County Attorney and, at a minimum, the written amendment shall also include:
- a. A title that prominently identifies the name of the recorded subdivision together with the phrase "Plat Amendment." If the property described in the recorded plat is zoned as a Planned Unit Development (PUD), the title shall include the phrase "Planned Unit Development";
 - b. Date of preparation, name, address, and telephone number of the Applicant, land owner(s), and any professionals (planners, engineers, surveyors) assisting in the plat amendment.
 - c. As appropriate for the scope and extent of the proposed Common Plat Amendment, approval certification and plat language Forms A-1, A-2, A-3, A-4, and A-5, as identified in Appendix A of these Land Use Regulations. The Board of County Commissioners may modify the form of certification and plat language.
10. Evidence that property taxes have been paid current.

Section 6-504 Standards for Approval of a Common Plat Amendment.

Recommendation of approval or conditional approval of a Common Plat Amendment by the Planning Commission, and any approval or conditional approval by the Board of County Commissioners, shall require a finding that the Applicant and the evidence presented to the Commission or the Board of County Commissioners established the following by competent and sufficient evidence:

- A. The Common Plat Amendment amends a County-approved and recorded Minor Plat, Final Plat, or Exemption Plat;
- B. The Common Plat Amendment, as approved, either conforms to all applicable zoning or other standards or does not increase any nonconformity of an already legally nonconforming lot;
- C. The Common Plat Amendment, as approved, meets or satisfies all applicable requirements of these Land Use Regulations;
- D. The Common Plat Amendment, as approved, substantially conforms to the goals and policies of the Strategic Master Plan to the extent that such advisory provisions do not conflict with provisions or requirements of the Land Use Regulations and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or the Board of County Commissioners to decide that such application or subdivision meets or fails to meet such goal or policy;
- E. The proposed amendment would not cause significant hardship or inconvenience for adjacent or neighboring landowners; and

- F. The proposed amendment does not create or result in an illogical or inefficient lot layout or subdivision.

Section 6-505 Conditions on Approval.

The Planning Commission may recommend and the Board of County Commissioners may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, these Land Use Regulations, or which are necessary to protect the health, safety, and welfare of Park County and its residents.

Section 6-506 Effect of Approval of Common Plat Amendment.

- A. Recording of Amended Plats: Within ten (10) working days of notification of an approval by the Board of County Commissioners, the Common Plat Amendment shall be submitted to the Planning Department. The Plat Amendment or documentation shall be filed and recorded in the office of the County Clerk and Recorder at the Applicant's expense.
- B. Final Approval. No approval or conditional approval of a Common Plat Amendment shall be deemed effective or finally approved until the amended plat is recorded with the Park County Clerk and Recorder.

DIVISION 6 ADMINISTRATIVE PLAT AMENDMENT

Section 6-600 Purpose.

The purpose of this Division is to establish an administrative process applicable to proposals to amend existing subdivision maps to make minor changes and/or to create conservation easements or other programs for the preservation of land from development. This Division is intended to provide for the more efficient processing of plats proposing amendment without the need to undertake a formal public hearing process provided that all requirements of this Division are satisfied.

Section 6-601 Definition of Administrative Plat Amendment.

An "Administrative Plat Amendment" is an amendment or modification of a County-approved and recorded Plat:

- A. Does one of the following:
 - 1. Relocates or reconfigures one or more Lot Lines within the subdivision provided there is no reduction in the size of any lot, that no existing nonconformities are increased, and that no lot lines are eliminated; and/or
 - 2. Makes minor changes affecting not more than five percent (5%) of Gross Residential Density or location of Rights-of-way or easements.
 - 3. Creates a "conservation easement in gross" as defined by C.R.S. §38-30.5-102; or
 - 4. Creates a perpetual and permanent park, greenbelt, open space, or other undeveloped character of property for the purpose of preserving and maintaining the property for its natural, scenic, historic, cultural, open space, ecological diversity, and/or wildlife habitat potential, or for recreational activities consistent with such potential. For purposes of this section, "undeveloped character" may include non-commercial improvements accessory to the preservation and maintenance of the property that are necessary to operate the property as a park, greenbelt, or open space such as shelters, picnic areas, and playground equipment; and
- B. Does not create any additional lot(s) or outlot(s); and
- C. Does not reduce the amount of any dedicated or publicly-owned land, and in the opinion of the Planning Director or designee does not significantly alter or impact the subdivision's access, parking, or traffic circulation system; and
- D. Does not propose or require the construction of Public Improvements.²⁵

Section 6-602 Authority to Seek Administrative Plat Amendment.

An application for Administrative Plat Amendment may only be initiated by all of the owners of record of all lots and outlots within the area directly affected by the proposed amendment. The "area directly affected by the proposed amendment" shall mean:

- A. The properties that would be physically affected by an amendment to relocate or reconfigure one or more lot lines within the subdivision. Where a single lot line is relocated or reconfigured, the "area directly affected by the proposed amendment" would customarily include the lots on each side of the lot line; and

²⁵ See Article IV, Definitions, "Public Improvements"

- B. All properties that would be adjacent to, would potentially benefit from the use of, or would be responsible for subsidizing the maintenance of any proposed park, greenbelt, open space, or other property to be preserved from development. In many instances, this will include all properties within the subdivision.

Section 6-603 Administrative Plat Amendment Review Procedures.

The procedures applicable to the processing of an Administrative Plat Amendment are provided in the Subdivision Procedures Table 6-200 and Division 2 of this Article VI.

Section 6-604 Administrative Plat Amendment Application Contents.

- A. Delivery and Number of Copies. The Applicant shall deliver one (1) original Mylar and two (2) copies of all Administrative Plat Amendment application materials required by this Section to the Planning Department. The Planning Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The copies of the original application (with accompanying documentation) shall be collated into individual and complete applications capable of easy distribution to referral agencies.
- B. Application Contents. The following submittals, materials, and information shall comprise a complete application for Administrative Plat Amendment review:
1. A completed application in the form approved by the County;
 2. Payment of all required application fees and any review fee deposit;
 3. Evidence of Ownership and Encumbrances as defined by Article IV of these Land Use Regulations;
 4. A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor;
 5. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with C.R.S. §24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B;
 6. A copy of all documentation which evidences the existence of an existing or proposed conservation easement or mechanism for preservation of the property as required by the definition of Administrative Plat Amendment provided by Section 6-601 of this Division;
 7. *For an Administrative Plat Amendment that relocates or reconfigures one or more lot lines within the subdivision, an Amended Plat shall be submitted with the application. The Amended Plat shall be drafted at a commonly used engineering scale by the use of permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four inches by thirty-six inches (24" x 36"). Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines. The Amended Plat shall show or illustrate:*
 - a. A title that prominently identifies the name of the recorded subdivision together with the phrase "Plat Amendment." If the property described in the recorded plat is zoned as a Planned Unit Development (PUD), the title shall include the phrase "Planned Unit Development";

- b. Date of preparation, map scale, and north arrow;
 - c. Name, address and telephone number of the Applicant, land owner(s), planner, engineer, and surveyor;
 - d. Total acreage and surveyed description of the lots and area subject to the proposed amendment; and
 - e. A clear illustration or description of the amendment proposed, using shading, crosshatching, highlighting, or other techniques to accurately illustrate the proposed amendment.
 - f. Approval certification and plat language Forms A-1, A-2, A-4, A-5, A-6 (if applicable), and A-8 as identified in Appendix A of these Land Use Regulations. The Planning Director or designee may modify the form of certification and plat language upon the advice of the County Attorney.
8. *For an Administrative Plat Amendment that modifies, amends, adds, or deletes a restriction, limitation, condition, or other obligation, right, or duty stated on the recorded plat, a written description clearing stating the proposed amendment in a form suitable for recordation with the office of the Park County Clerk and Recorder. The written description shall be subject to approval of the County Attorney and, at a minimum, the written amendment shall also include:*
- a. A title that prominently identifies the name of the recorded subdivision together with the phrase "Plat Amendment." If the property described in the recorded plat is zoned as a Planned Unit Development (PUD), the title shall include the phrase "Planned Unit Development";
 - b. The County recording information (book and page) of the original subdivision plat, and the recording information and titles of any other prior amendments of the original plat; and
 - c. Date of preparation, name, address, and telephone number of the Applicant, land owner(s), and any professionals (planners, engineers, surveyors) assisting in the plat amendment.
 - d. As appropriate for the scope and extent of the proposed Administrative Plat Amendment, approval certifications and plat language Forms A-1, A-2, A-4, A-5, A-6 (if applicable), and A-8 as identified in Appendix A of these Land Use Regulations. The Planning Director or designee may modify the form of certification and plat language upon the advice of the County Attorney.

Section 6-605 Standards for Approval.

The Planning Director or designee shall administratively approve an application and plat for an Administrative Plat Amendment where the Planning Director or designee finds:

- A. The proposed amendment meets the definition of an "Administrative Plat Amendment" contained in this Division; and
- B. The plat amendment meets all content requirements of this Division; and
- C. The proposed plat amendment either fully conforms to all applicable zoning or other standards or any existing legal nonconformities are not increased; and

- D. The proposed plat amendment and arrangement does not, in the opinion of the Planning Director or designee, create illogical or substantially unusable lot areas; and
- E. The lot plat amendment does not, in the opinion of the Planning Director or designee, substantially and adversely affect adjacent lots or raise significant issues of policy which are not addressed by the Park County Strategic Master Plan or the Park County Land Use Regulations.
- F. If the Planning Director or designee determines that the proposed plat amendment would potentially cause substantial and adverse affects to surrounding property, the health, safety, and welfare of park county residents, or raise significant policy issues, the Planning Director or designee has the discretion to require the application to be processed through public hearings before the Planning Commission and the Board of County Commissioners.

Section 6-606 Planning Director's Decision and Appeal to Board of County Commissioners.

- A. Upon a finding by the Planning Director or designee that the proposed administrative plat amendment meets the standards for approval set forth in Section 6-605, the Planning Director shall cause a fully executed plat amendment to be recorded with the Park County Clerk and Recorder at the Applicant's expense.
- B. The Planning Director or designee shall deny an administrative plat amendment application for failure to meet the requirements of Section 6-605. Any decision to deny an application shall be made in writing stating the specific reasons for denial and the decision shall be promptly mailed to the Applicant. The Applicant may appeal a denial by the Planning Director or designee in accordance with the Procedures in Division 2, Article III of these Land Use Regulations.

Section 6-607 Conditions for Approval.

The Planning Director or designee may impose, or on appeal the Board of County Commissioners may require the Director or designee to impose, reasonable conditions upon any approval of a plat amendment that are necessary to ensure continued conformance with the standards of approval or the Park County Land Use Regulations.

DIVISION 7 SURVEY CORRECTION PLAT

Section 6-700 Definition of Survey Correction Plat.

A "Survey Correction Plat" is any form of proposed amendment or modification of an approved and recorded subdivision plat:

That:

- A. Is Intended for the sole purpose of correcting one or more evident and apparent typographical, spelling, or other errors contained in a legal description which, in the opinion of the Planning Director or designee, does not substantially or significantly alter the purpose and intent of original approved and recorded plat; or
- B. Is Intended to correct survey errors in a plat caused by the surveyor's reasonable reliance upon incorrectly located monumentation or upon an inaccurate and officially recognized plat map; and
- C. Does not create any additional lot(s) or outlot(s); and
- D. Does not reduce the amount or configuration of any dedicated or publicly owned land or land under public use.

Section 6-701 Authority to Seek Survey Correction Plat.

An application for a survey correction plat may be initiated by the owners of record of all lots and outlots directly affected by the proposed amendment. The "area directly affected by the proposed amendment" shall mean that the properties that would be physically and directly affected by the survey correction plat. Where a lot line is relocated or reconfigured by the correction plat, the "area directly affected by the proposed amendment" would customarily include the lots on each side of the lot line.

Section 6-702 Survey Correction Plat Review Procedures.

- A. The procedures applicable to the processing of a Survey Correction Plat are provided in the Subdivision Procedures Table 6-200, Division 2 of this Article VI, and this Section.
- B. All applications for a survey correction plat shall be administratively reviewed by the Planning Director or designee without notice or a public hearing. Within thirty (30) days following submission of a completed survey correction application and plat, the Planning Director or designee shall make a decision to approve or deny the application in accordance with the standards of Section 6-704.
- C. Appeals of the Planning Director or designee's decision shall be conducted as described in Division 2 of Article III of these Land Use Regulations.

Section 6-703 Survey Correction Plat Application Contents.

- A. Delivery and Number of Copies. The Applicant shall deliver to the Planning Department one (1) original, and the number of copies determined as necessary for processing by the Planning Director or designee during the pre-application meeting, of all Survey Correction Plat application materials required by this Section. The Planning Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The copies of the original application (with accompanying documentation) shall be collated into individual and complete applications capable of easy distribution to referral agencies.

- B. Application Contents. The following submittals, materials, and information shall comprise a complete application for Survey Correction Plat review:
1. A completed application in the form approved by the County;
 2. Payment of all required application fees and any review fee deposit;
 3. An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-401 of these Land Use Regulations;
 4. A complete list of the names and addresses of all the owners of property within the platted area of the Survey Correction Plat.
 5. Evidence of Ownership and Encumbrances for all lots within the plat as defined by Article IV of these Land Use Regulations or, in the alternative, one of the following:
 - a. A written, executed, and notarized statement of all Applicants representing to Park County that they are the fee owners of the properties; and
 - b. A certified copy of documentation from the Park County Assessor or Clerk and Recorder evidencing that the Applicants are the owners of record of the properties.
 6. A Final Plat in the form required by Section 6-405(B)(8), except that the Applicant shall provide or satisfy the following:
 - a. The title of the plat shall prominently identify the name of the recorded subdivision together with the phrase "Survey Correction Plat."
 - b. Approval Form A-8 shall be substituted for and replace Approval Form A-3 as identified in Appendix A of these Land Use Regulations.

Section 6-704 Standards For Approval of Survey Correction Plat.

Approval of a Survey Correction Plat by the Planning Director or designee shall require an administrative finding that the application materials established the following:

- A. The application and proposed survey correction meets the definition of a Survey Correction Plat as provided by Section 6-600; and
- B. The proposed plat meets or satisfies all applicable requirements of these Land Use Regulations.

Section 6-705 Effect of Approval of Survey Correction Plat.

- A. Recordation. Within ten (10) working days of approval by the Planning Director or designee, all correction plats shall be filed and recorded in the office of the County Clerk and Recorder at the Applicants' expense.
- B. Final Approval. No approval or conditional approval of a correction plat shall be deemed effective or finally approved until the plat is recorded with the office of the Park County Clerk and Recorder.

DIVISION 8 RESERVED

DIVISION 9 LOT CONSOLIDATION

Section 6-900 Purpose.

The purpose of this Division is to establish an administrative process applicable to proposals to consolidate and combine Lots²⁶ into one or more larger Lots (otherwise known as a "lot consolidation"). This Division is intended to provide for the more efficient processing of plats proposing lot consolidation without the need to undertake a formal public hearing process provided that all requirements of this Division are satisfied.

Section 6-901 Definition of Lot Consolidation.

A "Lot Consolidation" is any proposal and application that is determined by the Planning Director or designee to meet all of the following criteria:

- A. The proposal affects Lots as such term is defined by Article IV of these Land Use Regulations; and
- B. The proposal would consolidate property with the same ownership and form of tenure; and
- C. All lots to be consolidated are in the same zone district and, if in a subdivision, in the same filing; and
- D. The proposal seeks to consolidate or combine two or more contiguous and adjacent Lots into a fewer number of lots by the vacation or elimination of one or more lot lines; and
- E. The proposal does not propose the relocation or reconfiguration of previously established lot lines; and

Section 6-902 Lot Consolidation Review Procedures.

Following submission of a lot consolidation application and plat, the Planning Director or designee shall determine whether the application and plat are complete as required by this Chapter. Following receipt of a completed application and plat, the Planning Director or designee shall reach a final decision concerning the application within forty-five (45) days of the date of submission of the completed application and lot consolidation plat unless such deadline is waived by the Applicant. A failure by the Planning Director or designee to reach a final decision within forty-five (45) days shall be deemed an administrative decision to deny the application, which may be appealed as provided by Division 2 of Article III of these Land Use Regulations.

Section 6-903 Contents of Lot Consolidation Application.

- A. Delivery and Number of Copies. The Applicant shall deliver one (1) original and one (1) copy of all Lot Consolidation application materials required by this Section to the Planning Department. The Planning Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The copies of the original application (with accompanying documentation) shall be collated into individual and complete applications capable of easy distribution to referral agencies.
- B. Application Contents. The following submittals, materials, and information shall comprise a complete application for a Lot Consolidation review:

²⁶ See Article IV, Definitions, "Lot"

1. A completed application in the form approved by the County;
2. Payment of all required application fees.
3. Proof of ownership for all lots to be consolidated;
4. A Final Plat substantially in the form required by Section 6-405(B)(8), except that the Planning Director or designee may exercise discretion to relax some of the formal Plat requirements for good cause. The Applicant shall also provide or satisfy the following:
 - a. The title of the plat shall prominently identify the name of the recorded subdivision or a basic legal description, together with the phrase "Lot Consolidation Plat."
 - b. Approval Form A-8 shall be substituted for and replace Approval Form A-3 as identified in Appendix A of these Land Use Regulations.
5. Evidence that property taxes have been paid current.

Section 6-904 Standards for Approval.

An application and plat for a Lot Consolidation shall be administratively approved by the Planning Director or designee where the Planning Director or designee finds:

- A. The proposed subdivision meets the definition of a "Lot Consolidation" contained in this Division; and
- B. The lot consolidation plat meets all content requirements of this Division; and
- C. Either the proposed Lot Consolidation fully conforms to all applicable zoning or other standards or any existing legal nonconformities are not increased and;
- D. The proposed lot configuration and arrangement does not, in the opinion of the Planning Director or designee, create illogical or substantially unusable lot areas; and
- E. The lot consolidation does not, in the opinion of the Planning Director or designee, substantially and adversely affect adjacent lots or raise significant issues of policy which are not addressed by the Park County Strategic Master Plan or the Park County Land Use Regulations.

Section 6-905 Planning Director's Decision and Appeal to Board of County Commissioners.

- A. Upon a finding by the Planning Director or designee that the proposed lot consolidation meets the standards for approval set forth in Section 6-904, the Planning Director or designee shall cause a fully executed lot consolidation plat to be recorded with the Park County Clerk and Recorder at the Applicant's expense.
- B. The Planning Director or designee shall deny a lot consolidation application for failure to meet the requirements of Section 6-904. Any decision to deny an application shall be made in writing stating the specific reasons for denial and the decision shall be promptly mailed to the Applicant. The Applicant may appeal a denial by the Planning Director or designee to the Board of County Commissioners as described in Division 2, Article iii of these Land Use Regulations.

Section 6-906 Conditions for Approval.

The Planning Director or designee may impose, or on appeal the Board of Commissioners may require the Director or designee to impose, reasonable conditions upon any approval of a plat consolidation that are necessary to ensure continued conformance with the standards of approval or the Park County Land Use Regulations.

DIVISION 10 RIGHT OF WAY VACATIONS

Section 6-1000 Purpose.

The purpose of this Division is to establish a uniform procedure for the vacation of interests in rights-of-way owned or otherwise held by the County and to supplement the procedures for vacation of rights-of-way provided by Title 43, article 2, part 3, C.R.S.

Section 6-1001 Authority to Vacate Rights-of-Way.

- A. The Board of County Commissioners is authorized to vacate all or any portion of a right-of-way in accordance with this Division upon the application of any person or upon the County's own initiative. The vacation of a right-of-way shall be a legislative and discretionary decision of the Board of County Commissioners.
- B. The Board of County Commissioners may impose reasonable conditions upon the vacation of any right-of-way including, but not limited to: (I) the imposition of a deed restriction or other form of covenant upon the vacated right-of-way as may be deemed necessary or desirable by the Board of County Commissioners to protect the public health, safety, or welfare and/or (II) requiring that a payment of the market value of the land be associated with transfer of title to private ownership.
- C. The Board of County Commissioners may reserve, except, or otherwise create and retain one or more easements within any right-of-way vacated pursuant to this Division. In evaluating an application to vacate a right-of-way, the Board of County Commissioners shall make reasonable efforts to avoid denying public access to historic, archeological and mining sites.

Section 6-1002 Application and Review Process

- A. The procedures applicable to the processing of a road vacation plat are provided in the Subdivision Procedures Table 6-200, Division 2 of this Article VI, and this section.
- B. Application Contents.
 - 1. Application Fee and Review Expense Deposit.
 - 2. Proof of Ownership. A recorded Warranty Deed for the applicants' lot(s). This can be obtained at the Park County Clerk and Recorder's Office.
 - 3. Tax Receipt Showing Payment of Current Taxes. This can be obtained at the Park County Treasurer's office.
 - 4. Certified Land Survey Plat. The plat shall be drafted at a commonly used engineering scale with permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four inches by thirty-six inches (24"x36"). Where the required data cannot be easily shown on one (1) sheet, additional sheets of the same size may be used with easily identifiable match lines may be used. The plat shall include the following information:
 - a. Title, date of preparation, map scale, and north arrow.
 - b. Name, address and telephone number of the applicant, land owner(s), planner engineer, and surveyor.

- c. Total acreage and surveyed legal description of the area. No plat showing plus or minus dimensions will be accepted or approved.
 - d. Primary boundary survey control points with monument descriptions; all parcel lines dimensioned with lengths; curve data including chord lengths and bearings; basis of bearings and relation to true meridian. All required boundary monuments shall be placed in the field before the minor plat is recorded.
 - e. Tract boundary lines, road right-of-way lines, and easements with accurate bearings and dimensions including chord lengths and bearings, central angles, arc lengths, and radii of all curves.
 - f. Name and right-of-way width of each street or road. Right-of-way widths are to be shown at each leg of an intersection, at point of curvature and point of tangent, at dead-ends, and at angle points.
 - g. Location, dimensions, and purposes of all existing or proposed easements and utilities.
 - h. Identification of the right(s)-of-way to be vacated, subject to acceptance by the Board of County Commissioners.
 - i. Signature and seal of the registered land surveyor.
 - j. An eleven dollar (\$11.00) check made out to the Park County Clerk and Recorder to record the surveyor's Mylar.
- 5. Map or written directions showing location of the property in relation to roads, streams, utilities, adjacent parcels, and other features.
 - 6. Vicinity Map. A map of where the proposed property is located within Park County.
 - 7. Proof that no land adjoining said road or alley to be vacated would be left without access.
 - 8. The applicants' property must be clearly identified with the address and posted according to the Park County address requirements (requirements attached).
 - 9. Written description of reason for vacation.
 - 10. Letters of consent to alter or vacate utility easements from all public utilities serving the site, if applicable.
 - 11. A Mylar as described in (4) will be required after final approval for recording.

Section 6-1003 Standards for Approval.

No ordinance vacating a right-of-way shall be approved unless the Board of County Commissioners finds, at a minimum and by approval of a written resolution, the following:

- A. The vacation of the right-of-way is not contrary to the public interest; and
- B. the proposed right-of-way vacation would not create or result in any adverse impact to neighboring properties or the public health, safety, or welfare; and

- C. The proposed right-of-way vacation does not leave any land without access to another public road; and
- D. The proposed right-of-way vacation substantially conforms to the goals and policies of the Strategic Master Plan to the extent that such advisory provisions do not conflict with provisions or requirements of the Land Use Regulations and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or the Board of County Commissioners to decide that the dedication meets or fails to meet such goal or policy.

Section 6-1004 Effect of Vacation of Right-of-Way

For any right-of-way vacated in accordance with this Chapter, the ownership of the County's vacated interest in a right-of-way shall best in accordance with the provisions of C.R.S. §43-2-302.

DIVISION 11 RIGHT-OF-WAY DEDICATIONS

Section 6-1100 Purpose

The purpose of this division is to establish the circumstances under which a landowner may dedicate rights-of-way for public use.

Section 6-1101 Methods of Dedication

Dedications may occur in the following circumstances:

- A. Dedication Pursuant to Subdivision. In order to provide access to lots proposed for creation as part of a major or minor subdivision, the applicant may dedicate rights-of-way for public use.

- B. Dedication not Pursuant to Subdivision. Owners of land within Park County may dedicate rights-of-way for public use outside of the context of a subdivision application. Such dedications shall be subject to the same application requirements as right-of-way vacations and shall require a plat approved as to form by the Planning Director or designee and an explanation of the purpose of the dedication. Notice and review requirements shall be as described in Division 2, Article VI. In cases where the dedication is pursuant to a vacation (i.e., a right-of-way relocation), the application must be accompanied by a road construction plan and schedule approved by the Road and Bridge Department and the vacation shall not occur until the construction of the relocated road is completed and accepted as adequate by the county.

Standards for Acceptance of Right-of-way Dedication not Pursuant to Subdivision. The Board of County Commissioners shall approve right-of-way dedication not pursuant to subdivision only where the following requirements have been met:

- 1. The topographic and geologic characteristics of the right-of-way and adjacent properties will allow the construction of roads, bicycle paths, sidewalks, or other modes of travel that will meet all applicable design requirements.

- 2. The dedication of the right-of-way will not result in any substantial adverse affect on an adjacent property.

- 3. The dedication of the right-of-way substantially conforms to the goals and policies of the Strategic Master Plan to the extent that such advisory provisions do not conflict with provisions or requirements of the Land Use Regulations and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or the Board of County Commissioners to decide that the dedication meets or fails to meet such goal or policy.

DIVISION 12 GRANTS OF LICENSE WITHIN RIGHTS-OF-WAY

Section 6-1200 Purpose

The purpose of this division is to provide a remedy for people who have inadvertently placed improvements within a right-of-way in cases where such improvements will not substantially impede maintenance and use of the right-of-way.

Section 6-1201 Notice and Review Requirements

Applications for Grant of License shall be subject to the notice and review requirements of Division 2, Article VI, except that a hearing by the Planning Commission shall not be required.

Section 6-1202 Application Contents

Applications for grant of license shall contain the following items:

- A. Application fee and any review expense deposit.
- B. A recorded warranty deed for the lot to be served by the grant of license.
- C. Evidence that property taxes have been paid current.
- D. A list of all adjacent property owners.
- E. A survey prepared and stamped by a licensed surveyor. The survey must contain a graphic depiction of the lot to be served by the license and of the area of license, as well as a verbal legal description of the proposed easement. The graphic portion of the survey must also include the right-of-way in question and all structures and infrastructure on the lot to be served by the easement.
- F. A vicinity map showing the general location of the lot to be served by the grant of license.
- G. Evidence that the lot to be served by the grant of license is posted with an address according to county requirements.
- H. An explanation of why the grant of license is necessary to avoid extreme practical difficulty in the use of the lot and of how the grant of easement will not substantially impede maintenance and use of the right-of-way.

Section 6-1203 Standards of Approval for a Grant of License within a Right-of-Way

The Board of County Commissioners shall grant a license within a right-of-way only where the applicant demonstrates that a grant of license is necessary to avoid extreme practical difficulty in the use of the lot and of how the grant of license will not substantially impede maintenance and use of the right-of-way. The Board may impose conditions upon the grant as necessary to ensure that the license is revoked if it is no longer necessary to serve the lot or if public improvements require revocation and that the county is not liable for any damages to property within the license.

DIVISION 13 BOUNDARY LINE ADJUSTMENT FOR METES AND BOUNDS PARCELS

Section 6-1300 Purpose

The purpose of this Division is to establish an administrative process for assisting owners of metes & bounds described properties who want to adjust a common boundary line with an adjoining metes & bounds property owner. Boundary line adjustments for lots in a platted subdivision must follow the common or administrative plat amendment processes described in Divisions 5 and 6.

Section 6-1301 Definition of Boundary Line Adjustment/Criteria

A boundary line adjustment is the adjusting or moving of a common boundary line between two (2) adjacent parcels, both of which have metes and bounds legal descriptions, when the following criteria are met:

- A. The owners of both parcels must consent to the boundary line adjustment.
- B. The boundary line adjustment cannot result in an increase in the total number of parcels.
- C. The size of each resulting parcel cannot be less than the minimum size allowed for property located in the zone district in question, except in the case of legally non-conforming parcels.
- D. The boundary line adjustment must not result in a parcel which contains two zone districts. If this would occur, a rezoning must be done so that each lot after the boundary line adjustment contains only one zone district.
- E. The boundary line adjustment cannot result in an increase in the non-conformity of a legally non-conforming parcel.
- F. The boundary line adjustment cannot result in the creation of a parcel that would violate or fail to conform to any applicable zoning or other standard.
- G. The boundary line adjustment must not be for the purpose of evading the subdivision regulations.

Section 6-1302 Boundary Line Adjustment Review Procedures

The applicant(s) shall have a pre-application conference with the Planning Department. Following submission of an application, the Planning Director or designee shall determine whether the application package is complete. Following receipt of a complete application package, the Planning Director or designee shall reach a decision concerning the application within forty-five (45) days, unless the deadline is waived by the applicant. A failure by the Planning Director or designee to reach a final decision within forty-five (45) days shall be deemed an administrative decision to deny the application.

Section 6-1303 Contents of Boundary Line Adjustment Application

- A. Delivery and Number of Copies. The Applicant shall deliver one (1) original Mylar and two (2) copies of all application materials required by this Section to the Planning Department. The Planning Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The copies of the original application (with accompanying documentation) shall be collated into individual and complete applications capable of easy distribution to referral agencies.
- B. Application Contents. The following submittals, materials, and information shall comprise a complete application:

1. A completed application in the form approved by the County:
2. Copies of both deeds, plus a written, executed, and notarized statement of the owners of both parcels representing to Park County that they are the fee owners of the subject properties;
3. A Final Plat in the form required by Section 6-405(B)(8), except that the title of the plat shall read "Boundary Line Adjustment Plat" and that items the Planning Director or designee considers irrelevant to the standards of approval in section 6-1104 may be omitted at the director or designee's discretion.
4. A vicinity map indicating the location of the subject properties in relation to the general context of the County.
5. A location map indicating the location of the subject properties in relation to roads, streams, utilities, adjacent parcels and other features.
6. Evidence that property taxes have been paid current.
7. Payment of applicable fees including any review fee deposit.

Section 6-1304 Standards for Approval

An application and plat for a boundary line adjustment shall be administratively approved by the Planning Director or designee where the Planning Director or designee finds:

- A. The proposed action meets the definition of a "Boundary Line Adjustment" contained in this Division and does not have the purpose or effect of evading the subdivision regulations; and
- B. The boundary line adjustment plat meets all content requirements of this Division; and
- C. The proposed boundary line adjustment fully conforms to all applicable requirements for the zone district(s) in which the property is located except that existing legal non-conformities may be retained but not increased; and
- D. The proposed lot configuration and arrangement does not, in the opinion of the Planning Director or designee, create illogical or substantially unusable lot areas; and
- E. The boundary line adjustment does not, in the opinion of the Planning Director or designee, substantially and adversely affect adjacent lots or raise significant issues of policy, which are not addressed by the Park County Strategic Master Plan or the Park County Land Use Regulations and;
- F. The boundary line adjustment does not, in the opinion of the Planning Director or Designee, evade or work to circumvent the purpose of the subdivision regulations.

Section 6-1305 Planning Director's Decision and Appeal to Board of County Commissioners

- A. Upon a finding by the Planning Director or designee that the proposed boundary line adjustment meets the standards for approval set forth in Section 6-804, the Planning Director or designee shall cause a fully executed boundary line adjustment plat to be recorded with the Park County Clerk and Recorder at the Applicant's expense.

- B. The Planning Director or designee shall deny a boundary line adjustment application for failure to meet the requirements of Section 6-1104. Any decision to deny an application shall be made in writing stating the specific reasons for denial and the decision shall be promptly mailed to the Applicant. The Applicant may appeal a denial by the Planning Director or designee to the Board of County Commissioners as described in division 2, article iii of these land use regulations.

Section 6-1306 Conditions for Approval.

The Planning Director or designee may impose, or on appeal the Board of Commissioners may require the Director or designee to impose, reasonable conditions upon any approval of a boundary line adjustment that are necessary to ensure continued conformance with the standards of approval or the Park County Land Use Regulations.