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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 division<sup>1</sup> 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 Easement<sup>2</sup> 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.

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<sup>1</sup> See Definitions, Article IV, "Division"

<sup>2</sup> See Definitions, Article IV, "Easement"

**Section 6-101 Exemptions From County Subdivision Review and Approval.**

- A. 35 Acre Exemption.<sup>3</sup> County subdivision approval shall not be required for any division of land, which creates Lots each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners. This exemption does not apply to a division of land that would result in any one or more parcels or land of less than 35 acres. By way of example, an 80-acre parcel of land may lawfully be divided into two parcels greater than 35 acres (e.g., one lot of 35 acres and one lot of 45 acres). However, the division of an 80-acre parcel into three parcels as an exemption without County approval (e.g., two parcels of 35 acres each and one parcel of 10 acres) is prohibited and unlawful.

**IMPORTANT NOTES CONCERNING 35-ACRE LOT EXEMPTION:**

1. 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 subdivision approval is not an exemption from County regulation of the property's use and County construction and building requirements.
- B. Lot Consolidation Exemption.<sup>4</sup> Owners may create new Lots by the consolidation or combination of contiguous and legally recognized Lots without County approval into one larger lot. This Lot Consolidation Exemption does not permit consolidation of portions or parts of contiguous and legally recognized Lots. If the resulting lot is less than thirty five (35) acres in size, only one interest in the resulting Lot shall be allowed. If the resulting Lot is greater than thirty five (35) acres in size, such land area, divided by the number of interests in the resulting parcel, must result in thirty five (35) or more acres per ownership interest. Easements and rights-of-way shall not be considered interests for purposes of this paragraph (B).

**IMPORTANT NOTE CONCERNING LOT CONSOLIDATION EXEMPTION:**

1. 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.
- C. Other Exemptions. The provisions of this Article VI shall not apply to the following divisions of property:

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<sup>3</sup> See: C.R.S. §30-28-101(10)(c)(I); Definitions, Article IV, "Lot," "Interest"

<sup>4</sup> See: C.R.S. §30-28-101(10)(c)(VIII); Definitions, Article IV, "Lot," "Contiguous," and "Interest"

1. A division, which is created by a lien, mortgage, deed of trust, or any other security instrument.
  2. A division of land ordered by a court of competent jurisdiction pursuant to C.R.S. §30-28-101(10)(c)(II) where the Board of County Commissioners is afforded timely notice and opportunity to join as a party to the proceeding in accordance with such statute.
  3. A division, which creates a cemetery lot(s) within a zone district that, permits a cemetery as a lawful use.
  4. A division, which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property.
  5. A division 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 provided that any such interest shall be deemed for purposes of this Article VI as only one interest.
  6. A division of land that is to be created by operation of a contract concerning the sale of a part or parcel of such land where the contract is expressly contingent upon the purchaser's obtaining final approval from the County of a subdivision plat processed in accordance with these Land Use Regulations.
  7. A division resulting from the sale, conveyance, transfer, disposition, division, or dedication of property to Park County that is subject to and accepted by the County, for the purpose of providing land for a public use such as, but not limited to, park, open space, trail, right-of-way, utility access, and drainage management.
  8. A division of land where the owner and applicant is Park County.
- D. One Time Exemption for One Additional Lot. The provisions of this Article VI shall not apply to the following one time division of property, which complies with the following criteria:
1. The residual parcels from the exemption shall comply with minimum lot size and slope requirements in the appropriate zone district.
  2. No exemption will be allowed for previously platted subdivisions nor for previously subdivided property. It shall be the applicant's responsibility to demonstrate eligibility.
  3. The applicant must comply with the provisions of the Subdivision Applications and Procedures set forth in Article VI, Division 2, Sections 6-201 through 6-208.
  4. The contents of the application must comply with the following:
    - a. Delivery and Number of Copies. The Applicant shall deliver one (1) original and twenty (20) copies of all Exemption from Subdivision Plat application materials required by this Section to the Planning Department.

The Planning Director 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 an Exemption from Subdivision review:
- i A completed application in the form approved by the County;
  - ii Payment of all required application fees and any review fee deposit;
  - iii An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-401 of these Land Use Regulations;
  - iv Proof of Ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorder's Office.
  - v Tax Receipt showing payment of current taxes. This can be obtained at the Park County Treasurer's Office.
  - vi Current certified land survey plat with a legal description of the property proposed to be subdivided prepared by a licensed registered Colorado Land Surveyor with all signature blocks that are required (see attached Appendix A-1).
  - vii A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed exemption, this information appears of record with the Park County Assessor's Office.
  - viii Site Evaluation letter from the Park County Environmental Health Department with site evaluation application fee.
  - ix Map or written directions showing location of the property in relation to roads, streams, utilities, adjacent parcels, and other features.
  - x Vicinity Map. A map of where the proposed property is located within Park County.
  - xi Proof of access. Demonstrate each parcel created by the exemption shall have a least sixty (60) feet of frontage with access to both parcels.

- xii The property must be clearly identified with the address and posted according to the Park County address requirements (requirements attached).
- xiii Written description of proposed use and intended development.
- xiv An eleven dollar (\$11.00) check payable to the Park County Clerk for the recording of the Mylar once the Exemption from Subdivision is approved.
- xv An Exemption from Subdivision survey plat on a twenty-four (24) x thirty-six (36) piece of paper at a scale of one inch (1") equals one hundred (100') feet. This plat map shall depict:
  - (a) Title that prominently identifies the proposed Exemption from Subdivision legal description.
  - (b) Date of preparation, map scale, and north arrow.
  - (c) Name, address and telephone number of the Applicant, and owner(s), planner, engineer, and surveyor.
  - (d) Total acreage and surveyed legal description of the area. No Plat showing plus or minus dimensions will be accepted or approved.**
  - (e) 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.
  - (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) Locations, dimensions, and purposes of all existing or proposed easements.
  - (h) Number or letter to identify each parcel. Parcels shall be identified for the one time split with the proposed acreage of each proposed parcel.
  - (i) The building envelope for each parcel.
  - (j) Signature and seal of the registered land surveyor.

- (k) A delineation of the extent of the one hundred (100) year flood plain.
  - (l) Approval certification and plat language Forms A-1, A-2, A-3, A-4, A-5, A-6, as identified in Appendix A of the Land Use Regulations (attached). 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.
- xvi Site Characteristics. An analysis of site features and environmental and wildlife impacts that may effect the evaluation of the development and proposed mitigation measures.
- xvii Water supply report. Evidence that a legal water supply is available as follows:
- (a) For a division of land located within an existing water or special district, a letter of commitment to serve the proposed properties stating the amount of water available for use and the feasibility of extending service to that area.
  - (b) If required by the Planning Department, an analysis prepared by a water attorney, water consultant, or water engineer that provides evidence of the physical or legal water supply available.



c. Upon presentation of evidence sufficient to identify potential impacts, the Planning Department, 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.

5. If approved, a deed restriction prohibiting any further subdividing of the residual parcels pursuant to this one time exemption provision and, for a period of ten (10) years following the date of said approval, prohibiting any further subdividing of the residual parcels pursuant to any other provision of these Land Use Regulations.

E. Exemption for Certain Illegal Parcels Created Prior to \*November 1,2002.

(\* Date that Zoning verification policy was implemented by Park County)

1. Purpose. The purpose of this subsection is to provide a process for resolving the dilemma of innocent citizens who have unknowingly acquired parcels, which were previously created without proper County approval and are therefore considered illegal. In order to qualify for this exemption process, the applicant must provide clear and convincing evidence to establish that the following criteria have been met:

- a. The applicant, or anyone affiliated with the applicant, was not involved in any way with the creation of the illegal parcel and was not aware of its illegal status when the parcel was acquired.
- b. The applicant is unable to rectify the hardship by any other reasonable means.
- c. The exemption will not create or result in the creation of a lot that would violate or fail to conform to any applicable Zoning or other standard, including but not limited to, lot size, minimum frontage, building height, setbacks, street or driveway width, parking or access.
- d. The exemption will not reduce the amount of any dedicated or publicly owned land, and does not significantly alter or impact a subdivision's access, parking or traffic system.
- e. The parcel or parcels are sufficiently large to be buildable.
- f. The exemption will not result in a substantial detriment to any neighbor or the public.

2. Application Contents. The contents of the application must comply with Article VI, Division I, Section 6-101,D. 4a and b.
3. Parcels with Existing Structures. Applications involving a parcel with an existing residence with an approved driveway, I.S.D.S., and a Certificate of Occupancy may be processed administratively through the Planning Director.
4. Vacant Parcels. Applications involving a vacant parcel must be submitted to the Planning Commission and the Board of County Commissioners for review at properly noticed public hearings.

**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>
Exemption	Division 1 of this Title VI
Minor Subdivision	Division 3 of this Title VI
Major Subdivision	Division 4 of this Title VI
Common Plat Amendment	Division 5 of this Title VI
Administrative Plat Amendment	Division 6 of this Title VI
Modification of Regulation	Division 7 of this Title VI
Survey Correction Plat	Division 8 of this Title VI
Lot Consolidation	Division 9 of this Title VI
Right-of-Way Vacation	Division 10 of this Title 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 are 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**

	<b>Pre-App Meeting</b>  Section 6-201	<b>Application Content Required</b>	<b>Staff Application Completeness Determination</b> Section 6-202	<b>Referral Agencies</b>  Section 6-203	<b>Staff Review</b>  Section 6-204	<b>Notice of Planning Commission Action</b> Section 6-205	<b>Planning Commission Action</b>  Section 6-207	<b>Notice of BOCC Action</b>  Section 6-205	<b>BOCC Action</b>  Section 6-207	<b>Plat/ Document Recordation</b>  Section 6-208
<b>Minor Subdivision</b>	Required	Section 6-301	Required	Local Agencies	Required	R-Publication R-Mailing R-Agency R-Posting	Public Hearing	R-Publication R-Mailing	Public Hearing	BOCC Resolution, Minor Plat, SIA
<b>Major Subdivision: Sketch Plan</b>	Required	Section 6-403	Required	All Agencies	Required	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	BOCC Resolution w/ Plan
<b>Major Subdivision: Preliminary Plan</b>	Required	Section 6-404	Required	All Agencies	Required	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	BOCC Resolution w/ Plan
<b>Major Subdivision: Final Plat</b>	Required	Section 6-405	Required	All Agencies	Required	R Publication R-Mailing R-Posting R-Posting	Public Hearing	R Publication	Public Hearing	BOCC Resolution, Final Plat, SIA
<b>Common Plat Amendment</b>	Required	Section 6-503	Required	Local Agencies	Required	R- Publication R-Mailing R-Agency	Public Hearing	R- Publication R-Mailing	Public Hearing	Amended Plat/SIA
<b>Administrative Plat Amendment</b>	Required	Section 6-604	Required	County Discretion	Final Administrative Decision	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**

	<b>Pre-App Meeting</b>  Section 6-201	<b>Application Content Required</b>	<b>Staff Application Completeness Determination</b> Section 6-202	<b>Referral Agencies</b>  Section 6-203	<b>Staff Review</b>  Section 6-204	<b>Notice of Planning Commission Action</b> Section 6-205	<b>Planning Commission Action</b>  Section 6-207	<b>Notice of BOCC Action</b>  Section 6-205	<b>BOCC Action</b>  Section 6-207	<b>Plat/ Document Recordation</b>  Section 6-208
<b>Survey Correction Plat</b>	Required	Section 6-703	Required	County Discretion	Final Administrative Decision	N/A	N/A	N/A	N/A	Survey Correction Plat
<b>Modification of Regulation</b>	Required	Section 6-803	Required	Local Agencies	Required	R- Publication R-Mailing R-Agency	Public Hearing	R- Publication R-Mailing R-Agency	Public Hearing	Resolution at County Discretion
<b>Lot Consolidation</b>	Required	Section 6-903	Required	County Discretion	Final Administrative Decision	N/A	N/A	N/A	N/A	Consolidation Plat
<b>Right-of-Way Vacation</b>	Required	Section 6-1003	Required	County Discretion	Required	R- Publication R-Mailing R-Posting R-Agency	Public Hearing	R Publication	Public Hearing	Vacation Resolution and Plat (if required)

## **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 Director in writing to schedule and request an informal meeting with the Planning Director. Following receipt of a request, the pre-application meeting shall be set for a date within ten (10) days of the date of the Applicant's written request. The Planning Director shall advise the Applicant of the date and time of the pre-application meeting.
- 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. 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 to determine the applicable process and regulations for the proposed application. Upon request of the Applicant, the Planning Director 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 and legible. With the Board of County Commissioners approval, the Director 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 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.

- C. Complete Applications. In the event that the Planning Director determines that the application complies with the applicable content requirements, the Planning Director shall schedule the application for review in accordance with the Subdivision Procedures Table 6-200.
- D. Incomplete Applications. In the event the Planning Director determines that the application is incomplete, the Planning Director 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 determines that the Applicant has remedied the application's deficiencies. At the Planning Director's discretion, applications that are not diligently supplemented and found complete within ninety (90) days of the date of the Director's initial written finding of incompleteness may be deemed withdrawn and the incomplete application may be destroyed. 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. Park County Sheriffs Office;
  - 2. Park County Road & Bridge Department;
  - 3. Park County Department of Environmental Health;
  - 4. Park County Attorney;
  - 5. Park County Historic Preservation Advisory Commission;
  - 6. Appropriate Fire and Emergency Services District(s);
  - 7. Appropriate School District;
  - 8. Appropriate Special Districts, utility companies, ditch companies, and municipalities that are known to provide services to the property;

9. Advisory Board on the Environment
  10. Center of Colorado Water Conservancy District
  11. Upper South Platte Water Conservancy District
  12. Any municipalities within two (2) miles of the proposed subdivision; and
  13. Any other local, regional, state, or federal agencies that may be deemed by the Planning Director as specially affected or interested, including but not limited to agencies identified to in (C) below;
  14. At the County discretion, the application shall be submitted to outside consultants, engineers, attorneys, or other specialists for opinions on any aspect of the proposed subdivision.
- 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. If appropriate, to the district or regional department of health, or to 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 and quantity of the proposed water supply to serve the subdivision. The department of public health and environment, or 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 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.<sup>5</sup>
  3. Colorado 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.<sup>6</sup>
  4. Colorado Department of Transportation;

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<sup>5</sup> This referral requirement is required by C.R.S. §30-28-136(1)(g) for a preliminary plan.

<sup>6</sup> This referral requirement is required by C.R.S. §30-28-136(1)(h) for a preliminary plan.



5. Colorado Division of Wildlife;
  6. Colorado State Forest Service;
  7. Colorado Geological Survey for an evaluation of those geologic factors, which would have a significant impact on the proposed use of the land.<sup>7</sup>
  8. Appropriate water conservancy district(s) within the county for explicit review and recommendations regarding floodwater problems and watershed protection and water supply availability. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district.<sup>8</sup>
  9. Any other local, regional, state, or federal agencies that may be deemed by the Planning Director 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;
  10. For any preliminary plan or final plat, the application shall be submitted to the Colorado Land Use Commission as required by C.R.S. §30-28-133(7); and
  11. 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.
- 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. 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.
- 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. 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, 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.

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<sup>7</sup> This referral requirement is required by C.R.S. §30-28-136(1)(i) for a preliminary plan.

<sup>8</sup> This referral requirement is required by C.R.S. §30-28-136(1)(f) for a preliminary plan.

- 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 Staff Review.**

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

- A. Following the later of the deadline set for return of agency responses to the County (if required) or the Completeness Determination, the County staff shall administratively review the application, all supplemental materials, and agency comments, if any, to determine if, in the opinion of the staff, the application is generally consistent with these Land Use Regulations. The Planning Director shall transmit the staff's written findings by mail to the Applicant.
- B. The County staff shall also notify the Applicant concerning the nature of any returned referrals which are critical of the plan or which recommend denial of the plan. Once the staff review is deemed completed by the Planning Director, the Planning Director shall schedule the matter for presentation to the Planning Commission as may be required by the Subdivision Procedures Table 6-200.

**Section 6-205 Notice Requirements.**

- A. When Notice Required. Notice shall be made at the time and in the manner required in accordance with the requirements of the Subdivision Procedures Table 6-200. 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 Property<sup>9</sup> 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 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. At the outset of each hearing, the Planning Department should 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 photographs showing the posted sign and a "posting log" or other written document evidencing the time, date, and location of the posting and the time and date of the Planning Department maintenance of the posted sign during the posting period prior to the hearing.
- 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.

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<sup>9</sup> See Article IV, Definitions, "Adjacent Property"

## **Section 6-206            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, 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.

## **Section 6-207            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 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 of Staff Report.
  - 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;
  3. These Land Use Regulations, 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 whenever possible.
- 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 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 6-208          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 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 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 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.**

"Minor Subdivision" is the division<sup>10</sup> of land that:

- A.     Divides a parcel into eight (8) or fewer Lots; and
- B.     Does not divide property zoned as a Planned Unit Development; and
- C.     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 including but not limited to minimum lot area, minimum frontage, building height, setback(s), street or private drive width, parking, or access.

### **Section 6-301            Minor Plat Application Contents.**

- A.     Delivery and Number of Copies. The Applicant shall deliver one (1) original and twenty (20) copies of all Minor Plat application materials required by this Section to the Planning Department. The Planning Director 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 property<sup>11</sup> 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

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<sup>10</sup> See Article IV, Definitions, "Division"

<sup>11</sup> See Article IV, Definitions, "Adjacent Property"

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. A Minor Plat satisfying or containing the following:
  - a. The Minor Plat shall be drafted at a scale of one inch to one hundred feet (1" = 100') 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. Other scales may be authorized in writing by the Planning Director for larger, lower-density developments provided that the necessary data can be clearly and accurately shown. 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.
  - b. The plat shall include a title that prominently identifies the proposed name of the subdivision together with the phrase "Minor Plat."
  - 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. No Final Plat showing plus or minus dimensions will be accepted or approved.
  - f. 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.
  - 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 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.
  - i. Locations, dimensions, and purposes of all existing or proposed easements.
  - j. Each lot will have a designated building envelope.



- k. Number or letter to identify each Lot and Outlot.<sup>12</sup> 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.
  - l. An identification of the streets, alleys, easements, 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 Minor Plat shall be made only by General Warranty Deed recorded contemporaneously with the Minor Plat unless otherwise approved by the Board of County Commissioners.
  - m. Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such.
  - n. Signature and seal of the registered land surveyor.
  - o. A delineation of the extent of the one hundred (100) year flood plain.
  - p. 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 private covenants that currently govern or proposed for recordation to govern the use and maintenance of the subdivision and any common private open space or private 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 address the requirements of Divisions 7 and 8 of Article VII.
  - 11. *Only where* Public Improvements<sup>13</sup> 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.
    - b. A written description of arrangements and financial institution commitments for providing financial guarantees and sureties for the timely

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<sup>12</sup> See Article IV, Definitions, "Outlot"

<sup>13</sup> See Article IV, Definitions, "Public Improvements"

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 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.

12. The Planning Director may impose a 1041 Wildlife and/or Water Permit Application if the development is located in a high wildlife impact area..

- 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. Upon presentation of evidence sufficient to identify potential impacts, the 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.

**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 or material adverse impacts upon adjacent property.
- 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 Improvements<sup>14</sup> 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 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.

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<sup>14</sup> See Article IV, Definitions, "Public Improvements"

## **DIVISION 4            MAJOR SUBDIVISIONS**

### **Section 6-400            Definition of Major Subdivision.**

A "Major Subdivision" is any division of land that is not defined as a "Minor Subdivision," a "Lot Consolidation," a "Major Plat Amendment," an "Administrative Plat Amendment," or a "Plat Vacation" these terms are defined by this Article VI.

### **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 Subdivision Regulations, the Zoning Ordinance, and the Land Use Regulations in total. 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 Subdivision Regulations, the Zoning Ordinance, and the 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.
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 Subdivision Regulations, the Zoning Ordinance, and the 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 may administratively agree to permit the consolidation and concurrent processing of a Sketch Plan and Preliminary Plan where the Planning Director 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. The Sketch Plan and Preliminary Plan review *cannot* be combined for a Planned Unit Development.

#### **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 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 Property<sup>15</sup> 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. Site Plan: A graphic conceptual representation of the proposed subdivision and the proposed development prepared on a base map at a scale of one-inch equals one hundred feet (1" = 100'). 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 modify the form of certification and plat language only with the consent of the County Attorney, which shall be subject to final approval.
  - d. If the Sketch Plan is submitted in support of a zoning or rezoning application for a Planned Unit Development<sup>16</sup> (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 zoning or rezoning of the Property as a Planned Unit Development (PUD) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

<sup>15</sup> See Article IV, Definitions, "Adjacent Property"

<sup>16</sup> See Section 5-313 of Article V for PUD Zone District requirements.

\_\_\_\_\_  
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 natural and geological hazards and cultural and historic resources located within the property to be subdivided, including Historic Architectural Resources, Cultural or Heritage 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;
  - j. 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* (see Appendices E and F); and
  - k. 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.
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.

**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 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 Property<sup>17</sup> 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 scale of one-inch equals fifty feet (1" = 50') and shall be prepared by, drawn, signed and stamped by a currently registered Colorado land surveyor. The size of the map sheet

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<sup>17</sup> See Article IV, Definitions, "Adjacent Property"



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 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 only with the consent of the County Attorney, which shall be subject to final approval.
- d. If the property described in the Preliminary Plan is zoned as a Planned Unit Development<sup>18</sup> (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 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 Preliminary Plan to accompany the zoning or rezoning of the Property as a Planned Unit Development (PUD) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ ATTEST: \_\_\_\_\_  
 BOCC Chairperson County Clerk (Seal)

- 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;

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<sup>18</sup> See Section 5-313 of Article V for PUD Zone District requirements.

- 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 and lot owners' names for property within any adjacent subdivision(s), unsubdivided tracts with owner's names, and all public lands with the agency name. The approximate location of Lot Lines within adjacent subdivisions for Lots all adjacent to the proposed subdivision;
- i. Zoning classifications of property 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 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, high water elevations, and the location and extent of those areas subject to inundation by the one hundred (100) year frequency storm;
- n. Location and description of significant existing and proposed vegetation and landscaping;
- o. Location and dimensions of all proposed Lots, Blocks, and Outlots.<sup>19</sup> 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;

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<sup>19</sup> See Article IV, Definitions, "Outlot"

- 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.
  - v. Each Lot will have a designated building envelope.
9. Written Statement. A written statement addressing the following:
- a. Any additional or supplemental information necessary to meet the content requirements of the Preliminary Plan in subsection (B) above that is not thoroughly shown on the Preliminary Plan;
  - b. 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;
  - c. Environmental considerations, including but not limited to unstable slopes/rock fall zones, related geologic factors, flood plains and wetlands, and alignment of structures and improvements to take into consideration climatic conditions and high groundwater areas;
  - d. Unique site characteristics not common to other properties, including any natural and man-made features and/or hazards that may affect the development;
  - e. A phasing plan and development schedule for the construction and/or installation of streets, utilities, buildings, and landscaping;
  - f. Statements explaining the nature of all easements and reservations, if any;
  - g. 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;
  - h. 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. 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 issue an administrative determination that a proposed professional is qualified to perform the study. A determination of qualification by the Planning Director 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 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.
- a. Preliminary drainage report and grading plan, including a contour map marked to show existing drainage basins, flow patterns, concentration points, approximate runoff quantities and velocities and all existing natural and man-made features affecting site drainage, and location of on-site and off-site surface water detention facilities and any easements for conveyance of surface water. Such report shall also identify the proposed grading of the property necessary for development of the lots. The report shall identify potential drainage problems caused by development and describe proposed actions and facilities to mitigate potential drainage, erosion, and water retention or storage problems that may result from development;
  - b. Preliminary soils report;
  - 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 per day, 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. Such report(s) 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. 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 concerning the potability of the proposed water supply for the subdivision.
- g. A parks and open space plan documenting types of space (public, private, common areas), proposed uses, development in sequence with the phasing plan, and administrative and maintenance responsibilities;
  - 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, Cultural or Heritage 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 lighting sources, including type(s) of fixtures and wattage.
  - j. A dust control and mitigation plan identifying the specific locations and 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 conditions of the property within the subdivision, and specific methods to ensure control, elimination, and management of weed conditions 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.
11. 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 Improvements<sup>20</sup> 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.
12. Upon presentation of evidence sufficient to identify potential impacts, the Planning Commission and/or Board of County Commissioners may require the Applicant's submission of other studies and reports prepared by qualified professional at the Applicant's cost to address issues such as, but not limited to, drainage, grading, traffic, geology, utilities services, radiation or environmental hazards, water issues, and adequate water supply quantity.

**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 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 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;

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<sup>20</sup> See Article IV, Definitions, "Public Improvements"

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 Property<sup>21</sup> 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 scale of one inch to fifty feet (1" = 50') 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. Other scales may be authorized in writing by the Planning Director for larger, lower-density developments provided that the necessary data can be clearly and accurately shown. 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 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 Development<sup>22</sup> (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 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-way, easements, boundaries, lots, outlots, and blocks. All required boundary monuments shall be placed in the field before the Final Plat is recorded;
  - f. 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;

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<sup>21</sup> See Article IV, Definitions, "Adjacent Property"

<sup>22</sup> See Section 5-313 of Article V for PUD Zone District Regulations.

- g. Name and right-of-way width of each street. 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;
  - h. Locations, dimensions, and purposes of all easements;
  - i. Number or letter to identify each Lot, Block, and Outlot<sup>23</sup>. Lots and Blocks shall be numbered. All Outlots shall be lettered in alphabetical order. Final Plat Plan shall clearly designate and restrict the use of any Outlot for its proposed purpose and no other;
  - j. An identification of the streets, alleys, 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;
  - k. Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such;
  - l. Signature and seal of the registered land surveyor;
  - m. A delineation of the extent of the one hundred (100) year flood plain; and
  - n. 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 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 Improvements<sup>24</sup> 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 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 Final Plat.

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<sup>23</sup> See Article IV, Definitions, "Outlot"

<sup>24</sup> See Article IV, Definitions, "Public Improvements"



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 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. The following final studies and reports 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.
  - a. Final drainage report and grading plan;
  - b. Final soils report;
  - c. Final utility plan for the infrastructure proposed to deliver water, sewer, and electric services to and throughout the property;
  - d. Final traffic impact analysis including an evaluation of the vehicular and pedestrian traffic patterns, together with estimated trips per day, for roads within the subdivision and for all routes leading from the subdivision and connecting to highway and arterial roads;
  - e. Final wastewater report detailing how the Applicant proposes to provide sewer service to the subdivision; and
  - f. Final water report detailing how the Applicant proposes to provide water service to the subdivision in a manner conforming to Division 7 of Article VII. Such report(s) 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. Such evidence may 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 can 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;

- v Evidence concerning the potability of the proposed water supply for the subdivision.
  - g. A report of the existence of, and proposal to protect or enhance, cultural and historic resources located within the property to be subdivided, including Historic Architectural Resources, Cultural or Heritage Resources, Historic Archeological Resources, and Prehistoric Archeological Resources as these phrases are defined by Article IV of these Land Use Regulations.
  - h. A lighting plan identifying the locations of proposed lighting sources, including type(s) of fixtures and wattage.
  - i. A dust control and mitigation plan identifying the specific locations and methods to be employed in the subdivision to prevent, control, and manage dust created both during and following development of the subdivision.
  - j. A noxious weed control and mitigation plan identifying the existing noxious weed conditions of the property within the subdivision, and specific methods to ensure control, elimination, and management of weed conditions during and following development of the subdivision.
  - k. A parking plan demonstrating how the subdivision will accommodate vehicles in conformance with the requirements of Division 3 of Article VII.
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. Upon presentation of evidence sufficient to identify potential impacts, the 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, geology, utilities services, and radiation or environmental hazards.

**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 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.
- C. The proposed Major Subdivision meets or satisfies all applicable requirements of these Land Use Regulations.
- D. 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.
- E. 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.
- F. 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.
- G. Water and wastewater services can be provided to the subdivision in accordance with Divisions 7 and 8 of Article VII.

- H. Where Public Improvements<sup>25</sup> 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. Such extension may be granted administratively without notice or public hearing.

**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. Such extension may be granted administratively without notice or public hearing.

**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

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<sup>25</sup> See Article IV, Definitions, "Public Improvements"

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.     A "Common Plat Amendment" is any form of amendment or modification of a County-approved and recorded Minor Plat, Final Plat, or Exemption Plat<sup>26</sup> that:
1.     Does not create any additional Lot(s) or Outlot(s); and
  2.     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 including but not limited to lot area, minimum frontage, building height, setback(s), street or private drive width, parking, or access; and
  3.     Does not reduce the amount of any dedicated or publicly-owned land, and in the opinion of the Planning Director does not significantly alter or impact the subdivision's access, parking, or traffic circulation system; and
  4.     Either:
    - a.     Relocates or reconfigures<sup>27</sup> one or more Lot Lines within the subdivision; and/or
    - b.     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 be initiated by 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.

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<sup>26</sup> An "Exemption Plat" was a form of Subdivision Plat authorized by the 1996 Park County Land Use Regulations. Exemption Plats are no longer authorized as a means of subdividing property in Park County

<sup>27</sup> 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.

**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 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 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 effected 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 Property<sup>28</sup> to the property effected 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 scale of one inch to fifty feet (1" = 50') 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"). Other scales may be authorized in writing by the Planning Director for larger, lower-*

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<sup>28</sup> See Article IV, Definitions, "Adjacent Property"

density developments provided that the necessary data can be clearly and accurately shown. 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, 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, together with the phrase "Plat Amendment." If the property described in the recorded plat is zoned as a Planned Unit Development<sup>29</sup> (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-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. 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<sup>30</sup> (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

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<sup>29</sup> See Section 5-313 of Article V for PUD Zone District requirements.

<sup>30</sup> See Section 5-313 of Article V for PUD Zone District requirements.



- 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 Common Plat Amendment, approval certification 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.
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 any stage 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, 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;
- 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 or other documentation approved by the Board 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.**

- A.     An "Administrative Plat Amendment" is an amendment or modification of a County-approved and recorded Minor Plat, Final Plat, or Exemption Plat that:
1.     Either:
    - a.     Relocates or reconfigures one or more Lot Lines within the subdivision provided there is no reduction in Lot size; and/or
    - b.     Makes minor changes affecting not more than five percent (5%) of gross density floor area, building sites, or location of streets or easements.
  2.     Or either:
    - a.     Creates a "conservation easement in gross" as defined by C.R.S. §38-30.5-102; or
    - b.     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
  3.     Does not create any additional lot(s) or outlot(s); and
  4.     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 including but not limited to lot area, minimum frontage, building height, setback(s), street or private drive width, parking, or access; and
  5.     Does not reduce the amount of any dedicated or publicly-owned land, and in the opinion of the Planning Director does not significantly alter or impact the subdivision's access, parking, or traffic circulation system.

6. Does not propose or require the construction of Public Improvements.<sup>31</sup>

**Section 6-602 Authority to Seek Administrative Plat Amendment.**

An application for Administrative Plat Amendment may be initiated by 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 reconfigures 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 6-603 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 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

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<sup>31</sup> See Article IV, Definitions, "Public Improvements"

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 scale of one inch to fifty feet (1" = 50') 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"). Other scales may be authorized in writing by the Planning Director for larger, lower-density developments provided that the necessary data can be clearly and accurately shown. 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, 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, together with the phrase "Plat Amendment." If the property described in the recorded plat is zoned as a Planned Unit Development<sup>32</sup> (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, and A-8 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.

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<sup>32</sup> See Section 5-313 of Article V for PUD Zone District requirements.

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<sup>33</sup> (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, and A-8 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.

**Section 6-605 Standards for Approval.**

The Planning Director shall administratively approve an application and plat for an Administrative Plat Amendment where the Planning Director 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 fully conforms to all applicable requirements for the zone district(s) in which the property is located including, but not limited to, minimum lot size requirements; and
- D. The proposed plat amendment and arrangement does not, in the opinion of the Planning Director, create illogical or substantially unusable lot areas; and
- E. The lot plat amendment does not, in the opinion of the Planning Director, 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.

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<sup>33</sup> See Section 5-313 of Article V for PUD Zone District requirements.

- F. If the Planning Director determines that the proposed Plat Amendment would result in a substantial change to the Plat and /or surrounding property, than the Planning Director 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 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 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 to the Board of County Commissioners by requesting an appeal in writing delivered to the Planning Director not more than ten (10) days following the date of the Applicant's receipt of the written notice of denial. The Board of County Commissioners shall administratively consider an Applicant's timely request for an appeal at a regular meeting. Following consideration of the application and plat amendment, the Board of County Commissioners may affirm the Planning Director's decision or, upon a finding that the application meets all the standards set forth in this Division, the Board of County Commissioners may reverse the Planning Director's decision and order the Planning Director to approve the amended plat. In the event that the Board of County Commissioners orders the Planning Director to approve the application and amended plat, the Planning Director shall process and record the plat in accordance with subsection (A) of this section.

**Section 6-607 Conditions for Approval.**

The Planning Director may impose, or on appeal the Board of County Commissioners may require the Director 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:

- A.     That is either:
  - 1,     Intended for the sole purpose of correcting one of more evident and apparent typographical, spelling, or other errors contained in a legal description which, in the opinion of the Planning Director, does not substantially or significantly alter the purpose and intent of original approved and recorded plat; or
  - 2.     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 prepared prior to 1960; and
- B.     That does not create any additional lot(s) or outlot(s); and
  - 1.     That 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 without notice or a public hearing and may be approved by the Board of County Commissioners upon the recommendation of approval of the Planning Director. Within seven (7) days following submission of a completed survey correction application and plat, the Planning Director shall make a recommendation to the Board of County Commissioners concerning the conformance of the application and the plat with this Article.
- C.     Upon the recommendation of conformance by the Planning Director, the Board of County Commissioners shall either approve or disapprove the application and plat within ten (10) days of the date of the Planning Director's recommendation unless such deadline is waived by one or more of the Applicants. A failure by the Board of County Commissions to reach a final decision within ten (10) days shall be deemed denial of the



application. The Board of County Commissioners decision to disapprove the Survey Correction Plan shall be a final administrative decision for purposes of an appeal.<sup>34</sup>

**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 during the pre-application meeting, of all Survey Correction Plat application materials required by this Section. The Planning Director 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, addresses, and telephone numbers 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.

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<sup>34</sup> See Division 2 of Article III for procedure to appeal an administrative decision.

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

Approval of a Survey Correction Plat by the Planning Director 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, 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                    MODIFICATION OF REGULATION**

### **Section 6-800                    Definition of Modification of Regulation.**

A "Modification of Regulation" is a waiver, modification, reduction, or other dispensation concerning a standard or requirement imposed by these Subdivision Regulations (Article VI) or by the Use and Development Standards (Article VII) for an identifiable Lot, Block, or property.

### **Section 6-801                    Authority to Seek a Modification of Regulation.**

An application for a Modification of Regulation may be initiated by:

- A.     The Board of County Commissioners, with or without a recommendation by the Planning Commission; or
- B.     An owner of the property subject to the standard or requirement for which the Modification of Regulation is requested.

### **Section 6-802                    Modification of Regulation Review Procedures.**

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

### **Section 6-803                    Modification of Regulation Application Contents.**

- A.     Delivery and Number of Copies. The Applicant shall deliver one (1) original and twenty (20) copies of all Modification of Regulation application materials required by this Section to the Planning Department. The Planning Director 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 Modification of Regulation application 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 subject to the requested modification 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 Property<sup>35</sup> to the property proposed for subdivision; and
7. A detailed description of the modification requested, together with the section number and the standard or requirement to be varied. Applications must specifically state how the standard or requirement is varied, e.g., "reduction of the side yard setback for the north side of the property from 20 feet to 10 feet."

#### **Section 6-804 Standards for Approval of Modification of Regulation.**

Approval or conditional approval of any modification application by either the Planning Commission or the Board of County Commissioners shall require a finding that the Applicant and the evidence presented to the Planning Commission or the Board of County Commissioners established the following:

- A. Hardship Required. Due to conditions unique to the site and not existing on other similarly situated properties, literal enforcement of the standard or requirement would place an unnecessary and unreasonable hardship upon the Applicant;
- B. Hardship is Not Caused by Applicant. The Applicant's hardship is not the result of the Applicant's or the Applicant's predecessor in interest's own action(s) or decision(s) regarding the use of the Applicant's property;
- C. Not Solely Financial Hardship. The Applicant's hardship is not solely financial (i.e., the modification is requested because it is expensive or costly to comply with the applicable regulations);
- D. No Other Reasonable Alternative Design. There exists no reasonable design alternative available to the Applicant that would preclude the need for the modification;
- E. Minimum Modification Necessary. The modification requested (or granted) is the minimum modification needed in order to address the hardship; and
- F. No Material Detriment. The granting of the modification will not be materially detrimental to the public welfare or injurious to other property in the neighborhood and surrounding area.

#### **Section 6-805 Conditions of Approval.**

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

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<sup>35</sup> See Article IV, Definitions, "Adjacent Property"

**Section 6-806            Reduction of Modification of Regulation.**

The Board of County Commissioners may grant a different modification than requested by the Applicant provided that such modification granted is not less restrictive than requested by the Applicant (e.g., the modification granted provides equal or less relief than requested by the Applicant).

**Section 6-807            Approval and Effect of Modification of Regulation.**

- A.     Modification of Regulation shall be approved only by written resolution of the Board of County Commissioners in a form approved by the County Attorney. Within ten (10) working days of approval by the Board of County Commissioners, the resolution shall be filed and recorded in the office of the County Clerk and Recorder at the Applicant's expense.
  
- B.     No approval or conditional approval of a modification shall be deemed effective or finally approved until the approved resolution is recorded with the office of the Park County Clerk and Recorder.
  - 1.     Unless otherwise expressly stated in the resolution granting a modification application, modifications shall run with the property described in the application.

## **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 Lots<sup>36</sup> 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 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 owned by the Applicant only; and
- C.     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
- D.     The proposal does not propose the relocation or reconfiguration<sup>37</sup> of previously established lot lines; and

### **Section 6-902            Lot Consolidation Review Procedures.**

There are no application fees associated with the application for a lot consolidation procedure, and approval of application may result in a reduction of property taxes.<sup>38</sup> Following submission of a lot consolidation application and plat, the Planning Director 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 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 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 may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient

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<sup>36</sup> See Article IV, Definitions, "Lot"

<sup>37</sup> Note that the relocation or reconfiguration of a lot line is a Common Plat Amendment or Administrative Plat Amendment, see Divisions 5 and 6, Article VI.

<sup>38</sup> Check with the Assessor's Office for possible reduction of property taxes.

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:
1. A completed application in the form approved by the County;
  2. A written, executed, and notarized statement of the Applicant representing to Park County that he or she is the fee owner of the properties to be consolidated;
  3. A Final Plat substantially in the form required by Section 6-405(B)(8), except that the Planning Director 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.
  4. 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 where the Planning Director 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. The proposed Lot Consolidation fully conforms to all applicable requirements for the zone district(s) in which the property is located including, but not limited to, minimum lot size requirements and;
- D. The proposed lot configuration and arrangement does not, in the opinion of the Planning Director, create illegal or substantially unusable lot areas; and
- E. The lot consolidation does not, in the opinion of the Planning Director, 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 that the proposed lot consolidation meets the standards for approval set forth in Section 6-804, the Planning Director 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 shall deny a lot consolidation application for failure to meet the requirements of Section 6-803. 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 to the Board of County Commissioners by requesting an appeal in writing delivered to the Planning Director not more than ten (10) days following the date of the Applicant's receipt of the written notice of denial. The Board of County Commissioners shall administratively consider an Applicant's timely request for an appeal at a regular meeting. Following consideration of the application and plat, the Board of County Commissioners may affirm the Planning Director's decision or, upon a finding that the application meets all the standards set forth in Section 6-803, the Board of County Commissioners may reverse the Planning Director's decision and order the Planning Director to approve the lot consolidation plat. In the event that the Board of County Commissioners orders the Planning Director to approve the application and plat, the Planning Director shall process and record the plat in accordance with subsection (A) of this section.

**Section 6-906            Conditions for Approval.**

The Planning Director may impose, or on appeal the Board of Commissioners may require the Director 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                      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 approval of a subdivision plat in accordance with Article VI of these Land Use Regulations documenting the vesting of the ownership interests resulting from the vacation of a right-of-way; and/or (ii) 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.
- 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**

Attendance at a pre-application conference is optional, but recommended, for an applicant. Intending to submit an application to vacate a recorded subdivision plat, a public right-of-way or a dedicated easement.

- A.     Submit Applications. The applicant shall submit a completed Vacation Application to the Planning Director stating the reasons for the vacation and a legal description and/or survey of the property and quit claim deeds which show the County granting to the applicant the portion of public property to be vacated.
- B.     Staff Review. The Planning Director shall review the application to determine whether it is complete. The Planning Director shall forward a report to the Planning Commission, which summarizes the application's compliance with the review standards contained in this section and other applicable provisions of this Land use Regulation. The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.
- C.     Public Notice. Public notice that the Planning Commission will conduct a hearing to consider an application to vacate a recorded subdivision plat, a public right-of-way, or a dedicated easement, shall be provided as specified in these Land Use Regulations.

D. Review by Planning Commission Except for Applications Initiated by the County (which are considered solely by the Board of County Commissioners. The Planning Commission shall hold a public hearing to review the conformance of the Vacation Application with all applicable provisions of this land Use Regulation, including the review standards listed below. The Commission shall make a recommendation that the Board approve, approve with conditions, or deny the application, or shall remand it to the applicant with instructions for modification or for additional information or action.

E. Application Contents.

1. Application Fee and Review Expense Deposit.
2. Proof of Ownership. A recorded Warranty Deed. 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. This can be obtained by any licensed surveyor with all signature blocks that are required (see attached Appendix A1, A2, A3, and A4). The plat shall be drafted at a scale of one inch to one hundred feet (1"-100") with permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four inches by thirty-six inches (24"x36"). Other scales may be authorized by the Planning Director if necessary for the required data to be clearly and accurately shown. 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, easements and other sites 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.
  - 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 property must be clearly identified with the address and posted according to the Park County address requirements (requirements attached).
  9. Written description of proposed use and intended development.
  10. Letters of consent to alter or vacate utility easements from all public utilities serving the site.
  11. A Mylar as described in (3) will be required after final approval for recording.

F. Review Standards:

1. Access to a Public Road. No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road.
2. Easements. In granting a vacation, the County may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.
3. Comprehensive Plan. A subdivision plat, public right-of-way or dedicated easement may be vacated if the vacation would be consistent with or implements the applicable intent statements, specific directions and recommended actions of the Comprehensive Plan.

- G. Public Notice and Action by the Board of County Commissioners. The Board shall consider the recommendations of the Planning Commission at a public hearing. Public notice that the Board of County Commissioners will conduct a hearing to consider the recommendations of the Planning Commission shall be provided as specified in these Land Use Regulations. The Board of Commissioners shall approve, approve with conditions, or deny the proposed vacation, or shall remand it to the applicant with instructions for modification or additions information or action.

- H. Actions Following Approval. Whenever the County shall approve an application vacating a public right-of-way, the County shall, by quit claim deed, convey the vacated lands to abutting land owners. Each abutting landowner shall be deeded that portion of the vacated right-of-way to which the owner's land is nearest in proximity.
- I. The County may request reimbursement for the value of the property vacated.
- J. The County may initiate a vacation application.

**Section 6-1003 Procedure to Vacate a Right-of-Way.**

Recommendation of approval or conditional approval of any stage of a Right-of-Way Vacation 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. Right-of-Way Vacation vacates a County-approved and recorded Final Plat:
- A. The Right-of-Way Vacation, as approved, 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 Right-of-Way Vacation, as approved, meets or satisfies all applicable requirements of these Land Use Regulations.
- D. The Right-of-Way Vacation, 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 Right-of-Way Vacation meets or fails to meet such goal or policy;
- E. The proposed vacation would not cause significant hardship or inconvenience for adjacent or neighboring landowners; and
- F. The proposed vacation does not create or result in an illogical or inefficient lot layout or subdivision;
- G. If the Planning Director determines that the proposed Right-of-Way Vacation would result in a substantial change to the Plat and/or surrounding property, than the Planning Director has the discretion to require the application to be processed through public hearings before the Planning Commission and The Board of County Commissioners.
- H. Director's Completeness Determination. All petitions for zoning map amendment shall be delivered to the Planning Director/County Designee. No petition for zoning map amendment shall be processed or scheduled for processing before the Planning Commission or the Board of County Commissioners unless the Planning Director/County

designee deems the petition complete and all required information and documentation is submitted to the Planning Director/County Designee.

- I. Planning Commission Review. Prior to approval of any proposed map amendment, the petition for amendment shall be submitted to the Planning Commission for review and consideration. For purpose of this section, the “date of submission” shall be the date of the presentation of the draft resolution to the Commission at a regular or special meeting of the Commission. The Planning Commission’s review of the petition shall be conducted at a public hearing. Within sixty (60) days of the date of submission of the petition to the Commission, the Commission shall endeavor to render its recommendation to the BOCC. The Planning Commission’s failure to render for approval or disapproval any recommendation to the BOCC within sixty (60) days of the date of submission of the proposed map amendment to the Commission may be deemed by the BOCC as a recommendation for approval of the proposed amendment by the Planning Commission. Applicant may waive the sixty (60) day requirement.

1. Form of Notice.

- a. Required Notice. In accordance with C.R.S. §30-28-116, notice of public hearing for amendment of the Official Zoning Map 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.
- b. Additional Notice. The County shall endeavor to provide additional and supplemental notice of the proposed application and hearing by mailing and posting notice in accordance with this section. Failure to provide notice shall not be deemed a defect or error in the hearing process sufficient to require continuation or postponement of the hearing *except where* such notice is determined by the reviewing body to be misleading and to reasonably confuse persons regarding the time, place, or purposed of the hearing.
  - i 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 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 property as their names appear in the real property records of the Park County Assessor or Park County Clerk and Recorder. For purposes of determining addresses for mailed notice, the County may rely upon the ownership information provided by the Applicant as part of the application.
  - ii Posting. A notice by posting should be made by the Planning Department’s posting of a sign approved by the Planning

Director/County Designee on or reasonably near the property that is subject to the hearing in a location that is reasonably determined by the applicant to provide the greatest degree of visibility to members of the public. In most instances, the posting shall be made along the primary traveled public right-of-way adjacent to or leading to the property (Article V – page 8). Posting should 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. At the outset of each hearing, the Planning Department should provide evidence of posting in accordance with this section to the Planning Commission or the Board of County Commissioners, as appropriate. Such evidence should be in the form of photographs showing the posted sign and a “posting lot” or other written document evidencing the time, date, and location of the posting and the times and dates of the Planning Department’s ongoing inspection and maintenance of the posted sign during the posting period prior to the hearing.

- J. Board of County Commissioners Public Hearing. Before rendering a final decision on a petition for a map amendment, the Board of County Commissioners shall hold a public hearing on the petition. Notice of the public hearing shall be provided as follows:
  - 1. Content of Notice. The notice of public hearing 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 by: (a) a metes and bounds description the boundaries of which include the property subject to the proposed amendment; or (b) by lot and block of a recorded subdivision plat; or (c) by a reference to intersecting roads, compass directions relating the property to such intersection, and a statement of 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.

**Section 6-1004 Standards for Approval.**

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

- A. The vacation of the right-of-way serves the public interest; and
- B. For the vacation of a right-of-way that provides *vehicular* access to property, the vacation will not leave such property without an established public road or private access easement connecting such property with another established public road.

**Section 6-1005 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                    BOUNDARY LINE ADJUSTMENT FOR METES AND BOUNDS PARCELS**

**Section 6-1100            Purpose**

The purpose of this Division is to establish an administrative process for assisting owners of metes & bound described property, who want to adjust a common boundary line with an adjoining (metes & bounds) property owner. This Division is intended to provide for the more efficient processing of boundary line adjustments without the need of a formal public hearing. Boundary line adjustments for lots in a platted subdivision must be documented through the plat amendment process described in Article VI, Division 6.

**Section 6-1101            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 of property, 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.
- D.     The zoning for both parcels must be the same.
- E.     The boundary line adjustment cannot result in either creating a non-conforming parcel or an increase in the non-conformity of a previously 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, including but not limited to, lot area, minimum frontage, building height, setback(s), public or private road or private drive standards, parking or access.
- G.     The boundary line adjustment must not be for the purpose of evading the subdivision regulations.

**Section 6-1102            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 shall determine whether the application package is complete. Following receipt of a complete application package, the Planning Director 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 to reach a final decision within forty-five (45) days shall be deemed an administrative decision to deny the application.



### **Section 6-1103      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 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".
  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 6-1104      Standards for Approval**

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

- A. The proposed subdivision meets the definition of a "Boundary Line Adjustment" contained in this Division or result in 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 including, but not limited to, minimum lot size requirements and;
- D. The proposed lot configuration and arrangement does not, in the opinion of the Planning Director, create illogical or substantially unusable lot areas; and

- E. The lot consolidation does not, in the opinion of the Planning Director, 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. The lot consolidation does not, in the opinion of the Planning Director/County Designee, evade or work to circumvent the purpose of the subdivision regulations.

**Section 6-1105 Planning Director's Decision and Appeal to Board of County Commissioners**

- A. Upon a finding by the Planning Director that the proposed lot consolidation meets the standards for approval set forth in Section 6-804, the Planning Director 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 shall deny a boundary line adjustment application for failure to meet the requirements of Section 6-803. 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 to the Board of County Commissioners by requesting an appeal in writing delivered to the Planning Director not more than ten (10) days following the date of the Applicant's receipt of the written notice of denial. The Board of County Commissioners shall administratively consider an Applicant's timely request for an appeal at a regular meeting. Following consideration of the application and plat, the Board of County Commissioners may affirm the Planning Director's decision or, upon a finding that the application meets all the standards set forth in Section 6-803, the Board of County Commissioners may reverse the Planning Director's decision and order the Planning Director to approve the boundary line adjustment plat. In the event that the Board of County Commissioners orders the Planning Director to approve the application and plat, the Planning Director shall process and record the plat in accordance with subsection (A) of this section.

**Section 6-1106 Conditions for Approval.**

The Planning Director may impose, or on appeal the Board of Commissioners may require the Director 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.