

**LUDC
2013**

GARFIELD COUNTY, COLORADO

Article 5: Divisions of Land

Article 5

Divisions of Land

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ARTICLE 5: DIVISIONS OF LAND

DIVISION 1. GENERAL PROVISIONS.

5-101. TYPES OF LAND DIVISION.

Division of land is classified by the County as either a “Subdivision” or an “Exemption.”

A. Definition of Subdivision.

The division of land into 2 or more parcels is a Subdivision and subject to Subdivision Review unless specifically exempted as follows:

1. Such division occurs by operation of law, without BOCC action, as detailed in section 5-201; or
2. Such division is established by the BOCC as a County Exemption, consistent with C.R.S. § 30-28-101(10)(d), pursuant to sections 5-202 and 5-203.

B. Sales Prohibited Prior to Platting.

No person with any interest in land located within a Subdivision or Exemption shall transfer, agree to sell, , or sell any land before the Final Plat has been approved by the BOCC and recorded with the County Clerk and Recorder.

5-102. PROCESSES EXEMPT FROM SUBDIVISION AND EXEMPTION REVIEW.

The following are not “Subdivisions” or “subdivided land” as those terms are defined by State law and are not subject to County Subdivision or Exemption Review.

A. Boundary or Lot Line Revision or Correction.

Revision to Lot Lines or boundary lines for parcels of land outside of a recorded Plat for the purpose of revising boundary or parcel lines shall constitute a boundary or Lot Line revision or correction. If the proposed change affects a lot within a recorded Subdivision or an approved Exemption, it does not qualify as a boundary or Lot Line adjustment and the change must be processed as an Amended Plat pursuant to section 5-305. The proposed change shall meet the following criteria:

1. There will be no new lots created;
2. There will be no loss of access;
3. There will be no loss of utility service to the parcels;
4. No parcel of land created as a state-exempt 35 acre or greater lot (pursuant to C.R.S. § 30-28-101(10)b) or (10)(c)(I)) will be reduced to less than 35 acres;
5. Merger occurs by way of a recorded deed; and
6. Title is held in the same form and quality of ownership, for example: fee ownership must remain fee ownership; fee ownership with the possibility of reverter must remain fee ownership with the possibility of reverter; joint tenancy with right of survivorship must remain joint tenancy with right of survivorship.

B. Garfield County Owned Property.

Leases, easements, and other similar, limited property interests in property owned by Garfield County.

C. Pipelines and Facilities Appurtenant to Pipelines.

Leases, easements, surface use agreements, and other similar, limited property interests in land used for oil and gas facilities accessory to a pipeline, as defined in Article 9.

D. Telecommunication Sites.

Leases, easements, and other similar, limited property interests in land used for telecommunication sites, including without limitation, cell phone, television, and radio tower sites.

E. Public Utilities Commission Authority.

Land used for a facility subject to Public Utilities Commission Authority and regulated as a Public Utility through the issuance of a certificate of public convenience and necessity in accordance with the Colorado Public Utilities Law, C.R.S. § 40-1-101, *et seq.*

F. ADU or 2-Family Dwelling Unit.

An Accessory Dwelling Unit or 2-Unit Dwelling, subject to leasehold interests only and not for separate sale/gift, and complying with this Code

G. Certain Leasehold Interests.

A leasehold interest, whether commercial or residential, and whether for the whole or a portion of a single lot, conveyed by a legally adequate writing for a defined term. The use associated with the leasehold interest must comply with this Code. If the leasehold interest is changed to either an ownership interest (e.g. from apartments to Condominiums), then the formerly exempt leasehold parcel is no longer exempt from the definition of Subdivision.

H. Certain Private Easements.

Private easements between a grantor and a grantee, including Conservation Easements, regardless of whether the burdened and dominant estates are within a recorded Subdivision or Exemption.

5-103. SUBDIVISION AND EXEMPTION REVIEWS.

A. Common Review Procedures.

Subdivisions and Exemptions shall be processed according to Table 5-103, Common Review Procedures and Required Notice. Sections 5-202 through 5-306 provide additional requirements for each procedure.

B. Notice.

Notice shall be provided pursuant to Table 5-103, and shall be consistent with section 4-101.E, unless otherwise provided.

Table 5-103: Common Review Procedures and Required Notice

Common Review Procedures 4-101.		A	B	C	D	E	F	G	H	I					
		Pre-Application Conference	Completeness	Referral Agency	Evaluation by Director	Notice	Recommendation	Decision	Duration and Expiration	Extension	Additional Requirements (See Section)	Required Notice			
BOCC	Board of County Commissioners											Published	Mailed	Posted	Additional Requirements
D	Director														
PC	Planning Commission														
Exemptions															
5-202	Public/County Road Split	✓	✓	✓	✓	✓		D	✓		✓	Per Administrative Review Section 4-103.			
5-203	Rural Land Development (10 Lots or Fewer)	✓	✓	✓	✓	✓		BOCC	✓	✓	✓	✓	✓	✓	
5-203	Rural Land Development (Greater than 10 Lots)	✓	✓	✓	✓	✓	PC	BOCC	✓	✓	✓	✓	✓	✓	All types of notice for both PC and BOCC.
Minor Subdivision															
5-301	Minor Subdivision	✓	✓	✓	✓	✓		D				Per Administrative Review Section 4-103.			
Major Subdivision															
5-302.B.	Sketch Plan (Optional)	✓	✓		✓			PC				--	--	--	
5-302.C.	Preliminary Plan	✓	✓	✓	✓	✓	PC	BOCC	✓	✓		✓	✓	✓	All types of notice for both PC and BOCC.
5-302.D.	Final Plan/ Plat		✓	✓	✓			BOCC	✓	✓	✓	--	--	--	
Conservation Subdivision															
5-303.B.	Sketch Plan (Optional)	✓	✓		✓			PC				--	--	--	
5-303.C.	Yield Plan	✓	✓		✓			PC	✓	✓	✓	--	--	--	
5-303.D.	Preliminary Plan	✓	✓	✓	✓	✓	PC	BOCC	✓	✓		✓	✓	✓	All types of notice for both PC and BOCC.
5-303.E.	Final Plan/Plat		✓		✓			BOCC	✓	✓	✓	--	--	--	
Amendments, Re-Subdivisions Plat Vacation															
5-304	Amended Preliminary Plan	✓	✓		✓			D	✓		✓	Per Amended Preliminary Plan Section 5-304.			
5-305	Amended Final Plat	✓	✓	✓	✓	✓		D	✓		✓	Per Administrative Review Section 4-103.			
5-306	Common Interest Community	✓	✓	✓	✓	✓		D	✓		✓	Per Administrative Review Section 4-103.			
5-307	Vacating a Final Subdivision or Subdivision Exemption Plat	✓	✓	✓	✓	✓	✓	BOCC				✓	✓	✓	

DIVISION 2. SUBDIVISION EXEMPTIONS.

5-201. OPERATION OF LAW.

The BOCC acknowledges certain divisions of interests in land to which, by operation of law, the terms “Subdivision” and “subdivided land” do not apply. These divisions are exempt from County Subdivision and Exemption review.

A. Split by Federal or State Right-of-Way Interest.

Parcels split by a Federal or State right-of-way, for whatever purpose, in which the United States or the State of Colorado holds a fee or right-of-way interest, and railroad rights-of-way under the authority of the U.S. Surface Transportation Board or other responsible Federal agency which have not been abandoned.

B. State Statutory Exemptions.

Parcels created pursuant to C.R.S. § 30-28-101(10)(b) or (c)(I-X), including:

1. Divisions Creating 35 Acre Parcels. C.R.S. § 30-28-101(10)(b), provides an Exemption for any division of land that creates parcels, each of which comprises 35 or more acres of land and none of which is intended for use by multiples owners.
2. Other Statutorily-Excepted Divisions. The various C.R.S. § 30-28-101(10)(c) Exemptions listed in subsections (I-X) of subsection (10)(c), and as such list may be amended, unless the method of disposition is adopted for the purpose of evading Part 1 of the County Planning and Building Code Act, C.R.S. § 30-25-101, *et seq.*, or the Subdivision regulations of this Code.

C. Municipal Annexation.

Parcel created as a remainder lot, located in unincorporated Garfield County, following annexation of a portion of the larger, pre-existing parcel into a municipality.

5-202. PUBLIC/COUNTY ROAD SPLIT EXEMPTION.

Pursuant to C.R.S. § 30-28-101(10)(d), the BOCC has established Public/County Road Split Exemption as exempt from the definition of Subdivision but subject to Exemption Review.

A. Overview.

Any parcel of land split by a local or County road (i.e. neither Federal nor State), or public right-of-way included in the County highway system where the location of the public or County right-of-way prevents joint use of the proposed lots.

B. Review Process.

A Public/County Road Split Exemption shall be reviewed in accordance with section 4-103, Administrative Review, and consistent with Table 5-103.

C. Review Criteria.

Approval of a Public/County Road Split Exemption shall require a factual finding of the following:

1. The right-of-way prevents joint use of affected, proposed lots;
2. The proposed exemption lots have a sufficient legal and physical source of water pursuant to section 7-104, Source of Water.

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3. The proposed exemption lots have adequate sewage disposal system pursuant to section 7-105, Central Water Distribution and Wastewater Systems.
 4. The proposed exemption lots have legal and adequate access pursuant to section 7-107, Access and Roadways.
 5. The Final Plat meets the requirements per section 5-402.F., Final Plat.

5-203. RURAL LAND DEVELOPMENT EXEMPTION.

Pursuant to C.R.S. § 30-28-101(10)(d), the BOCC has established Rural Land Development Exemption (RLDE) as exempt from the definition of Subdivision but subject to Exemption Review.

A. Overview.

The RLDE will be applied on a case-by-case basis to certain divisions of land that, in the sole opinion of the BOCC, advance the objectives of Garfield County regarding the preservation of rural lands as Agricultural Land and Open Space and maintain the greater portion of the property for agricultural purposes, natural resource utilization, Open Space, or other rural land uses.

1. The RLDE may be used to create a Cluster Subdivision Development on a parcel of land 70 acres or more in any unincorporated area of the County.
2. The RLDE shall be for Single-Family Dwelling use only. The density shall not exceed 1 lot per every 35 acres plus 1 lot per each 100 acres plus 1 additional lot. The maximum number of lots in a Rural Land Use Development Exemption is 42 lots plus the remainder parcel.
3. This Code does not preclude owners of adjacent properties from combining their properties for the purposes of forming a parcel eligible for division under the provisions of the RLDE option.
4. The requirements of Article 8, Affordable Housing, shall not apply to RLDEs.

B. Review Process.

Applications for a RLDE shall be processed in accordance with Table 5-103.

C. Review Criteria.

An application for a RLDE shall meet the following criteria:

1. The RLDE is in general conformance with the Comprehensive Plan, and complies with any applicable intergovernmental agreements.
2. The RLDE lots have sufficient legal and physical source of water pursuant to section 7-104.
3. The RLDE lots have legal and adequate access pursuant to section 7-107, Access and Roadways.
4. The RLDE does not create hazards identified in section 7-108 and section 7-205 or exacerbate existing hazards.
5. The RLDE lots have an adequate water distribution system and wastewater disposal system pursuant to section 7-105.
6. Development and use of the remainder parcel shall be restricted to 1 dwelling unit plus an Accessory Structure for agricultural use.
7. Proposed division and development of the land minimizes the impacts of residential development on Agricultural Lands and agricultural operations,

and maintains the rural character of lands. Proposed division and development of the land maintains the opportunity for agricultural production on the most productive and viable parcels of land.

8. 80% of the parcel is preserved as contiguous Open Space to be used as wildlife habitat, Agricultural Land, critical natural areas, or similar uses.
9. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.
10. The Final Plat meets the requirements per section 5-402.F., Final Plat.

DIVISION 3. SUBDIVISION.

5-301. MINOR SUBDIVISION REVIEW.

A. Overview.

1. A Minor Subdivision is any Subdivision that:
 - a. Creates no more than 3 parcels;
 - b. Is served by a private well or wells, or a Water Supply Entity; and
 - c. Does not require the extension, construction, or improvement of a County right-of-way.
2. A parcel may be eligible to use the Minor Subdivision process once so long as it is not evading the Major Subdivision process or would result in a de facto Major Subdivision through the combination of previous contiguous Minor Subdivisions as determined by the Director. An appeal of this determination shall be processed as an Administrative Interpretation Appeal.
3. Further divisions of the lots created through the Minor Subdivision process shall be processed as Major Subdivisions.
4. Use of the Minor Subdivision process does not prevent the subsequent use of a RLDE pursuant to section 5-203.

B. Review Process.

A Minor Subdivision application shall be reviewed pursuant to section 4-103, Administrative Review, and consistent with Table 5-103.

C. Review Criteria.

In considering a Minor Subdivision application, the application shall demonstrate the following:

1. It complies with the requirements of the applicable zone district and this Code, including Standards in Article 7, Divisions 1, 2, 3 and 4.
2. It is in general conformance with the Comprehensive Plan.
3. Shows satisfactory evidence of a legal, physical, adequate, and dependable water supply for each lot.
4. Satisfactory evidence of adequate and legal access has been provided.
5. Any necessary easements including, but not limited to, drainage, irrigation, utility, road, and water service have been obtained.
6. The proposed Subdivision has the ability to provide an adequate sewage disposal system.

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7. Hazards identified on the property such as, but not limited to, fire, flood, steep slopes, rockfall and poor soils, shall be mitigated, to the extent practicable.
 8. Information on the estimated probable construction costs and proposed method of financing for roads, water distribution systems, collection systems, storm drainage facilities and other such utilities have been provided.
 9. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.
 10. All fees, including road impact and school land dedication fees, shall be paid.
 11. The Final Plat meets the requirements per section 5-402.F., Final Plat.

5-302. MAJOR SUBDIVISION REVIEW.

A. Overview.

Applications for a Major Subdivision shall be processed according to Table 5-103 and consistent with the following procedures:

B. Sketch Plan Review.

1. Overview. The Sketch Plan Review is an optional process intended to review at a conceptual level the feasibility and design characteristics of the proposed division of land.
2. Review Process. A Sketch Plan shall be processed according to Table 5-103 with the following modifications:
 - a. The Planning Commission shall conduct a conceptual review of the proposal. The Planning Commission's comments and recommendations are not binding.
 - b. The Director shall provide the Applicant with written notice of the Planning Commission's Conceptual Review comments and recommendations within 10 days of the date of the review.
3. Review Criteria. In considering a Sketch Plan proposal, the following shall be considered:
 - a. Feasibility and design characteristics based upon compliance with the applicable standards; and
 - b. General conformance with the Comprehensive Plan.

C. Preliminary Plan Review.

1. Overview. The Preliminary Plan Review will review the feasibility and design characteristics of the proposed land division as well as evaluate preliminary engineering design.
2. Review Process. Preliminary Plan Review shall be processed according to Table 5-103.
3. Review Criteria. A Preliminary Plan application shall meet the following criteria:
 - a. Compliance with the Article 7, Division 1, General Approval Standards;
 - b. Compliance with the Article 7, Division 2, General Resource Protection Standards;

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- c. Compliance with applicable Article 7, Division 3, Site Planning and Development Standards;
 - d. Compliance with applicable Article 7, Division 4, Subdivision Standards and Design Specifications; and
 - e. Any other applicable standard.

D. Final Plan/Plat Review.

1. Overview. The Applicant must receive Preliminary Plan approval before requesting a Final Plan/Plat.
2. Review Process. Applications for Final Plan/Plat shall be processed according to Table 5-103.
3. Review Criteria. An application for Final Plan/Plat shall meet the following criteria:
 - a. Comply with all conditions of Preliminary Plan approval;
 - b. Comply with the Final Plan required in section 5-402.E. and the Final Plat in section 5-402.F.;
 - c. All taxes applicable to the land have been paid, as certified by the County Treasurer.

5-303. CONSERVATION SUBDIVISION REVIEW.

A. Overview.

The Conservation Subdivision is a clustered residential development option consistent with C.R.S. § 30-28-401, *et seq.*, that allows reduced Lot Size and provides density bonuses in exchange for preservation of rural lands through provision of Open Space. A Conservation Subdivision shall be designed as a density neutral development plan or an increased density development plan. A Conservation Subdivision shall be processed according to Table 5-103 and consistent with the following procedures.

B. Sketch Plan Review.

Section 5-302.B. outlines the process for a Sketch Plan Review. This process is optional for a Conservation Subdivision.

C. Yield Plan Review.

1. Applicability. A Conservation Subdivision application must include a Yield Plan. The Yield Plan Review is a preliminary site design review for the purpose of determining the maximum number of residential lots and Open Space that can be practically developed on the proposed site. The Yield Plan Review may be combined with Sketch Plan Review.
2. Review Process. The Yield Plan Review shall follow the process according to Table 5-103 with the following modification:
 - a. The Director shall provide the Applicant with written notice of the Planning Commission's review comments, and the determination of maximum residential density for the proposed conservation development within 10 days of the date of the Planning Commission's meeting.
3. Review Criteria. The site design shall take into consideration the following:
 - a. Site constraints;
 - b. Site topography and drainage; and

amendment is Minor, Substantial or should if the determination should be made by the BOCC.

a. Minor Modification. The Director shall apply the criteria in section 5-304.C. to determine if the proposed amendment is minor in nature.

(1) Completeness Review. Upon finding the amendment is a Minor Modification, the application shall be reviewed for completeness. Once the application is deemed technically complete, the Director will send a letter to the Applicant that indicates:

(a) The additional number of copies to be delivered to the County for review by staff and referral agencies;

(b) The date that the Director will render a decision or, if the Director decides to refer the application to the BOCC, the date that the BOCC will hear the Application; and

(c) The notice form that the Applicant is required to mail to the Adjacent Property Owners and mineral estate owners and leasees.

(2) Notice. The Applicant shall mail notice pursuant to section 4-101.E.b.(2) and (3), at least 15 days prior to the date of the Director's decision and shall provide proof of adequate notice prior to any decision. The notice shall include a Vicinity Map, the property's legal description, a short narrative describing the proposed amendment, the contact information for the Community Development Department and the date that the Director will make a decision.

(3) Decision.

(a) Director Decision. If the Director decides the application, the Director will inform the Applicant and the BOCC of the approval, conditions of approval, or basis for denial, in writing within 10 days of the date of decision. The action of the Director shall be memorialized in a recorded resolution signed by the BOCC.

(b) BOCC Decision. If the application is referred to the BOCC for a decision, the BOCC will memorialize their decision of approval, conditions of approval or basis for denial in the form of a Resolution.

(4) Call-Up to the BOCC. The Director's decision is subject to section 4-112, Call-Up to the BOCC.

b. Substantial Modification.

(1) If the Director determines that the proposed amendment constitutes a Substantial Modification, the change shall require a new application for Preliminary Plan. The Director shall determine the contents of the application submission requirements for a Substantial Modification request and provide this information in writing to the Applicant. Though a new application is required, the review of the application may

result in an approval, approval with conditions or denial of the amendment only. If the amendment is denied, the Applicant's original Preliminary Plan approval is still valid.

(2) Should the Applicant contest the decision made by the Director that the proposed amendment constitutes a Substantial Modification, the Applicant may request the decision be called-up to the BOCC pursuant to section 4-112.B and C.

c. Determination by the BOCC. The Director shall have the discretion to request the BOCC decide, in a Public Meeting, whether a modification is Minor or Substantial.

C. Review Criteria.

Minor Modifications to Preliminary Plans are those that deviate from standards or rearrange/reconfigure elevations, structures, parking areas, landscape areas, drainage facilities, utilities, or other site improvements in an approved Preliminary Plan, and that meet all of the following criteria as applicable:

1. Comply with all requirements of this Code;
2. Do not conflict with the Comprehensive Plan;
3. Do not change the character of the development;
4. Do not alter the basic relationship of the development to adjacent property;
5. Do not change the uses permitted;
6. Do not require amendment or abandonment of any easements or rights-of-way;
7. Do not increase the density;
8. Do not increase the zone district dimensions to an amount exceeding the maximum dimension in the applicable zone district in Table 3-201; and
9. Do not decrease the amount of the following to an amount below the minimum required in the applicable zone district:
 - a. Amount of dedicated Open Space;
 - b. The size of or change in the locations, lighting, or orientation of originally approved signs; and
 - c. Any zone district dimensions in Table 3-201

5-305. AMENDED FINAL PLAT REVIEW.

A. Overview.

This process shall be used to modify a Plat such as, but not limited to, modifying Lot Lines, Building Envelopes, easement locations, or other interests.

B. Review Process.

An application for an Amended Final Plat shall be processed pursuant to section 4-103, Administrative Review, and consistent with Table 5-103, with the following modification:

1. The Amended Final Plat shall be presented to the BOCC for signature, prior to recording with the County Clerk and Recorder.

C. Review Criteria

An application for an Amended Final Plat shall meet the following criteria:

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1. Does not increase the number of lots; and
 2. Does not result in a major relocation of a road or add any new roads; or
 3. Will correct technical errors such as surveying or drafting errors.

5-306. COMMON INTEREST COMMUNITY SUBDIVISION REVIEW.

A. Overview.

The subdivision of land for Condominiums and planned communities, such as townhouses, defined as Common Interest Communities in the Colorado Common Interest Ownership Act (“CCIOA”), C.R.S. § 38-33.3-101, *et seq.*, shall require approval of the Plats and maps described in C.R.S. § 38-33.3-209, along with approval of the declaration defined in CCIOA.

B. Review Process.

An application for a Common Interest Community Subdivision Final Plat shall be processed according to section 4-103, Administrative Review, and consistent with Table 5-103.

C. Review Criteria.

An application for a Common Interest Community Subdivision shall meet the following criteria:

1. The Common Interest Community is consistent with zone district regulations, including:
 - a. The total common area and individual lot area of the whole project, divided by the total number of units, meets the minimum Lot Size requirements of the zone district.
 - b. A project within a PUD complies with the zoning outlined in the PUD designations.
2. If applicable, the Condominium, townhouse, or other Common Interest Community declaration and bylaws make adequate provision for the maintenance of common area elements.
3. An improvements agreement has been signed and submitted by the Applicant, and an adequate financial guarantee for improvements has been posted or will be posted prior to approval.
4. The lot in which the Common Interest Community is located was approved and platted as part of a Subdivision that meets the requirements of this Code.
5. Adequate easements for water, sewer, utilities, and access have been provided.
6. If applicable, an acceptable party wall agreement has been recorded.
7. Common Interest Community Plat meets the requirements per section 5-402.F., Final Plat, and adequately shows the location and dimensions of the vertical boundaries of each unit; the horizontal boundaries, if included; and the identifying number of each unit, along with the location and dimension of common elements and limited common elements, all as defined in the declaration.
8. All taxes applicable to the land have been paid, as certified by the County Treasurer’s Office.

5-307. VACATING A FINAL SUBDIVISION OR SUBDIVISION EXEMPTION PLAT.

The plat vacation process is for the purposes of eliminating the subdivision of property as reflected by a previously recorded Final Subdivision or Subdivision Exemption Plat. This process may be necessary where a property owner wishes to return the subdivision lots reflected on a recorded plat to a single parcel of land, or to eliminate an obsolete subdivision in which lots do not meet current subdivision requirements including lot size, environmental conditions or provision of adequate infrastructure.

A. Overview.

1. The BOCC may vacate all or a portion or portions of any Final Plat of any subdivision within the County upon the request of a property owner within the subdivision.
2. The BOCC may vacate the final plat only for that portion of a subdivision consisting of multiple, contiguous lots that are undeveloped and in common ownership. For purposes of this section, the existence of an improvement on a lot, which improvement was documented and in place prior to the time of subdivision approval, will not prevent the lot from being considered “undeveloped.”
3. Once an application to vacate a subdivision has been submitted, no development plan shall be submitted or building permit issued until the matter has been decided by the BOCC.
4. All property owners in the subdivision must consent to the vacation of all or a portion(s) of the subdivision, even if their lots are not proposed to be vacated.
5. Applications to modify or eliminate a Lot Line on a Final Plat should be processed as an Amended Final Plat pursuant to section 5-305, not as a subdivision vacation pursuant to this section.

B. Review Process.

A vacation of a subdivision shall be processed in accordance with Table 5-103 with the following modifications:

1. Notice. In addition to complying with the notice requirements in Section 4-101.E., the applicant must also provide notice to all property owners and mineral owners of record within the subdivision to be vacated.
2. Subsequent Action. The BOCC will record a copy of the resolution vacating the subdivision plat that includes an attachment of the plat that is being vacated. The attached plat shall include a prominent notation on the plat showing that it was vacated in whole or in part by the affirmative decision of the BOCC.
3. Effect of Vacation.
 - a. After all or part of the final subdivision plat for any subdivision has been vacated pursuant to this section, the land within such vacated subdivision or portion thereof may not be subdivided without first complying with Article 5 of this Code.
 - b. If the subdivision includes County or public rights of way, the applicant must also comply with the requirements of section 4-108, Vacation of a County Road or Public Right of Way, in order to vacate such rights of way. The road and plat vacation applications shall be coordinated as much as possible to run concurrently.

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- c. The vacation of all or part of the final plat for any subdivision shall have the effect of vacating all easements and private rights of way within the vacated subdivision or portion thereof.
 - d. Title to the vacated property.
 - i. Title to vacated property, including all vacated easements and private rights of way, shall vest with the rightful owner or owners of the property contained within the vacated subdivision as of the date of the Resolution vacating the plat and as shown in the County records and in a title commitment.
 - ii. If the vacated land is land that was dedicated to the County for public use other than a road, and the County has found that retaining title to the land is not in the public interest, title thereto shall vest with the owner or owners or property contained within the vacated subdivision.

C. Review Criteria.

Approval of a request to vacate a Subdivision shall require a finding of the following:

1. A title commitment no more than 30 days old as of the date of application shows that the Applicant owns all the lots to be vacated, and there are no lawsuits pending challenging such ownership;
2. All property owners in the subdivision have provided written consent agreeing to the vacation;
3. If the final plat includes easements dedicated for utility, private access or other similar purposes, the BOCC may not approve the plat vacation until the applicant has obtained in a writing to be approved by the County Attorney's Office, a release from the owner or beneficiary of the easement authorizing the vacation of such easement; and
4. Vacation of all or a part of the final subdivision plat for the subdivision will promote the health, safety and general welfare of the County.
5. If the parcel that results from a vacation or partial vacation will be less than 35 acres in size, it shall comply with the criteria for a Minor Subdivision as set forth in section 5-301.C.

DIVISION 4. GENERAL SUBMITTAL REQUIREMENTS.

5-401. APPLICATION MATERIALS.

A. Required Submissions.

The following are the application materials required for permits and approvals and for divisions of land. Section 5-402 provides a detailed description of each submittal requirement.

Table 5-401: Application Submittal Requirements

Application Type		Section 4-203												Section 5-402							Section 8-201	
		B	C	D	E	F	G	H	J	K	L	M	N	B	C	D	E	F	G	H	I	
		General Application Materials	Vicinity Map	Site Plan	Grading and Drainage Plan	Landscape Plan	Impact Analysis	Rezoning Justification Report	Development Agreement	Improvements Agreement	Traffic Study	Water Supply/Distribution Plan	Wastewater Management Plan	Yield Plan Site Map	Sketch Plan Map	Preliminary Plan Map	Final Plan Map	Final Plat	Open Space Plan Map	Visual Analysis	Codes, Covenants, Restrictions	Affordable Housing Plan
Exemptions																						
5-202	Public/County Road Split	✓	✓									✓	✓							✓		Demonstration of access, water and sewer.
5-203	Rural Land Development	✓	✓		✓		✓			✓	✓	✓	✓				✓	✓	✓	✓		Engineering reports and plans: A, B, C, D, E.
Minor Subdivision																						
5-301	Minor Subdivision	✓	✓	✓								✓	✓				✓			✓		Preliminary engineering reports and plans: A, C, E, H
Major Subdivisions																						
5-302.B	Sketch Plan	✓	✓												✓					✓		
5-302.C	Preliminary Plan	✓	✓		✓	✓	✓			✓	✓	✓	✓			✓				✓	✓	Preliminary engineering reports and plans: A, B, C.
5-302.D	Final Plan/Plat	✓								✓						✓	✓			✓	✓	Engineering reports/ plans: A, B, C, D, E, F, G.
Conservation Subdivision																						
5-303.B	Sketch Plan	✓	✓												✓					✓		
5-303.C	Yield Plan	✓	✓										✓									
5-303.D	Preliminary Plan	✓	✓		✓	✓	✓			✓	✓	✓	✓			✓			✓	✓		Preliminary engineering reports and plans: A., B., C.
5-303.E	Final Plan/Plat	✓	✓							✓						✓	✓			✓	✓	Engineering reports and plans: A, B, C, D, E, F, G.

Table 5-401: Application Submittal Requirements

Application Type		Section 4-203												Section 5-402							Section 8-201	
		B	C	D	E	F	G	H	J	K	L	M	N	B	C	D	E	F	G	H	I	
		General Application Materials	Vicinity Map	Site Plan	Grading and Drainage Plan	Landscape Plan	Impact Analysis	Rezoning Justification Report	Development Agreement	Improvements Agreement	Traffic Study	Water Supply/Distribution Plan	Wastewater Management Plan	Yield Plan Site Map	Sketch Plan Map	Preliminary Plan Map	Final Plan Map	Final Plat	Open Space Plan Map	Visual Analysis	Codes, Covenants, Restrictions	Affordable Housing Plan
Amendment, Common Interest Community, and Vacating Plats																						
5-304	Amended Preliminary Plan	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓			✓			✓	✓	✓	✓	Subject to section 4-106 requirements.
5-305	Amended Final Plat	✓	✓						✓								✓			✓		
5-306	Common Interest Community Subdivision	✓	✓						✓		✓	✓					✓			✓		Explanation of consistency with underlying preliminary plan and/or PUD plan.
5-307	Vacating a Final Subdivision or Subdivision Exemption Plat	✓	✓	✓													✓					Additional submittal requirements as listed in section 5-402.J.
Engineering Reports and Plans		A. Roads Trails, Walkways, and Bikeways. B. Mitigation of Geological Hazard. C. Sewage Collection and Water Supply and Distribution System. D. Soil Suitability Information. E. Groundwater Drainage. F. Engineering design and construction features for any bridge, culverts, or other drainage features to be constructed. G. Final cost estimates for public improvements. H. Preliminary cost estimates for improvements.																				

5-402. DESCRIPTION OF SUBMITTAL REQUIREMENTS.

A. Professional Qualifications.

The professional qualifications for preparation and certification of certain documents required by this Code are set forth in section 4-203.A., Professional Qualifications.

B. Yield Plan Map.

The Yield Plan Map is a tool by which the maximum number of developable lots is determined for Cluster Development options set forth in this Code. A Yield Plan Map shall be scaled at 1 inch to 200 feet for properties exceeding 160 acres in size, or 1 inch to 100 feet for properties less than 160 acres in size and shall include the following information:

1. Density Allowed by Zone District. A map illustrating the maximum residential lots allowed by the applicable zone district regulations. The map shall contain the following elements:
 - a. Residential lot layouts on the parcel to be developed, pursuant to the applicable zone district regulations. The map shall identify the number of lots allowed and size of the lots.
 - b. Existing site access.
 - c. Existing roadways and easements on site.
 - d. Proposed Open Space, trails, and bike paths.
 - e. Adjacent land use including existing and planned Open Space and existing and planned roadways.
 - f. Topography and land features on site, and land features of adjacent property that may affect the proposed land use.
2. Proposed Clustered Residential Lots and Open Space. A map illustrating the proposed site design for clustered residential lots and Open Space.
 - a. Proposed residential lot layouts on the parcel to be developed. The map shall identify the number of lots proposed, including bonus lots, and size of the lots.
 - b. Existing and proposed site access.
 - c. Existing and proposed roadways on site.
 - d. Easements located on site.
 - e. Proposed Open Space, trails, and bike paths.
 - f. Adjacent land use including existing and planned Open Space and existing and planned roadways.
 - g. Topography and land features on site and land features of adjacent property that may affect the proposed land use.

C. Sketch Plan Map.

Sketch Plan Maps shall be scaled at 1 inch to 200 feet for properties exceeding 160 acres in size, or 1 inch to 100 feet for properties less than 160 acres in size. The Director may require a more detailed version of all or part of the Sketch Plan Map. The Applicant shall submit a copy of the Sketch Plan Map at the reduced size of 8-1/2 inches by 14 inches, legible and suitable for nontechnical review of the proposal. The Sketch Plan Map shall include the following information and supplemental materials:

1. Legal description of the property;
2. Dimensions of the subject property;
3. Vicinity Map showing surrounding parcels and zoning;

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4. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage;
 5. Identification and general location of known significant on-site features including: natural and artificial drainage ways, Wetland areas, ditches, hydrologic features, and aquatic habitat; geologic features and hazards including Slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic Hazard Areas, soil types, and Landslide Areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
 6. Existing and general sizes and locations of proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths;
 7. Roads, railroad tracks, irrigation ditches, fences, and utility lines on or adjacent to the parcel;
 8. Schematic and narrative representation of the proposed land use including:
 - a. Existing and proposed zoning of land to be subdivided;
 - b. Estimated total proposed Subdivision area in acres and an estimated percentage breakdown of areas devoted to specific land uses, with acreage and square footage (e.g. percentage and area of residential development and/or nonresidential development; percentage and area of Open Space; percentage and area of parking and driveways; and so forth);
 - c. approximate lot sizes;
 - d. Total number, size, general location, and type of proposed dwelling units;
 - e. Location, size, and use of major improvements;
 - f. Total number of square feet of proposed nonresidential floor space;
 - g. Recreation areas and Open Space;
 - h. School sites;
 - i. Approximate location of wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities to serve the proposed use;
 - j. Approximate location and size of well(s) and/or water lines to serve the proposed use;
 - k. Utilities and service facilities; and
 - l. Anticipated landscaping.
 9. Description of the property;
 10. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township, and range;
 11. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage;
 12. Significant on-site features including: natural and artificial drainage ways, Wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including Slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic Hazard Areas, soil types and Landslide Areas; vegetative cover; dams, reservoirs,

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- excavations, and mines; and any other on-site and off-site features that influence the development;
 - 13. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths, shown by location and dimension;
 - 14. Existing and proposed roads, railroad tracks, irrigation ditches, fences, and utility lines on or adjacent to the parcel, shown by location and dimension; and
 - 15. Users and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.

D. Preliminary Plan Map.

Preliminary Plan Maps shall include the following information and supplemental materials:

- 1. Preliminary Plan Maps shall be scaled as follows. To the extent practicable, a Preliminary Plan Map shall show the entire area proposed for Subdivision on one 24 inch by 36 inch sheet.

Subdivision Lot Area	Scale
Less than 10,000 square feet	1 inch equals 50 feet or less
10,001 square feet to 2 acres	1 inch equals 100 feet or less
More than 2 acres	1 inch equals 200 feet or less

- 2. Legal description of the property.
- 3. Site data in chart form presenting:
 - a. Total area of the proposed Subdivision; total area of the developed buildings, driveways and parking areas; total area of nonresidential floor space;
 - b. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
 - c. Total number of proposed off-street parking spaces;
 - d. Total number of dwelling units; total number of dwelling units per structure proposed; and
 - e. Total gross density proposed.
- 4. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township, and range.
- 5. Topography at the following minimum contour intervals:
 - a. Subdivision with 1 or more lots less than 2 acres in size, topography shown at 2-foot contour intervals;
 - b. Subdivision with all lots 2 acres or greater in size, topography shown at 5-foot contour intervals; and
 - c. Areas having Slopes 30% or more, or other significant topographic conditions, topography shown at 5-foot contour intervals.
- 6. Significant on-site features including: natural and artificial drainage ways, Wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including Slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic Hazard Areas,

soil types and Landslide Areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.

7. Known, identified, or designated 100-year Floodplains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams, or rivers and the nearest proposed development within the site shall also be shown.
8. Public access to site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, Alleys, and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown.
9. The location of and preliminary engineering for any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all underground lines, pipes and tubing, and typical cross sections of the proposed grading of roadways and sidewalks.
10. Users and grantees of all existing and proposed easements and rights-of-way on and adjacent to the property, shown by location and dimension.
11. Building Envelopes, if proposed.
12. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot.
13. Areas for landscaping and delineation of the type and extent of vegetative cover on the site.
14. Zoning districts on the site and any zoning changes to be requested.
15. Existing land uses and zoning on adjoining properties.
16. Public or private sources of utility services and facilities.
17. Location and dimension of land to be held in common, Open Space devoted to community use, and land to be dedicated to County.
18. Supplemental Information: The Preliminary Plan Map shall be accompanied by the following information:
 - a. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado setting forth the names of all owners of property included within the proposed Subdivision and a list of all mortgages, judgments, liens, easements, contracts, and agreements of record which shall affect the property within the proposed Subdivision;
 - b. A corporate property owner or corporate Applicant shall provide evidence of registration or incorporation in the State of Colorado;
 - c. A list from the County Assessor of current property owners of record and their complete mailing address for property within 200 feet of the boundaries of the proposed Subdivision;
 - d. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses; and
 - e. Description of proposed phasing plan, if applicable.

E. Final Plan Map.

Final Plan Maps shall include the following information and supplemental materials:

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1. All information as required in the Preliminary Plan Map; and
 2. Any modifications, additions or deletions as required by the BOCC.

F. Final Plat.

Final Plat shall be of an engineer's scale. Final Plat shall be prepared in a clear and legible manner on reproducible film stock measuring 24 inch by 36 inch with clear margins of 2 inches on the left-hand side and ½ inch on the remaining sides. The Final Plat shall contain the following information, as well as any additional information as required by the Director and/or BOCC, in a format prescribed by the County:

1. Name and address of the property owner(s) and mineral owner(s) of record of the land being platted.
2. Name, address, and seal of the certifying registered land surveyor preparing the Final Plat.
3. Legal description and area of the property.
4. Vicinity Map.
5. Location and full description of all monuments as required by this Code and by C.R.S., Title 38, Article 51:
 - a. Permanent monuments shall be set on the external boundary of the Subdivision pursuant to C.R.S. § 38-51-101;
 - b. Block and lot monuments shall be set pursuant to C.R.S. § 38-51-101; and
 - c. Information adequate to locate all monuments shall be noted on the Plat.
6. Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner, township, and range.
7. The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the Plat to enable reestablishment of the curves in the field.
8. Lot location and layout:
 - a. All lots and blocks shall be numbered consecutively; and
 - b. The dimensions of all lots and the area of each lot shown to 2 decimal places.
9. Name, location, and width of rights-of-way, including those intersecting or paralleling the Plat boundaries within 200 feet.
10. Name and map number of any bordering Subdivisions within 200 feet of the boundaries of the Plat.
11. Municipal limits within 200 feet of the boundaries of the Plat.
12. Location, width, purpose, and owners of all easements. A Plat note may be necessary to provide complete information regarding the purpose of the easement. Maintenance easements shall be provided for ditches as required in section 7-201.E.3.
13. Location, area, and means of access of all property to be reserved and/or dedicated, with the means of access to such property clearly shown and its intended uses noted.
14. A legally acceptable land description and dedication block placed on the Plat by the Applicant dedicating streets, rights-of-way, public sites, and other such features. The transfer to the County of dedicated land shall take

place by a legally acceptable instrument prior to or concurrent with Final Plat acceptance, but before recording of the Final Plat.

15. All lands within the boundary of the Subdivision shall be accounted for as a lot, tract, parcel, Open Space, street, right-of-way, Alley, and so forth, and all areas of such lands shall be shown on the plat to the nearest 100th of an acre.
16. Any protective covenants/restrictions shall be noted on the Plat or, if protective covenants/restrictions are recorded, the book and page of these recorded documents shall be shown on the Plat prior to the Plat being recorded.
17. All required Plat notes, exemptions, contracts, and any additional notes, Building Envelopes or other information as required by the County.
18. Executed certificates, notices, and statements, as required by the County

G. Open Space Plan Map.

1. Open Space Plan Map. The Open Space Plan Maps shall be scaled at 1 inch equals 200 feet, and shall include of the following elements:
 - a. Residential lot layout, roadways, and site access;
 - b. Delineation of Open Space areas;
 - c. Trails and structures located within the Open Space areas; and
 - d. Existing and planned Open Space on adjacent property.
2. Open Space Management Plan. The Open Space Management Plan shall include the following elements. All Open Space shall be platted as part of the first Final Plat.
 - a. Ownership and responsibility for management of the Open Space. The owner may place a perpetual Conservation Easement on the Open Space and deed that easement to a qualified conservation organization. In all cases, ownership shall be deeded to the finally controlling entity at the time of Final Plat.
 - b. Details for maintenance of the Open Space, including noxious weed control.
 - c. Responsibility for the cost of maintenance of the Open Space.
 - d. Uses allowed within the Open Space.
 - e. Stipulations preserving the designated Open Space and maintenance of the Open Space in the event of future amendments to the approved land use.

H. Visual Analysis.

1. Visual Analysis With Sketch Plan. Within the Sketch Plan Review application, the Applicant shall submit an initial investigation of potential visual impacts and mitigation techniques, containing the following materials:
 - a. Map. A map of the property that depicts the general location of ridgeline areas in relationship to development areas.
 - b. Written Statement. A brief written statement describing, in a general manner, where the development is proposed to be located in relation to the ridgeline areas and the design elements that will be used to mitigate visual impacts.
2. Visual Analysis With Preliminary Plan. Within the Preliminary Plan Review

application, the Applicant shall submit a detailed Visual Analysis that illustrates the existing features of the site, as viewed from the roadway corridor, and depicts the location and design of the proposed development. The Visual Analysis shall include:

- a. Illustrations. Illustrations of the mass and form of the proposed development may be provided as a photograph of the property onto which the development has been rendered, a computer simulation, a site section, or by other similar technique.
- b. Map. A map locating proposed roads and utilities and identifying the area proposed for development.
- c. Plans. Grading, landscaping, and illumination plans.
- d. Written Statement. A written statement depicting how the development mitigates visual impacts on affected ridgelines.

I. Codes, Covenants and Restrictions.

The Applicant may propose or the BOCC may require the preparation of legal documents to govern the division of land, including any associated Homeowner Association and any other codes, covenants and restrictions. Any required legal documents shall be recorded with a Final Plan/Plat approval.

J. Final Subdivision or Subdivision Exemption Plat Information.

The Application must submit the following information including that listed in Table 5-401 in order to complete an application for plat vacation.

1. Copy of Recorded Subdivision Plat and resolution approving subdivision preliminary plan
2. A description of the current condition of the subdivision including the location of any structures, completed improvements or improved infrastructure, and any land or easements dedicated to the public
3. A statement addressing the required review criteria in Section 5-307.C.
4. If the parcel that results from a vacation or partial vacation will be less than 35 acres, the Applicant shall submit all materials as required for a Minor Subdivision consistent with Table 5-401 for the resulting parcel.