

## Section 6 - Preliminary and Final Plat

(orig. 7-12-05; am. 5-20-08; am. 4-20-10)

### A. Intent and Purpose

The Preliminary and Final Plat Process was created to offer an expedited review of subdivision applications. This process combines the separate Preliminary Plat and Final Plat processes into a single process, eliminating the need to go through the two separate processes. With the Preliminary and Final Plat process, an applicant will be able to schedule the Board of County Commissioners' hearing within three weeks of receiving a recommendation from the Planning Commission. The process outlines time frames and expectations, providing the applicant with a clear understanding of the steps involved prior to being scheduled for the public hearings. The Director of Planning and Zoning may waive the time frames included in this process depending on Planning and Zoning staffing levels and the complexity of the proposal. (am. 7-12-05; am. 5-20-08; am. 12-21-10)

### B. Application

1. The Preliminary and Final Plat process shall apply to all division of land, except those that have been exempted from the subdivision process. (am. 7-12-05; am. 5-20-08)
2. If the applicant desires to use the separate Preliminary Plat and Final Plat processes, then this process will not be required. (am. 7-12-05; am. 5-20-08)
3. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (am. 10-13-09)
4. Notification is required in accordance with the Notification Section. (orig. 10-13-09)

### C. Procedure

Process Steps	Processing Time Frames	
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process	
<b>Steps prior to 1<sup>st</sup> Referral</b>		
Sufficiency Review and Referral Distribution or Deficiency Response	7 calendar days	
Resubmittal Sufficiency Review (if necessary)	5 calendar days	
<b>Process from 1<sup>st</sup> Referral to Public Hearings</b>		
1 <sup>st</sup> Referral and Staff response	28 calendar days (21-day referral, 7 days for Staff response)	106 Days to tentatively scheduled hearings if processing time frames are met.
Applicant's Response to 1 <sup>st</sup> Referral	Varies 21 calendar days used for example timeframe	
Sufficiency Review and Referral Distribution	5 calendar days	
2 <sup>nd</sup> Referral and Staff Response	21 calendar days (14-day referral, 7 days for Staff response)	
Applicant submits Hearing Documents	10 calendar days	
Hearing Preparation	21 calendar days	
<b>Public Hearings and Post Hearing Review</b>		
Planning Commission Hearing	Time varies based on PC and BCC actions; and applicant meeting approval conditions	
Board of County Commissioners Hearing		
Post Hearing Review		

The following is an example of the typical processing steps and timeframes for the development application. If the applicant complies with all given time frames, submits a complete application, and complies with all requirements of this Regulation, the estimated time to reach the public hearing phase of the process is 106 calendar days from the date of the 1<sup>st</sup> Referral. (am. 7-12-05; am. 4-4-06; am. 5-20-08; am. 10-13-09; am. 7-17-18)

Prior to submitting a development application, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the Pre-Application Review Process Section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the platting process and will help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the development proposal. (am. 5-20-08; am. 10-13-09; am. 7-17-18)

If an applicant is going to request relief from a standard, to avoid processing delays, it is recommended that the request for relief from a standard be submitted early in the development process. Requests for relief of a standard are subject to different specific processing timeframes, which may add to the length to the processing of the development application. (orig. 7-17-18)

Notification is required at the time of the 1<sup>st</sup> Referral in accordance with the notification provisions of this Regulation. (orig. 7-17-18)

### **Steps Prior to 1st Referral**

#### 1. Sufficiency Review and Referral Distribution (1<sup>st</sup> Referral):

The applicant shall electronically submit all documents as identified in the Submittal Requirements Section of this Regulation for review by Staff. (am. 5-20-08; am. 10-13-09; am. 7-17-18)

The Case Manager shall have 7 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

#### 2. Formal Application:

The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (am. 5-20-08; am. 10-13-09)

The Case Manager shall have 5 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (am. 5-20-08; am. 7-17-18)

### **Process from 1st Referral to Public Hearings**

#### 3. 1<sup>st</sup> Referral and Staff Response:

The referral agencies shall have 21 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (am. 7-12-05; am. 5-20-08)

The Case Manager shall have 7 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Hearing Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 7-17-18)

If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Hearing Documents phase of the process. Under this circumstance, the application will be scheduled for hearing dates earlier than those tentatively scheduled at the time of the 1<sup>st</sup> Referral. (am. 5-20-08; am. 7-17-18)

#### 4. Applicant's Response to 1<sup>st</sup> Referral:

For the application to be processed in accordance with the example timeframe in the table above, the applicant shall have 21 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2<sup>nd</sup> referral. The applicant will be deemed to have consented to later hearing dates, than the tentatively scheduled hearing dates, if the resubmittal is not received within the 21-calendar day period. (am. 7-12-05; am. 5-20-08; am. 7-17-18)

Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (am. 5-20-08; am. 12-21-10; am. 7-17-18)

5. Sufficiency Review and Referral Distribution (2<sup>nd</sup> Referral):

The Case Manager shall have 5 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. All resubmittal documents shall be submitted as a complete package and not sent in a fragmentary manner. (orig. 7-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

6. 2<sup>nd</sup> Referral and Staff Response:

The referral agencies shall have 14 calendar days to respond in writing to the 2<sup>nd</sup> referral. An extension of no more than 30 calendar days may be agreed to by the applicant. (am. 5-20-08; am. 7-17-18)

The Case Manager shall have 7 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Hearing Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 7-17-18)

If the applicant has not consented to a later hearing date based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled hearing, the applicant shall submit the hearing documents as requested by the Case Manager in accordance with the Hearing Documents phase of the process. (am. 5-20-08)

7. Applicant's Response to 2<sup>nd</sup> Referral Comments:

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10; am. 7-17-18)

8. Additional Referrals and Responses:

For the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2<sup>nd</sup> Referral) process, the 2<sup>nd</sup> Referral and Staff Response process and the Applicant's Response to 2<sup>nd</sup> Referral process. The only exception shall be that for the 3<sup>rd</sup> Referral, and for any subsequent referrals thereafter, the referral agencies shall have 14 calendar days to respond in writing to the referral. (am. 5-20-08; am. 7-17-18)

The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (am. 5-20-08; am. 7-17-18)

9. Submittal of Hearing Documents:

The applicant shall electronically submit the Hearing Documents as identified in the Case Manager response to the last referral. (am. 5-20-08; am. 7-17-18)

If the applicant has not consented to a later hearing date based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the hearing documents for the tentatively scheduled hearing. The applicant will be deemed to have consented to a later hearing date if the hearing documents are not received within the 10-calendar day period. (am. 5-20-08; am. 7-17-18)

The applicant shall have a maximum of 180 calendar days to respond to the referral comments or to submit the hearing documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fee and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for an additional 180 calendar days if, in his/her opinion, the delay in response is for good cause. (am. 5-20-08; am. 12-21-10; am. 7-17-18)

10. Hearing Scheduled:

- a. Planning Commission Hearing: If the applicant has consented to later hearing dates based on the time frames of this Regulation, the Planning Commission hearing will be scheduled for the first available hearing date after 21 calendar days from the submittal of the hearing documents. (am. 5-20-08)
- b. Board of County Commissioners Hearing: The Board of County Commissioners hearing is typically scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing; however, Staff may choose an alternative hearing date to accommodate case processing and scheduling needs. (am. 5-20-08; am. 7-17-18)

11. Hearing Preparation:

- a. Revisions to Documents Prior to Hearing: To ensure completeness and to allow adequate public review, no substantial revisions or additions, except in response to a Staff request or those specifically requested by the Planning Commission, may be made to any application or supporting documents within 21 days prior to any hearing. (orig. 5-20-08)
- b. Notification: Notification of the scheduled hearings is required in accordance with the Notification Section. (am. 5-20-08; am. 10-13-09)

**Public Hearings and Post Hearing Review**

12. Planning Commission Hearing:

The Planning Commission shall review the application and the Staff report, receive testimony and evidence on the application, and shall recommend approval, conditional approval, or denial of the application to the Board of County Commissioners. The Planning Commission may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request shall be to a date certain. (am. 5-20-08; am. 12-21-10)

13. Board of County Commissioners Hearing:

The Board of County Commissioners shall review the application, the Staff report and the Planning Commission recommendation, receive testimony and evidence on the application, and shall approve, conditionally approve or deny the application. The Board of County Commissioners may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request shall be to a date certain. (am. 5-20-08; am. 12-21-10)

14. Post Hearing Review:

The applicant shall comply with all conditions of approval within 1-year from the approval date by the Board of County Commissioners. If the applicant does not comply with the conditions within this

timeframe, the approval shall be automatically rescinded. The Director of Planning and Zoning may extend this 1-year recordation deadline for up to 3 additional 1-year periods if, in his/her opinion, the delay is for good cause. After the 3-year time period has elapsed the applicant will have to go back to the Board of County Commissioners for approval. (am. 5-20-08; am. 10-13-09; am. 12-21-10; am. 7-17-18)

The Case Manager shall have 7 calendar days to review all documents submitted by the applicant for compliance with the approval conditions. If the revisions have been made in accordance with the approval conditions, the Case Manager will authorize the preparation of the plat mylar and any other final documents. If additional revisions are required to meet the approval conditions, the Case Manager will return a letter to the applicant identifying the revisions that must be made to comply with the approval conditions. (orig. 5-20-08)

If the application needs to return to hearing for a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed directly to a hearing before the Board of County Commissioners' without a hearing before the Planning Commission. (orig. 4-20-10; am. 12-21-10)

When the applicant complies with the approval conditions, submits the executed plat mylar and other final documents, and pays the recordation fees, Staff will obtain the required County approval signatures on the plat mylar and final documents, and have the documents recorded, as appropriate. (am. 5-20-08)

#### **D. Format**

1. The format of the Preliminary and Final Plat shall comply with the Final Plat provisions for Format, Survey and Monumentation, Plat Certificates, and Notes. (orig. 7-12-05; am. 5-20-08)
2. The following Supplemental Information must be provided: (am. 7-12-05; am. 7-17-18)
  - a. Written Supplemental Data: The written supplemental data may be included on an 8 ½" x 11" sheet of paper or may be shown on a separate plan. The following written supplemental data must be provided: (reloc. 7-12-05; am. 7-17-18)
    - (1) The name of the proposed subdivision. (reloc. 7-12-05)
    - (2) The name, address, email and phone number of the owner(s) and applicant and state and/or federal subdivider registration numbers, where applicable. (reloc. 7-12-05; am. 7-17-18)
    - (3) The name, address, email and phone number of the person, firm or organization preparing the plat. (reloc. 7-12-05; am. 7-17-18)
    - (4) A statement of the water source, including the well permit number and/or water court decree for any well or surface right to be used, and including an estimate of the total number of gallons per day of water system requirements when a distribution system is proposed. (reloc. 7-12-05)
    - (5) A statement of provisions for sewage collection/treatment including the estimated total number of gallons per day of sewage to be treated when utilizing a central sewage facility. (reloc. 7-12-05)
    - (6) The gallon capacity of fire cisterns or the estimated fire flow of hydrants when utilizing a proposed central water distribution system. (reloc. 7-12-05)
  - b. Graphic Supplemental Data: The graphic supplemental data may be shown on a plan sheet similar in nature to a preliminary plat document or on some other form of a 24x36 inch document such as a grading plan. The plan sheet must be at a scale of 1 inch to 100 feet or larger except when the plat depicts land exceeding 160 acres in size, and the minimum lot size is 3.5 acres, the drawing may be at a scale of 1 inch to 200 feet. Acceptable larger scales are 1 inch to 20 feet, 40 feet, 50 feet, or 60 feet. The following graphic supplemental data shall be provided: (reloc. 7-12-05)

- (1) A north arrow and a written and graphic scale. (reloc. 7-12-05)
- (2) The boundary, lots, tracts, and streets/roads of the subdivision. Lot and tract areas shall be indicated. (reloc. 7-12-05)
- (3) The location, widths, and approximate grades of all proposed streets/roads/driveways. (reloc. 7-12-05)
- (4) The existing and final contours at 2-foot intervals for subdivisions within the Plains and contours at 5-foot intervals for subdivisions within the Mountains including the method utilized to obtain all contour intervals. Contours shall be accurate to within 0.5 contour and elevations shall be based on United States Geologic Survey (U.S.G.S.) sea level datum. The U.S.G.S. quad maps shall not be accepted as evidence for topographic contours. (reloc. 7-12-05)
- (5) The approximate 100-year floodplain boundaries (both existing and as modified by the proposed development), and the location of all water courses and all known or proposed surface water areas. (reloc. 7-12-05)
- (6) The footprint of and planned disposition for existing buildings. (reloc. 7-12-05)
- (7) The location of major rock outcroppings and wooded areas. (reloc. 7-12-05)
- (8) The location and ownership of all irrigation ditches and laterals. (reloc. 7-12-05)
- (9) Non-buildable areas with approximate dimensions. (reloc. 7-12-05)
- (10) All proposed and existing fire hydrant or cistern locations. (reloc. 7-12-05)