

## Section 7 – Preliminary Plat

(orig. 7-12-05; am. 12-21-10)

### A. Intent and Purpose

The Preliminary Plat Process was adopted at the inception of the Land Development Regulation to comply with State Statute requirements related to subdivisions of land. The process includes a review of preliminary level documents with the ultimate goal of approval of the Preliminary Plat by the Planning Commission. The approval of a Preliminary Plat does not complete the subdivision process; a subsequent Final Plat process must be completed to complete the subdivision process. The Preliminary Plat process outlines time frames and expectations, providing the applicant with a clear understanding of the steps involved prior to being scheduled for hearing before the Planning Commission. 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 Plat process shall apply to all subdivisions of land, except those that have been exempted from the subdivision process. The applicant may choose to go through the Preliminary and Final Plat process in lieu of the separate Preliminary Plat process and Final Plat process. (am. 5-20-08)
2. Concurrent processing of the Preliminary Plat and the Final Plat is permitted at the applicant's option. However, the Board of County Commissioners shall not hear, or take any action on the Final Plat prior to the Preliminary Plat approval by the Planning Commission, or approval of an appeal by the Board of County Commissioners. (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. (orig. 5-20-08)
4. Notification is required in accordance with the Notification Section. (orig. 10-13-09)

### C. Procedure

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)

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 Hearing</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 hearing 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 Hearing and Post Hearing</b>		
Planning Commission Hearing	Time varies based on PC action and time frame for	
Post Hearing Review	submittal of Final Plat	

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 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 1<sup>st</sup> 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 Manger 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 1<sup>st</sup> Referral to Public Hearing**

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 a hearing date earlier than that 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 a later hearing date, than the tentatively scheduled hearing date, 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:

If the applicant has consented to a later hearing date based on the time frames, 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; 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 hearing is required in accordance with the Notification Section. (am. 5-20-08; am. 10-13-09)

**Public Hearing 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 approve, conditionally approve or deny the application. 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. Post Hearing:

Following approval of the Preliminary Plat by the Planning Commission or a successful appeal to the Board of County Commissioners, the applicant shall submit the Final Plat application, in accordance with the requirements and time frames described in the Final Plat process. (am. 5-20-08)

14. Appeal:

If the Planning Commission denies the Preliminary Plat, the applicant will have 15 calendar days to appeal the denial to the Board of County Commissioners. (am. 7-12-05; am. 5-20-08)

The appeal shall be in writing and shall state the specific items being appealed and provide reasons and evidence why the Planning Commission's decision regarding the Preliminary Plat should be overturned. The applicant may indicate any revisions to the plat that the applicant is willing to make to respond to Planning Commission and Staff issues. The appeal shall be submitted to the Planning and Zoning case manager. (am. 7-12-05; am. 5-20-08)

Upon receipt of an appeal by the applicant, the Board of County Commissioners shall consider the Preliminary Plat. A hearing for said consideration will be scheduled to occur at the first available Board of County Commissioners' hearing date following 21 calendar days from submittal of the request for appeal. At the hearing, the Board of County Commissioners shall affirm, reverse, or modify the Planning Commission's decision, or return the Preliminary Plat to the Planning Commission for additional review. (am. 7-12-05; am. 5-20-08)

Notification of the Board of County Commissioner's hearing is required in accordance with the Notification Section. (am. 5-20-08; am. 10-13-09)

**D. Format**

The format of the Preliminary Plat shall comply with the following:

1. A neat and legible drawing of the proposed subdivision on a 24x36 inch sheet showing lots, blocks, parcels, tracts, streets/roads, easements and such other information as is required 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 1/2 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. (reloc. 7-12-05)
2. A vicinity map on the first page of the plat showing the general location of the subdivision in relation to nearby primary streets/roads and section lines. The vicinity map shall include: The streets/roads leading to and within the subdivision; the outline of the subdivision shown by a heavy discernable line and labeled with the name of said subdivision; and an acceptable scale at 1 inch to 500 feet, 1 inch to 1,000 feet or 1 inch to 2,000 feet. (am. 7-12-05)
3. The name of the proposed subdivision. (am. 7-12-05; am. 7-17-18)
4. The name, email, address, and phone number of the owner(s) and applicant and state and/or federal subdivider registration numbers, where applicable. (am. 7-12-05; am. 7-17-18)
5. The name, email, address, and phone number of the person, firm or organization preparing the plat. (reloc. 7-12-05; am. 7-17-18)
6. The date of preparation and subsequent revisions. (reloc. 7-12-05)
7. North arrow and a written and graphic scale for the plat map. (reloc. 7-12-05)
8. A metes and bounds description to define the location and boundaries of the proposed subdivision. (reloc. 7-12-05)

9. The location, widths and approximate grades and curve radii of all streets/roads. Streets/roads shall be identified by proposed street/road names or by temporary designations utilizing letters or numbers. (reloc. 7-12-05)
10. All private streets/roads. (am. 7-12-05)
11. The recordation information, names, locations, Rights-of-Way, existing widths of adjoining streets/roads and highways, proposed vacations of street/road Rights-of-Way, and the centerlines of existing streets/roads. (am. 7-12-05)
12. The names and locations of adjoining subdivisions, unsubdivided and public lands. (reloc. 7-12-05)
13. 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)
14. 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)
15. The approximate low hazard areas of 100-year floodplains if such areas are proposed to be utilized as park land in accordance with the Floodplain Section. (am. 7-12-05)
16. The footprint of and planned disposition for existing buildings. (reloc. 7-12-05)
17. The location of all major rock outcroppings and wooded areas. (reloc. 7-12-05)
18. The location of mineral resource areas, natural hazard areas, areas containing or having significant impact upon historical, archaeological or paleontological resources. (reloc. 7-12-05)
19. The location of areas around existing or proposed key facilities in which development may have a material effect upon the facility or the surrounding community. (reloc. 7-12-05)
20. Designation, disposition and location of proposed school, park and other public site areas. (reloc. 7-12-05)
21. The approximate widths and locations of all existing or proposed easements. (reloc. 7-12-05)
22. The location and ownership of Rights-of-Way and other rights of all irrigation ditches and laterals. (reloc. 7-12-05)
23. The approximate lot layout and dimensions of each lot. (reloc. 7-12-05)
24. Non-buildable areas pursuant to the Lot and Tract Standards section. (am. 7-12-05)
25. Delineation of hazardous areas as identified in the appropriate document reports. (am. 7-12-05)
26. All proposed and existing fire hydrant or cistern locations. (reloc. 7-12-05)
27. 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)
28. A statement of provisions for sewage collection/treatment, including the estimated total number of gallons per day of sewage to be treated when utilizing central sewage. (reloc. 7-12-05; am. 7-17-18)
29. A table of estimated data tabulating the following, when applicable: (reloc. 7-12-05)

- a. Number of lots. (reloc. 7-12-05)
- b. Size of smallest lot. (reloc. 7-12-05)
- c. Number of dwelling units. (reloc. 7-12-05)
- d. Population generated as determined by the Park and School Requirements Section. (am. 7-12-05; am. 7-17-18)
- e. Acreage of area to be subdivided. (reloc. 7-12-05)
- f. Acreage of public Right-of-Way. (reloc. 7-12-05)
- g. Acreage of public areas. (reloc. 7-12-05)
- h. Acreage of common area tracts. (reloc. 7-12-05)