

Article 5



Subdivision Regulations

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5-100 Sketch Plan

5-101 Introduction

- A. The sketch plan is the first step of the three step approval process to plat unsubdivided land. During this step, public hearings will be held before the Planning Commission and the Board of County Commissioners. The applicant must receive sketch plan approval or conditional approval in order to proceed to the second step, the preliminary plan.
- B. The sketch plan process will review, at a conceptual level, the feasibility and design characteristics of the development proposal based on the standards set forth in this Section. Residential densities will be based on unit types and/or commercial/industrial square footage limits, as established in Article 4 of this Code, with the understanding that additional technical engineering design material, survey work and preparation of required documents will be submitted for review at later steps in the application review process.
- C. The preliminary plan and final plat may be combined with the sketch plan if the proposed development contains 7 subdivided lots or less and development of the lots does not require extensive engineering. The Director shall determine whether a particular application may combine sketch plan, preliminary plan, or final plat processes.

5-102 Standards and Conditions for Sketch Plan Approval

- A. The Planning Commission and the Board of County Commissioners shall not approve a sketch plan proposal until the applicant has adequately shown that the proposal meets the following:
 - 1. The design conforms to the criteria established in Section 7-200.
 - 2. A water source is designated and the method of distribution within the proposed platted subdivision is defined. Also necessary, as applicable, are a preliminary agreement for water service from the appropriate water provider, well permits from the State Engineer, preliminary evidence on the availability of water, and/or a preliminary water augmentation proposal. In accordance with Section 7-300, the water supply must be adequate for the type of platted subdivision proposed.
 - 3. Either a written commitment to provide a public sewage disposal system or a sewage disposal system which complies with state and local laws and regulations, in accordance with Section 7-400.
 - 4. The development proposal conforms with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.
 - 5. The proposed methods for fire protection comply with Section 7-1100.
 - 6. The proposed uses for all areas are appropriate and the design is based on the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, flood plain, airplane flight overlays, or other constraints.
 - 7. Services are available and adequate to meet the needs of the proposed platted subdivision including transportation, police protection, schools, recreation, telephone, mail, gas, electric power and other services, and comply with Section 7-1200.

5-103 Planning Commission Consideration of a Sketch Plan Proposal

- A. Planning Commission action on a sketch plan proposal shall include either a recommendation of:
 - 1. approval of the sketch plan;
 - 2. conditional approval, including a listing of all conditions; or
 - 3. denial, including a listing of reasons for denial.
- B. If the Planning Commission determines that more information is required for a decision to be made on the proposal, they may table their consideration of the sketch plan, in accordance with the provisions of Section 3-205.
- C. Following action under Section 5-103(A):
 - 1. The Land Use Director shall certify the action by the Planning Commission and transmit this certificate to the Board of County Commissioners.
 - 2. The Director shall transmit this certificate to the applicant.
 - 3. This certificate shall include any special conditions of approval or reasons for denial and the date, place, and time of the hearing before Board of County Commissioners.
- D. The Planning Commission may reserve the right to reconsider sketch plan issues during their consideration of the preliminary plan or final plat.

5-104 Board of County Commissioners' Consideration of a Sketch Plan Proposal

- A. Board action on a sketch plan proposal shall include either:
 - 1. Approval of the sketch plan.
 - 2. Conditional approval of the sketch plan, including a listing of all conditions. The Board may specify conditions which shall be satisfied prior to the filing of a preliminary plan application.
 - 3. Denial of the sketch plan, including a listing of the reasons for denial.
 - 4. The Board may table their consideration of a sketch plan for more information from the applicant, or they may return the sketch plan to the Planning Commission for the Commission's reconsideration at a public hearing, in accordance with the provisions of Section 3-205.
- B. Following action by the Board:
 - 1. The Director shall certify any action taken by the Board and shall transmit such certification to the applicant.
 - 2. The certification of action shall also specify the sketch plan expiration dates as defined in Section 5-500 of this Code.
 - 3. The Board may reserve the right to reconsider sketch plan issues during their consideration of the preliminary plan or final plat.

5-200 Preliminary Plan

5-201 Introduction

- A. The preliminary plan is the second step of the three step approval process to plat unsubdivided land. During this step, public hearings will be held before the Planning Commission and the Board of County Commissioners. The applicant must have received sketch plan approval or conditional approval in order to proceed with the preliminary plan application.
- B. The preliminary plan process will review the feasibility and design characteristics of the proposal based on the standards set forth in this Section. The preliminary plan process will also evaluate preliminary engineering design. The applicant must receive preliminary plan approval or conditional approval in order to proceed to the third step, the final plat.
- C. The preliminary plan may be combined with the sketch plan and the final plat if the proposed platted subdivision contains 7 subdivided lots or less and development of the lots does not require extensive engineering. The Director shall determine whether a particular application may combine sketch plan, preliminary plan, or final plat processes.

5-202 Standards and Conditions for Preliminary Plan Approval

- A. The Planning Commission and Board of County Commissioners shall not approve a preliminary plan proposal until the applicant has adequately shown that the proposal meets the following:
 - 1. The proposal complies with sketch plan approval.
 - 2. The proposed water supply meets the requirements of Section 7-300 of this Code, including a schematic design of the water distribution system, and, if applicable, well pump tests.
 - 3. If a public sewage disposal system is proposed, provision has been made for such system, or, if other methods of sewage disposal are proposed, that such systems will comply with state and local laws and regulations and the requirements of Section 7-400 of this Code.
 - 4. The proposed roads meet the requirements of Section 7-600 of this Code and the Transportation Standards.
 - 5. The proposed drainage meets the requirements of Section 7-900 of this Code.
 - 6. The preliminary engineering plans provide evidence to show that the proposed methods for fire protection comply with Section 7-1100 of this Code.
 - 7. The proposal meets other applicable sections of Article 7.

5-203 Planning Commission Consideration of a Preliminary Plan Proposal

- A. Planning Commission action on a preliminary plan shall include either:
 - 1. Approval of the preliminary plan.
 - 2. Conditional approval of the preliminary plan, including a complete listing and clear explanation of all conditions.
 - 3. Denial of the preliminary plan, including a listing of reasons for the denial.
 - 4. If the Planning Commission determines that more information is required for a decision to be made on the proposal, they may table their consideration of the preliminary plan, in accordance with the provisions of Section 3-205.
- B. The Planning Commission may reserve the right to reconsider preliminary plan issues during their consideration of the final plat.

5-204 Board of County Commissioners Consideration of a Preliminary Plan Proposal

- A. Board action on a preliminary plan shall include either:
 - 1. Approval of the preliminary plan.
 - 2. Conditional approval of the preliminary plan, including a complete listing and clear explanation of all conditions.
 - 3. Denial of the preliminary plan, including a listing of reasons for the denial.
 - 4. If the Board determines that more information is required for a decision to be made on the proposal, they may table their consideration of the preliminary plan for more information from the applicant, or may return the preliminary plan to the Planning Commission for the Commission's reconsideration at a public hearing, in accordance with the provisions of Section 3-205.
- B. The Board may reserve the right to reconsider preliminary plan issues during their consideration of the final plat.

5-300 Final Plat

5-301 Introduction

- A. The final plat is the last step in the three step approval process to plat unsubdivided land. During this step, there will be public hearings before the Planning Commission and Board of County Commissioners. The applicant must have received preliminary plan approval or conditional approval in order to proceed with the final plat process.
- B. The final plat process will review the final engineering plans, the development agreement, letters of credit, conservation easements, home owners covenants, the plat, and any other documents, reports, or studies as necessary; and may also review sketch plan or preliminary plan issues such as building height, landscaping, and building envelopes which have been deferred.
- C. The final plat may be combined with the sketch plan and the preliminary plan if the proposed platted subdivision contains 7 subdivided lots or less and development of the lots does not require extensive engineering. The Director shall determine whether a particular application may combine sketch plan, preliminary plan, or final plat processes.

5-302 Standards and Conditions for Final Plat Approval

- A. Neither the Planning Commission nor the Board of County Commissioners shall approve a final plat proposal until the applicant has met the following standards and conditions.
 - 1. Complies with all conditions of sketch and preliminary plan approval.
 - 2. Includes adequate final engineering plans for the water distribution system, final agreements to provide water service from the water provider, and provisions for the perpetual maintenance of the water system.
 - 3. Meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
 - 4. Does not include a lien, conveyance, or encumbrance to the property dividing a subdivided lot or outlot.
 - 5. Provides certification from the Boulder County Treasurer's Office that all ad valorem taxes applicable to the land have been paid.
- B. The applicant must also submit a development agreement.

5-303 Planning Commission Consideration of a Final Plat Proposal

- A. Planning Commission action on a final plat proposal shall include a recommendation for:
 - 1. approval of the final plat;
 - 2. conditional approval, including a listing of all conditions; or
 - 3. denial, including a listing of the reasons for denial.
- B. If the Planning Commission determines that more information is required for a decision to be made on the proposal, they may table their consideration of the final plat, in accordance with the provisions of Section 3-205.
- C. Following action by the Planning Commission:
 - 1. The Land Use Director shall certify the action by the Planning Commission and transmit this certificate to the Board of County Commissioners.
 - 2. The Director shall transmit this certificate to the applicant.
 - 3. This certificate shall include any special conditions of approval or reasons for denial and the date, place, and time of the hearing before the Board of County Commissioners.

5-304 Board of County Commissioners' Consideration of a Final Plat Proposal

- A.** Board action on a final plat proposal shall include either:
 - 1. Approval of the final plat.
 - 2. Conditional approval of the final plat, including a listing of all conditions of such approval and authorization for the chairperson to sign the final plat and other associated documents.
 - a. Conditions other than final plat map notes or conditions to be satisfied prior to plat recordation shall be avoided.
 - b. Where necessary, the Board may table its decision until such time as the applicant can comply with the conditions.
 - 3. A denial of the final plat, including a listing of the reasons for denial.
- B.** Following action by the Board:
 - 1. The Director shall certify any action taken by the Board and shall transmit such certification to the applicant by mail or by hand delivery.
 - 2. The certification of action shall also specify the final plat expiration dates as specified in Section 5-500.
- C.** After the denial of a final plat by the Board, unless a substantial modification to the proposal is made, the applicant may not submit an application for the proposed platted subdivision for a period of 12 months.

5-305 Post Approval Action

- A.** The final plat may be filed for recording once the applicant has submitted and the Board has approved a development agreement.
- B.** Recordation
 - 1. The applicant must complete all conditions of final plat approval prior to recording the plat and associated documents.
 - 2. The plat does not become effective until it is properly filed for recording with the Boulder County Clerk and Recorder.
 - 3. A plat proposal becomes complete and the subdivided land becomes eligible for public sale of lots and development only after the post approval requirements of Section 5-305(A), above, are met, and the plat and associated documents are recorded.

5-400 Correction Plats and Replats

5-401 Correction Plats

- A. The Board of County Commissioners may approve a correction plat if the sole purpose of such correction plat is to correct one or more technical errors in an approved plat when the correction plat is consistent with the approved final plat.
- B. The correction plat shall comply with all provisions and requirements contained within Section 5-300 and Article 3, and shall bear an explanation of the relationship between the correction plat and the plat corrected, including a full description of all matters corrected.

5-402 Replats

- A. Changes other than approved technical corrections (see Section 5-401) to any plat shall be considered a subdivision and must comply with the standards and conditions for subdivided land approval included in this Code, unless the Director determines that they fall within the Exemption Plat provisions of Article 9 of this Code.
- B. The Director may modify the application process defined in Article 3 of this Code if it is determined that adequate public notice and input on the replat application can be attained through a shortened process.
- C. A replat may be required to amend the sketch plan, preliminary plan, and/or the final plat, but shall be subject to the relevant standards and criteria and may be subject to the original conditions of approval.
- D. The proper naming or titling of a replat shall correspond to the convention established by the Land Use Department.
 - 1. In general, these include the name of the original platted subdivision followed by a letter representing the replat.
 - 2. Example: Crestview Estates, Second Filing, Replat - which is the first replat of any lots found in Crestview Estates, Second Filing.

5-500 Expiration of Approvals

- A. The Board of County Commissioners decision to approve or conditionally approve a sketch plan, preliminary plan, or a final plat shall, unless otherwise stated in such action, be effective as follows:
 - 1. Sketch plan - 1 year with the ability to request an extension of 1 year.
 - 2. Preliminary plan - 1 year with the ability to request an extension of 1 year.
 - 3. Final plat - 1 year with the ability to request an extension of 1 year; and the ability for the applicants of a TDR/PUD to request annual extensions, provided the period from final plat approval to final recordation of the plat is no more than 3 years.
- B. Extensions
 - 1. The Board of County Commissioners may grant extensions if it finds that there has been no change or change proposed in this Code, the County Comprehensive Plan, or the surrounding neighborhood which would substantially affect the approved plan or final plat.
 - 2. A request for an extension shall include:
 - a. The reasons for the applicant's inability to comply with the specified deadlines.
 - b. Any changes in the character of the neighborhood or this Code or the Comprehensive Plan which have occurred since approval of the plan or final plat.
 - c. The effect of these changes on the proposed platted subdivision.
 - d. The anticipated time schedule for completing the process to plat the subject land.
- C. Final engineering plans required for final plat approval shall expire one year after approval by the County Engineer, or one year from final plat approval, whichever is later.
- D. The County Engineer may re-approve the final engineering plans if it is found that there, have been no substantial changes in available engineering technology, the requirements of the Transportation Standards, or this Code, or the property or surrounding properties since the approval of the final plat.
- E. Expiration of approvals shall require that the applicant repeat the process to plat unsubdivided land with a new application.