

SECTION 5-280. SUBDIVISION

A. Purpose and Intent. The purpose of this Section is to establish the minimum standards for the division of land and improvement of that land in unincorporated Eagle County:

1. **General.** Establish reasonable and equitable procedures and standards for the subdivision of land.
2. **Safe and Convenient Traffic Circulation.** Require the provision of safe and convenient vehicular and pedestrian traffic circulation.
3. **Adequacy of Public Facilities.** Ensure that public facilities are available to serve development.
4. **Conserve and Manage Natural Resources.** Conserve and manage natural resources.
5. **Minimize Air and Water Pollution.** Minimize the impacts of air and water pollution and the degradation of land.
6. **Open Space.** Provide for open space and recreational land through efficient and appropriate subdivision design.
7. **Conformance with Comprehensive Plan and Land Use Regulations.** Guide future growth and development in substantial conformance with the purposes, intents, goals and policies of the Eagle County Comprehensive Plan, Area Community Plans, and any applicable ancillary County adopted documents pertaining to natural resource protection, affordable housing, or infrastructure management, and other applicable provisions of these Land Use Regulations. *(am 11/08/05) (am 05/08/12)*
8. **Safety From Fire, Flood, and Other Disasters.** Maintain or improve safety from fire, flood and other potential disasters, including all flooding requirements per section 3-350.L. *(am 01/07/14)*
9. **Adequate Light, Air, and Privacy.** Provide adequate light, air, and privacy for land uses.
10. **Recording.** Ensure that the subdivision of lands is recorded with proper legal descriptions and monuments. *(am 3/12/02)*

B. Procedures.

1. **Overview of Procedures.** Unless exempted pursuant to Section 5-280.B.2, Exemptions, prior to the division or transfer of land within unincorporated Eagle County, an applicant shall obtain approval for a Sketch Plan, Preliminary Plan and Final Plat for Subdivision pursuant to the procedures and standards of this Section.
 - a. **Sketch Plan.** The purpose of sketch plan review is for the applicant, the County and the public to evaluate and discuss the basic concepts for development of the proposed subdivision, and to consider whether there are any alternative concepts the applicant should explore. It is the time when determinations should be made as to whether the proposed subdivision substantially complies with these Land Use Regulations and is

in substantial conformance with the Eagle County Comprehensive Plan, Area Community Plans, and any applicable ancillary County adopted documents pertaining to natural resource protection, affordable housing, or infrastructure management, and is generally compatible with the existing and currently permissible future uses of adjacent land and other substantially impacted land, services, or infrastructure improvements. It is also the opportunity to reach general agreement on such issues as the appropriate range of units and commercial space for development; the general locations intended for development and the areas planned to remain undeveloped; the general alignments for access; and whether water supply and sewage disposal will be provided via on-site systems or through connection to public systems. The outcome of sketch plan review should be an identification of issues and concerns the applicant must address if the project is ultimately to receive final subdivision approval from the County. *(am 11/08/05) (am 05/08/12)*

- b. **Preliminary Plan.** The purpose of preliminary plan review is for the applicant to respond to the planning and development issues and concerns identified during sketch plan review and to formulate detailed, properly engineered solutions to those issues and concerns. The preliminary plan stage is when the applicant is to provide detailed information and mitigation proposals to be evaluated by the County.
- c. **Final Plat.** The purpose of final plat review is for the applicant to submit a permanent, comprehensive and accurate public record of the subdivision, including the precise size, shape and location of lots, blocks, streets, easements, open spaces and other parcels of land within the development, together with all applicable covenants, conditions, use restrictions and design and development standards. The final plat shall conform in all respects to the preliminary plan approved by the County and shall incorporate all modifications and conditions imposed by the Board of County Commissioners.

2. **Exemptions.** Unless the method of disposition is adopted for the purpose of evading this Section and these Land Use Regulations, the following development is exempted from the procedures and standards of Section 5-280, Subdivision:

- a. **Division of Land into Parcels of 35 Acres or More.** The division of land in such a way that it results in parcels of thirty-five (35) acres or more, while allowed by Colorado State Statute, nonetheless requires compliance with County regulations regarding access, wildfire hazard mitigation, visual impact mitigation, building and fire code compliance and other off-site impact mitigation as determined necessary by the Board of County Commissioners for the protection of the environment and the health, safety and welfare of the residents and visitors of Eagle County. Compliance with 38-51-101et.seq. C.R.S. is required. *(am 05/08/12)*
- b. **Rural Land Use Process.** Development undertaken in the Resource (R) zone district pursuant to Section 5-295 *Conservation Subdivision*, which establishes a rural land use process, as authorized by C.R.S. 30-28-101 (10)(c) (X). *(am 11/07/07)*
- c. **Division of Lands by Courts.** The division of land created by any court in the State of Colorado pursuant to the law of eminent domain, or by operation of law, or by order of any court of the State of Colorado, if the Board is given timely notice of any

such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion prior to the entry of the court order;

- d. **Creation of Lien, Mortgage, Deed of Trust, or Other Security Instrument.** The division of land that creates an interest in land such as a lien, mortgage, deed of trust, or other security instrument;
- e. **Creation of Security or Unit of Interest.** The division of land that creates a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;
- f. **Creation of Cemetery Lots.** The division of land that creates cemetery lots within a cemetery;
- g. **Creation of Oil, Gas, Mineral or Water Interests.** The division of land that creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property;
- h. **Creation of Joint Tenancy or Tenancy in Common.** The division of land that creates by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common and any such interest shall be deemed for purposes of these Land Use Regulations as only one interest;
- i. **Consolidation.** The division of land that results in the consolidation of contiguous parcels of land into one larger parcel;
- j. **Option to Purchase.** The division of land that creates by a contract concerning the sale of land that is contingent upon the purchaser's obtaining approval to subdivide the land that is to be acquired pursuant to the contract;
- k. **Division of Land Prior to April 6, 1964.** The division of land that was created prior to April 6, 1964.

3. **Sketch Plan for Subdivision.**

- a. **Initiation.** Applications for a Sketch Plan for Subdivision may be submitted at any time to the Planning Director by the owner, or any other person having a recognizable interest in the land for which the Sketch Plan for Subdivision is proposed, or their authorized agent. Prior to submission of an application for a Sketch Plan for Subdivision, an applicant should hold a pre-application conference with the Planning Director pursuant to Section 5-210.C., Pre-application Conference. The application shall contain the materials specified in Section 5-210.D.2., Minimum Contents of Application, and the following information:
 - (1) Tract boundary, block and lot pattern with the area and use of lots indicated by note.

- (2) Street and pedestrian circulation system with gradients and widths indicated by note; the relationship of proposed streets and paths to existing streets, and paths, both on and adjoining the Sketch Plan site, including proposed street access to a public highway, shall be shown.
- (3) Existing development on the subject and adjacent property shall be shown.
- (4) Soil types based upon the National Cooperative Soil Survey, U.S.D.A., Soil Conservation Service, as well as interpretations of soil types. Vegetation shall be described and tree masses, live and intermittent streams, floodplains, water bodies, dry washes, springs and wetlands shown.
- (5) A survey and report on the general geological, drainage, wildlife, wildfire, minerals, radiation and other conditions on the subject of adjacent property which could affect development on the subject property; the survey shall include information and recommendations of reports referred to in Article 4 of these Regulations and pertinent reports on file in the office of the Planning Department. Equal attention should focus on the potential effects of the proposed development upon the above conditions of contiguous and adjacent property.
- (6) Proposed method of water supply and sewage disposal. Including: Proposed water augmentation plan (if applicable); or an 'ability to serve' letter from applicable water and/or wastewater provider. Information regarding existing water rights including, but not limited to: Evidence of ownership or right of acquisition of or use of existing and proposed water rights; historical use and estimate yield of claimed water rights; and Amenability of existing rights to a change in use. If the water supply is proposed to be an existing well, a copy of a current valid well permit and location map identifying the location of the existing well must be provided. If individual wells are proposed, an alternatives assessment performed by a qualified Registered Professional Engineer must be submitted and include the following minimum information: Anticipated dependability of source; anticipated yield of source; anticipated depth to groundwater; anticipated water quality; estimated cost of individual well construction; and anticipated rate of water delivery. If sewage disposal is proposed to be via On-Site Wastewater Treatment System (OWTS), an alternatives assessment must be prepared by a qualified Professional Engineer evaluating the ability of the natural environment to support on-site systems with commensurate levels of sewage treatment, along with the physical ability of each property to support a site and an alternate site for wastewater disposal. The applicant must be prepared to estimate cost of installation and maintenance and state how the systems are proposed to be maintained (*am 03/28/06*) (*amd. 07/29/14*)
- (7) Other materials. Such other materials as the Planning Director deems necessary to fully evaluate the compliance of the proposed Sketch Plan

with these Land Use Regulations and as required pursuant to Article 4, Site Development Standards. (am 03/28/06) (am 05/08/12)

- (8) Proposed method of fire protection including details regarding an adequate legal water supply for fire fighting purposes; (am 03/28/06)
- b. **Review of Applications.** The submission of an application, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing for an application for a Sketch Plan for Subdivision shall comply with the procedures established in Section 5-210.D, Common Procedure for Review of Applications. (am 05/08/12)
- c. **Review and Recommendation of Planning Commission.** The Planning Commission shall conduct a public hearing on an application for Sketch Plan. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the Staff Report, and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Board of County Commissioners either to approve, approve with conditions, or disapprove the application, considering whether conceptually it is consistent with the standards in Section 5-280.B.3.e., Standards.
- d. **Action by Board of County Commissioners.** After receipt of the recommendation from the Planning Commission, the Board of County Commissioners shall conduct a public hearing on an application for Sketch Plan. At the public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, the Planning Commission recommendation, and the public testimony given at the public hearing. After the close of the public hearing, the Board of County Commissioners, by a majority vote, shall either approve, approve with conditions, or disapprove the application, considering whether conceptually it is consistent with the standards in Section 5-280.B.3.e., Standards. A Resolution of the Board of County Commissioners approving such action shall constitute final action by the County on the application. Finalization of the Resolution must occur within 90 days of the Board of County Commissioner's vote to approve, approve with conditions or disapprove the Sketch Plan for Subdivision application. (am 05/08/12)
- e. **Standards.** The Subdivision shall comply with the following standards:
- (1) **Conformance with Comprehensive Plan.** The proposed subdivision shall be in substantial conformance with the purposes, intents, goals, and policies of the Eagle County Comprehensive Plan, Area Community Plans, and any applicable ancillary County adopted documents pertaining to natural resource protection, affordable housing, or infrastructure management. (am 11/08/05) (am 05/08/12)
- (2) **Consistent with Land Use Regulations.** The proposed subdivision shall comply with all of the standards of this Section and all other provisions of these Land Use Regulations, including, but not limited to, the applicable standards of Article 3, Zone Districts, and Article 4, Site Development Standards.

- (3) **Spatial Pattern Shall Be Efficient.** The proposed subdivision shall be located and designed to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or require duplication or premature extension of public facilities, or result in a "leapfrog" pattern of development.
- (a) **Utility and Road Extensions.** Proposed utility extensions shall be consistent with the utility's service plan or shall require prior County approval of an amendment to the service plan. Proposed road extensions shall be consistent with the Eagle County Road Capital Improvements Plan.
- (b) **Serve Ultimate Population.** Utility lines shall be sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade under-sized lines.
- (c) **Coordinate Utility Extensions.** Generally, utility extensions shall only be allowed when the entire range of necessary facilities can be provided, rather than incrementally extending a single service into an otherwise un-served area.
- (4) **Suitability for Development.** The property proposed to be subdivided shall be suitable for development, considering its topography, environmental resources and natural or man-made hazards that may affect the potential development of the property, and existing and probable future public improvements to the area.
- (5) **Compatible with Surrounding Uses.** The proposed subdivision shall be generally compatible with the existing and currently permissible future uses of adjacent land, and other substantially impacted land, services, or infrastructure improvements. (*am 05/08/12*)
- (6) **Adequate Facilities.** The applicant shall demonstrate that the development proposed in the Sketch or Preliminary Plan will be provided adequate facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads and will be conveniently located in relation to schools, police and fire protection, and emergency medical services (*orig. 03/28/06*)
- f. **Effect of Approval of Sketch Plan for Subdivision.**
- (1) **Limitation of Approval.** Resolution of approval by the Board of County Commissioners of a Sketch Plan for Subdivision shall be deemed to authorize the applicant to submit to the County an application for a Preliminary Plan for Subdivision. It shall not constitute final approval for the Subdivision, or create any vested rights to develop the property in accordance with the Sketch Plan. (*am 05/08/12*)
- (2) **Preliminary Plan Conformance with Sketch Plan.** Where such Preliminary Plan departs from a condition of the Sketch Plan approval, the

Applicant shall identify any and all such inconsistencies and shall set forth its justification for them. *(orig. 05/08/12)*

- (3) **Length of Approval.** Sketch Plan for Subdivision is valid for two (2) years from the date of its issuance. The Board of County Commissioners may extend these time periods. Permitted time frames shall not change with successive owners. *(am 05/08/12)*
- (4) **Expiration of Approval.** The Resolution for approval of a Sketch Plan for Subdivision by the Board of County Commissioners shall be null and void unless an application for approval of a Preliminary Plan for Subdivision is submitted and deemed sufficient by the Planning Director within two (2) years after the date of approval of the Sketch Plan. *(am 05/08/12)*
- (5) **Extension of Sketch Plan Approval.** Approval of a Sketch Plan for Subdivision shall be voided and extinguished unless the applicant can demonstrate by competent substantial evidence that failure to proceed with the development of the application was:
 - (a) Beyond the applicant's control;
 - (b) The development complies with these Land Use Regulations and the Comprehensive Plan; and
 - (c) There is reasonable likelihood the next step in the development application will be submitted in the next two (2) years.

No request for extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no later than thirty (30) calendar days prior to the date the Sketch Plan for Subdivision is to expire. The permit shall be deemed extended until the Board of County Commissioners has acted upon the request for extension. *(am 11/08/05) (am 05/08/12)*

4. Preliminary Plan for Subdivision.

- a. **Application Contents.** An application for a Preliminary Plan for Subdivision shall contain the materials specified in Section 5-210.D.2., Minimum Contents of Application, and the following information:
 - (1) Preliminary Plan maps shall be drafted in a preliminary fashion scaled and dimensioned to the nearest foot; construction details requested for street, utility, erosion control facilities or other public improvements should be drawn in sufficient detail to fully represent the intentions of the subdivider with regards to the type, materials and location of the proposed improvements.

Maps and plans submitted shall be to the scale, as follows:

<u>Subdivision Lot Area</u>	<u>Scale</u>
Less than 10,000 sq.ft.	1" = 50 or less feet

10,001 sq.ft. - 2 acres	1" = 100 or less feet
2.01 acres - 5 acres	1" = 200 or less feet
More than 5 acres	Scale shall be consistent with clarity of depicted information and Final Plat Sheet size (24' x 36")

- (2) The following maps and information shall be required and shall conform to the format and inclusions which follow:
- (a) Preliminary information sufficient to indicate that the Final Plat will meet requirements established under Section 38-51-101, et seq., and 38-51-106, C.R.S. 1973, as amended, Land Survey Plat, as amended;
 - (b) North arrow, graphic scale, date of plat preparation (and of revisions thereto) and contour interval;
 - (c) Boundary lines with bearings and distances, plus a property description of the tract proposed for subdivision; said property description shall be a metes and bounds description unless an acceptable parcel description identifies the property as the subject of a previously recorded survey and shall be certified by a Registered Land Surveyor;
 - (d) Departing property lines and owners of record of all parcels adjoining the proposed subdivision, including parcels separated there from only by a public right-of-way;
 - (e) Existing contours at 5 foot intervals (within 2.5 ft accuracy) on all portions of the land proposed for development to either public or private use, to 10 foot intervals (within 5 ft. accuracy) for all areas to remain in their natural state. All contour lines shall be accurate to within 50 percent of the interval. Areas sloping less than 2 percent shall have 2-foot contour intervals (with 1 ft. accuracy);
 - (f) Street names and a block and lot numbering system shall be shown;
 - (g) Approximate area and use of each lot;
 - (h) Sites or facilities to be reserved or dedicated for public parks, open space, schools or other public uses and the proposed terms and managing agencies for such reservations and dedications;
 - (i) Open space and maintenance plan; (*am 05/08/12*)
 - (j) A vicinity sketch plan normally drawn at a scale of 1 inch = 1,000 feet, although if such maps are not available, a U.S.G.S. map, 1:24,000 scale may be accepted. The vicinity sketch shall depict tract lines and names of all abutting subdivisions, the location of streets, highways, natural streams and wetlands within an area of

approximately one-half mile of the proposed subdivision tract; the location of all adjacent utility systems within an approximate half-mile area minimum, the natural drainage courses for streams flowing through the proposed subdivision with the limits of tributary areas shown where this is reasonable. All maps submitted in accordance with this sub-section shall include clear indications of the section, township and range containing the lands which are the subject of the maps;

- (k) Wildlife Analysis pursuant to Section 4-410;
- (l) Geologic Hazards Analysis pursuant to Section 4-420;
- (m) Ridgeline Visual Analysis pursuant to Section 4-450;
- (n) Conceptual Landscape Plan pursuant to Section 4-220;
- (o) Environmental Impact Report pursuant to Section 4-460;
- (p) Erosion Control Standards pursuant to Section 4-665; *(am 3/12/02)*
- (q) Soils and Vegetation report depicting soil and vegetation types and boundaries;
- (r) Drainage Standards pursuant to Section 4-650;
- (s) Street Plan and Profiles - Roads shall be designed in accordance with Section 4-620 of these Regulations. Plan views and centerline profile shall be plotted at a horizontal scale of 1 inch to 5 feet on sheets supplemental to the drainage plan. These plans and profiles shall show all intersections with existing streets and all existing and proposed drainage areas and easements crossing, or parallel to, the roads. Also shown will be any known areas of high water table, unsuitable soils and other geological hazards. These plans shall include a typical cross-section showing road widths, including driving surface, shoulders, curbs and gutters, barrow ditches, cut and fill slopes to the point of intersection with natural ground and the pavement structure details proposed. The plan shall include the extremities of all cut and fill areas. A supplemental sheet shall be included to detail all drainage, retaining and bridge structures to be constructed as part of the roadway; *(am 3/12/02)*
- (t) Pedestrian circulation plan for trails within the subdivision and for connection to adjacent systems. Trail standards are identified in Section 4-630.A.;
- (u) Drainage Study - A drainage study shall be prepared in accordance with Section 4-650 of these Regulations. This study shall include a contour map showing all existing and proposed water courses,

including the seasonal course-limits of tributaries, indicating the surface conditions and locations of points of departure from the development. This study shall include computations of 10-year flows and 100-year floodplain plotted on the contour maps. The drainage study shall also include computations of the increase or decrease in flows anticipated as a result of the development, the capacity and velocity through all drainage structures, including open channels and the revised floodplains shall be plotted on a contour map. In no case shall the area within the 100-year floodplain be used for structural development without specific approval of the Board. In no case will a development be allowed to affect either the location of discharge, magnitude, depth, slope of stream bed, or velocity of drainage flows upstream or downstream from the development or the stream channel slope within the development unless part of an approved floodplain protection plan;

- (v) Preliminary Utility Plan, pursuant to Section 4-430, 4-670, 4-680 and 4-690, on a plan supplemental to and at the same scale as the Preliminary Plan, including: *(am 03/28/06)*
 - (i) Water Supply - If a central water supply and distribution system is to be provided, the details of the system shall be provided demonstrating that: *(am 03/28/06)*
 - aa. Source - Adequate evidence prepared by a Registered Professional Engineer verifying that the quality and quantity of the water supply is to supply the subdivision proposed. Physical evidence may be required including but not limited to: aquifer pump testing in addition to appropriate geotechnical studies or investigations *(am 03/28/06)*
 - i. Evidence of ownership, right of acquisition or use of existing and proposed water rights. *(am 03/28/06)*
 - ii. Final, water-court approved augmentation plan *(am 03/28/06)*
 - iii. Evidence confirming the potability of the proposed water supply for the subdivision. *(am 03/28/06)*
 - iv. Evidence from the local fire jurisdiction confirming that the proposed water supply for fire fighting purposes is sufficient. *(orig. 03/28/06)*

- bb.** The nature of the legal entity which will own and operate the water system shall be described as well as the proposed method of financing. *(am 03/28/06)*
- cc.** If connecting to an existing system is proposed the following information shall be provided: *(am 03/28/06)*
 - i.** The nature of the public or private legal entity which will supply water to the proposed subdivision; *(am 03/28/06)*
 - ii.** Agreement with the above entity to service the proposed subdivision; *(am 03/28/06)*
 - iii.** Information on the water supplier's present service requirements, future commitments and present water supply capabilities, including but not limited to: *(am 03/28/06)*
 - (aa)** A summary of water rights owned and controlled by the entity *(orig. 03/28/06)*
 - (bb)** The anticipated yield of the rights in an average and a dry year *(orig. 03/28/06)*
 - (cc)** The present demand and anticipated demand for current commitments not yet being supplied *(orig. 03/28/06)*
 - (dd)** The uncommitted firm supply *(orig. 03/28/06)*
 - (ee)** A map of the entity's service area *(orig. 03/28/06)*
- dd.** If individual well water systems are proposed, a report must be prepared by a Professional Engineer or Geologist indicating the availability of groundwater which includes the depth to the groundwater supply throughout the proposed subdivision. The report must address the water quality, rates of delivery and long-term yield of such wells. The cumulative effect upon existing water rights due to the use of individual domestic wells shall be considered in the report *(am 03/28/06)*

- (ii)** Sanitary Sewage Disposal - public collection and treatment systems or the use of On-Site Wastewater Treatment Systems (OWTS) are to be provided, the details of the collections system and treatment facilities and individual components shall be provided including: *(am 03/28/06) (amd. 07/29/14)*

 - aa.** Public Treatment - Agreement to serve from a public sewage treatment provider and evidence to support that the provider possesses adequate sewage treatment capability and capacity to serve the proposed *(am 03/28/06)*
 - bb.** The nature of the legal entity which will own and operate the sewer system shall be described, as well as the proposed method of financing; *(am 03/28/06)*
 - cc.** If sanitary sewage disposal will be accomplished by On-Site Wastewater Treatment Systems (OWTS), a suitability analysis as determined by the Environmental Health Department must be performed. Such analyses may include but is not limited to, soil profile observations to identify soil classifications and horizons; adequate separation to bedrock or ground water; soil percolation tests, etc. Location(s) of soil analyses shall be indicated on the plan and must be performed by a Professional Engineer, Geologist or person qualified to do this work. *(am 03/28/06) (amd. 07/29/14)*
- (w)** Public Water and/or Wastewater System. *(orig. 03/28/06)*

 - (i)** If it has been determined that the proposed water and/or wastewater system is a public system, the required application for a 1041 permit (pursuant to Chapter 6: Matters of State Interest), and evidence that the associated application(s) administered by the Colorado Department of Public Health and Environment have been made, shall be submitted concurrently with the Preliminary Plan application. *(orig. 03/28/06)*
- (x)** The following additional information will be required when applicable:

 - (i)** A completed U. S. Army Corps of Engineer's Dredge and Fill Section 404 Permit application for subdivisions which

propose to modify the existing channel of navigable streams. *(am. 03/28/06)*

(ii) An application for an Area or Activity of State Interest when required (see Section 2 Definitions). *(am. 03/28/06)*

(y) Vegetation Management Plan pursuant to Section 4-430. *(orig. 12/17/02) (am. 03/28/06)*

b. **Review of applications.** The submission of an application for Preliminary Plan for Subdivision, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing for the application shall comply with the procedures established in Section 5-210.D, Common Procedure for Review of Applications.

c. **Recommendation by Planning Commission.** The Planning Commission shall conduct a public hearing on an application for a Preliminary Plan for Subdivision. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the Staff Report, and the public information given at the public hearing. The Planning Commission may confer with the applicant on changes deemed advisable and the kind and extent of such changes, and request Planning Department input. After the close of the public hearing, the Planning Commission shall recommend approval, approval with conditions, or disapproval of the Preliminary Plan for Subdivision based upon whether it conforms to the approval given to the Sketch Plan and whether it complies with the standards in Section 5-280.B.3.e., Standards, and recommend the application to the Board of County Commissioners. *(am 9/27/99)*

d. **Action by Board of County Commissioners.** After receipt of the recommendation from the Planning Commission, the Board of County Commissioners shall conduct a public hearing on an application for a Preliminary Plan for Subdivision. At the public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, the Planning Commission recommendation, and the public information given at the public hearing. The Board of County Commissioners may confer with the applicant on changes deemed advisable and the kind and extent of such changes, and request Planning Department input. After the close of the public hearing, the Board of County Commissioners by a majority vote of the quorum present, shall either approve, approve with conditions or disapprove the application for Preliminary Plan for Subdivision based upon whether it conforms to the approval given to the Sketch Plan for Subdivision and whether it complies with the standards in Section 5-280.B.3.e., Standards. Action approving a Preliminary Plan for Subdivision shall require adoption by Resolution, which Resolution shall constitute final action on the application by the Board of County Commissioners. Finalization of the Resolution must occur within 90 days of the Board of County Commissioner's vote to approve, approve with conditions or disapprove the Preliminary Plan for Subdivision application. *(am 05/08/12)*

e. **Effect of approval of a Preliminary Plan for Subdivision.**

(1) **Limitation of Approval.** Issuance of a Preliminary Plan for Subdivision shall be deemed to authorize the applicant to submit to the County an

application for a Final Plan for Subdivision. It shall not constitute final approval for Subdivision. *(am 05/08/12)*

- (2) **Length of Approval.** All Preliminary Plans for Subdivision are valid for three (3) years from the date of their issuance. The Board of County Commissioners may extend these time periods. Permitted time frames do not change with successive owners. *(am 05/08/12)*
- (3) **Expiration.** The Resolution for approval of a Preliminary Plan for Subdivision by the Board of County Commissioners shall be null and void unless an application for approval of a Preliminary Plan for Subdivision is submitted and deemed sufficient by the Planning Director within three (3) years after the date of approval of the Preliminary Plan for Subdivision. *(am 05/08/12)*
- (4) **Extension of Preliminary Plan Approval.** Approval of a Preliminary Plan for Subdivision shall be voided and extinguished unless the applicant can demonstrate by competent substantial evidence that failure to proceed with the development of the application was:
- (a) Beyond the applicant's control;
 - (b) The development complies with these Land Use Regulations and the Comprehensive Plan; and
 - (c) There is reasonable likelihood the next step in the development application will be submitted in the next two (2) years.

No request for extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no later than thirty (30) calendar days prior to the date of the Preliminary Plan for Subdivision is to expire. The permit shall be deemed extended until the Board of County Commissioners has acted upon the request for extension. *(am 11/08/05) (am 05/08/12)*

- (5) **Extinguishment Hearing.** If a Preliminary Plan for Subdivision is not extended pursuant to Section 5-280.B.4.e.(4), Extension, the Board of County Commissioners shall initiate a hearing pursuant to the procedures and standards of Subsection 5-210 H., Extinguishment of Approvals, to determine whether to extinguish the Preliminary Plan for Subdivision. *(am 05/08/12)*

5. Final Plat for Subdivision or Final Plat for PUD.

- a. **General.** The Final Plat for Subdivision shall contain the materials specified in Section 5-210.D.2., Minimum Contents of Application, shall conform to the Preliminary Plan for Subdivision and shall include all changes and conditions specified thereon, and shall include the following information. A Final Plat for Subdivision may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases, submission shall include a key map indicating the sections designated for the entire tract with each sheet numbered accordingly, including title, legend, match lines, and other appropriate information.