Delta County Subdivision Regulations 2008

ARTICLE I GENERAL PROVISIONS

Section 1 Title

This document establishes rules, regulations and standards governing the subdivision of land within the unincorporated areas of Delta County, setting forth the procedure to be followed by the Board of County Commissioners, the Planning Commission, Advisory Planning Committees and employees of the County in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by law.

This document incorporates by reference the following documents, as they may be amended or superseded from time to time, which relate to the subdivision of land and the improvements thereon.

Delta County Roadway Design & Construction Standards, December 2005

Delta County Natural Hazards Mitigation Plan

Delta County Master Plan, Final Draft, October 1996

Section 2 Short Title

This document shall be cited as the:

“Delta County Subdivision Regulations 2008 ".

Section 3 Purpose

The purposes of these regulations are:

A. To promote the health, safety and general welfare of the residents of Delta County.

B. To aid in the protection of productive agricultural land and operations and the rural lifestyle of Delta County.

C. To protect the rural character and natural environment and protect the unique physical resources of Delta County through programs that provide an equitable balance of protection and respect for individual property rights.

D. To protect the character of the existing rural and urban communities and neighborhoods in Delta County. The right to develop and improve private property does not constitute the right to physically damage or adversely impact the property or property value of neighboring land owners.

E. To ensure that subdividers provide adequate, safe and efficient public utilities and improvements, and to provide for other community facilities and land for public places and uses.

F. To insure that subdivisions, including all related infrastructure, are designed and developed in accordance with all Delta County regulations and standards.

G. To establish adequate and accurate records of land subdivision.

Section 4 Authority and Jurisdiction

The Board of County Commissioners of Delta County, Colorado is empowered by Sections 29-20-104, 30-28-101 and 30-28-133, C.R.S., as amended, to plan for and regulate the use of land and to adopt and enforce subdivision regulations for the subdivision and development of land within the unincorporated area of Delta County, Colorado, except as limited by §31-23-212 C.R.S., as amended.

Section 5 Enforcement and Penalties

5.1. No person shall subdivide any parcel of land which is located in unincorporated Delta County into two or more parcels except in compliance with this document unless all parcels created by the division contain thirty five (35) acres or more or as allowed for cluster developments in accordance with Section 30-28-401 *et. seg*. C.R.S.

No person shall offer for recording, in the office of the County Clerk and Recorder, a deed or contract for deed or installment land contract conveying or agreeing to convey a parcel of land less than 35 acres, or interest therein, unless such a parcel of land has been subdivided or otherwise created in compliance with the rules set forth in this document or in compliance with previous regulations.

No person shall transfer legal or equitable title or sell any subdivided land less than 35 acres before a final plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder.

5.2. No person may construct or offer for sale or lease upon any parcel of land, condominiums, apartments or other multiple family dwellings, except in compliance with the rules set forth in this document and/or those in the Delta County Regulations for Specific Development and State law.

5.3. No lot within a subdivision created prior to the effective date of this document or approved by the Board of County Commissioners under the provisions of this document shall be further divided, rearranged, or reduced in area, nor shall the perimeter boundaries of any subdivision, or any lot within a subdivision, be altered in any manner without the approval of the Board of County Commissioners as provided for in this document.

5.4. The owner and any agent of the owner of any land, building, or structure found to have violated the Subdivision Regulations of Delta County shall be subject, upon conviction thereof, to a maximum fine of not more than one thousand dollars ($1,000) for each parcel of or interest in subdivided land which is sold. Each day during which such violation continues shall be deemed a separate offense.

5.5. No permits to do work in the public right of way, County Road access permits, or other permits or address assignments will be issued applicable to or for the benefit of any property found to be in violation of this document until said violation has been terminated, except in instances when street rights-of-way or other lands for public purposes are established without the necessity of subdividing adjoining lands. Refusal to issue any such permit shall not be considered an exclusive remedy. The County, in addition to any other remedies provided in this document or by law, may institute judicial proceedings to prevent, enjoin, abate, or remove such violation

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Section 6 Amendments

Amendments to this document shall require the same process as its original adoption, as specified in Section 30-28-133, C.R.S. as amended.

Section 7 Severability:

If an article, section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be invalid or unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof, other than the part so adjudged to be invalid or unconstitutional.

Section 8 Effective Date; Repeal

This document shall be effective following adoption by the Board of County Commissioners of Delta County. Upon the effective date of approval of this document, the Subdivision Regulations of Delta County adopted April 20, 1998 are hereby repealed.

Section 9 Definitions

A. General Provisions.

It is the purpose of this section to define words, terms, and phrases contained within these regulations. Unless specifically defined herein, words or phrases used in these regulations shall have the meaning they have in common usage.

B. Definitions.

Access: A means of vehicular or pedestrian approach or entry to or exit from property or buildings.

Adjacent Landowner: The owner of a lot or tract of land which shares all or parts of a common lot line with another lot or which is across a road from another lot.

Agricultural Land: (adapted from Section 35-1-102, C.R.S.) A parcel of land used for production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production. Golf courses and other similar public or private recreational uses are not considered agriculture.

Apartment: A building with more than two dwelling units and such dwelling units are for residential purposes pursuant to a lease, rental, or other contractual agreement.

Appeal: A request for a review of a decision, determination, interpretation, or failure to act pursuant to the terms of these regulations.

Applicant: The legal or beneficial owner(s) of a lot, parcel, or tract of land proposed for subdivision, including the holder of an option or contract to purchase.

Advisory Planning Committee (APC): Citizen committees, representing specific geographic areas of the County, appointed by the Board of County Commissioner to advise the Planning Commission and Board of County Commissioners on matters relating to planning and community development within that specific geographic area.

Augmentation Plan: A way for junior appropriators to obtain water supplies through terms and conditions approved by a water court that protects senior water rights from the depletion caused by the new diversions. It typically will involve storing junior rights and releasing that water when a call comes on, purchasing stored water to release when a river call comes on, or purchasing senior irrigation water rights and changing the use of those rights to offset the new user's injury to the stream.

Block: A group of lots or tracts of land within well defined and fixed boundaries.

Board: The Board of County Commissioners (BoCC) for the County of Delta, State of Colorado.

Building: Any structure having a roof supported by columns or walls and intended for the housing, shelter, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Accessory: A building which is (a) subordinate to and serves a principal structure or principal use; (b) is located on the same lot, tract or parcel as the principal structure or use served; and (c) is customarily incidental to the principal structure or use served.

Building Envelope: A building envelope is a designated area within the lot lines that meet the setback requirement which shows the general location of existing and planned buildings or other structures and septic systems.

Building, Principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot, parcel, or tract on which it is situated.

Building Setback Line: An imaginary line establishing the minimum distance between the foundation of a structure or other specified improvements and lot lines, property boundaries, street rights-of-way, or other landscape features.

Certificate of Survey: A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to property boundary locations.

Commercial Use: Any use involving the sale, rental, or distribution of goods, services, or commodities (excluding agricultural uses), either retail or wholesale; the provision of recreation facilities or activities for a fee, including governmental, business, professional offices, financial institutions, entertainment facilities, public service facilities, convenience stores, service businesses, shopping centers, farm equipment sales and repairs and other business facilities recognized as other than residential in character.

Condominium: An individual air space unit, consisting of any enclosed room or rooms occupying all or part of a floor or floors in a building of one or more floors to be used for residential, professional, commercial or industrial purposes which has access to a public street, together with the interest in the common elements appurtenant to such unit.

County: The County of Delta, State of Colorado.

Covenant: A binding agreement or contract made by two or more persons or parties by which any of the parties thereto pledges himself to the others that something is done or shall be done or shall not be done. All covenants concerning real property must be recorded and shall run with the land.

Dedication: The deliberate appropriation of land by an owner for some public use, reserving to the owner no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been dedicated.

Density: The relative level of impact of development, as expressed in the number of dwelling units per acre, lot size or lots per acre for residential use or floor area ratio for commercial, industrial or institutional development.

Detention: Water that is temporarily detained on the surface of the soil during a storm and does not become runoff until some time after the end of the storm.

Development: The improvement to the land for the purpose of adding additional residential units or adding or expanding one or more commercial or industrial uses.

Disposition: A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.

Division of land: The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract, or properly filing a certificate of surveyor subdivision plat establishing the identity of the segregated parcels pursuant to these regulations.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, or prevention or alleviation of flooding.

Duplex: A residential structure containing two dwelling units.

Easement: A right granted, conveyed or reserved by a property owner for the use of land by others for a specified purpose.

Engineer: A person registered for the professional practice of engineering in the State of Colorado.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Exemption: A division of land that has been approved by the Board of County Commissioners but determined not to be within the purposes of these Regulations.

Exemption Plat: A final plat that has been approved pursuant to Article II, Section 4 of these Regulations.

Exempt Well: A well that does not exceed 15 gallons per minute of production and used for ordinary household purposes, fire protection, the watering of poultry, domestic animals and livestock on farms and ranches and for the irrigation of not over one (1) acre of home gardens and lawns but not used for more than three (3) single family dwellings. (C.R.S. 37-92-602)

Existing Use: Any land use, development, subdivision, or parcel of land which is legally in existence or operation at the time these regulations are adopted and made effective.

Family: One or more persons related by blood, marriage, adoption, guardianship or similar relationship including domestic partners, occupying a dwelling unit and living as a single housekeeping unit.

Final Plat: A map suitable for filing with the Delta County Clerk and Recorder showing the exact location, dimensions, size, shape, etc., of a condominium plat or subdivision, including all lots, blocks, streets, easements and other parcels of land therein.

GIS: Acronym for Geographic Information System. A GIS integrates hardware, software, and data for capturing, managing, analyzing, displaying all forms of geographically referenced information.

Growth Management Area: An area surrounding a municipality agreed to by both the County and the municipality in which they jointly participate in planning and the review of proposed developments in accordance with an Intergovernmental Agreement between the participating entities.

Hazard: A significant source of risk, danger or peril resulting from natural phenomena or conditions, or those caused by activities of man.

Health Department: The Delta County Health Department and/or the Colorado Department of Health as required by these regulations or the Departments' respective regulations.

Highway: State and Federal highways and major County arterial roads.

Impact: The direct or indirect effect or consequence resulting from a development upon land, the environment, the community or any part or segment thereof. The term shall include, but not be limited to, physical, environmental, economic, visual, auditory or social consequences or effects.

Improvements Agreement: A legally binding contract made by and between the developer/subdivider and the County whereby the developer guarantees the installation of all improvements designed to serve the occupants of a development or subdivision or the general public. Such an agreement shall cover all improvements proposed by the developer and/or required by the Board. All such agreements include a financial security arrangement acceptable to the Board.

Infrastructure: Public facilities including, but not limited to, roads, public utilities, drainage facilities, emergency fire suppression facilities and emergency public safety facilities, that serve residents of the County or areas of the County.

Industrial Use: Any manufacturing, production or assembly process which creates or changes raw or unfinished materials into another form or product.

Irrigation Ditch: Any artificially-constructed channel used to carry water from a stream, lake, reservoir or other source to agricultural lands for the purpose of watering crops, forage or livestock.

ISDS: Acronym for Individual Sewage Disposal System. An absorption system of any size or flow, or a facility for collecting, treating, neutralizing, stabilizing or disposal of sewage, which is not a part of or connected to a sewage treatment works. More commonly known as a septic system.

Location Map: A clear copy of a current vicinity map obtained from the Delta County GIS Department which relates to all lands situated within one mile of the boundaries of the subject property.

Lot: A parcel of land created by a division of land.

> Corner Lot: A lot located at the intersection of two streets.
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> Interior Lot: A lot with frontage only on one interior street.
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> Lot Area: The area contained within the boundaries of a lot.
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> Lot Depth: The length of a line drawn perpendicular to the front lot line and extending to the rear lot line.
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> Lot Frontage: The width of the lot measured at the street or road right of way.
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> Lot Line: A line bounding a lot which divides one lot from another or from adjoining properties.
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> Lot Width: The width of a lot measured at the front building setback line
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> Through Lot: A lot whose front and rear lot lines both front on a street.

Maintenance Agreement: An agreement signed by the developer to insure facilities or work to insure correction of failures of improvements required by these regulations, and/or to maintain the same.

Manufactured Home: A structure, transportable in one or more sections built in another location other than the property in which it will be located, which is designed for use with a permanent foundation when connected to the required utilities.

Master Plan, Final Draft, October 1996: A document or series of documents prepared and adopted according to Colorado Law which sets forth certain policies for the future of Delta County as adopted by the Planning Commission.

Mobile Home: Any dwelling unit built on a permanent, wheeled chassis exceeding either eight (8) feet in width or thirty-two (32) feet in length and designed for long-term residential occupancy in a temporary or permanent location which is capable of being towed over public streets or highways as a unit or in sections and may be licensed as such.

Monument: Any structure of masonry, metal, or other permanent material placed in the ground, which is exclusively identifiable as lasting evidence to a survey point and is expressly placed for surveying reference.

Municipality: A statutory or home-rule city or town of the State of Colorado.

Natural Hazard: A natural phenomenon which so conflicts with construction or land use as to constitute a significant hazard to public health and safety or property including, without limitation, geologic hazards, flood hazards and wildfire hazards.

Non-Exempt Well: A well that is exempt from the restrictions of an exempt well in terms of uses allowed and amount of water pumped. An augmentation plan to replace stream depletions in time, place, amount, and quality is required.

Noxious (undesirable) Weeds: Includes one or more annual, biennial, or perennial plants officially designated by the Board of County Commissioners of Delta County which are causing or may cause damage or loss to a considerable portion of land or the livestock of Delta County.

On-site: Located on the lot, parcel, or tract of land proposed for development.

Open Space: A land or water area devoid of buildings or other physical structures except where such structures are accessory to recreational use or where such structures are required pursuant to these regulations.

Overlay District: A special designated area within the unincorporated area of the County that imposes additional or different requirements for, or restrictions on, development than those required outside of the special district.

Parcel: The total area within the boundary lines of a development.

Person: Any individual, firm, corporation, partnership, institution, or entity, including a federal, state or local government and its agencies, agents, and political subdivisions.

Planning Commission: The Delta County Planning Commission.

Planning Staff: See Staff.

Plat: A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Public Improvement: Any structure, facility, or other improvement constructed to serve the occupants of a development or the general public such as parks; streets, roads, and alleys; sidewalks; curbs and gutters; street lighting; traffic controls; systems and facilities for utilities, water, sewer, and drainage; and any other improvement proposed by a developer, or required by these regulations or the Board.

Residential Dwelling Unit:

A. Single Family: A structure containing one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with sleeping, bathroom, and cooking facilities, for the exclusive use of a single household.

B. Multi Family: A structure containing more than two units, each of which is designed, occupied, or intended for occupancy as separate living quarters, with sleeping, bathroom, and cooking facilities, for the exclusive use of a single household.

Residual Parcel: That portion of a single parcel of land which is being subdivided that is not included within the boundaries of the subdivision.

Re-subdivision: Any modification or alteration of lot or block lines, lot or block numbers, perimeter boundaries, rights of way, easements or other “on the ground” characteristics of a filed and recorded subdivision plat.

Reviewing Agencies: Any agencies or persons who may, in the opinion of the staff, Planning Commission, or the Board, be affected by a proposed subdivision or development or be otherwise competent to provide relevant information concerning the potential impacts of the proposed subdivision, and all agencies or persons designated in state statutes as referral or review agencies. These agencies include, but are not limited to:

1. The appropriate school district

2. Counties and municipalities within three miles of the proposal.

3. Advisory Planning Committees

4. Utility, improvement and service districts or ditch companies

5. The Colorado State or United States Forest Service, the Bureau of Land Management, or National Park Service.

6. The appropriate local soil conservation district board

7. The Delta County and the Colorado State Health Departments

8. The Colorado Geological Survey

9. The Colorado Division of Water Resources

10. The Colorado Division of Wildlife

11. The Colorado Division of Highways and appropriate Delta County Road District(s)

12. Colorado Mined Land Reclamation Board

13. Local Fire Districts serving the proposed development

14. United States Post Office

15. Other agencies the Planning Staff and Planning Commission deem advisable

Roads: See the Delta County Roadway Design and Construction Standards for definitions.

Sensitive Lands: Lands that because of their elevation, topography, vegetation, unique agricultural value, or other unique characteristics have been determined, by the Board of County Commissioners or another agency, to require special consideration.

Significant Natural Resources: Those resources identified in the County Master Plan or by the County Commissioners as having significant value to the residents of Delta County. Significant natural resources shall include, but not be limited to, agricultural land, open space, wetlands, riparian areas, wildlife migration corridors and critical wildlife habitat, view corridors along federal and/or state designated scenic by-ways, other view corridors identified in the Master Plan and “sensitive lands" as defined in this Regulation.

Significant Wildlife Habitat: That wildlife habitat which, if altered or destroyed, would or could cause a species to become endangered or eliminated.

Special Planning District: A planning district approved pursuant to Section 30-28-119, C.R.S., for the purpose of zoning a portion of the unincorporated territory of Delta County. A special planning district is administered by a district planning commission appointed by the Board of County Commissioners

Staff: The employees of the Delta County Planning Department and employees of other County Departments involved in the administration of these Regulations.

State: State of Colorado.

Subdivider: Any person, firm, partnership, joint venture, association, corporation, or other entity participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

Subdivision: Any parcel of land divided into two or more separate lots, tracts, leaseholds, interests, joint interests or interests in common either on the surface of the land or the air space above the land.

SIA: See Subdivision Improvements Agreement.

Subdivision Improvements Agreement: See Improvements Agreement.

Surveyor: A person properly licensed in conformance with state laws to practice surveying in the State of Colorado.

Unit: A dwelling unit, a part of a building or a separate building providing complete independent living facilities.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which such property is occupied and maintained.

Accessory Use: An accessory use is one which:

(a) Is subordinate to and serves a principal structure or principal use;

(b) Is subordinate in area, extent-or purpose to the principal structure or use served;

(c) Is located on the same parcel as the principal structure or use served; and

(d) Is customarily incidental to the principal structure or use served.

Principal Use: The specific primary purpose for which land or building(s) thereon are used.

Variance: A grant of relief from the strict application of the design and impact standards of these regulations which permits development in a manner that would otherwise be prohibited by these regulations due to a hardship created by the nature of the land itself.

Vicinity Map: A map at a scale suitable to locate the proposed development, showing the boundary lines of all adjacent properties and streets and other information required by these regulations.

Waiver: A grant of relief from one or more of the submittal requirements of a land development application, including required fees.

Well: A hole drilled into the earth for purposes of extracting water, oil, gas, etc.

Well, Approved: A well that has been approved by the Colorado State Engineer and Delta County Health Department as a source of domestic water.

Wildlife: Animals living in a natural, undomesticated state.

Wildfire: A fire occurring in a wildland, rural setting.

Wildfire Hazard Area: An area designated by the Colorado State Forest Service as having a high or severe wildfire hazard rating.

Wildfire Hazard Rating: A rating provided by the Colorado State Forest Service that can be expressed either numerically or in writing which expresses the potential wildfire hazard.

Wildlife Habitat: That natural or man-made environment which contains the elements of food, shelter, water and space in a combination and quantity necessary for the survival of one or more wildlife species.

ARTICLE II STANDARD SUBDIVISION

Section 1 General Procedures

1.1 Intent

The intent of the general procedures for review and approval of a standard subdivision is to assure:

A. Compliance with the requirements of the Delta County Subdivision Regulations and subdivision standards;

B. Compliance with the Delta County Master Plan;

C. Timely notification of adjacent property owners and appropriate agencies concerning proposed subdivisions and scheduled hearings/meetings;

D. Compliance with state law relating to subdivision review, platting and surveying.

E. Compliance with Delta County Engineering Specifications, Delta County Health Department Regulations and state law concerning new roads, drainage and water run-off and storage.

1.2 Standard Subdivision Process

No parcel of land in Delta County may be subdivided or re-subdivided until a parcel number has been assigned to the lot by the County Assessor's Office or until one (1) year after the recording of the final plat of the subdivision by which the lot was created, whichever occurs first.

A. Any person who wishes to subdivide land in Delta County shall:

- Request an application for subdivision.
  - The Planning Department will provide, on request, an application for subdivision, a subdivision procedure checklist, and a copy of the Subdivision Regulations for which a fee will be charged.

- Application submittal

  - The applicant may meet with the planner(s) as needed before submitting an application.

  - An application submittal meeting is required. At that meeting, a County Planner will explain the County's requirements for subdividing, the procedures that must be followed, the application fees required to process a subdivision request and the minimum time, (approximately) that the process requires.

  - Estimated time for each phase of the review process after submittal of all required documents to the Planning Department:

    Sketch Plan process: 90-120 days.

    Preliminary Plat process: 90-120 days.

Final Plat process: 30-60 days.

- Time between processes: This is the maximum amount of time allowed after sketch plan approval for submittal of the required documents for the next phase of the review process, failure to submit required documents within this time frame will result in expiration of the application (see Section 2.10):

  Sketch Plan, without a preliminary plat requirement, to Final Plat is 12 months.

  Sketch Plan to Preliminary Plat is 18 months.

  Preliminary to Final Plat is 12 months.

  NOTE: Actual time between processes is dependent upon the applicant obtaining the required documents, studies, and plans as required, and/or installation of all required infrastructure. Extensions to the above allowed submittal periods may be granted by the Board of County Commissioners by written request from the applicant. (See Section 2.10 for additional information)

- All applications shall be typed or legibly handwritten.

- All applications and all plans attached shall be done in a professional manner.

- See Article II Section 2.2 for application and sketch plan submittal requirements.

B. Approval of a Standard Subdivision in Delta County may have three (3) stages in the process. The three stages require approval of a sketch plan, a preliminary plat, if required, and a final plat. (See Article II, Sections 2, 3 and 4 for the process of each stage).

C. The Board of County Commissioners may deny an application for a subdivision of land, at any stage of the platting process, for reasons specified in Sections 2, 3 and 4 of this Article II.

1.3 Fees

The fees required to process a Standard Subdivision application shall be established from time to time by the Board of County Commissioners through a separate resolution. There are also fees imposed by some of the review agencies for their services. Payment of these review agency fees are the applicant's responsibility and will be paid at time of submission or upon receipt of an invoice from the agency

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1.4 Advisory Planning Committee

An application for the subdivision of land will be referred to the appropriate Advisory Planning Committee (APC). The Planning Department will inform the applicant as to the date, time and location of the Advisory Planning Committee meeting. Applicants are expected to attend the APC meetings.

ARTICLE II Standard Subdivision

Section 2 Sketch Plan

2.1 Intent

The intent of the sketch plan is to have the applicant present the ***overall concept*** of the subdivision proposal. At the sketch plan stage, the Advisory Planning Committees (APC) and/or the Planning Commission (P/C) shall review the application for consistency with the Delta County Master Plan, assess the apparent feasibility of the proposed project or subdivision in relation to the County's regulations, and address the issues and impacts on the applicant's property, on the adjacent property owner's property and service agencies including, but not limited to, schools, fire districts, road and bridge districts and emergency service providers.

2.2 Sketch Plan Submittal Requirements

An application for sketch plan approval of a subdivision may be submitted at any time.

An application meeting with a County Planner is required before or at the time of submittal of the application.
A complete application, typed or clearly legible, shall consist of one (1) original copy, unless otherwise noted, of the following:

A. A completed application for a subdivision of land, including all required signatures.

B. Proof of Ownership: One copy of the owners' deed and a current Title Insurance Policy or Commitment to Insure. If mineral rights are severed, documentation reflecting all owners and lessees of subsurface mineral interests and any leases applicable to such interests.

C. All representatives of the owner/applicant need to provide proof of the relationship between them and the ownership. All representatives must be able to act for and on behalf of the owner/applicant in a legal and binding manner. A letter of Power of Attorney may be required to fulfill this requirement.

D. A soils map showing topographic contours of the parcel and information on the parcel's soil stability, permeability, salinity, and slopes. This information can be obtained from the Delta Conservation District, the parcel ID number is required to be certain that the information for the proper parcel is obtained. The parcel ID number can be found on your tax statement.

E. A statement of taxes paid, this can be obtained from the Delta County Treasurer's Department.

F. The sketch plan shall show the following:

The sketch plan shall be of professional quality and have a North arrow, be neat and legible and drawn to a scale no smaller than 1:200 appropriate to show the proposed subdivision but not to exceed 11" x 17" in size unless absolutely necessary, which can contain one or more sheets (pages) and shall show the following:

1. Name of proposed subdivision which shall not be the same as another recorded subdivision. Names such as "The Re-subdivision of Lot 2 of (name) Subdivision" will not be acceptable, each subdivision shall have a unique name.

2. Address of property to be subdivided, if assigned. If there is not a physical address assigned to the parcel, indicate location by Township, Range, and Section. Indicate nearest intersection to the parcel with distance and direction from nearest intersection.

3. Total acreage.

4. Perimeter boundary of the subdivision drawn in a heavy black line.

5. Lot lines with general dimensions, lot sizes with approximate acreage, and lot numbers. Lots containing existing residences shall be assigned the lowest lot numbers.

6. Access to the state highway system and adjacent public road(s) with number or name and private drives or lanes with approximate dimensions. (If unknown, check with GIS Department).

7. Proposed roads within the subdivision with location, appropriate right-of-way, and appropriate dimensions of travel surface. Line of sight triangles must be shown on the plan.

8. General location of existing utility lines (domestic water, sewer, electrical, telephone, television cable, gas lines and any other utility lines), and the existing easements with approximate dimensions for all irrigation systems. (Check with utility companies).

9. Other easements apparent and of record, if any.

10. Location and approximate dimensions of proposed easements for all utility lines if different from existing.

11. General location of all existing structures, existing service lines, water wells and septic systems.

12. If requested by the Planning staff, proposed building envelopes for location of new structures and general location of proposed domestic water wells and septic systems.

13. Location of existing and proposed access points to each lot.

14. Location and ownership of all irrigation ditches or pipelines, and irrigation easements, if any.

15. General location of significant natural features such as rivers, creeks, draws, ravines, ponds, wetlands and forested areas.

16. General location of agricultural land (irrigated cropland, pasture, orchards etc.)

17. A North arrow and indicated scale of the plan. Scale shall not be less than 1:200.

18. Names of all owners of adjacent property and adjacent platted subdivisions are required to be on the sketch plan. A list of the names and mailing addresses of all adjacent property owners including those across any roads, railroad tracks and streams is required. This information can be obtained from the GIS Department.

19. Other information as may be requested by the Planning Department.

20. A sketch plan prepared by a qualified draftsman or surveyor is preferred. The sketch plan may be prepared by the applicant but must be legible and will be rejected if it is not. Computer drawn sketch plans are preferred. Pencil or ink drawings will not be accepted unless the Planning Department determines that the drawing is of sufficient quality. The Sketch plan shall be drawn to scale and contain the required information as outlined above. Sketch plans drawn in color will not be accepted.

MAPS

Maps required for the review of the sketch plan which are provided by the County's GIS Department are:

Vicinity Map Subdivision Map Adjacent Property Owners Map

Irrigated lands Map Aerial Map Topographic Map

Prime and Unique Lands Map Wildfire Hazard Map

Wildlife Impact Map

Fees are required by the GIS Department for this service.

2.3 Planning Department Review

A. Upon receipt of an application for sketch plan approval, the Planning Department shall verify that the application is complete and in accordance with the submittal requirements of the subdivision regulations. A letter of Completeness will be mailed to the applicant when the application is deemed complete.

B. In the event the application is deemed incomplete by the Planning Department, the application and all accompanying materials and documents shall be returned to the applicant with a letter specifying the deficiencies.

In the event the omissions or errors in the application are minor in nature and easily corrected, the Planning staff may accept the application. Acceptance of an application that contains minor errors or omissions shall be construed as a waiver, by the applicant, of statutory time limitations as specified in 30-28-133(6) C.R.S. as amended.

The decision of the Planning Department as to the completeness of any application may be appealed to the Board of County Commissioners. Appeals must be made within 15 days of the mailing of the Planning Department decision.

C. If the application is deemed complete, or a previously rejected application has been resubmitted with the deficiencies corrected, the Planning Department will schedule the application for a review hearing before an Advisory Planning Committee or the Planning Commission.

2.4 Public Notification of Sketch Plan Application

A. The Planning Department, after an application is deemed complete, shall prepare a Case Summary of the application and then notify and refer the request to all property owners within 1000 feet of the property boundary within one-half (1/2) mile of a municipality or to all property owners within one-half (1/2) mile of the property boundary outside of one-half (1/2) mile of a municipality, and to appropriate public agencies and those agencies that state statutes require to be notified of the proposed subdivision.

B. Such notification shall include the name of the applicant, the number of lots and the general location of the proposed subdivision. The notice shall also state the date and time of the Advisory Planning Committee meeting and/or the Planning Commission meetings at which the sketch plan request will be reviewed.

C. The property owners to be notified shall be the owner of record as shown in the records of the Delta County Assessor and the GIS Department at the time of submittal. Changes in ownership of adjacent parcels may not be up to date in the County Assessor's records and it is the applicant's responsibility to notify the Planning Department of any recent changes in ownership of adjacent parcels that are known to the applicant.

D. The property shall be posted with a sign provided by the Planning Department that indicates the requested action and dates of review at the Sketch Plan stage. After the application is deemed complete a letter of completeness will be mailed to the applicant which will contain information as to the approximate location on which to post the property. The sign must be posted on the property at least 15 days prior to the first scheduled public meeting and remain posted until after sketch plan approval. The applicant shall provide proof in the form of a photograph submitted to the Planning Department prior to the 15 day deadline that the sign has been posted.

2.5 Staff Report

A. The Planning Staff, after a site visit and review of the comments received, will perform an analysis of the Subdivision Regulations, Master Plan and other standards that may apply in relation to the requested subdivision. Upon completion of the analysis, the County Planner(s) shall prepare a Planning Staff Report for the Advisory Planning Committees, Planning Commission and Board of County Commissioners.

B. The Staff Report shall be amended as a result of the information received from comments and reflect the findings of the APC and/or the P/C before the BoCC meeting. The Staff Report will be available to the public upon request.

C. The Staff Report may contain recommendations as to special requirements and subdivision standards as a condition of sketch plan, preliminary plat or final plat approval.

D. A Staff Report shall be prepared for each stage of the subdivision process. A copy of any such Staff Report shall be provided to the applicant as soon as possible, but no later than three (3) days prior to any meeting at which that Staff Report will be presented.

E. A Staff Summary cover sheet will be prepared and attached to every Staff Report by each County Planner for each application and included as part of the packet material for APC, P/C and BoCC.

2.6 Variances or Waivers

If the applicant is requesting a variance from the requirements of this document, or a waiver of certain submittal requirements, the staff shall take one of the following actions:

A. If the variance or waiver request is such that denial of the variance or waiver would affect the timing, or ultimate decision concerning the application, the staff will schedule a meeting with the Board of County Commissioners on the request. Fees will be charged for a variance or waiver request.

B. If the variance or waiver request is minor in nature, and in the opinion of the Planning staff, would not affect the timing or ultimate decision of the applicant's request, the staff may include the request as part of the normal staff report. A decision of the Planning Staff that a variance or waiver is minor in nature does not imply or assure approval of the request by the Board of County Commissioners.

2.7 Subdivision Standards and other special requirements

Intent
This section establishes standards that are intended to provide for the planned and orderly subdivision of land in a manner consistent with private property rights, to encourage development in areas closest to existing population centers, to promote the use of existing infrastructure and to foster growth that is orderly and reasonable in its rate and location and is compatible with existing uses.

All subdivisions approved by the Board of County Commissioners shall comply with the following subdivision standards unless a variance or waiver has been granted by the Board of County Commissioners.

A. General Standards:

1. To the maximum extent possible, the design and development of subdivisions shall protect productive agricultural lands and operations on the property and protect adjacent agricultural lands. Properties that are being converted from agriculture to another use are required to adhere to the Specific Standards for Development that Affects Agricultural Land/Agricultural Operations in Section 2.7 B of this regulation.

2. The design and development of subdivisions shall protect natural landscape features to the maximum extent possible.

3. A proposed subdivision shall be designed in such manner as to be coordinated with surrounding properties with respect to the alignment of road rights-of-ways, utility and drainage easements, open spaces and compatibility of the proposed land use with existing development and adjacent land uses. In the implementation of these regulations, the compatibility of a new development with the existing land uses should be given priority consideration.

4. All the contiguous property the applicant owns and intends to develop must be included in the subdivision plat. Where an entire parcel is not to be developed, the applicant must state the intended plans for disposition of the remainder of the parcel and so indicate on the plat.

5. Higher/different standards may apply to a proposed subdivision that is located within an area encompassed by a master plan or comprehensive plan, within a master street or thoroughfare plan of a municipality, or within the boundaries of a special planning, growth management area, or overlay district. The Board of County Commissioners may apply the standards of the municipality, special planning or overlay district, or growth management area plan applicable to that location.

B. Specific Standards for Development that Affects Agricultural Land/Agricultural Operations

1. Purpose: The agricultural resources of Delta County are essential to the County's economic base and it is important to support and protect the viability of productive agricultural operations in Delta County. In addition, agriculture, more than any other factor, defines the rural character and rural landscape of the County. The standards in this section are intended to ensure that new development impacts existing agricultural operations as little as possible, and that development and agriculture can co-exist together.

2. Applicability. These standards shall apply to all subdivision applications that propose developments on agricultural property which may reduce or eliminate land used for agricultural purposes and/or on all lands adjacent to or which may affect agricultural operations.

3. General Standard: The intent of these regulations is to encourage subdivision developments that will retain, to the greatest extent possible, the agricultural use and productivity of the land. A subdivision development should not adversely affect, or have the potential to limit the viability of existing agricultural operations, including the use of irrigation ditches, irrigated hay meadows, row crop operations, livestock operations, orchards and historic stock drives. It is not the County's policy to prevent subdivision development on land solely because such land is now or was once used for agricultural purposes.

4. Domestic Animal Controls: Dogs and other domestic animals that are not being used to assist with the herding or the care of livestock shall not be permitted to interfere with livestock or the care of livestock on agricultural lands.

5. Weed Control. As mandated by the Colorado Noxious Weds Act, all persons shall control noxious weeds on their property if such plants are a threat to neighboring landowners or natural ecosystems. Weeds control programs should be integrated in their approach, using all available technologies to achieve weed control.

6. Roads. Development roads shall be located so that normal maintenance of such roads, including snow removal, will not damage livestock or boundary fences. Dust control may be required, both during and after construction, to minimize adverse impacts to livestock and crops.

7. Fences:

A. Partition fences. Construction and maintenance of fencing are subject to the rights and obligations defined by Section 35-46-101 through 114 C.R.S., as amended. In order to minimize the possible impacts of subdivision development upon existing agricultural operations, and vice versa, partition fences must either exist or be constructed that separate the development from adjoining agricultural lands or stock drives. Language should be included in protective covenants and on the recorded plat of a subdivision, that fences around the subdivision must be maintained by the lot owners or the homeowners association and that any breaks in such fences shall only be ~~at~~ properly maintained metal or wood gates or cattle guards as deemed appropriate.

B. Game fences. The Colorado Division of Wildlife (CDOW) may have furnished damage prevention materials for the construction of permanent stackyard or orchard fencing to prevent damage from big game to agricultural operations. Said materials are furnished under the terms of a cooperative agreement between the CDOW and landowner(s) which is binding on heirs, assignees and successors in title and which is recorded with the Delta County Clerk and Recorder.

8. **Irrigation Ditches/Irrigation Water Conveyance Structures**: Construction and maintenance of irrigation ditches and rights-of-way are subject to the rights and obligations defined by Section 36-86-101 through 113, C.R.S., as amended. Where irrigation ditches or other irrigation water conveyance structures cross or adjoin the land proposed to be developed, a condition of the Subdivision Final Plat approval shall be the inclusion of a provision to ensure that the use of those ditches, including their maintenance and the management of vegetation and weeds, can continue uninterrupted.

Ditch rights-of-way shall not be interfered with, a maintenance easement shall be preserved and the width of the maintenance easement shall be indicated on any final plat for subdivision or so stipulated in the final development agreement. Persons owning or occupying this property may not direct or allow additional water to flow into or through existing irrigation ditches or structures, or to remove water therefrom, without establishing the right to do so or unless permission is received from the ditch and/or water owner.

9. Distribution and Delivery of Irrigation Water: If a Developer proposes to provide irrigation water to the proposed subdivision, Developer shall submit a plan for the distribution and delivery of said irrigation water to each lot or homeowners association. Said plan shall be submitted to the appropriate ditch company and downstream users for review and comment.

10. Buffer Area: Depending on the nature and management practices of an agricultural operation adjacent to the land proposed for development, a buffer area of a minimum of 100 feet may be required to protect the existing agricultural operation and to minimize potential adverse impacts from an existing agricultural operation on the new development.

11. Density: Depending on the nature and size of agricultural operations within the area, the number of lots allowed, phasing of the development and/or the configuration of proposed lots may be restricted to mitigate potential adverse impacts on the existing agricultural operations and to minimize potential adverse impacts from an existing agricultural operation on the new development. See Section 2.7 C of this regulation for guidelines on density requirements. Some development design options are:

A. Cluster Development concentrates buildings in specific areas on a site to allow the remaining land to be used for agriculture, common open space or to protect environmentally sensitive areas.

B. No Build Zone: A "no build" zone may be designated on the final plat to minimize the loss of agricultural land within a proposed subdivision, to protect an adjacent agricultural operation, or to minimize potential impacts from an existing agricultural operation on the new development.

C. Density Averaging allows for smaller than the required minimum lot size as long as the total acreage of all lots combined equals the density minimum requirement without exceeding the total number of lots if the minimum were adhered to.

12. Disclosure of Specific Agricultural Activities on Adjacent Properties. There will be a plat note on the final plat of the subdivision that discloses the specific agricultural activities on adjacent properties at the time the plat is approved.

13. Protective Covenants or Deed Restrictions Required of New Development: Suitable and enforceable protective covenants or deed restrictions shall be required as a condition of approval on new subdivisions that include the following language, which shall also be required to be included on the final plat of a subdivision.

A. Confinement of Domestic Animals: Domestic animals must be controlled by kenneling, leash, fencing or other physical or voice control constraints; any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or the individual.

B. Recognition of Colorado Fence Law Requirements: In accordance with C.R.S. Section 35-46-102, C.R.S., as amended. A property owner may not maintain as action for trespass by livestock on his/her property unless that property owner constructs and maintains a lawful fence. A method of notification of the lot owner's duty to maintain such fences shall be provided in the covenants or restrictions, and on subdivision plats.

C. Irrigation Ditch Maintenance: Individual lot owners within a subdivision, or future owners of a parcel on which a new development has been approved in a Development Agreement are advised that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

D. Right to Farm Policy: By recording this deed, grantee acknowledges that the property described herein is located in an agricultural neighborhood and is subject to the 'Right to Farm Laws' as adopted by both the State of Colorado (Section 35-3.5-102, C.R.S.) and the County of Delta (Board of County Commissioners Resolution 96-R-33, dated December 23, 1996.

C. Subdivision Density Standards

Intent

The density standards will encourage development to locate in areas where there is adequate infrastructure. It is difficult and expensive for local government to provide the infrastructure, e.g. roads and public utilities, and the level of services required to adequately protect the health, safety and welfare of citizens when subdivisions are located in areas with inadequate or deficient infrastructure. The following model for determining the density of a specific area represents existing density levels of developed lands that can be supported by the County road system, public utilities and services. This model will also provide for the gradual increased density in rural areas, while discouraging abrupt changes in established patterns of development, thus enabling residents to avoid rapid changes in their rural neighborhoods.

General Provisions

For the purposes of this section, density shall be defined as the net acres per lot exclusive of easements, roads, streams, or any other non-development lands not contingent upon topography. Acreages used as the density standard in each case are the minimum size required per lot unless density averaging is used. Minimum acreage allowed is contingent upon compliance with all requirements of this regulation and shall be used as a guideline for subdivision design.

Within One-half Mile of a Municipality:
Within one half-mile from any city or town the minimum density standard is one (1) acre net exclusive of all easements unless the proposed subdivision connects to a municipal sewer system, in which case the allowable density is four (4) dwelling units per acre. Connection to public sewer system is encouraged and may be required based upon proximity to sewer lines. Water must be supplied by a domestic water company only, no water wells or cisterns for domestic use will be allowed. Wells may only be used on parcels of 5 acres or more if no domestic water source and municipal sewer system are available and an ISDS is used.

NOTE: Lots within one half-mile of some municipalities may be located within a Growth Management Area may be required to connect to a public sewer system, and may be subject to annexation.

From One-half Mile of a Municipality and Beyond:
From more than ½ mile and further outside of a town or city, the minimum density shall be the lesser of 15 acres or the average density of all parcels within ½ mile of the borders of the parcel that is proposed to be subdivided. All parcels larger than 35 acres within ½ mile of the parcel proposed to be subdivided will be calculated in the density calculation as a 35 acre parcel. For example, a proposed subdivision has 40 parcels within ½ miles of its boundary and 5 of then are larger than 35 acres, the remaining 35 parcels have a total acreage of 200 acres. 5 parcels multiplied by 35 equals 175 plus the 200 acres equals 375 total acres divided by 40 equals 9.375 acres for the minimum density. Applicants can receive this information from either the Planning or the GIS Department.

If any part of a proposed subdivision is located outside of the one-half (1/2) mile density buffer area, the entire project is subject to the density average for parcels one-half (1/2) mile and beyond, see example above for density calculation.

Connection to a domestic water system is encouraged. Wells can be utilized if there is no domestic water available. Septic systems are permitted.

Density Averaging:
Density Averaging and clustering are encouraged to maintain open space and protect agricultural operations for both agricultural lands and non-agricultural lands.

Density averaging allows for lots smaller than the mean average lot size. To density average, take the minimum density standard and calculate the numbers of lots allowed on the subject parcel. Then calculate the total acreage of the proposed smaller lots and the residual acreage.

For example, a 40 acre parcel with a minimum density of 1 lot per 8 acre lots would be allowed 5 lots, the developer wants 4 – 5 acre lots for a total acreage of 20 acres. The remaining 20 acres would be the residual acreage. The residual acreage will be required to be restricted from any further development for a period of 10 years by deed and plat restriction if density averaging is used.

Clustering of lots is encouraged by locating all structures close to the road and leaving the majority of the lot or parcel as open space.

D. Subdivision Lots

1. The lot size, width, depth, shape and orientation, and minimum building setback lines shall be as defined by these regulations and be sufficient for the type of development and use contemplated, and shall facilitate the placement of buildings with sufficient access, open space, off-road parking, privacy, and view.

2. Lots shall have a minimum of seventy-five (75) feet of frontage on a County road or a new interior road unless an exception is granted by the Board. Wedge shaped lots shall be no less than seventy five wide (75') feet at the building set back line which shall be shown on the Final plat.

3. Unless approved otherwise, all residential lots are approved for one single family dwelling unit plus accessory buildings as defined by this regulation. Additional dwelling units may be granted with the approval of the Board of County Commissioners only if adequate infrastructure is available.

4. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-road parking, landscaping or planting area, and loading areas required by the type of use and development contemplated. There shall be a note on the plat granting the Board of County Commissioners the right to review any change of use to ensure that off-road parking, landscaping or planting area, and loading areas are adequate for the proposed change in use. All subdivisions and/or parcels within a subdivision created for any use other than residential or agricultural shall be required to obtain approval for that use from the Board of County Commissioners through the Specific Development review process.

5. When lots are proposed for commercial or industrial use, interior or frontage roads shall be provided in order to reduce the number of access points onto the public road.

6. No single lot shall be divided by a municipal or county boundary line.

7. A lot shall not be divided by a road, alley or other lot unless the Board of County Commissioners determines that the lot sizes or unique configuration are such that this requirement is not necessary.

8. Corner lots for residential use shall accommodate the required building setback line on both road frontages.

9. Side lot lines shall be at substantially right angles and radial to curved roads. Where lot lines are not at right angles to the road lines this shall be indicated.

10. Double frontage lots are discouraged. A planting screen easement or berm, across which there shall be no right of vehicular access, may be required along the property line of lots abutting a public road. A statement dissolving right of access from individual lots to the public road may be required on the final plat.

11. Lot Drainage shall be laid out so as to provide positive drainage away from structures.

12. Subdivision lot Setbacks are:

From any road right of way	25’
Front property line	25’
Side and rear property line	25’

No primary or accessory structures may be constructed or placed within the required setbacks.

13. To ensure adequate visibility and safety for traffic approaching the intersection of roads, sight triangles shall be shown where appropriate. A plat note may be required stating that trees, shrubs, hedges, fences or other landscape improvements shall be properly maintained by the property owner, shall be planted within property boundaries and shall be trimmed or set back from road frontage or lot lines and not located within the sight triangle so as not to obstruct the vision of drivers approaching the intersection.

14. All electrical and telephone lines shall be underground, unless specifically exempted by the Board, which shall grant such exemption only in cases of extreme difficulty.

15. The lines for domestic water, public sanitary sewer and electrical power are required to be extended to the lot line of each new lot prior to the signing of the Final plat by the Chairman of the Board of County Commissioners.

16. Easements for the placement of, installation of and/or access to public or private utilities and drainage facilities and irrigation ditches and systems shall be shown on the final plat and dedicated to the appropriate entity. The width of the easement shall be provided as required by the utility companies. Wherever practical, utility easements shall be located within or along road right of way lines.

E. Domestic Water Supply

Each new standard subdivision shall make definite provision for a connection for each lot to a water supply system that has been approved by the State or County Health Department. If the proposed development is within the service area of a public or private water company, the applicant must provide proof of ownership of water taps specifically assigned to each lot.

There shall be confirmation by the water provider stating that it (the provider) has sufficient water resources to serve the proposed development and that water taps are available under the rules and regulations of the provider. The design and construction standards for water supply systems shall be in accordance with the rules and regulations of the public water supplier.

The following information and documentation is required as part of the Sketch Plan submittal.

1. Domestic Water Systems

A. Indicate the name of the water company and provide a letter from said company indicating that taps are available and they are willing to serve the subdivision.

B. Water supply by a new provider, whether on or off site, will only be permitted if there is **no** existing provider capable and/or willing to serve the development.

2. Wells or Springs

A. In the event connection to an approved domestic water system is not possible, an approved alternate water supply, as such as water wells or springs, that is sufficient in terms of quality, quantity and dependability may be permitted.

B. On-site domestic water systems, water wells and springs, where a central subdivision system or individual on-lot water supply systems are proposed, require a Domestic Water Company to be formed and approved before the final plat is approved.

C. Water wells shall have a Colorado water well permit that is current and approved for the use proposed in the subdivision.

D. Springs for domestic use shall have a decreed water right from the State of Colorado and an augmentation plan approved by the State to ensure a reliable source of water.

E. Applicant shall prove that the water supply from the wells or springs is sufficient in terms of quality, quantity and dependability for the number of lots and the proposed use within the subdivision. Water quality, quantity and dependability will require approval from the Delta County Health Department, based upon standards in effect at the time of application issued by the Delta County Health Department and/or the State of Colorado Department of Health and Environment, prior to Final Plat approval.

F. If an augmentation plan is required it shall be approved by the Court or State Engineers Office before the Final plat is approved.

G. The water system shall be designed by a qualified, licensed engineer and in accordance with the State Health Department standards.

H. Water Company documentation is required at the preliminary plat stage. The requirements are:

1. The water company shall be a Colorado Corporation.

2. The Water Company and all systems shall be approved by the County Health and Engineering Departments.

3. A Water Company Operations Report is required and shall specify the engineering and physical layout, pipes, pumps, holding tanks, electrical systems and the location of all lines and easements required for the distribution systems and the location and easements for the wells or springs. The report shall show that the water quality will not be adversely affected by the individual septic systems. Additionally, the applicant shall provide evidence that the use of the wells or springs will not adversely affect the other water rights in the area.

4. All costs of the water company are the responsibility of the developer.

I. Chemical and bacteriological tests illustrating the potability of the water and its suitability for the proposed use are required.

J. When water wells or springs are on the same lot as the individual septic systems, the lot size is required to be 5 acres at a minimum and approved by the Delta County Health Department.

K. The domestic water company system shall be installed and operational to each lot in the subdivision before the final plat is approved.

3. Cisterns

A. The use of cisterns or other types of water storage vessels which require periodic refilling from an off site source are not an acceptable domestic water supply.

B. When occupied housing units are currently using cisterns on one or more of the proposed lots, and there is no other source of water available for those lots, the Board may allow the continued use of the cisterns until taps are available and purchased or an alternate source approved.

F. Sanitary Sewage Disposal

Public or private sewage disposal systems shall provide adequate sewage treatment for the proposed subdivision. The applicant must provide one of the following:

1. Connection of all lots within a proposed subdivision to a public sewer system is required if the boundary of the parcel that is being subdivided is within 400 feet of a public sewer line. Public sewer service by a new provider, whether on or off site, will only be permitted if there is **no** existing provider capable or willing to serve the development. Connection to a public sewer system is required if a septic system fails and public sewer is available.

Connection to a public sewer system requires approval of the provider. Proof of a sewer tap for each lot is required prior to signing the final plat and is part of the engineering documentation of the preliminary plat.

The design and construction standards for public sanitary sewer improvements shall be in accordance with the rules and regulations of the public sewer provider.

2. If the available sanitary sewer provider is unable or unwilling to provide service, a letter of denial from the provider shall be submitted to the county.

3. Where public sewer is not available, individual sewage disposal systems (ISDS) are acceptable. Individual sewage disposal systems must comply with the standards established by the Colorado Department of Health and the Delta County Health Department. The minimum lot size requirement for septic tanks and leach field systems is one (1) acre net exclusive of easements. Individual septic systems with domestic water wells or springs which surface on that lot as the supplier of domestic water require a minimum 5 acre lot size.

4. If an individual sewage disposal system is proposed, a copy of the approved septic permit or a letter from the County Health Department shall be presented stating that the land is suitable for an individual sewage disposal system.

5. If an individual sewage disposal system is in use, a letter of approval for continued use from the County Health Department shall be submitted.

6. If an individual septic system per lot of the subdivision is approved by the Health Department and the BoCC, the responsibility for location and installation is the owner of the lot at the time of construction of the new home on said lot.

7. The County Health Department may require site specific data for any proposed lot, regardless of size, if conditions warrant, and a statement of any unusual conditions will be placed on the final plat.

8. The type of septic system required on lots with wells shall be determined by the Delta County Health Department based on the well permit, a copy of which shall be provided by the applicant.

G. Subdivision Roads and Access to County Roads

1. Road Plan. The arrangement, extent, width, type and location of all roads proposed shall be designed in relation to existing or planned roads, topographic conditions, public convenience and safety, and in relation to proposed use of the land to be served. All building sites shall have legal access to a public road which is capable of accommodating the projected traffic from the proposed subdivision.

2. All subdivisions with more than 8 lots should be designed to have at a minimum two points of access onto a public road for traffic flow and emergency considerations. It is preferable that accesses are from two different roads to allow for movement from the subdivision to not congest one intersection. Topographical restraints that may limit a subdivision to one access point will be considered if a second access proves to be infeasible.

3. Right of Way (ROW)

A. Roads or driveways shall have the following minimum right of way widths:

- Public or private roads serving three (3) or more lots shall provide a minimum 60’ right of way.
- Private drives and driveways which cross another property require a minimum 60’ right of way.

B. In cases where a subdivision will be accessed off a County road or State highway and will serve more than two lots and/or dwelling units, the road shall be assigned a road name from the County road grid system and the lots shall be addressed accordingly.

C. In cases where a subdivision will be accessed off a County road, a road right of way dedication or deed shall be required for those portions of all County roads adjacent to the property being subdivided unless such roads have been previously deeded or dedicated to the County.

D. Except for utilities which are allowed to cross rights-of-way or new roads within subdivisions, no utilities may be located within the ROW with the exception of domestic water lines as delineated in the Delta County Roadway Design & Construction Standards Section 4.5.2 Road Right-of-Way. Location of water lines within the ROW shall be as designated in Appendix 5 Item 19 of the Delta County Roadway Design & Construction Standards.

4. All new subdivision roads require a minimum 60' ROW and shall comply with the following standards:

A. Subdivisions with-in one half mile of any town or city shall comply with the following:

- All the internal roads shall be paved
- The width of the road shall be, at a minimum,-in accordance with the Delta County Roadway Design & Construction Standards for a Local Service or Access Road.
- All subdivision roads shall be constructed in the middle of the 60' ROW.

5. Subdivisions outside of one half mile of any town or city with 6 lots or less and with no thru connections are not required to pave the interior subdivision roads unless such paving is warranted by unusual circumstances including but not limited to, connections or extensions are required or designed for future use, the proposed subdivision has a density of three (3) acres or less, mitigation requirements for dust, or potential road hazards. The width of the roads shall be, at a minimum, in accordance with the Delta County Roadway Design & Construction Standards for a Local Service or Access Road.

6. Subdivisions outside of one half mile of any town or city with 7 lots or more shall pave all subdivision roads.

7. Subdivisions on lands greater than 1 mile from any town or city with a density of 6 acres per lot or more are not required to pave the roads and the road width shall be, at a minimum, in accordance with the Delta County Roadway Design & Construction Standards for a Local Service or Access road with a minimum 60 ‘ width ROW.

8. All new subdivision roads are public roads privately maintained. A maintenance agreement shall be signed by the developer and be recorded with the final plat. The maintenance agreement shall run with the land and be entered into as part of the purchase of each lot by all new lot owners.

9. All new subdivision roads shall be warranted for construction for a period of two years. The end of the warranty period does not imply that the County will assume maintenance of the road. Maintenance of roads within Delta County require approval from the Board of County Commissioners.

10. All subdivision roads shall be named. Names of roads must be applied for and approved by the GIS Department.

11. All new subdivision roads shall be constructed to the specifications as detailed in the Delta County Roadway Design & Construction Standards.

12. All access points from the new proposed subdivision to the County Road, State or Federal Highway systems shall acquire an access permit to the intersecting County Road or Highway system. All accesses onto State or Federal Highways will require an access permit to be acquired from the Colorado Department of Transportation (CDOT). A copy of the access permit will be required to be submitted to the Planning Department prior to final plat approval.

13. Shared driveway accesses within a subdivision are encouraged. Shared driveways shall be located on the lot line between two lots and have a minimum easement of 60’. A 30’ square gravel pad, 15’ wide and 30’ deep on each lot, shall be constructed. A County Access Permit will be required to be obtained prior to construction and be approved prior to final plat submittal.

14. Construction of any subdivision road or any improvements that disturb one (1) acre of land or more are required to obtain a Stormwater Discharge Permit for Construction from the State of Colorado. Information on obtaining the permit can be attained from the Delta County Health Department.

H. Traffic Studies

All Subdivision applications are required to include a traffic study at the time of submittal, the level of study required is outlined below. Level II and Level III studies, if required, are required at the time of Preliminary Plat submittal, and shall be approved prior to Preliminary Plat approval. Three (3) copies of all studies are required at time of submittal. All Traffic Studies must be submitted to the Planning Department and all costs associated with traffic studies are the responsibility of the applicant.

Level I

All subdivision submittals are required to submit a Level I Traffic Study at the sketch plan phase of review. The study shall consist of the following components and show the following on a site plan:

- Location of the proposed development with all adjacent County roads labeled.
- All proposed lots and roads within the subdivision.
- All proposed access points onto County roads and/or State Highways
- All adjacent land uses to the parcel being developed
- The road classification and ROW requirement of all adjacent roads (may be obtained from the County Engineering Department or from the Delta County website at www.deltacounty.com)
- The daily traffic count of County roads (may be obtained from the County Engineering Department or from the Delta County website at www.deltacounty.com).
- The proposed number of lots and proposed use of the lots – i.e. Single-family Detached Residential, Multi-family Attached Residential, etc.
- The Average Daily Trip (ADT*) count based on proposed use and number of lots or units, using the following formula:

Single-Family Detached	10 ADT/unit
Multi-Family Attached	6 ADT/unit
Mobile Home Park	5 ADT/unit

For other uses not listed, trip generation values shall be obtained from the latest edition of the Institute of Traffic Engineers report, Trip Generation, a copy of which is available in the Engineering Department.

Level II

A Level II Traffic Study is required for all subdivisions requiring a Preliminary Plat or for a subdivision that impacts a County road by 20% or more as determined in the Level I Traffic Study or if unusual conditions exist as determined by the Delta County Engineer, Planner, Road and Bridge Foreman, or the Board of County Commissioners. The Level II Traffic Study must be completed, stamped and signed by a Professional Engineer licensed in the State of Colorado. The Level II Traffic Study shall include, but not be limited to, the following components:

All of the items required in the Level I Traffic Study, plus

- Existing traffic counts for all adjacent County roads, both total ADT and AM/PM peak hour trips.
- Development generated traffic, both total ADT and AM/PM peak hour trips.
- Total short-term traffic including existing and site generated, both total ADT and AM/PM peak hour trips.
- Total long-term traffic (20 year) including background and site generated, both total ADT and AM/PM peak hour trips.
- Traffic distribution – the study shall indicate the projection distribution of traffic entering and leaving the development, the projected direction and specific roads that are likely to be used and the total ADT and AM/PM peak hour trips of all potential distribution routes. Traffic distribution studies shall provide information on all potential routes to which the impact of the development on existing conditions is 5% or more.
- The current Level of Service (LOS) of all impacted roads and the LOS after site generated traffic from the proposed development is included.
- Site plan from the Level I Traffic Study indicating site distances for all access points and all required signage.
- The proximity and location of all access points within ½ mile of the proposed development.
- Indication if a CDOT Access Permit will be required

Level III

A Level III Traffic Study will be required if the Level II Traffic Study indicates that mitigation or improvements will be required to existing roadways due to the impacts of the proposed development. Level III Traffic Studies must be completed, stamped and signed, by a Professional Engineer licensed in the State of Colorado. A Level III Traffic Study will be required if any of the following conditions will be created due to the impacts of the proposed development;

- Site generated traffic results in the need for a dust mitigation plan (required for all gravel roads with 200 ADT or more).
- Site generated traffic results in a drop in the LOS rating on any and/or all roads impacted by the development.
- Site generated traffic results in the need for a change in the functional classification for any and/or all roads impacted by the development.
- Site generated traffic results in significantly degraded intersection quality.
- Site generated traffic results in dangerous areas of road design.
- Site generated traffic results in a CDOT Access Permit requiring improvements.
- Site generated traffic results in the need for improvements to any County road.
- Site generated traffic results in the need for signalization at any intersection impacted by the development.

The Level III Traffic Study shall include, but not be limited to, the following components:

- All of the items required for Level I and Level II Traffic Studies
- A Dust Mitigation Plan if necessary.
- Road design changes needed to offset the LOS degradation to existing LOS ratings.
- Road design changes required as a result of change in the road functional classification.
- Road designs required for any improvement to an intersection or existing roadway.
- Any road design requirements required by a CDOT Access Permit.
- A safety analysis including conflict points, turning movements and accident history for the last three years.
- The sensitivity of the adjacent properties and/or other areas that may be impacted by the proposed development.
- The ability of the existing roadway to handle the increase in traffic due to the proposed development and the feasibility of roadway improvements to handle the increase in traffic.
- An analysis of all feasible alternatives to mitigate the impacts of the proposed development.
- An evaluation of current daily and peak hour traffic data including turning movements at all intersections to where the impact of the development on existing conditions is 5% or more.
- Any other specific problems or deficiencies that may result from the proposed development and mitigation and/or improvements required to address the situation.
- A cost analysis of any required improvements.

- If signalization is required, the study must address all requirements of the CDOT State Highway Access Code Section 2.3(5) for traffic signal analysis.

*Source: Trip Generation, 7th Edition, Institute of Transportation Engineers
Note: Daily traffic count information may be obtained from the County Engineer for most roads in Delta County, some roads may require an independent source for this information.

I. Geologic and Soils Report

A Geologic and Soils Report is required for all proposed subdivisions or developments that require a preliminary plat and will be submitted to the Colorado Geological Survey office and other agencies for comment.
The Geologic and Soils Report is required by C.R.S. 30-28-136(g) and (i) as a condition of Preliminary Plat approval. The expense of the study is to be paid by the developer, the fee for which is determined by the State.
The Board of County Commissioners may require a Geological and Soils Report for any subdivision if it determines the report is necessary for a full evaluation of the subdivision.

At a minimum the report will include:

1. Site Characteristics. The report shall include the observations of a site visit by a qualified engineer. The site characteristics to be addressed are those outlined in the Colorado Geologic Survey, Special Publication Number 6 which shall include ground subsistence and expansive soil and rock. In addition the study shall include the following characteristics if the Board of County Commissioners determines they are relevant:

Avalanche Landslide Rockfall Radioactivity

Mudflow Debris Fan Unstable Slopes Seismic Effect

Potentially Unstable Slopes Expansive Soils

The report shall include the conclusion of the Engineer as to the impact of the proposed development on the geologic characteristics.

2. Soils Suitability. The report shall contain a section which assesses the suitability of the site soils for:

A. Individual Sewage Disposal Systems (septic tank/leach field) including the cumulative impact of the total number of proposed septic systems for the subdivision and the surrounding existing septic systems on adjacent parcels.

B. Impacts and limitations for structures/foundations.

C. Any unusual drainage characteristics.

3. The report shall be prepared by a Professional Engineer or qualified Geologist and the cost is the applicant's obligation.

4. A soils report is required before a drainage report can be completed.

J. Drainage and Erosion Control Plan

A Drainage Report is required in relation to the construction of new subdivision roads and run off created by subdivision development and activities. The drainage report is a part of the preliminary plat process. The Drainage Report consists of two parts, as follows:

1. Part I, Drainage Study.

The Drainage Study is to be submitted with the preliminary plat. It is intended to analyze the drainage characteristics of the site under both existing and developed conditions. This includes the identification of the major drainage basin, sub basins, and drainage ways. It also requires the calculation of historic and developed stormwater discharge rates for the five year and 100 year storm event. The primary purpose is to determine the drainage impacts on adjacent and downstream properties as a result of the development of the site.

Once the drainage calculations have been completed, the study will identify the impacts on adjacent and downstream properties and will specify how to mitigate the impacts of the drainage due to the development over the historical drainage flow of the site.

2. Part II, Drainage Plan and Erosion Control Plan.

The Drainage Plan will be submitted as part of the preliminary plat and will contain the design of the required mitigation identified in Phase I. The Plan will include the size of detention ponds, culverts, drainage channels and other drainage improvements as recommended in the Phase I Study.

3. The Drainage Report shall be prepared by a qualified Professional Engineer registered in the State of Colorado.

4. Construction of any subdivision road or any improvements that disturb one (1) acre of land or more are required to obtain a Stormwater Discharge Permit for Construction from the State of Colorado. Information on obtaining the permit can be attained from the Delta County Health Department.

K. Development On or Near Lands Subject to Hazardous Conditions

Land which is subject to hazardous conditions such as landslides, gamma radiation, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, active airports, runways or landing strips, floods, polluted or non potable water supply, or other hazardous conditions as may be determined by the Board shall be identified in all applications.

Lands with natural hazards shall consult the Delta County Natural Hazard Mitigation plan prior to submittal of the sketch plan application for any potential mitigation or remediation requirements necessary prior to subdividing.

Development shall not be permitted in these areas unless the application provides for elimination or mitigation of the particular hazards. The Board of County Commissioners may require the proposed subdivision to meet reasonable standards, as recommended or adopted by other agencies, in the mitigation of the hazardous conditions. Other agencies include but are not limited to:

Colorado State Forest Service US Forest Service

US Bureau of Land Management US Park Service

Delta County Health Department Colorado State Health Department

Colorado Department of Transportation

Federal Aviation Administration Local Fire Depts. and Districts

Colorado Division of Reclamation, Mining, & Safety

Delta County Office of Emergency Management

L. Irrigation Water

If irrigation water is to be divided amoung the lots of a subdivision an Irrigation Plan is required. The applicant shall describe the divisions, provide for ditch easements and submit a plan which shall assure the continued water flow and delivery systems in accordance with State of Colorado Water Law.

Adjacent property owners and irrigation ditch companies shall be consulted and the findings be made part of the Irrigation Plan as part of the preliminary plat or prior to final plat approval. The shares of irrigation water to be conveyed to lots in the subdivision shall be noted on the final plat along with all required easements. The final plat must provide notice that shares of irrigation water conveyed to lots at the time of plat recording may or may not be sold separately from the property and may not run with the land.

M. Fire Protection

The sketch plan application shall indicate which fire district serves the property. In areas where adequate water lines exist, fire hydrants are required to be installed by the developer per the local fire district recommendation as to location and number of hydrants. In the event that water lines are not adequate to support a fire hydrant at the time of development, the developer shall place in escrow with the County the funds to install a hydrant at such time water lines are adequate to support a hydrant or infrastructure to support a hydrant. The amount shall be determined by the local water provider, these funds shall be non-refundable.

Development in areas identified on the Delta County Wildfire Hazard maps or by the Colorado State Forest Service, as being in a high or severe wildfire hazard area, or by the Fire District as an area of concern, will be required to submit and comply with a Fire Protection Plan.

1. Fire Protection Plan

The Board may require a Fire Protection Plan for any development of subdivision where fire hydrants cannot be located. The Fire Protection Plan shall include, at a minimum, the following information:

A. Existing and potential fire hazards based on comments from the County, the Colorado State Forester and the Fire District Chief.

B. Access and interior roads including travel surface width and alternate access to the site.

C. Water supplies for fire fighting purposes including water mains and auxiliary storage.

D. Estimated response time to the site from the fire station.

E. The report shall include measures that can be taken, or improvements that could mitigate the fire hazard, if any, and the specific measures or improvements that will mitigate the identified fire hazard.

F. The plan will be submitted as part of the preliminary plat or before the final plat is approved if a preliminary plat is not required. The approved plan shall be recorded with the Delta County Clerk and Recorder and be referenced on the final plat with a plat note and reception number.

2. Wildfire Mitigation

If the site is in an area identified as being in a moderate to severe wildfire hazard area the development application shall be referred to the Colorado State Forest Service. The Fire Protection Plan shall contain a section which addresses the wildfire hazard issue and shall contain recommended wildfire mitigation practices based on the State Foresters recommendations.

N. Scenic Impact Report

When a development or subdivision may adversely impact the view from a designated Scenic By-Way, or impact the views in Significant View Corridors designated in the Delta County Master Plan, the Board may require a Scenic Impact Report which shall consist of the following:

1. The report shall graphically illustrate the impact of the proposed development on the views from Scenic By-Ways or Significant View Corridors.

2. The graphic shall illustrate ground elevations before development and superimpose the proposed buildings against the background on a ground level elevation.

3. The graphic shall take into account the elevation from the roadway and the distance to the view to be preserved.

4. A Scenic Impact Report required by the Board, shall include a general narrative which describes:

- The actions necessary to mitigate the adverse scenic impact.
- The report shall include a graphic which illustrates how the developer or subdivider proposes to mitigate any adverse impacts of the scenic views that were identified.

5. The report shall be submitted as part of the preliminary plat or before the Final Plat if a preliminary plat is not required.

O. Wildlife Protection Plan

A Wildlife Protection Plan is required in those areas that have been designated by the State Division of Wildlife as in or adjacent to; a Wildlife Migration Corridor or an area designated as Critical Wildlife Habitat. The Wildlife Protection Plan shall include the following:

1. Preliminary Wildlife Protection Plan:

A. The plan shall consist of a graphic illustration of the general boundaries of the wildlife corridor or the critical habitat area. This graphic shall show the proposed buildings and/or subdivision lots.

B. A narrative report shall be included which describes the wildlife species and the characteristics of the area that attract and hold wildlife. The narrative report shall describe the elements of the development that could adversely impact wildlife.

2. Final Wildlife Protection Plan

A. The final plan will include graphics and narrative description of how adverse wildlife impacts identified in the preliminary report can be resolved.

The Division of Wildlife shall be consulted in the preparation of each of the reports.

P. Abandoned Mines and Wells

In areas containing abandoned mines, quarries, and/or wells, an approved closure plan and/or lateral support plan shall be submitted with the preliminary plat or before the final plat if a preliminary plat is not required. Consultation with the Colorado Division of Reclamation, Mining and Safety or the State Engineer may be required.

Q. Wetlands

Compliance with review procedures and requirements of the Army Corps of Engineers is required for identified wetlands within the proposed subdivision. No development may occur in identified wetlands, including but not limited to; buildings, roads, and parking lots.

R. Open Space and Public Dedication

In order to provide for parks, open space and recreation facilities needed due to development, the Board of County Commissioners have established an Open Space Fee for all subdivisions. The fees are as established by separate resolution of the Board of County Commissioners.

The Board of County Commissioners may grant a partial or total credit against the Open Space Fee for open space provided within the development or provided by the developer on separate property.

S. Noxious (Undesirable) Weeds

All new subdivisions shall control undesirable, noxious weeds within their boundaries to prevent spreading to adjacent lands. New subdivisions shall be required to develop a plan for the control of the weeds designated undesirable by the Board of County Commissioners. The plan will include the time between the conversion of the land from current use to the homes being constructed. All final plats shall contain the following statement:

Each lot owner shall be personally responsible to control undesirable, noxious weeds within the boundaries of that lot, to prevent the spreading of such weeds to other lands and to comply with the recommendations of the Delta County Weed Coordinator concerning the control of such weeds.

T. Outdoor lights

Outdoor lights shall be hooded or shielded so as to not cast light or glare onto the adjacent lots or land or dilute the night sky. All final plats shall contain the following statement:

Outdoor lighting shall be hooded or shielded so that light is directed downward so as not to glare into the adjacent property, or dilute the night sky.

U. Improvements Adjacent To Municipalities

When County Road improvements or public improvements within a subdivision are adjacent to or in close proximity to a municipality, the Board of County Commissioners, upon receipt of a written request from the municipality, may require that any higher standards of that municipality will apply. All subdivision requests that are within a designated Growth Management Area of a municipality will adhere to the requirements of the Growth Management Agreement between the County and that municipality.

2.8 Advisory Planning Committee Action

The request for sketch plan approval for all standard subdivisions shall be reviewed by the Advisory Planning Committee (APC) for the designated area of the County in which the subdivision will be located: Surface Creek APC, Leroux Creek APC, Upper North Fork APC, Crawford Country APC and the Planning Commission (P/C) for the Delta area at a regular monthly or special public meeting for each Committee.

After receiving the Staff Reports and public comments for each item on the agenda, the APC or P/C shall hold a public review meeting and take verbal and/or written testimony from the applicant, the neighbors, other County citizens, and County Staff concerning the issues and impacts of the proposal.

The APC or P/C shall:
In accordance with the resolution establishing the APC's, they shall review each application and identify the issues and impacts locally and in relation to the Delta County Master Plan and then;

A. Recommend favorably with or without conditions.

B. Continue or table the hearing to a date certain for more information. The date certain shall not be more than 40 days from the date the application is tabled unless the Applicant agrees to waive the time limit.

C. Recommend denial for reasons specified.

The APC may make findings of fact in support of its recommendation. If the APC does not make separate findings of fact, it shall be presumed to have adopted the findings and recommendations of the Planning Staff Report as submitted or as amended.

The recommendation of the Advisory Planning Committees goes directly to the Board of County Commissioners for their review and action with the following exceptions:

- A preliminary plat is required.
- APC decision is conditioned on review by the Delta County Planning Commission.

Special Public Meetings may be scheduled as required and shall be conducted in the same manner as a regular meeting and posted in relation to date, time, and location.

2.9 Planning Commission Action

Any request for sketch plan approval within the Delta Planning Area shall be reviewed by the Planning Commission at a regular or special public meeting. The Planning Commission shall also hear sketch Plan applications forwarded from the APC's if requested to do so as a condition of approval.

A. Regular Agenda

After receiving the Staff Report and public comments, the Planning Commission shall take one of the following actions:

1. Recommend favorably with or without conditions.

2. Continue or table the hearing to a date certain for more information. The date certain shall not be more than 40 days from the date the application is tabled unless the Applicant agrees to waive the time limit.

3. Recommend denial for reasons specified.

The Planning Commission shall make findings of fact in support of its recommendation. If the Planning Commission does not make separate findings of fact, it shall be presumed to have adopted the findings and recommendations of the Planning Staff Report as submitted or as amended.

B. Special Public Meeting

The meeting shall be conducted in the same manner as a regular meeting. The date, time, and the location of the meeting will be posted.

2.10 Review and Action by the Board of County Commissioners

A. Following the recommendation of the Advisory Planning Committee and/or the Planning Commission, the sketch plan will be scheduled for review by the Board of County Commissioners. If the applicant disagrees with any of the conditions recommended by the Planning staff, Engineering staff, Advisory Planning Committee or the Planning Commission, or does not understand the conditions and requirements of approval, they should so state, either in writing prior to the County Commissioners meeting, or at the meeting. Failure to do so may result in a major delay in the approval process.

If the recommendation to the BoCC is denial the applicant may elect **not** to proceed to the BoCC and alter the application and resubmit, or the applicant may **continue on** to the BoCC meeting.

B. Within thirty (30) days of the date of the Planning Commission or Advisory Planning Committee review, the sketch plan shall be reviewed by the Board. With recommendations in relation to the application, the Board of County Commissioners shall render a decision by resolution making one of the following determinations:

1. Approve the sketch plan application as submitted.

2. Approve the sketch plan application with conditions which may include, but are not limited to:

A. Modifications to the plan necessary to insure compliance with the Master Plan and other relevant regulations and policies.

B. Provision of new public improvements or upgrading of existing public improvements necessary to accommodate the impacts of the proposed subdivision. The applicant shall be responsible for the costs of such improvements.

C. Specification of the location of buildings, easements, utility lines, access points and other improvements, when, in the opinion of the Board, such specifications are in the interest of the public health, safety and welfare, or are necessary to insure consistency with the Master Plan of the County.

D. Modifications to the plan necessary to preserve agricultural land and or agricultural operations as specified herein.

E. Require modifications to the plan necessary to insure that the subdivision is consistent with the character of the neighborhood as to use and density of development.

F. Require modifications to the plan necessary to implement recommendations of other agencies should the Board of County Commissioners determine that such recommendations are required for reasons of public health, safety and welfare.

G. Submittal of plans to mitigate hazardous conditions as specified herein.

If the Board of County Commissioners approves the sketch plan, with or without conditions as stated in the resolution of the Board, the Planning Staff will notify the applicant of the action taken by the Board of County Commissioners. The Sketch Plan approval letter will be mailed within 14 days of approval by the BoCC and provide direction on how to proceed with the next step of the process. The letter may include the information and findings included in the Staff Report.

C. Denial of the sketch plan application for specific reasons which may include, but are not limited to, the following:

1. The Application and supporting materials as submitted do not comply with the requirements of these Regulations, including but not limited to, failure to comply with the provisions of the County Master Plan, and the Applicant has been advised of thediscrepancies in the Application, and has failed to correct those discrepancies.

2. The Board has specified reasonable conditions as a prerequisite of the approval of the Subdivision and the Applicant has failed to comply with these conditions.

3. The Board has determined that infrastructure and public services necessary to support the future residents of the proposed subdivision are not adequate and that the applicant has not provided a plan tomitigate the inadequacies.

D. The Board of County Commissioners decision shall be entered into the official minutes of the meeting and shall contain the necessary findings of fact and reasons to support the decision. If the Board does not make separate findings of fact, it shall be presumed to have adopted the findings of the Planning Commission or other County staff.

E. All Sketch Plans approved by BoCC shall be approved with a resolution. A resolution of the decision by the BOCC is required to be adopted, signed and recorded. Planning Department will prepare the resolution and present it to the BoCC for approval and signatures at a regularly scheduled meeting.

2.11 Expiration of Approval of the Sketch Plan

Failure to submit the ***preliminary plat within eighteen (18) months*** of sketch plan approval shall result in the application being considered as withdrawn and shall require the applicant to begin the process anew.

Failure to submit ***the final plat within twelve (12) months*** of sketch plan approval for subdivisions not requiring a preliminary plat or after preliminary plat approval shall result in the application being considered as withdrawn and shall require the applicant to begin the process anew.

The start date is the day the approved BoCC Resolution for Sketch Plan approval is recorded with the Clerk and Recorder.

The Board of County Commissioners may grant an extension of time.
A written request is required for the Board to consider the extension of time.

ARTICLE II Standard Subdivision

Section 3 Preliminary Plat

3.1 Intent

The preliminary plat is the primary planning document in the subdivision planning process. The intent of the preliminary plat, when required, is to ***prove*** the viability and feasibility of the proposed subdivision by actual surveying, engineering studies, soils reports and consideration for impacts to the County, the citizens of the County, and the issues, impacts and conditions as identified in the Sketch Plan process and the Resolution of Approval of the Board.

In general, all subdivisions require a preliminary plat if the plan requires a domestic water company with water wells or springs, engineering for road(s) or drainage issues or plans, or is a requirement as stated in the BoCC resolution.

3.2 Preliminary Plat Submittal Requirements

All Preliminary plats, required by the Board at sketch plan stage, shall be submitted within 18 months of recording of the sketch plan approval resolution to the Delta County Planning Department. The preliminary plat submittal shall include the following:

A. Development plan.
A detailed narrative description of the project.

B. Compliance with the BoCC resolution.
A detailed written narrative of the elements and compliance factors as required.

C. The preliminary plat map, five copies which shall be a 24”x 36” blackline print with no font or type small than 10pt. (blueline prints accepted by exception only), and five copies of the map reduced to 11” X 17”. Plat maps must be legible at the time of submittal. The preliminary plat map shall show the following information:

1. Name of subdivision, type of proposal (preliminary plat), legal description of the total land area referenced to township, range, section; county and state, date of the drawing, and North arrow. The scale shall be no smaller than 1:200 and appropriate to the size of the site.

2. Vicinity map with North arrow (scale of 1”=2000’ preferred) with an emphasis on the major roadway network within at least one mile of the proposed subdivision and which clearly shows access to the County and State Highway systems.

3. Boundary lines of the proposed subdivision drawn in a heavy solid line.

4. Existing overlay or special district boundary lines, if applicable.

5. Existing contours with intervals of two (2) feet or less within the tract. In the absence of available two foot contour data, the contour intervals must be deemed acceptable by the Planning Department and Engineering Department. Topography may be shown on the preliminary plat map or a separate map.

6. All parcels of land to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision together with the purpose and conditions of such reservations. This shall include the names, locations and widths of proposed rights-of-way of roads, streets and alleys.

7. Lot numbers and Block numbers if Blocks are designated.

8. Location, widths and names of all existing and/or platted rights-of-way for streets or other public ways within and/or adjacent to the tract and, railroad rights-of-way, section lines and/or other such features. Location, width and purpose of all existing and/or proposed public and/or private easements including existing and/or proposed water, sanitary sewer, electrical, telephone and gas main lines, irrigation ditches and easements, culverts, storm sewers and stormwater detention areas located within the tract.

9. Dimensions and acreage of proposed lots and blocks calculated to the nearest foot with all building setback lines shown for each lot. The plat shall include all property the owner intends to subdivide and shall show or contain a mapped reference to any residual parcels if applicable.

10. Streams, drainage channels, wooded areas, wetlands, and other significant natural features within the tract and within at least one hundred feet (100’) thereof.

11. General location of land reserved for agricultural use.

12. Location of existing structures and proposed building envelopes.

13. The boundary and source of reference of any one hundred year floodplain shall be shown on the preliminary plat. In the absence of reliable floodplain data, any areas of the plat that are known to be subject to flooding shall be delineated and noted on the plat map.

14. The appropriate sight distance triangle shall be designated and dimensioned at each roadway intersection. Information on sight distance triangles may be obtained from the Delta County Engineering Department.

15. If a perimeter fence is proposed or required, the fence line shall be delineated and a description of the type and height of the fence included.

16. Name(s) of adjacent property owners.

17. Site development details:

- Total land area in acres;
- Total number of proposed dwelling units.
- Total number of lots and size of lots.
- Location of all access points.

18. Subdivisions designed for commercial or industrial use must also comply with the requirements of Specific Development regulations

19. The following shall be placed in a Plat ID box in the lower right hand corner at the bottom of the plat:

- The Subdivision number assigned by the Planning department
- The name of the Subdivision
- The names and addresses of the owner(s) and/or subdivider
- The name(s) of the surveyor or licensed engineer, or designer of the plat
- Date of preparation
- Dates of revision
- Scale

20. In certain cases where additional information is necessary for the review of the proposed subdivision, the staff and Planning Commission may recommend, and the Board may require additional information on the preliminary plat or other map(s). Such information may include, but is not limited to, natural features such as wetlands and streams, the extension of topography, rights-of-way and easements beyond the boundary of the plat, the residual parcel, and building envelopes. These supplemental maps are to be prepared by a registered land surveyor or professional engineer and shall be at the same scale as the plat map.

21. Signature Blocks and Special Notes will be shown on the Final Plat.

D. Preliminary engineering drawings sufficient in detail and scope to demonstrate functional workability, and accurate cost estimates and outline specifications for all public facilities to be installed. Road construction plans shall be prepared in accordance with the requirements of the Delta County Roadway Design & Construction Standards.

E. Preliminary Utility Report and Preliminary Utility Plans sufficient in detail and scope to demonstrate functional workability, and accurate cost estimates and outline specifications for all utilities to be installed. Design shall be as specified by the utility provider.

F. Supporting Documents. The following studies, reports and plans may be required if the staff determines they are needed to properly evaluate the proposed subdivision. Alteration of the approved sketch plan layout and number of lots may be required if significant issues are raised and require mitigation based upon information disclosed in any of the following reports. Major changes to the plat may require re-approval of the sketch plan from the BoCC.

1. Preliminary Traffic Study

2. Preliminary Drainage Report

3. Preliminary Water Supply Report and System Plan.

4. Preliminary Sewage Disposal System Report and System Plan.

5. Preliminary Geologic and Soils Report and Erosion Plan.

6. Preliminary Phasing Plan, if one is required or requested by the applicant or the Board.

7. Preliminary Wildlife Protection Plan.

8. Preliminary Fire Protection Plan, including wildfire mitigation if appropriate.

9. Resource Management Plan (for Resource Preservation Subdivisions)

10. A copy of the Articles of Incorporation of the Homeowners Association, if one is proposed.

11. A copy of the proposed Covenants and Restrictions, if any.

12. A draft of the Subdivision Improvements Agreement, if one is required.

If more than one of the above studies is required, they may be combined into a single integrated document, if it makes sense to do so.

G. Names and mailing addresses of all surface owners or lessees, mineral rights owners and lessees, and all lien holders.

H. Additional information as required by the Planning Department, other County departments, review boards or the BoCC.

I. Proposed subdivisions that contain, or are adjacent to agricultural land, areas of significant natural resources or natural hazards, scenic corridors and sensitive lands may be subject to special requirements as set forth in Section 2.7 herein.

J. The lot and block configurations, alignment of streets, location of dedicated land, and other subdivision design elements shall be in conformance with the subdivision standards.

K. Roads, drainage facilities and other required public improvements shall be as specified in other Delta County Departmental and/or State or Federal regulations.

3.3 Planning Department Review

Upon receipt of an application for preliminary plat approval, the planning staff shall:

A. Verify that the plat and all documentation is complete and in accordance with the submittal requirements of the subdivision regulations and the Sketch Plan Approval Resolution by the BoCC. In the event the application is deemed incomplete by the Planning Department, the plat and all accompanying materials and documents shall be returned to the applicant with a letter specifying the deficiencies

B. If the plat is deemed complete, or a previously rejected plat has been resubmitted with the deficiencies corrected, the Planning Department will schedule the plat for the next Planning Commission meeting at which time is available.

3.4 Public Notification of Preliminary Plat

A. The Planning Department shall notify all property owners within 1000 feet of the property boundary within one-half (1/2) mile of a municipality or to all property owners within one-half (1/2) mile of the property boundary outside of one-half (1/2) mile of a municipality (using a post card) that an application for preliminary plat approval has been accepted.

Such notification shall include the name and number of the subdivision, the name of the Subdivider, the number of lots and the general location of the proposed subdivision.
The notice shall also state the date and time of the Planning Commission hearing at which the preliminary plat request will be heard. The property owners to be notified shall be the owner of record as shown in the records of the Delta County Assessor at the time of mailing.

B. A Notice of Public Hearing shall be published in a newspaper of general circulation. The notice shall state the name and number of the subdivision, the name of the Subdivider, the number of lots and the general location of the proposed subdivision. The notice shall also state the date and time of the Planning Commission Public Hearing at which the preliminary plat request will be heard. The Notice of Public Hearing shall be published one time at least 14 days prior to the date of the hearing.

C. A copy of the application will be referred to appropriate agencies for their comments.

D. The planning staff shall prepare a Staff Report which is to be provided to the Planning Commission, the BoCC, and to the applicant. Copies will be available to the public upon request.

E. Preliminary Plats are not reviewed by the Advisory Planning Committees.

3.5 Planning Commission Action

The Planning Commission shall review the preliminary plat in relation to the required studies, materials, and the Sketch Plan Approval Resolution passed by the Board of County Commissioners. The Planning Commission shall take one of the following actions:

A. Recommend favorably with or without conditions.

B. Continue or table the hearing to a date certain for more information but not more than 40 days from the date that the application is tabled unless the applicant agrees to a waiver of the time limit.

C. Recommend denial for reasons specified. All preliminary plats with a recommendation of denial are permitted to continue the process and go to the Board of County Commissioners.

3.6 Review and Action by the Board of County Commissioners

Following the recommendation of the Planning Commission, the preliminary plat will be scheduled for review by the Board of County Commissioners.

If the Planning Commission action was to recommend favorably, with conditions, and the conditions are not acceptable to the applicant, the applicant may submit a written response to the Board before the scheduled meeting stating the reasoning for not accepting the conditions. The applicant may also submit a statement to the Board contesting a recommendation of denial.

After the preliminary plat has been reviewed by the Board of County Commissioners, the Board will take one of the following actions:

A. Approve the preliminary plat with or without conditions.

B. Table the preliminary plat to a date certain.

3. Deny the preliminary plat for reasons specified.

The Board may deny a preliminary plat for the following reasons:

1. Failure to comply with the requirements of this Resolution.

2. Failure to comply with the goals and policies of the Delta County Master Plan, as incorporated herein.

3. Failure to comply with the Sketch Plan Approval Resolution and those requirements imposed by the Board as a condition of approval of the sketch plan.

4. New information has been provided since the approval of the sketch plan which, had the information been previously available, could have been the basis for denial of the sketch plan.

D. Approval of the preliminary plat does not constitute approval of the subdivision. Only approval of the Final Plat by the Board of County Commissioners constitutes official approval by the County.

E. If the Board of County Commissioners approves the preliminary plat, the applicant will make those plat revisions required by the Board of County Commissioners and file a copy of the approved preliminary plat with the Planning Department. The plat shall contain the following note:

APPROVED PRELIMINARY PLAT
month/day/year

_____
Planning Department

ARTICLE II Standard Subdivision

Section 4 Final Plat

4.1 Intent

The purpose of the final plat is to determine that survey data and monumentation meet statutory requirements, to ensure for proper engineering and (final) subdivision design, to insure clear title in the subdivision and power to dedicate, to provide for dedication of land required for public uses and for the construction of public improvements, and to ensure conformance with the form and design of the approved preliminary plat.

4.2 Final Plat Submittal Requirements

Following approval of the preliminary plat, the applicant may proceed with the preparation of the final plat and supporting materials. The final plat shall include all the property contained in the approved preliminary plat unless separate filings are permitted by the Board of County Commissioners. The submittal requirements for the final plat shall be as follows:

A. Payment for final plat review, Open Space fees, Engineering fees, County Surveyor review fees, and the recording fees in the amount estimated by the Planning Department are required. Any other County fees or review agency fees that have not been paid will also be payable with submission of the final plat.

B. A print of the approved preliminary plat.

C. Five copies of a 24” X 36” blackline print of the final plat map drawn at an appropriate scale and an electronic file of same. At a minimum, the final plat map shall show the following:

1. The title under which the subdivision is to be recorded and the number assigned to that subdivision by the Planning Department. The name shall be the same as the approved preliminary plat.

2. Date of preparation, scale and north arrow.

3. Delta County requires all final plats to be tied into the Delta County Local Coordinate System using mapping control points for accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features.

Data base for County Mapping Control Points is available upon request for the Delta County GIS Department.

Survey data shall be in accordance with the US Government Manual for Public Land Surveys as modified by Title 38-51-103,105,106 C.R.S.

4. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of one in ten thousand. Dimensions will be carried to two decimal points.

5. Names of all adjoining subdivisions shall be shown with a dotted line adjacent to the perimeter boundary line. If the adjoining land is un-platted the names of the property owners from the County Assessor’s records shall be shown.

6. Lot numbers and acreage, and Block numbers if Blocks are designated.

7. Name or number and centerline designation of adjacent roads, dimensions and purpose of easements, designations and dimensions of park sites and other public facilities.

8. A description of all monuments, both found and set, which mark the boundaries of the property, and a description of all control monuments used in conducting the survey.

9. Certification by a Land Surveyor, registered in the State of Colorado, that the survey was performed by him in accordance with Sections 8-51-103, 105 and 106, Colorado Revised Statutes, as amended, or under direct responsibility and supervision of a Colorado Registered Surveyor, with the Surveyor's signature and seal.

10. A statement by the land surveyor explaining how bearings were determined. (See #3 above)

11. Signature blocks for the Chairman of the Board of County Commissioners, Owners, Mortgagees, County Recorder, Planning Department, and others as required for approval.

12. A Vicinity Map (scale of 1:2000 preferred) showing the site and the surrounding area with reference to major roads, towns, highways, streams, rivers or other recognizable natural or man made features.

D. Agreements made with ditch and other utility companies in compliance with conditions required for approval of the application or as determined necessary to establish the rights of the applicant and communicated to the applicant.

E. A copy of the property owner's recorded deed for the property being subdivided and an original deed or deeds for the new lots being created by the subdivision.

F. A report prepared by a title insurance company authorized to do business in the State of Colorado, or an Attorney's Certificate signed by an attorney licensed to practice law in Colorado, giving the name and current mailing address of all persons having any record interest in the land being subdivided and describing the nature of each such interest. The report may be a current title insurance commitment dated no more than two weeks prior to the date of final plat submittal or an updated report of the original title commitment submitted with the application for sketch plan. The report shall show all parties who must join in the dedication of any streets or other public places shown on the plat.

G. Supporting Materials:

If further or more detailed work is recommended by the Planning Department in any of the preliminary reports, or is considered necessary by the Board of County Commissioners, then a final report shall be prepared by the applicant for the pertinent subjects.

All reports shall be according to the requirements of this document.

1. Final Traffic Study
2. Final Drainage Report and Plan/Erosion Control Plan.
3. Final Utility Report and Plan
4. Final Water Supply Report and System Plan
5. Final Sewage Disposal Report and Plan
6. Final Geologic and Soils Report
7. Final Erosion Control Plan
8. Final Sensory Impact Plan
9. Final Wildlife Preservation Plan.
10. Final Fire Protection Plan, including wildfire mitigation..
11. Final Resource Management Plan
12. Final Covenants and Restrictions

If more than one of the reports or plans is required they may be combined into a single integrated report if it is appropriate to do so.

H. The final Subdivision Improvements Agreement, if any.

I. Deed restrictions, agreements with other persons and other documents and easements that may have been specified as a condition of approval by the Board of County Commissioners.

4.3 Notification

All requests for final plats shall be placed on the agenda for BoCC at such a time as County Staff considers the submittal for final plat to be complete and accurate.

4.4 Format for Signature Blocks, Certifications and Plat Notes

A. Dedication

A final plat presented for approval shall contain a statement concerning dedication, the suggested format is:

> (I, We), *printed name of owner(s*), being the owner(s) of the land described as follows: *(insert legal description of land being platted and/or subdivided and include area in acres to two decimal places)* in Delta County, Colorado, under the name of *(complete name of development in capital letters* and *the number assigned),* have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.
>
> In witness whereof (printed name of the owner) has (have) subscribed (his, her, their) name(s) this _____ day of _____, AD ____.
>
> By: _____
> Owner(s)

B. Notarial

State of Colorado
ss.
County of Delta)

The foregoing instrument was acknowledged before me this _____ day of _____, AD ____, by (printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers of a corporation, then insert the title of said officers and the name of the corporation).

My Commission expires:_____

My address is _____
Witness my hand and official seal.

_____
Notary Public
(Seal)

C. Mortgagees Approval

In witness whereof Mortgagee has subscribed its name approving the content of this final plat this ____day of _____, AD, _____

_____
Mortgagee

D. Delta County Surveyor's Approval

Approved for content and form only and not as to accuracy of survey, computations or drafting, pursuant to CRS 38-51-106.

_____ _____
County Surveyor Date

E. Delta County Planning Department Approval

This plat of the above subdivision has been checked for compliance on this _____ day of _____,20_____.

_____
(Planning Department)

F. Board of County Commissioners Approval

1. The within plat of (name of development in capital letters and assigned number) is approved this _____ day of _____, AD 20____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance purposes.

Maintenance of, or snow removal from, the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or regulations in effect at that time.

_____
Chairman

Attest:
_____
County Clerk

G. Certificate of Taxes Paid

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of real estate described on this plat are paid in full. Dated this _____ day of ____, AD,__

_____
Treasurer of Delta County, Colorado

H. Delta County Clerk and Recorder's Acceptance

This plat was accepted for filing in the office of the Clerk and Recorder of Delta County, Colorado, on this _____ day of _____, AD ___;
Reception Number_____, Time _____. Book____, Page_____
Date_____

_____
County Clerk

I. Standard Notes

Unless specifically excluded by the Board, the following plat notes will be required:

1. Outdoor Lighting shall be hooded or shielded so that light is directed downward so as not to glare onto the adjacent property or dilute the night sky.

2. All development in Delta County is subject to the Delta County Right to Farm and Ranch Policy, adopted as Resolution 99-R-020 by the Board of County Commissioners on September 27, 1999.

3. This property is located in an agricultural area. Normal agricultural activities will continue unabated in the surrounding areas and must not be a basis for a lawsuit, except in cases of proven gross negligence.

4. Access to all shown or un-shown irrigation ditches for cleaning and maintenance purposes is permitted.

5. Colorado is an “open range “state. It is not the responsibility of a livestock owner to fence in livestock.

6. Certain Covenants and Restrictions on the property in this Subdivision and other documents have been recorded in the office of the Delta County Clerk and Recorder,
Reception No. _____.(This note required if applicable.)

7. Each lot owner shall be personally responsible to control undesirable noxious weeds within the boundaries of that lot, to prevent the spreading of such weeds to other lands and to comply with the recommendations of the Delta County Weed Management Advisory Commission concerning the control of such weeds.

8. Unless approved otherwise, all residential lots within this subdivision have been approved for one single residential use only. Any further subdivision on any lot requires the owner of said lot to apply for a subdivision of the land in compliance with the Regulations of Delta County. Any change of use to other than residential or agricultural use requires the lot owner to process the request in accordance with the Specific Development Regulation of Delta County.

9. All utilities must be placed underground on all parcels.

10. The minimum set backs in this subdivision shall be from:

Any Public Road ROW	25’
Front Property Line	25’
Side and Rear Property Lines	25’

11. Shares of irrigation water conveyed to lots at the time of plat recording may or may not be sold separately from the property and may not run with the land.

12. Any plat notes as required from Section 2.7 B of this regulation.

J. Special Notes

The Board of County Commissioners may require special notes to be placed on the final plat as a condition of approval. These notes may include but are not limited to the following:

1. The emergency and service vehicle access easement(s) or roads, if any, shown hereon shall be constructed and maintained by the lot owners and subsequent owners, heirs, successors and assigns. In the event that such construction and maintenance is not performed by said owner, Delta County shall have the right to enter said property and perform necessary work, the cost of which said owners, heirs, successors and assigns agree to pay upon billing.

2. The stormwater drainage easement(s), if any, shown hereon is (are) for the purpose of access, operation, maintenance, repair, and alteration of the stormwater quantity and quality management system/facilities included within the said easement(s). The operation, maintenance, and repair of such stormwater management system/facilities shall be the responsibility of the property owner and subsequent owners, heirs, successors and assigns.

In the event that the operation, maintenance, and repair of the stormwater management system/facilities is not performed by said owners, Delta County shall have the right to enter such easement(s) and perform the necessary work, the cost of which said owner, successor owner, heirs, successor and assigns agree to pay upon billing. Any claims and resulting judgments for damage to downstream properties caused by the lack of adequate maintenance being performed by the said property owners shall be borne solely by the said property owners. The property owner and successor owner, heirs, successor, and assigns hereby releases Delta County for any and all liability created by the lack of adequate maintenance of said stormwater management system/facilities. No buildings, fills, excavations, structures, fences or other alterations shall be constructed within a stormwater drainage easement(s) without the express written consent of the Board of County Commissioners of Delta County.

3. Construction Covenant. All Final Plats involving a Subdivision Improvements Agreement shall contain a plat note, within the dedicatory language, stating the following:

The undersigned owners, mortgagees and beneficiaries under deeds of trust, hereinafter known as dedicators, for themselves, their heirs, successors and assigns, covenant and agree with Delta County that no development, construction or improvements shall be permitted unless and until all required public improvements, as defined by the subdivision regulations of Delta County, are in place and accepted by Delta County or cash funds or other security satisfactory to the County for the improvements are provided to Delta County.

Date_____
Owner(s) _____

4. The open space, parks, and drainage facilities within this subdivision are owned by the lot owners or Homeowners Association and the operation and maintenance of those facilities are the responsibility of said owners or Homeowners Association.

5. Soils in this area may have severe limitations for septic tank systems and for certain types of construction. Septic tank systems may require engineered systems designed by a Professional Engineer registered in the State of Colorado.

6. The shares of (name of irrigation Water Company) are divided with shares being assigned to the lots as follows: (show how shares are to be assigned)

4.5 Planning Department Review

A. Upon receipt of the required final plat and supporting documentation, the Planning Department shall review the same for accuracy and compliance with the sketch plan resolution and preliminary plat approval. If the Application is complete it shall be scheduled for review by the Board of County Commissioners at the next meeting where time is available.

B. The Planning Department shall make such written comments, observations and recommendations as it deems appropriate and shall present such comments and recommendations to the Board of County Commissioners.

4.6 Board of County Commissioner Approval

The Board shall consider the final plat within thirty (30) days of receipt of the Planning Department report and approve the same if the final plat and supporting documentation meets all the requirements of this document, except those requirements waived by the Board of County Commissioners, and any special conditions placed on approval of the sketch plan or preliminary plat. The final plat shall be signed by the Chairman of the Board of County Commissioners along with all other necessary documents for the Final plat approval.

4.7 Filing of the Final Plat

Following approval of the final plat by the Board and upon receipt of the appropriate fees, the final plat shall be recorded by the Planning Department in the office of the County Clerk and Recorder together with any protective covenants, deed restrictions and other related documents.

ARTICLE III Boundary Adjustments and Agreements

Intent

The intent of this article is to distinguish between **boundary adjustments** of known boundary lines that do require review by the County Planning Department and **boundary agreements** that are provided for in the Colorado State Statutes

to establish unknown or uncertain boundary lines between parcels and therefore do not require review by the County Planning Department.

1. Boundary Adjustments

Section 1 Intent

Adjustments or revisions of established, undisputed, existing boundary lines between parcels, when such adjustments or revisions do not create additional parcels. The following statutory criteria must be met:

A. The transfer of land from one ownership to another:

1. Would be a change of the location of boundary lines between adjacent parcels, and

2. Would not create a new parcel(s), nor provide the opportunity to create a new or additional parcel for resale or developmental purposes.

3. The parcels being considered for a boundary adjustment are not part of an approved subdivision. If the lots are part of an approved subdivision see Article VII to adjust boundaries.

4. Existing boundaries must be certain and not in dispute.

B. All parties must acknowledge their agreement to permanently adjust a boundary line(s) by their signatures on the final plat for the boundary line adjustment. All signatures must be notarized.

Section 2 Submittal & Process

A. Submittal

1. Parties interested in entering into a boundary adjustment shall complete an application provided by the Planning Department and submit the application to the Planning Department with a plat from the applicant's surveyor showing the existing boundary and the proposed boundary adjustment of all affected parcels that complies with the intent of Article III Section 1.A above.

2. The application with the plat prepared by the private surveyor shall be provided to the County Surveyor for his review and confirmation that the proposed boundary adjustment will comply with State law and that no new parcels are being created. The applicant's surveyor shall

certify that no new parcels are being created as a result of the boundary adjustment.

3. The plat to be recorded shall include the signatures of the property owners, their surveyor, the mortgage company if applicable and the County Surveyor. A plat note shall be placed on the plat stating that no new parcels are being created by this boundary adjustment.

4. The property owner(s) shall provide deeds with respect to all parcels affected by the boundary adjustment and a deed for the portion of land transferred from one party to the other for the establishment of the new legal descriptions for such parcels along with the plat to the Planning Department for recording with the appropriate fees.

B. Process

All boundary adjustments shall be processed administratively by a County Planner

2. Boundary Agreements

<u>Section 1 Intent</u>

Boundary agreements between adjacent parcels shall not create any new parcels and shall be accomplished according to Section 38-44-112 C.R.S. The following statutory criteria must be met:

1. Boundary agreements between adjacent landowners are only allowed when the boundary line between parcels is unknown or uncertain.

2. All parties involved in the agreement must enter into a written agreement that the new boundary line(s) shall become certain.

<u>Section 2 Submittal & Process</u>

A. Submittal

There shall be no involvement of the County in boundary agreements and nothing shall be required to be submitted to the County for review.

B. Process

Notwithstanding the absence of County involvement, the applicant must comply with state law, particularly the provisions of Section 38-44-112, C.R.S., and as hereafter may be amended.

ARTICLE IV Planned Unit Developments (Reserved)

ARTICLE V Resource Preservation Plans

Section 1 Resource Preservation Subdivision

The Board of County Commissioners may modify the submittal requirements and processing procedures for subdivisions that meet the criteria for Resource Preservation Plans as defined in this policy.

A. Definitions

Base Density: Means one SFQ per 35 acres.

Density Bonus: Means the number of SFQs allowed, in addition to the Base Density.

Major Resource Preservation Plan: A plan which includes a minimum of 140 acres and more than three lots but in which the base density is not more than one SFQ unit per 35 acres.

Minor Resource Preservation Plan: A plan which includes a minimum of 70 acres and includes not more than two lots or a minimum of 105 acres and not more than 3 lots.

SFQ (Single Family Equivalent) Shall mean a residential or non-residential structure or use that can be served with a (¾" - 1") domestic water tap. For certain types of non-residential uses, the term SFQ shall be calculated based on average daily traffic (ADT) where one SFQ equals the amount of traffic generated by a single family residential unit as specified in the most recent edition of the Institute of Transportation Engineers report Trip Generation.

Special Consideration Resource Preservation Plan. A plan which contains less than 70 acres and not more than 3 lots.

Resource Preservation Plan. For purposes of this policy a Resource Preservation Plan shall mean a division of land which allows certain variations from the standard subdivision procedure or is an exemption from the subdivision regulations in return for the preservation of one or more Significant Natural Resources.

RPP Shall mean Resource Preservation Plan

Section 2 Criteria

A Resource Preservation Plan (RPP) shall meet the following basic criteria unless exceptions are approved by the Board of County Commissioners.

A. The proposed RPP shall meet the definition of one of the three categories (Major, Minor, Special Consideration) defined in Article IV Section1.

B. A minimum of 80% of the total land shall be preserved from further development. The restriction on further development shall be for a minimum of 20 years and shall be guaranteed by a deed restriction, development agreement or other instrument acceptable to the County Commissioners.

C. The development on the non-restricted lots shall comply with all the requirements of the County Subdivision Regulations except as modified by the Board of County Commissioners.

Section 3 Procedure

A. Applicants requesting RPP approval shall schedule a meeting with the Planning Department staff to discuss the proposed development. The staff will make a preliminary decision on whether the proposed development meets the criteria for a RPP. If the staff determines that the proposal is eligible, the applicant will be asked to prepare and submit the application as described below. In the event the staff determines that the proposal is not eligible, that determination can be appealed to the Board of County Commissioners.

B. The landowner (or agent) prepares the application which shall consist of the following:

1. A completed Application for a Land Division (3 copies)

2. A Letter of Intent which explains the landowner's development intention, including proposed uses, and which specifies how the criteria for a RPP will be met.

3. A legible Concept Plan which meets the requirements for a Subdivision Sketch.

4. Plan, drawn to an appropriate scale not smaller than 1:200 scale, showing the area(s) to be preserved and the preservation criteria labeled, i.e., agricultural land, wetlands, riparian areas, wildlife corridor and/or critical habitat, Scenic By-Way property, sensitive lands, significant open space, view corridors.

5. Proof of Ownership.

6. Required Fees. The fees for all RPPs shall be as specified for a standard subdivision.

7. Upon a staff determination that the application is complete the case will be accepted and scheduled for a regular or special Advisory Planning Committee (APC) meeting and/or Planning Commission meeting, the APC meeting to be scheduled within 60 days of the date the application is accepted.

C. The staff will notify the applicant, adjacent landowners, relevant referral agencies and the Advisory Planning Committee of the development request, and the date and time of the Advisory Planning Committee and Planning Commission meetings.

D. The applicant is required to attend the Advisory Planning Committee and Planning Commission meetings.

E. At the Advisory Planning Committee and Planning Commission meetings, the Planning Staff will make a presentation of the concept plan. The Advisory Planning Committee will make its recommendation to the Planning Commission. After public comments and Planning Commission deliberations, the Planning Commission will make its recommendations to the BOCC.

F. The BOCC meeting will be scheduled within thirty days (30) of the Planning Commission meeting unless the applicant requests more time.

G. The BOCC will hear the request for concept plan approval and may approve with or without conditions, deny or table for more information.

The County Commissioners may specify the minimum and/or maximum size of the lots to be developed and may restrict the type of uses permitted on those lots. The County Commissioners may require building envelopes to be shown on the plat.

H. For Minor and Special Consideration RPPs, if the BOCC approves the concept plan, the applicant will prepare a final plat as specified in Article II, Section 4, of these Regulations. The Plat shall be reviewed by the BOCC who may approve with or without conditions, deny for failure to meet County requirements as previously specified, or table for additional information.

I. For Major RPPs, the applicant will prepare a preliminary RPP which shall meet the requirements for a preliminary plat as specified in the subdivision regulations, including the conditions of the concept plan approval. The processing of the preliminary plat will be as specified in Article II, Section 3 of the subdivision regulations except that the Planning Commission may hear the preliminary plat at a regular or special meeting.

J. For Major RPPs the applicant shall prepare a final plat as specified in Article II, Section 4, of the Subdivision Regulations and including the conditions specified by the Board in its approval of the preliminary RPP.

K. Upon final approval of the final plat the applicant will submit the signature mylar, with any required restricted deeds, covenants and development agreements, to the Planning staff for recording. The applicant shall pay all final and recording fees at the time of mylar submittal.

Section 4 Density Calculation

For any Resource Preservation Plan the base density is one SFQ per 35 acres and the minimum period of development restriction is 20 years. The Board of County Commissioners will award a density bonus to the base density based on the following formula:

For each 10 years added to the minimum twenty year restriction period: add 1 SFQ

For each 35 acres of agricultural land preserved: add 1 SFQ

For each five acres of qualified wetlands preserved: add 1 SFQ

For each 15 acres of riparian area preserved: add 1 SFQ
For each qualified wildlife corridor preserved: add 1 SFQ

For each area of Critical Wildlife Habitat preserved: add 1 SFQ

For each 1000 feet of frontage on a Scenic By-Way preserved from development: add 1 SFQ

Section 5 Special Circumstances

In special circumstances, the Board of County Commissioners may allow one additional SFQ for preservation of scenic or other areas designated as " Significant" by the APC and Planning Commission and one additional SFQ for restricting all development on “Sensitive Lands”

Section 6 Bonus Restriction and Maximum Density

The Board of County Commissioners may disallow a bonus density credit for a particular resource when the same acreage or area has been credited with a bonus for a particular resource. The density of any Resource Preservation Plan shall not exceed one SFQ per 15 acres including base density and density bonuses.

ARTICLE VI Administrative Amendments and Administrative Replats

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Section 1 Intent and Criteria

A. The intent of this section is to provide for a procedure by which minor amendments may be made to an approved preliminary or final plat.

1. Administrative amendments refer to a change in an approved preliminary plat when no final plat has been approved.

2. Administrative replat refers to a change in an approved final plat.

B. The criteria for an administrative amendment or administrative replat are:

1. The revision involves minor lot line adjustments, minor street adjustments or minor utility easement adjustments.

2. Any involved lands are part of a previously approved plat.

3. No additional lot, parcel or building site is created.

4. The revision would not increase the impact on County roads and other County services or on the services provided by other service agencies.

5. The lot or parcel areas or frontage shall not be reduced by more than 10% or to less than the minimum required by this Regulation or

requirements of any Special Planning District. Changes greater than 10% shall require notification of adjacent properties as outlined in Article II Section 2.4 of this regulation.

6. The revisions do not conflict with any other resolutions, regulations, codes or rules of law of Delta County or the State of Colorado.

7. The revision may correct minor errors on the final plat including, but not limited to:

A. Typographical and spelling errors or transpositions, incorrect seal, incorrect dates, monumentation incorrectly noted or drawn. Incorrect or missing interior bearing(s) and/or dimension(s) on the drawing, missing or incorrectly displayed arrows or symbols.

B. Street name changes

C. Title of plat already in use

D. Other items of similar minor nature, or corrections that would not significantly affect the public health, safety and welfare.

Section 2 Submittal Requirements

The Applicant shall submit:

A. An Application for Division of Land with all required information and signatures.

B. A Letter of Intent explaining the reasons for the administrative amendment or replat.

C. Payment of fees in the amount established by Resolution by the Board of County Commissioners.

D. A copy of the approved final plat (administrative replat) or approved preliminary plat (administrative amendment).

E. Five 24"x36" copies of the proposed plat map, and five copies of a 11" X 17" reduction of the same map, both of which shall be in the format and contain all the information required on an original final plat (for administrative replats) or original preliminary plat (for administrative amendments), except that:

1. Where lot line changes are proposed the plat map shall show the original lot lines and lot numbers by dotted lines and the revised (new) lot lines, sizes and numbers with solid lines.

2. Where revised road alignments are proposed the plat map shall show the original alignment in dotted lines and the revised alignment in solid lines.

3. Where changes in plat notes, legal descriptions, certifications or other narrative information are proposed, the plat map shall contain the original language with a strikethrough followed by the revised language in regular type.

Section 3 Procedures

Procedures, process, review, and approval procedures shall be as specified for a final plat in Section 4, Final Plat of Article II.

ARTICLE VII Resubdivisions

Resubdivisions

A resubdivision refers to a lot within an approved subdivision that is being further subdivided. The procedure for a resubdivision shall be the same as for a new subdivision.

ARTICLE VIII Variances

Section 1 Intent

The Board of County Commissioners, or its designee, may grant a variance from one or more of the design or construction standards of this regulation. A variance request can be presented prior to the submittal of the preliminary plat or final plat application or as part of the plat submittal. A variance request must meet all of the following criteria:

A. There are unique physical characteristics of the site such that compliance with the standards of this regulation would create an undue hardship on the property owner.

B. The hardship is not a result of actions of the applicant or property owner.
C. The granting of the variance would not adversely affect adjacent or neighboring residents or property owners.

D. There is no reasonable relief, other than a variance, that would allow the property owner to comply with the provisions of this regulation.

Section 2 Submittal

An application for a variance shall be made by submitting a Letter of Intent and the required fees to the County Planning Department.

Section 3 Notification

Notice that a variance has been recommended by the Staff shall be placed on the agenda of a Board of County Commissioners regular meeting. Unless the Board takes a specific action, the variance shall be deemed approved.

Section 4 Procedure

The procedure for a variance request is as specified below:

A. A Variance may be recommended by the Planning Department upon finding that the particular requirements are not necessary for consideration of the subdivision approval request, the variance is minor in nature and a denial of the variance would not significantly affect the processing of the plat.

B. The preliminary or final plat application which includes a variance request shall not be approved by the Board of County Commissioners until all variance requests have been either approved or denied. If the variance request is complete it will be scheduled for consideration and action by the Board of County Commissioners. The applicant has the option of proceeding with the plat to the Board of County Commissioners and asking for action on the variance when the County Board reviews the plat. However, the scheduling of the plat and variance request to be heard concurrently does not imply approval of the variance.

Section 5 Action by The Board of County Commissioners

The Board of County Commissioners may take one of the following actions:

A. Approve the variance with or without conditions.

B. Deny the variance on the grounds that the request does not meet the criteria for approval.

C. Table the request for reasons specified.

ARTICLE IX Waivers

Section 1 Intent

The Board of County Commissioners, or its designee, may grant a waiver from one or more of the submittal or processing requirements of this Resolution. A waiver request can be presented prior to the submittal of the preliminary plat or final plat application or as part of the plat submittal.

Section 2 Submittal

An application for a waiver shall be made by submitting a Letter of Intent and the required fees to the County Planning Department.

Section 3 Notification

Notice that a waiver has been recommended by the Staff shall be placed on the agenda of a Board of County Commissioners regular meeting. Unless the Board takes a specific action, the waiver shall be deemed approved.

Section 4 Procedure

The procedure for a waiver request is as specified below:

A. A waiver may be recommended by the Planning Department upon finding that the particular requirements are not necessary for consideration of the subdivision approval request, the waiver is minor in nature and a denial of the waiver would not significantly affect the processing of the plat.

B. The preliminary or final plat which includes a waiver request shall not be approved by the Board of County Commissioners until all waivers have been either approved or denied. If the waiver request is complete, it will be scheduled for consideration by the Board of County Commissioners. The applicant has the option of proceeding with the plat to the Board of County Commissioners and asking for action on the waiver when the Board reviews the plat. The scheduling of the plat and waiver concurrently does not imply approval of the waiver.

Section 5 Action by the Board of County Commissioners

The Board of County Commissioners may take one of the following actions:

A. Approve the waiver with or without conditions. A waiver shall be based on a finding by the Board of County Commissioners that the particular requirements are not necessary for consideration of the subdivision approval request, the waiver is minor in nature and a denial of the waiver would not significantly affect the processing of the plat.

B. Deny the waiver on the grounds that the request is not justified based on the findings in Section A above.

C. Table the request for reasons specified.

ARTICLE X Vacations

Vacations of Roads, Streets, Rights-of-Way, Easements, or a Subdivision

Section 1 Intent

- The Board of County Commissioners may vacate a portion or all of a recorded subdivision

- The Board of County Commissioners may vacate a public road, street, right of way, alley, lane, parkway, avenue, trail or other public way, dedicated, conveyed by deed or recorded easement, or acquired by prescriptive use, collectively referred to as “Public Way”, whether or not it has ever been used as such.

Section 2 Submittals

A. Subdivision Vacations

1. An application for a vacation explaining the reasons for the request shall be made by submitting a Letter of Intent and the required fees to the County Planning Department.

2. A Vacation of all or a portion of a Final Plat shall be submitted with a petition signed by not less than 50% of the owners of the lots as shown on the final plat and 100% of the owners of the lots to be vacated.

B. Road, Street, Rights-of-Way, or Easement Vacations

1. Five copies of a Letter of Intent. The letter should include information which indicates whether any public moneys have been spent on any portion of the public way and certify that no property will be left without proper access due to this vacation.

2. Five copies of an 8½ “X 11” or 11” X 17” map illustrating the following factors:

A. The public way which is proposed to be (all or partially) vacated, including all necessary dimensions including the total right of way.

B. Cross-hatch or otherwise illustrate the portion of public way to be vacated.

C. The names and addresses of all the owners of property which abuts the public way.

D. The name mailing address and telephone number of the applicants.

E. Title the map "A vacation of (name or description)" and include on, or attach to the map, a legal description of the portion of the public way to be vacated.

Section 3 Notification

A. Subdivision Vacations

1. The request shall be placed on the agenda for the Board of County Commissioners.

B. Road, Street, Rights-of-Way, or Easement Vacations

1. The Planning Department shall, by certified mail, notify all owners of record of property that abuts the public way. The letter shall state that a request for vacation has been submitted and shall state the date, time and location of the Public Hearing.

Section 4 Procedure and Process

A. Subdivision Vacations

1. Upon determining that the petition for vacation of all or part of a final plat is complete, the Planning Department shall schedule and process the request as specified in Article II, Section10, Resubdivisions or Section 11, Administrative Resubdivisions.

B. Road, Street, Rights-of-Way, or Easement Vacations

1. Upon determining that the petition for vacation of all or part of a public way is complete, the Planning Department shall schedule the request for a Public Hearing by the Board of County Commissioners.

Section 5 Action by the Board of County Commissioners

After hearing testimony in the Public Hearing, the Board of County Commissioners shall take one of the following actions:

A. Approve the vacation with or without conditions.

B. Deny the vacation.

C. Table the request to a date certain.

Section 6 Recording the Vacation

If the Board of County Commissioners approves the vacation, the Planning Department shall record the Vacation Plat and Resolution of Approval in the office of the Delta County Clerk and Recorder.

ARTICLE XI Appeals

Section 1 Appeals of Administrative Decisions or Interpretations

A decision or interpretation by any administrative official of the County can be appealed to the Board of County Commissioners. The person appealing shall submit a Letter of Appeal to the County Attorney within 30 days of the administrative decision or interpretation, the County Attorney, upon the determination that the person appealing has standing, shall schedule the appeal to be heard by the Board of County Commissioners.

Section 2 Requests for Reconsideration of a Decision of the Board of County Commissioners (Including Removal or Rescission of Development Restrictions)

Pursuant to Resolution 2005-R-028 any property owner may submit a written request for reconsideration of a decision of the Board of County Commissioners to the County Planner. Except for requests to remove a 20-year restriction against further development on lots previously approved under the subdivision process such requests must be submitted within six months of a decision which the property owner is seeking to be reconsidered. The County Planner shall consult with County Attorney, and upon determination that the person requesting reconsideration has standing, the County Planner shall schedule the request to be heard by the Board of County Commissioners.

Any request for the removal or rescission of a 20-year restriction against further development shall be considered by the Board pursuant to a policy adopted by the Board establishing standards under which that request will be reviewed.

Section 3 Other Appeals

Appeals not specified in this regulation shall be governed by Colorado law.

ARTICLE XII Exemptions

Section 1 Criteria

There shall be exempt from the platting requirements of this regulation the following divisions of land or interests in land unless the creation of such divisions or interests are for the purpose of evading the terms of this regulation:

A. Statutory Exemptions

With the exception of item E below, there is no County process for the following exemptions:

1. A division which creates parcels of land which contain 35 acres or more, unless the parcel to be divided is part of a subdivision.

2. 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 interests shall be deemed for purposes of this regulation as only one interest. Partition of such interest shall be subject to the platting requirements of this regulation unless otherwise exempted in this section.

3. A division created by the foreclosure of a mortgage or deed of trust.

4. A division for purposes of creating cemetery lots.

5. A revision of the boundaries of any properties as specified in Section 5, Boundary Adjustments

6. Any division of land ordered by a court of competent jurisdiction.

B. Subdivision Exemptions

The Board of County Commissioners may exempt from the platting requirements of this regulation a division of land, with appropriate conditions or otherwise, if the Board finds and determines that application of this regulation to such division would not serve the purposes hereof.

Section 2 Procedure

A. A request for a local subdivision exemption shall be made by submitting as application for division of land, a survey of the property to be exempted and a letter of intent to the Planning Department.
B. The Planning Staff, upon determination that the request for an exemption is complete, shall schedule the exemption request to be heard by the Board of County Commissioners.