

## 2.1 Review Process

All subdivisions and certain subdivision exemptions must be reviewed and approved in accordance with the review process and standards set forth in this section. The following chart establishes the required review steps applicable to different types of subdivisions and subdivision exemptions. Applicants should refer to the chart to determine which one (1) or more "APPROVAL REQUESTED" under the left-hand column of the chart applies to their proposed subdivision. The required stages of review for each approval are shown on the lines to the right. Submittal requirements and the specific review process for each stage are set out in detail in the balance of these Regulations under the appropriate headings. The applicant is required to attend in person or by authorized representative all meetings and hearings at which the project is considered, unless otherwise notified by the Planning Department. No subdivision may be undertaken except in accordance with and pursuant to the appropriate approvals listed in the Review Process Chart.

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**Section 2 ADMINISTRATION**

**2.1.1 Review Process Chart**

Requirements for all applications prior to processing:			Key			
<ul style="list-style-type: none"> <li>• Pre-Application meeting with a staff planner to review approval process and submittal requirements.</li> <li>• Submittal of a complete application (application completeness to be determined by Planning Director)</li> <li>• Payment of all required fees</li> </ul>			PC – Planning Commission		Director – Planning Director	
			BCC – Board of County Commissioners		ROW – Public Right of Way	
Approval Requested	Notice Requirements	Approval Authority	Required Public Meeting and/or Public Hearing	Appeals (Section 2.1.7)	Final Documentation	Notes
Plat Correction	Per Section 2.2	Director	N/A	PC then BCC	Record Plat	Planning Director may refer application to PC or BCC for a final decision
Lot Line Adjustment	Per Section 2.2	Director	N/A	PC then BCC	Record Plat	Planning Director may refer application to PC or BCC for a final decision
Consolidation Plat	Per Section 2.2	Director	N/A	PC then BCC	Record Plat	Planning Director may refer application to PC or BCC for a final decision
Pre-Application Conference**	Per Section 2.2	N/A	PC and/or BCC	N/A	N/A	
Division of Land - Public Purposes	Per Section 2.2	Director	N/A	PC then BCC	Record Plat	Planning Director may refer application to PC or BCC for a final decision
Road Review Exempt Subdivision	N/A	BCC	PC (Consent Agenda) and BCC	District Court	Record Plat	See Section 2.1.3 J for consent agenda process
Vacate Plat, Platted ROW or Public Utility Easement*	Per Section 2.2	BCC	PC and BCC	District Court	Record Resolution	Also applies to a Dedication of a ROW or Public utility Easement
Vacate Unplatted ROW*	Per Section 2.2	BCC	BCC	District Court	Record Resolution	Also applies to a Dedication of a ROW
LPS – Minor	Per Section 2.2	BCC	BCC	District Court	Record Plat & Agreement	Planning Director makes recommendation to BCC
LPS – Major and Non-Contiguous Parcel	Per Section 2.2	BCC	PC (Consent Agenda) and BCC	District Court	Record Plat & Agreement	Planning Director makes recommendation to PC.
LPS – Admin Amendment	Per Section 2.2	Director	Director	PC then BCC	Record Plat	Planning Director may refer application to PC or BCC for a final decision
Sketch Subdivision	Per Section 2.2	BCC	PC and BCC	District Court	N/A	
Preliminary Subdivision	Per Section 2.2	BCC	PC and BCC	District Court	N/A	
Final Subdivision	Per Section 2.2	Director	N/A	PC then BCC	Record Plat	Planning Director may refer application to PC or BCC for a final decision
Development Agreement	N/A	BCC	N/A	District Court	Record Agreement	

- Proposals to be reviewed by PC and BCC will be scheduled on the first open agenda for which all notification requirements can be met.
- The Planning Director, PC, or BCC may delay the review of any proposal if additional information is required to determine if all applicable Zoning & Subdivision Standards can be met.
- Planning Director may authorize the Sketch, Preliminary, and/or Final steps of a Major Subdivision to be reviewed concurrently for subdivisions that will create 5 or fewer lots, or that result in an overall reduction in the number of Buildable Lots and such may be reviewed by the PC and BCC on their Consent Agendas.
- Unless noted otherwise in Section 2 all proposals must comply with all applicable Standards of Sections 2, 3, 4, and 5 and 7 of these Regulations to be approved.
- Conditions may be placed on any Approval if they are deemed necessary to ensure compliance with the applicable Standards of these Regulations.
- All Plats must be signed by the Chair of the BCC prior to recording.
- \* Vacation of ROW or Public Utility Easement heard in concert with a subdivision plat that results in an overall reduction in the number of Buildable Lots may be heard on the PC's and BCC's Consent Agenda.
- \*\* At the request of the Applicant or discretion of the Planning Director, a Pre-Application Conference may be held for the purpose of establishing general guidelines and eliciting feedback regarding specific questions or problem areas related to a proposed development. The Pre-Application Conference is intended to provide the Applicant with general guidance prior to the expenditure of large amounts of time and money in the planning effort. A Pre-Application Conference is non-binding and advisory only.

**2.1.2 Application Fees**

To help defray the costs of processing and administering these Regulations, Application Fees shall be paid to Routt County by applicants at the time of filing the application in an amount as noted in the Fee Schedule – Appendix B attached to the Routt County Zoning Regulations.

**2.1.3 Pre-Application Meeting with a Staff Planner**

Prior to any application subject to these regulations, the applicant shall meet with a staff planner. At the meeting the staff planner will work with the applicant to determine the appropriate process for the project. In addition the staff planner will provide a preliminary list of submittal requirements.

**2.1.4 Pre-Application Conference**

At the discretion of the Planning Director, or the request of an applicant, a pre-application conference may be held with the Planning Commission and/or Board of County Commissioners for the purpose of establishing general guidelines and eliciting feedback from the members of the Planning Commission and/or Board of County Commissioners regarding specific questions or problem areas related to a proposed development. The pre-application conference is intended to provide the applicant with general guidance prior to the expenditure of large amounts of time and money in the planning effort. A pre-application conference is non-binding and advisory only.

**2.1.5 Procedure**

- A. Application shall be electronically submitted to the Planning Department along with such evidence as may be necessary to demonstrate compliance with the conditions and requirements set forth for the particular Approval Requested according to these Regulations.
- B. The Planning Director shall review the application and accompanying evidence and thereafter determine if the application is complete in accordance with the submittal checklists maintained by the Planning Director and all fees have been paid. The Planning Director may waive certain submittal requirements deemed unnecessary.
- C. Once an application has been deemed complete by the Planning Director it will be distributed to all applicable reviewers. The review of any proposal may be delayed if additional information and/or studies are required to determine if all applicable Regulations can be met. If, in the opinion of the Planning Director, a submittal at any stage of review is incomplete, the matter shall be removed from the agenda and not further processed until deemed complete.
- D. Upon application, or at any stage of review of any subdivision, the Planning Director, Planning Commission, or Board, may require at the applicant's expense the submission or completion of any plan, study, survey or other information, in addition to that specified in these Regulations, as such body or individual may determine necessary to enable it to review and act upon the application or in order to determine whether the application complies with the requirements of these Regulations.
- E. Approval authority and review process for each type of approval are as noted in the Review Process Chart (Section 2.1.1). Approvals may be granted by

the designated Approval Authority provided all applicable requirements of the Routt County Zoning and Subdivision Regulations have been met.

- F. For approvals that require a Public Meeting or Public Hearing, once all internal reviews have been completed, the Planning Director shall schedule the application for review on the next open agenda (Planning Commission or Board as applicable) consistent with the notice requirements set forth herein. Land Preservation Subdivision Exemption applications shall be given priority in scheduling.
- G. A resubmittal of the same application under these Regulations or one which, in the judgment of the Planning Director is substantially the same as a prior application or one that has been denied or conditionally approved, shall not be accepted within one (1) year of the denial or conditional approval of the first application. The determination of the Planning Director that an application is substantially the same as a prior application and, therefore, pursuant to this provision, may not be accepted shall be communicated to the applicant electronically and may be appealed utilizing the appeal process detailed in Section 2.1.4 of these regulations.
- H. Land Preservation Subdivision and Road Review Exempt Subdivision approvals that are reviewed by Planning Commission as Consent Agenda items shall be voted on without discussion unless one of the following occurs:
  - 1) The applicant or a member of the public files a written notice of objection pertaining to the application of the Design Standards by the Planning Director. Any such objection shall include a statement of the basis for such objection, and shall be submitted at least seventy-two (72) hours before the day on which the application has been set for handling as a Consent Agenda item. (The failure of the applicant or any other member of the public to submit a written notice of objection and statement within the specified time period shall be a basis for disregarding such objection by the Planning Commission.) OR
  - 2) Prior to the matter being approved on the Consent Agenda, the Planning Commission, by a majority vote, requires the matter to be fully reviewed identifying the specific Design Standards to be discussed.

The Planning Commission's review, if any, hereunder shall be limited to a determination as to whether the Planning Director has properly applied these Regulations and the Design Standards set forth in Sections 2 and 5.

#### **2.1.6 Scope of Conditions**

The approval authority, as noted in the Review Process Chart (Section 2.2.1), in granting any approval, may place any condition, restriction or limitation, and further condition any such approval to ensure compliance with the applicable standards of these Regulations and the Zoning Regulations.

#### **2.1.7 Appeals**

- A. The Board of County Commissioners (BCC) or any individual member of the BCC, Planning Commission (PC) or any individual member of the PC, applicant or any adjacent property owner who would have been entitled to receive notice of the original permit application, pursuant to Section 2.2.4 may appeal the decision of Planning Staff, Planning Director, Planning

Commission, or BCC, to the next stage of review. In general the stages of review occur in the following order: Planning Staff, Planning Director, Planning Commission, BCC. Exceptions are noted in the Review Process Chart, Section 2.2.1 of these Regulations. In the event the review stage is before the BCC, the application may not be further processed following a decision, and any appeal or review of such decision should be as provided by law.

- B. Any appeal must be electronically filed with the Planning Director in writing within five (5) working days of the decision. The appeal shall be filed on forms prescribed by the Planning Department.
- C. Any appeal considered by an individual member of the PC or BCC will be scheduled by the Planning Director at the next regularly scheduled Public Hearing for that individual's respective commission for consideration of formally furthering the appeal. If a commission quorum approves the furtherance of the appeal or if the appeal was initiated by the applicant or adjacent property owner, then the appeal shall be scheduled for a Public Hearing at the next available agenda to the next stage of review for which the minimum public notice requirements of Section 2.2.4 can be met. Appeals considered by the Planning Director shall be processed within five business days, unless additional information is required.
- D. Upon hearing the appeal PC or the BCC (as applicable) may uphold or reverse the decision, and may add, eliminate, or modify conditions of approval.

#### **2.1.8 Signatures on Plats**

The chair of the Board is authorized to sign all plat documents which have received the appropriate final or ultimate approval, whether administrative, given by the Planning Commission, or by the Board itself.

#### **2.1.9 Plat Recordation**

Following final approval of any Plat Correction, Lot Line Adjustment, Consolidation Plat, Division of Land for Public Purposes, Road Review Exemption Subdivision, Minor or Major Land Preservation Subdivision, or Final Subdivision, the applicant shall file the approved plat meeting the standards in Appendix B in the office of the County Clerk and Recorder within one year of approval, or as specified in a motion of the Board, or in any subsequent motion by the Board extending such time; otherwise the approval shall be deemed to have been revoked. The Planning Director may authorize technical corrections or clarifications to any plat approval so long as the corrections or clarifications do not alter the scope or extent of the approval. The final plat shall meet the applicable standards as detailed in Appendix B.

#### **2.1.10 Withdrawal of Approval**

The Board may withdraw any recommendation of the Planning Commission or approval by the Board of a plan or plat if and when it is determined that information provided by the applicant is false or inaccurate.

#### **2.1.11 Expiration of Approval (Major Subdivision)**

Sketch and Preliminary Subdivision Plan approval shall be effective for a maximum period of twelve (12) months, unless an extension is requested by the applicant. Extensions are allowed under one of the following:

- A. Administrative approval by the Planning Director; or
- B. Whenever a final plat is submitted for less than the entire area covered by the Preliminary Subdivision Plan, approval of the Preliminary Subdivision Plan for the remaining unplatted area shall be extended for an additional twelve (12) months. The total allowable extension under this method shall not exceed (36) months.

### **2.1.12 Vested Property Rights**

Pursuant to CRS 24-68-101, et seq, the following types of approvals, and only those types, shall be site specific development plan approvals which will result in the vesting of property rights:

- A. Approval of a Plat Correction pursuant to Sections 2.1 and 2.3 of the Routt County Subdivision Regulations
- B. Approval of a Lot Line Adjustment pursuant to Sections 2.1 and 2.4 of the Routt County Subdivision Regulations
- C. Approval of a Consolidation Plat pursuant to Sections 2.1 and 2.5 of the Routt County Subdivision Regulations
- D. Approval of a Division of Land for Public Purposes pursuant to Sections 2.1 and 2.7 of the Routt County Subdivision Regulations
- E. Approval of a Minor Land Preservation Subdivision Exemption pursuant to Sections 2.1 and 2.9 of the Routt County Subdivision Regulations
- F. Approval of a Major Land Preservation Subdivision Exemption pursuant to Sections 2.1 and 2.10 of the Routt County Subdivision Regulations
- G. Approval of a Final Subdivision Plat pursuant to Sections 2.1 and 2.15 of the Routt County Subdivision Regulations
- H. Any approval for which the vesting of rights is provided in a development agreement which specifically provides for the vesting of property rights

Approval of divisions of land pursuant to of a Sketch or Preliminary Subdivision Plan shall not constitute the approval of a Final Subdivision Plat, and no vested right shall be created by or attach to such approvals. In the event an applicant wishes such Sketch or Preliminary Subdivision Plan approval to have the effect of creating a vested property under CRS 24-68-101, et seq., the applicant must so request, in writing, as a part of the application for such approval.

## **2.2 Public Notices**

### **2.2.1 Applicability Generally**

The requirements of this section apply to those application types and as shown on the Review Process Chart, Section 2.1.1. Where that chart indicates that a Public Meeting (in contrast to a Public Hearing) is required, this section does not apply, and notice of such meeting is subject only to the requirements of the Colorado Open Meetings Law, C.R.S. § 24-6-401, et seq.

### **2.2.2 Types of Notice**

The following types of notice shall be used, in accordance with the Review Process Chart, to notify the public of applications submitted to the County for review and decision:

- A. Publication in a newspaper of general circulation.

- B. Mail to adjacent property owners.
- C. Posting a sign on the property.
- D. Certified mail to mineral rights owners, if applicable.

### 2.2.3 Content of Notices

Whenever notice is required by these regulations, the notice shall include the following information:

- A. Name of the project and a brief summary of the requested action and type of application; and
- B. General description of the location of the subject property; and
- C. Name of the applicant; and
- D. Contact information for the Planning Department; and
- E. A statement of how the application can be accessed by the public; and
- F. The time, date, and location of any public hearings, if applicable, or the final decision date; and
- G. Address where written comments may be sent.

### 2.2.4 Notice Procedure

#### A. Published Notice

The Planning Director shall cause to be published in the legal section of a newspaper of general circulation within the County a notice of public hearing or final decision.

#### B. Posted Notice

- 1) The Planning Director shall cause to be prepared, and the applicant shall post signs upon the parcel under consideration for a minimum of ten consecutive days prior to the public hearing or final decision date.
- 2) The signs shall be of a size and form prescribed by the County and shall consist of at least one sign facing, and reasonably visible and legible from, an adjacent public right-of-way. If there is no location on the property that is conspicuously and readily visible from a public right-of-way, the Planning Director may approve an alternative location. In all situations, the sign shall be posted where the greatest number of public will have a reasonable opportunity to view the sign.
- 3) For projects that include more than one lot, more than one street frontage, or property greater than one acre, the Planning Director may require additional signs to be posted.
- 4) The fact that a parcel was not continuously posted the full period shall not, at the sole discretion of the hearing authority, constitute grounds for continuance where the applicant can show that a good faith effort to meet this posting requirement was made. The applicant shall complete and submit the proof of posting form provided by the Planning Department, and on file at the Planning Department.

#### C. Mailed Notice

- 1) The Planning Director shall send a letter by first class U.S. Mail to owners of property whose land is contiguous, as defined in these regulations, to the subject property. Addresses will be obtained from the Routt County Assessor's records.
- 2) The letter shall be sent no later than 14 days prior to the public hearing or final decision date.
- 3) Failure of a property owner to receive a mailed notice will not necessitate the delay of a hearing and shall not be regarded as constituting inadequate notice.

**2.2.5 Public Notice Time Requirements**

Unless otherwise provided in these Regulations, public notice time requirements include the day the notice is posted, appears in the newspaper, is mailed, and shall also include the day of the public hearing.

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