

**SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations**

DEVELOPMENT CODE REVISIONS CHAPTER 8			
CASE #	RESO #	SECTION / DESCRIPTION	DATE
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95-22	95-70	8350, 8450	07/10/95
97-134	97-132	8108.01C.6, 8401.03, 8401.05, 8402, 8404.03, 8404.04, 8405, 8454	11/11/97
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99-83	99-100	8001, 8109, 8253, 8254, 8304, 8400	08/23/99
99-74	99-166	8151	12/20/99
99-242	00-17	8453.02, 8453.03, 8453.04	02/28/00
01-133	01-127	8001, 8004, 8254.05, 8304.03, 8404.03, 8420, 8453.02,	10/22/01
03-053	03-75	8107.02, 8107.03	08/11/03
04-077	07-44	Comprehensive amendments to Code – All Chapters	5/22/07
08-071	08-58	Chapter 8 (Section 8805 and Table 8-1). Payment of ad valorem taxes prior to plat recordation and required certifications for subdivision plats.	8/12/08
08-032	08-65	Chapter 8 (8424 and 8600). Local Resident Housing—Amendments to address affordable workforce housing, accessory apartment and on-site employee housing regulations.	09/09/08
09-057	09-061	8004 A & B (applicability of master plans and TDRs)	11/10/09
09-097	10-07	8104.01.F, 8108.01, 8601	1/26/10

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8000: GENERAL PROVISIONS

8001: Purpose and Intent

This chapter establishes regulations for the subdivision of land to assure that lots created and uses developed have an adequate water supply, means of sewage disposal, utilities and have access to the public street system. The Subdivision Regulations also include standards for subdivision design including the design of streets, storm drainage, water and sewage disposal systems, installation of utilities and a requirement that the subdivider provide a financial guarantee for the construction of all necessary improvements. The purpose and intent of this chapter is to safeguard the public health, safety and welfare, to encourage well-planned, stable neighborhoods and to protect the County's natural environment by:

- A. Ensuring certain subdivision proposals are in general conformance with the goals, policies/actions and other provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
- B. Preventing development of areas subject to flood, geologic hazard, wildfire, radiation, noise and air pollution or other environmental hazards unless such hazards can be mitigated.
- C. Encouraging subdivision design that protects wildlife habitat, wetlands, native vegetation, existing landforms and the County's historical, archeological and paleontological resources.
- D. Assuring land intended for development is suited for the proposed uses.
- E. Coordinating the design and construction of street and utility systems.
- F. Requiring the cost of improvements necessary for the development of a proposed subdivision and of benefit to its eventual residents be paid by the proponent of such development.
- G. Making adequate provision for development of schools and recreational facilities necessary to serve the needs of Summit County's population.
- H. Assuring land is not subdivided unless the necessary services and facilities to support such development are available.
- I. Establishing an adequate and uniform system of monumentation of subdivisions to facilitate preparation of accurate legal descriptions and conveyance of property.
- J. Assuring that new subdivision names are sufficiently different from existing names to avoid confusion in the delivery of emergency and other services.

8002: Applicability

8002.01: General

- A. **Application:** These Subdivision Regulations apply to the following situations:
 - 1. Any division of land into two (2) or more parcels, separate interests or interests in common except a division:
 - a. Where each of the parcels created comprises 35 or more acres of land and none of the parcels are intended for multiple owners;
 - b. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interest;
 - c. Which could be created by any court in Colorado by using the law of eminent domain, by operation of law or by order of any court in Colorado if the Board of County Commissioners ("BOCC") is given timely notice of such pending action and given opportunity to raise the issue of whether or not the division evades subdivision requirements prior to the court taking action and the BOCC does not do so within 20 calendar days;
 - d. Which is created by a lien, mortgage, deed of trust or any other security instrument;
 - e. Which is created by a security or unit of interest in any investment trust regulated under the laws of Colorado or any other interest in an investment entity;
 - f. Which creates cemetery lots;

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- g. Which creates an interest in oil, gas, minerals or water which is severed from the surface ownership of real property;
 - h. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be considered one (1) interest for purposes of subdivision regulation;
 - i. Which is created by a combination of contiguous parcels of land into one (1) larger parcel. If the resulting parcel is less than 35 acres, only one (1) interest in said parcel shall be allowed. If the resulting parcel is greater than 35 acres, such acreage divided by the number of interests, must result in 35 or more acres per interest (Easements and rights-of-way shall not be considered in making these calculations);
 - j. Which creates a rural land use subdivision pursuant to Section 8420 et seq, which was created based on the provisions of Colorado Revised Statutes (“C.R.S.”) § 30-28-401-404; or
 - k. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide the land being purchased.
2. Any parcel of land which when previously subdivided was accompanied by a filing that complied with these regulations with substantially the same density.
- B. Applicability of Subdivision Regulations to Site Plan Reviews:** The following Subdivision Regulations shall also apply to site plan reviews: Drainage, Section 8102 et seq.; Fire Protection, Section 8103 et seq.; Streets and Roads, Section 8106 et seq.; Trails, Section 8107 et seq.; Water, Sewage Disposal and Utilities, Section 8108 et seq.; and, Subdivision Naming Conventions, Section 8109 et seq.

8002.02: Allowances for Exemptions

The BOCC may exempt any division of land from these regulations if it determines that such division is not within the purpose of the Subdivision Regulations. Exemptions are defined further in Section 8400 et seq. along with regulations for their review.

8003: Authority

This chapter is adopted pursuant to C.R.S. § 30-28-133 et seq.

8004: Conformance with Master Plans and the Requirements of this Code

- A. **General Conformance with Applicable Master Plans:** A proposed (1) preliminary or final plat, (2) lot split on wells subdivision exemption, (3) general subdivision exemption, (4) rural land use subdivision or (5) lot line vacation/adjustment subdivision exemption shall be designed to be in general conformance with the goals, policies/actions and other provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans. The determination of general conformance with such plans shall be determined in accordance with the standards for such a determination set forth in Chapter 2 of this Code.
- B. **Subdivision and Density:** In determining if a proposed subdivision subject to this requirement is in general conformance with an applicable master plan, the Review Authority shall consider the use and density provisions outlined in the underlying zoning to be the ceiling setting the maximum allowable density on any parcel in light of parcel size and zoning dictates. Notwithstanding the foregoing, it is expressly understood that the application of master plan provisions during subdivision review, as well as subdivision regulations and other sections of this Code, may limit and affect the type and density of land uses that may be located on the property below the maximum density set by zoning.
- C. **Other Applicable Code Requirements:** Subdivisions shall be designed and constructed to meet the applicable provisions of this Code.

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8100: DESIGN CRITERIA AND REQUIRED IMPROVEMENTS

8101: Overall Design Criteria

8101.01: Protection of the Natural Environment

- A. **Protect and Preserve Distinctive Natural Features:** To the extent practicable, subdivisions shall be designed to protect and preserve distinctive natural features, such as but not limited to rock outcrops, ridgelines, steep slopes, perennial streams and wetlands areas. When practicable, such areas shall be left in their natural state and protected by either the use of disturbance envelopes as required by Section 8104.01.E, the establishment of open space lots where development is prohibited or some other protective measures acceptable to the Review Authority. Where it is not practicable to protect and preserve distinctive natural features or if such features do not present significant characteristics that merit preservation, the impacts to such areas shall be mitigated to the satisfaction of the BOCC.
- B. **Designing Subdivisions to Fit the Topography of the Land:** Subdivisions shall be designed so that the layout of lots, the placement of building envelopes, the alignment of roads, trails, driveways, walkways, and all other subdivision features shall utilize a design philosophy that generally reflects the existing natural topographic contours of the property, and which further achieves the design criteria within section 8100 of this Code.

8101.02: Areas Subject to Environmental Hazard

Lots proposed for development and access roads to such development shall avoid areas subject to avalanches, landslides, rockfalls, mudflows, unstable slopes, floodplains or other areas subject to environmental constraints unless these hazards are mitigated or eliminated to the satisfaction of the BOCC. If hazards cannot be mitigated or eliminated to the satisfaction of the BOCC, then affected areas shall be placed in lots where development is prohibited or other appropriate protection measures shall be taken as determined acceptable to the BOCC.

8102: Drainage

8102.01: Design Criteria

- A. **Rate of Runoff:** Runoff from a project site after construction shall not exceed the level of runoff which occurred prior to construction. The entire drainage area upstream from a project site, up to a maximum of 200 acres, shall be considered when determining runoff quantities whether or not this area is part of the project site. The following methods may be used for estimating peak runoff flows:
 - 1. Runoff from stream flow records.
 - 2. Tabular Method as per Technical Release TR-55 from the Engineering Division of the United States Department of Agriculture (“USDA”).
 - 3. HEC-RAS 3.1.3 Computer Program from the United States Army Corps of Engineers (“USACE”).
 - 4. Guidelines for Estimating Flood Characteristics from the Colorado Water Conservation Board (“CWCB”).
 - 5. The Rational Method, with all runoff calculations and designs to be done by a licensed engineer.
- B. **Design of Drainage Improvements:** Drainage improvements shall be designed and constructed in accordance with the standards in this section and in Chapters 5 and 7 herein. In addition, the following design requirements shall be met:
 - 1. **Method of Detention:** The methods noted below may be used for controlling excess runoff from project sites. In all cases, provisions shall be made to handle routine maintenance and silt buildup.
 - 2. **Detention and Retention:** Detention systems shall be designed to store the difference between the developed volume and the historic volume of runoff during the 25-year event. Discharge from the detention system will be at 25-year historic rates. Retention systems will be designed to store the entire 25-year 24-hour event from the developed site.
 - 3. **Gravel Trenches:** Gravel trenches shall be designed to store the entire volume in excess of historic rates of runoff and to allow this runoff to percolate into the soil. In designing gravel trenches, the assumption

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shall be made that gravel has 20 percent (%) porosity. The percolation rate of the soil shall not be slower than 60 minutes per inch.

4. **Other Methods:** Other methods for handling runoff may be used with approval of the County Engineer.
- C. **Design of Ditches:** Drainage ditches shall have a minimum slope of three-quarters of one percent (0.75%). Energy dissipaters or retention ponds shall be installed in drainage ditches where flows are anticipated in excess of five (5) feet/second. Ditches adjacent to roads shall have a maximum side slope of three to one (3:1) on the inside and outside edges, except where there is a cut slope on the outside edge, the outside edge of the ditch shall be matched to the cut slope.
- D. **Design of Culverts:** Culverts shall be designed and installed as required in Chapter 5.
- E. **Subdrains:** Subdrains shall be required for all foundations where possible and shall daylight to proper drainage channels.
- F. **Positive Drainage:** Finished grade drainage shall be diverted away from building foundations in accordance with the Building Code provisions.

8103: Fire Protection

8103.01: Design Criteria

- A. **Water Supply:** Water supplies for fire fighting for any proposed development shall meet all requirements set forth in the Fire Code.
- B. **Fireflow:** Fireflow requirements for each individual building in any proposed subdivision shall meet all requirements of the Fire Code.
- C. **Installation of Facilities:** When fire protection facilities are required to be installed by the developer, such facilities including, but not limited to, all surface access roads necessary for emergency access, shall be installed and made serviceable prior to and during times of construction.
- D. **Hydrants:** Where a central water system is provided in a development, fire hydrants shall be provided in accordance with the Fire Code.
- E. **Fuel Reduction/Forest Management Plans:** Forest management programs, fuel reduction plans and other measures to reduce fire hazard or preserve trees may be required by the Review Authority for subdivisions in areas initially rated (reranking may occur as allowed by the Building Code) as having moderate or severe fire hazard by the Colorado State Forest Service (“CSFS”) or where the local fire district identifies a specific fire danger that the BOCC deems significant. The cost of implementing any required fuel reduction or forest management plan shall be included in the required SIA or SPIA, whichever situation applies.

8103.02: Required Improvements

As a condition of approval of any subdivision, the subdivider shall be required to provide the following improvements related to fire protection:

- A. Water sources for firefighting meeting the requirements of the Fire Code.
- B. All fire hydrants required by these regulations.
- C. Forest management programs where necessary.
- D. Access meeting the applicable provisions of this Code and the Fire Code.

8104: Lots and Blocks

8104.01: Design Criteria for Lots and Blocks

- A. **Area and Dimensions:**
1. The minimum site area and dimensions of all lots shall conform to the applicable Zoning Regulations.
 2. Each lot shall contain sufficient land area to be buildable given the intended use and the requirements of the County's Zoning Regulations.

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3. Corner lots shall have sufficient area to meet all visual clearance area, setbacks and driveway intersection spacing requirements of Chapter 5.

B. Lot Lines:

1. Whenever possible, lot lines shall be located at the top of slopes, along benches, flowlines or drainage courses or follow other natural or man-made features.
2. Side lot lines shall be at substantially right angles or radial to street lines where possible.
3. Lot lines shall parallel and run along side easement lines where possible.

C. Access and Frontage:

1. Each lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all traffic needing access to the property and its intended use. Such access shall be provided either by a public or private street meeting the requirements of the County Road & Bridge Standards ("Road Standards" - Chapter 5), the applicable requirements contained in the Subdivision Regulations and the access criteria in Section 3504 et seq.
2. All lots created by the preliminary/final plat development review process shall have a minimum 50-foot frontage, except lots in mobile home parks, zero lot line developments and lots taking access from a cul-de-sac, which shall have a minimum 30-foot frontage. Notwithstanding the foregoing, lots created via the subdivision exemption process shall provide 50 feet of frontage, if feasible.

D. Blocks:

1. Blocks shall be designed to assure traffic safety and ease of traffic control and circulation.
2. Blocks shall be utilized when two or more groupings of lots are shown on the plat unless topography or other factors indicate an alternative arrangement is more desirable.

E. Disturbance and Building Envelopes:

1. **Applicability and Requirements:** All preliminary plats, final plats, lot splits on wells creating an additional building site, rural land use subdivisions, general exemptions platting a parcel and lot line vacation/adjustment plats may be subject to the following elements if so required by the Review Authority:
 - a. The Review Authority may require that each lot on the plat that allows development (excluding open space parcels and tracts for future subdivisions) have a disturbance envelope depicted. The Review Authority's determination of whether disturbance envelopes will be required shall be based on the goal of preserving natural features, such as but not limited to wetlands, steep slopes, ridgelines, rock outcrops, areas subject to geotechnical hazards and treed or natural cover on the site.
 - b. For each developable lot created on a plat, a disturbance envelope may be required by the Review Authority to delineate an area that must contain all grading, clearing, excavation, development and drainage (as required by the Building Code and the provisions of this Code), including but not limited to any septic systems, wells, dwellings, storage buildings or other structures or improvements. Provided, however, the following exceptions may be allowed outside of the disturbance envelopes:
 - i. Trails.
 - ii. Driveways.
 - iii. Utilities provided such should be located under the driveway, if practicable.
 - iv. Grading improvements associated with the overall subdivision that were reviewed and approved by the County.
 - v. Tree removal for required fire mitigation.
 - vi. Septic systems and wells if the applicant for a subdivision demonstrates that it is not feasible to construct such within the disturbance envelopes.
 - vii. Other improvements as may be allowed by the Review Authority provided the natural integrity of the lot is maintained and development constraints are avoided.
 - c. Where a disturbance envelope is required, the Review Authority may also require the establishment of a building envelope within the disturbance envelope, in which all buildings, structures, roof driplines and other improvements shall be required to be located unless an exemption for such exists as determined by the Review Authority. The intent of this building envelope would be to ensure setbacks as established by the underlying zoning and/or the integrity of the disturbance envelope are maintained during construction.

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- d. The Review Authority may also require that the area within which the driveways must be located be determined during the subdivision development review process. Determining the location of the area within which the driveway must be located shall be done by balancing the most direct approach to the disturbance envelopes from the roadway providing overall access to the proposed development, with the least environmental or visual impacts, while still meeting the applicable requirements for driveways as outlined in the Road Standards or such other similar driveway design standards as may be established in a Planned Unit Development (“PUD”).
 - e. Where a disturbance envelope is not setback a uniform distance from property lines proposed on a plat, the County may require that the disturbance envelope be defined on the plat sufficiently so that it can be measured in the field.
 - f. Plat notes may be added to the plat outlining the provisions of this subsection, including but not limited to, the key provisions of the definition of a disturbance envelope and building envelope outlined in Chapter 15.
 - g. The Planning Director may require that a tree survey of the significant trees on the site be provided as a part of the submittal requirements for the subdivision. The Review Authority may also require that if trees outside the disturbance envelope are removed without the approval of the County, such trees will be replaced on a caliper for caliper basis.
2. **Ensuring the Integrity of the Disturbance and Building Envelopes is Maintained:** The Planning Department will ensure the integrity of the disturbance and building envelopes are maintained during and after construction by establishing conditions of approval, such as but not limited to: 1) requiring construction fencing to be placed along the disturbance envelope for the duration of construction and 2) requiring a site improvement location certificate prior to pouring the foundation walls or constructing the building walls. Staff will monitor compliance with such aforementioned requirements and may pursue subsequent enforcement requirements if a violation is observed.

F. Solar Orientation:

The County encourages new subdivisions to maximize access to solar exposure. To the maximum extent practicable, lots shall be laid out in a configuration that allows future structures to be designed in a manner that maximizes solar technologies.

8104.02: Establishment of Design Criteria

As part of the submittal for any residential subdivision in the single-family and duplex residential zoning districts, the developer shall submit covenants that cross-reference the applicable design criteria of this Code and any applicable PUD. The covenants shall be recorded in conjunction with the recordation of the subdivision plat and no building permits shall be issued prior to recordation of the covenants. The criteria shall create a consistent design theme for the development and shall address, at a minimum, the following items:

- A. Architectural design per Section 3505.05 et seq. (single-family subdivisions only need to address exterior materials and exterior colors per this section of the Code);
- B. Landscaping per Section 3600 et seq. (Single-family has very limited standards per this section);
- C. Disturbance envelopes per Section 8104.01.E; and,
- D. Exterior lighting per Section 3505.07.
- E. Reference to the Code and how such relates to the covenants per the provisions of Section 1202.

8105: Soil Suitability

8105.01: Design Criteria

- A. **Suitability for Development:** The layout of subdivisions shall create lots only in areas having soil conditions that are suitable for the intended use.
- B. **Avoidance of Hazards**

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1. Areas subject to geologic hazards shall not be platted for any use which might endanger health and safety, life or property unless the hazards are mitigated in a manner acceptable to the County. Geologic hazards include but are not limited to:
 - a. Avalanches, landslides, rock falls, mudflows and unstable slopes or soils.
 - b. Seismic activity.
 - c. Radioactivity.
 - d. Ground subsidence.
 2. All areas of a proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions shall be identified by the subdivider and evidence provided that the proposed uses of these areas are compatible with such conditions.
 3. Subdivisions shall be designed in accordance with the County's Floodplain Regulations (Section 4100 et seq.).
- C. **Review by Colorado Geologic Survey:** Each preliminary plat is required by State Statute to be referred to the Colorado Geologic Survey ("CGS") for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land. Subdivisions shall be designed in accordance with the recommendations of the CGS, except if the subdivider provides evidence acceptable to the County that an alternative design is in accord with sound engineering and planning principles.

8106: Streets and Roads

8106.01: Design Criteria

Street systems providing access to lots within subdivisions shall be arranged, designed and constructed as specified in the County Road Standards (Chapter 5).

8106.02: Required Street Improvements

As a condition of approval of any subdivision, the subdivider shall be required to provide the following street improvements:

- A. **Construction of New Streets and Bridges Within the Subdivision:** Construction of all new public and private streets and any new bridges shown on the final plat in accordance with the design and construction standards in the County Road Standards.
- B. **Construction of New Streets and Bridges Outside of the Subdivision:** Construction of streets and any bridges outside the subdivision necessary to establish a connection between the subdivision and the existing street system, with the design and construction standards for such connections to be determined by the County Engineer based on what part they play in the County's overall street system.
- C. **Upgrading of Existing Streets:** Where existing streets and any bridges provide access between the subdivision and the state highway system and the existing streets do not meet County standards for the traffic volumes which would occur once the subdivision is built, upgrading of existing streets to the County standards required for the projected traffic volume.
- D. **Drainage Systems and Sidewalks:** All accessway drainage requirements and sidewalks required by the County's Road Standards (Chapter 5), these regulations or a PUD provision.
- E. **Drainage Improvements:** All required drainage improvements, including but not limited to street drainage, accommodations for historic off-site drainage, required detention or retention; all of which may include, by means of example, culverts, drainage pans, inlets, curbs and gutters, weirs, etc.
- F. **Traffic Control Devices:** Traffic control devices including but not limited to signs and signals, street name signs, street lighting (such street lighting may be desired by the developer and typically maintenance and utilities thereof will be paid for by a non-County entity), striping and pedestrian crosswalks in conformance with the criteria contained the The Manual of Uniform Traffic Control Devices ("MUTCD") as adopted by the State of Colorado.
- G. **Medians:** Street medians and median landscaping, if required.

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- H. **Driveways to Serve More Than Two (2) Single-Family Dwellings:** Any driveways designed to serve more than two (2) single-family dwellings.
- I. **Temporary Turnaround:** Where streets are temporarily dead-ended in anticipation of future expansion the County Engineer may require the construction of a temporary turnaround.
- J. **Trail or Public Use Area Improvements:** Where a developer has elected to provide trails in lieu of the required public use area fee or must provide such trails by a PUD or other zoning provision, the developer shall install those trails in accordance with the trail design requirements contained within this Code.
- K. **Other Improvements:** Where a developer is proposing a common improvement associated with the subdivision that is not covered by one (1) of the categories listed above or when a PUD or the Zoning Regulations require other improvements to a subdivision, the developer shall be responsible for installing such improvements.
- L. **Maintenance of Improvements:** The maintenance of the improvements as required by this section shall be determined during the required development review. In any event, the developer may be required to provide for private maintenance of the improvements as required by this section if the improvements within the right-of-way are not accepted for maintenance as provided for in these regulations. If a developer desires to install improvements that exceed the County's design requirements, the developer may be required by the County to pay for the maintenance of such improvements.

8106.03: Required Dedications and Easements

- A. **Offers of Dedication for Public and Private Streets:** All streets located within a subdivision shall be offered for dedication to the County as public rights-of-way for access, utilities, snowstorage, drainage and related infrastructure uses regardless of whether maintenance is public or private. Right-of-way dedications for public and private streets shall conform in width to the requirements in the County's Road Standards (Chapter 5) including sufficient width to include all drainage improvements, associated cut and fill slopes, intersections, curb returns, snow storage, retaining walls and other road appurtenances.
- B. **Platting of Easements for Private Accessways:** Easements must be platted for all private alleys, common driveways including common driveways which serve single-family or duplex dwellings or other accessways. Easements for alleys, common driveways or other accessways shall include, at a minimum, the width of the travel surface, two (2) feet on either side, any associated cut and fill slopes and any drainage improvements.
- C. **Upgrading of Streets:**
 - 1. **Existing Roads:** Where the area to be subdivided includes an existing road and the right-of-way for the road is insufficient to meet County Road Standards (Chapter 5) or the right-of-way for the road has not been dedicated to the County and the road is included in the circulation system providing access to the lots in the subdivision or is needed to provide access to future development on surrounding private land, the subdivider must dedicate the necessary right-of-way to County standards as part of the platting of the subdivision and at the subdivider's expense.
 - 2. **Compliance with Master Plan:** When a County-adopted master plan indicates plans for the establishment, realignment or widening of a road which traverses the area to be subdivided, the subdivider must dedicate the necessary right-of-way for the establishment, realignment or widening of the road at the subdivider's expense.
 - 3. **Connections to Existing Road System:** Where streets outside a subdivision must be constructed to establish a connection between the subdivision and the existing street system or existing streets which will be used for such connection need to be upgraded to accommodate added traffic from the subdivision, the subdivider must obtain the necessary rights-of-way for these improvements and must plat or otherwise provide for a legal means of access per another legal mechanism approved by the County.
- D. **Half Streets:** New subdivisions shall not include new perimeter half streets unless satisfactory assurance for dedication of the other half is provided. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be dedicated and improved by the subdivider.

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8106.04: Access

- A. **Requirement for Access:** Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all traffic needing or desiring access to the property and its intended use. Unless otherwise provided for in a PUD, such access shall be provided either by a public or private street meeting the requirements of the County Road Standards (see Chapter 5) and as follows:
1. **Residential Uses:** Access for up to four (4) single-family detached dwelling units or two (2) duplexes may be provided by a common driveway which then connects to either a public or private street. Easements for common driveways shall be either platted or provided by another legal mechanism approved by the County. Access for multi-family developments shall be provided by a driveway that provides access to common parking areas and connects to either a public or private street. If the units in a multi-family development are offered for individual sale (i.e. condominiums or townhouses), the common parking areas and driveways shall be owned and maintained by an owners association or such other entity as may be approved by the County. Provisions for maintenance shall be stated in covenants on the property or by an alternative method accepted by the County Attorney as providing sufficient enforceability. Driveways and parking areas shall meet the requirements of the County Road Standards (see Chapter 5) and the Parking Regulations contained in Section 3700 et seq.
 2. **Nonresidential Uses:** Access to lots zoned or developed for commercial, industrial, community or institutional uses shall be provided either by driveways or by parking areas which then connect by driveways to either a public or private street. Driveways and parking areas shall meet the requirements of the County's Road Standards (see Chapter 5). Where these uses are located in a commercial center or a business or industrial park, access may be provided by common parking areas and driveways, which may also be shared by more than one (1) development project, subject to approval by the Review Authority. Easements for common parking areas and driveways shall be platted or provided by another legal mechanism of record approved by the County.
- B. **Emergency Access:** Emergency access is provided if at least two (2) different routes for emergency vehicles are available from the County highway system to a specific structure. For the purposes of this section, the County highway system consists of the arterial and collector street system.
1. **Provision for Emergency Access:** Emergency access may be required by the Review Authority based on the nature and scope of a proposed development and feasibility. The requirement for emergency access shall not apply to subdivisions in the A-1 and BC districts having lots of 20 or more acres. In assessing feasibility, consideration shall be given to cost of road construction, ability to obtain easements from adjacent property owners and the amount of environmental damage that would occur. In order for a road to qualify as providing emergency access, the County must receive an adequate guarantee that the road will be maintained on a year round basis.
 2. **Design Considerations:** The County Road Standards limit the length of cul-de-sacs to 600 feet (see Chapter 5). A variance in County Road Standards must be obtained to use cul-de-sacs in excess of 600 feet.
 3. **Alternatives:** Where provision of emergency access is not feasible, the County may require other mitigation measures to insure public health and safety.

8107: Trails

8107.01: Trail Design Criteria

- A. **Countywide System:** All the following trails shall be designed in accordance with the trails design criteria in the Code: 1) trails that will become part of an overall County system as shown in an applicable master plan, 2) trails that are required by the County per the requirements of this Code or a PUD, or 3) trails which maintain or replace existing trail connections to public lands.

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- B. **Private Trails:** Trails that are contained within a subdivision and are for the exclusive use of its residents shall be designed in accordance with the applicable criteria in the Code unless otherwise mutually agreed to by the developer and the County at the time of subdivision.

8107.02: Required Trail Improvements

The subdivider shall provide the following improvements for all trails required by the BOCC in the approval of a subdivision or accepted by the BOCC as fulfilling the requirement for public use areas stated in Section 8601 et seq.:

- A. Clearing and grading of the trail surface to meet required widths and grades.
- B. Surfacing, when required.
- C. Installation of trail signs.
- D. All improvements necessary for drainage and to protect trails from erosion.
- E. All recreational pathway (“repath”) and trail improvements and construction shall comply with the design and construction standards outlined in Chapter 5, Road Standards.

8107.03: Required Dedications and Easements

- A. **Public Trails or Recreational Pathways:** All trails or repaths which will become part of an overall County system or which maintain or replace existing trail or repath connections to National Forest land shall be platted as public easements. Easements shall be dedicated to the County for use by the public.
- B. **Private Trails or Recreational Pathways:** Trails or repaths which are contained within a subdivision and are for the exclusive use of its residents shall be platted as open space or as private easements for the use and enjoyment of the residents of the subdivision.
- C. **Right-of-way/Easements:** The standard right-of-way/easement requirements for shared use repaths shall be 33 feet, with a minimum of 25 feet where topographic constraints or exceptional physical conditions dictate narrower corridors. For unpaved (soft) trails, the standard right-of-way/easement shall be 20 feet with a minimum of ten (10) feet where topographic constraints or exceptional physical conditions dictate narrower corridors. Exceptions to standard trail widths for shared use paths and unpaved trails will be determined and approved by Open Space and Trails Department staff. Additional right-of-way/easement width shall be provided to accommodate cut and fill slopes, drainage improvements, intersections, curb returns and snow storage (if applicable).
- D. **Centering Recreational Pathways:** To the extent practicable, repaths shall be designed such that the repaths are centered in the right-of-way/easement.
- E. **Snow Storage Not Allowed in Trail Easements or Rights-of-Way:** Snow stacking on the right-of-way/easement is prohibited except for lawful and approved plowing of the repaths.

8108: Water, Sewage Disposal and Utilities

8108.01: Design Criteria

- A. **Water:**
 - 1. Evidence of adequate water for each lot to be developed shall be submitted with a preliminary plat application. If water is to be provided by a central water treatment system, the subdivider shall submit evidence from the purveyor that adequate capacity is available to serve the proposed density of the subdivision. If wells are contemplated, the subdivider shall submit evidence of adequate water rights in terms of quality, quantity and dependability acceptable to the County.

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2. All water systems and individual wells shall meet all requirements of and be approved by the State Engineer prior to final plat approval.
3. All water systems and individual wells shall be approved by either the Public Health Department or the Engineering Department regarding water quantity, dependability and quality.
4. Any development proposing to use an existing public water system must meet all requirements of the district or agency operating the system.
5. Common wells shall be located on either residential outlots or on private residential lots with proper access easements.
6. Maintenance of common water facilities must be accomplished through covenants and an owners association, through a separate maintenance agreement or through some other perpetual agreement acceptable to the County.

B. Sewage Disposal:

1. Evidence of adequate method of sewage disposal for each lot to be developed shall be submitted with a preliminary plat application. If sewage treatment is to be provided by a central sewage treatment system, the subdivider shall submit evidence from the service provider that adequate capacity is available to serve the proposed density of the subdivision. If Onsite Wastewater Systems (“OWS”) are proposed, the subdivider shall submit a plan with the location of all OWS. If deemed necessary, the Public Health Department may also require percolation rates and profile hole data.
2. All sewage treatment systems designed for flows exceeding 2,000 gallons per day (gpd) as determined by County regulations shall be designed in accordance with and approved by the State Health Department.
3. All sewage treatment systems designed for flows less than 2,000 gpd as determined by County regulations shall be designed in accordance with and approved by the Public Health Department.
4. Any development proposing to use an existing public sewage system must meet all requirements of the district or agency operating the system.
5. Individual onsite septic systems will not be permitted for any new subdivision with an overall density greater than one (1) residential unit per acre. Allowance may be made for use of onsite septic systems on individual lot(s) of less than one (1) acre within a new subdivision when: a. the overall density of the proposed new subdivision is no greater than one (1) unit per acre; and b. a plan for how the septic systems are to be accommodated has been approved by the Public Health Department.
6. It is the policy of the BOCC that where a sewage disposal system is designed for flows exceeding 2,000 gpd:
 - a. It is assumed that such service should be provided and managed by an existing sanitation district or public agency unless it can be demonstrated that more efficient and reliable sewage disposal service would become available with the formation of a new special district organized pursuant to Colorado Statutes.
 - b. The proponent for a new special district for sewage disposal must indicate the increased benefit of the new special district over service provided by an existing sanitation district or public agency. The service plan for the new special district must comply with the applicable requirements of State Statutes.
7. It is the policy of the BOCC that where any portion of a property line for a parcel is within 400 feet of an existing collector or main sewer line connected to a sewage treatment plant, the development shall connect to sewer line unless the sewer service provider will not allow connection. In establishing this policy, the BOCC finds that provision for sewage disposal through a central system reduces potential health hazards from contamination of ground water and phosphorus loading of streams and reservoirs in the County. A request for an exception to this requirement will be considered pursuant to the provisions for administrative relief in Section 13400 et seq. In order to grant administrative relief from this requirement, the Code Administrator must consult with the Summit County Public Health Department and must find that installation of an on-site system meeting County standards is feasible, that such installation is consistent with public health, safety and welfare and will not cause a significant adverse impact on water quality in Summit County and that one (1) or more of the following exists:
 - a. An exceptional elevation difference between the development and the sewer line, which makes connection unduly burdensome;

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- b. Presence of an intervening body of water, watercourse or wetland, which makes connection unduly burdensome;
- c. Presence of an intervening state or interstate highway;
- d. The environmental impact of connecting to the sewer line substantially exceeds the environmental impact that would result from installation of an on-site sewage disposal system, including without limitation impacts on stream flows;
- e. Inability, after a good faith effort, to obtain easements across intervening land; or,
- f. The installation is proposed for a parcel which is five (5) acres or larger and all buildings and uses on the parcel requiring sewage disposal are located more than 400 feet from a central sewage system main or collector line.

C. Utilities:

- 1. Installation of all utilities including gas, electric power, telephone and cable television must meet requirements of the utility providing service.
- 2. All utilities shall be located underground, including but not limited to all utility stub outs, unless located in a pedestal, except in situations or locations where topography or other factors make undergrounding of utilities undesirable as determined by the Review Authority.
- 3. All above ground utility stub outs shall be located within pedestals that are painted to match the natural or man-made backdrop.
- 4. Where a free-standing electric meter is needed for a common light(s), such a meter shall be appropriately screened or buffered from all public rights-of-way.

8108.02: Test Criteria and Procedures for Onsite Wells and Septic Systems

- A. **Plan for Onsite Wells and Septic System:** Where both onsite wells and septic systems are proposed for subdivisions having an overall density higher than two (2) acres per unit, the subdivider shall prepare a plan showing how the wells and septic systems are to be placed and coordinated so each lot is served. The Public Health Department shall use this plan in reviewing applications for individual septic systems to ensure placement of an individual lot owner's well and septic system is in accordance with the plan. Public Health may make modifications in the plan if it does not affect the ability to locate both a well and septic system on an adjacent lot. No septic system permit shall be issued unless the well location is also identified and Public Health determines the location of the well and septic system on the applicant's lot does not interfere with placement of both a well and septic system on any adjacent lot or with the existing use of a well and/or septic system on any adjacent lot.
- B. **Water:** Where onsite wells are proposed for a development, the Engineering Department shall determine whether it is necessary for the applicant to drill test wells and the number of wells to be drilled to ascertain the quantity, reliability and quality of water available from underground sources. The Engineering Department may use soils reports, data from properties in the vicinity and field observations in making this determination. The applicant shall supply data from test wells or other data as required by the Engineering Department.
- C. **Sewage Disposal:** Where an onsite septic system is proposed for a development, the following procedure shall be used to determine what data shall be submitted by the applicant with respect to percolation test sites and profile holes:
 - 1. For developments having an overall density higher than two (2) acres per unit, percolation rates and profile hole data shall be submitted for every lot.
 - 2. For developments having an overall density less than two (2) acres per unit:
 - a. The applicant shall provide Public Health with a soils study for the project site obtained from onsite tests performed by a licensed professional engineer or geologist familiar with geotechnical engineering in the area and shall submit a proposed plan for where percolation test sites and profile holes shall be placed in order to obtain representative data on the feasibility of septic systems. The plan shall include percolation tests and profile holes for at least 50% of the lots.
 - b. In evaluating the plan, the Public Health Department shall conduct a site visit to observe surface conditions such as topography and vegetation. The applicant shall have staked by the time of the site visit each lot corner and posted each lot number or otherwise provided sufficient control on the ground

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in the opinion of Public Health for the department to adequately determine where the proposed lots are located. After evaluating all information provided and conducting the site visit, the plan may be amended by the Public Health Department. The Public Health Department may require tests on every lot if it deems such as necessary.

- c. The applicant shall provide percolation rates and profile hole data in accordance with the plan approved by the Public Health Department.
 - d. The plan approved by the Public Health Department shall be designed to obtain the necessary evidence that any onsite sewage disposal system will comply with the state and local laws and regulations that are in effect at the time of submission (C.R.S. § 30-28-133.6.b.).
- D. **Additional Requirements:** Specific criteria to be met in testing for water availability, dependability and quality and for feasibility of septic systems may be established by the Engineering and the Public Health departments in administrative procedures.

8108.03: Required Improvements

As a condition of approval of any subdivision, the subdivider shall be required to provide the following water, sewage disposal and utility improvements:

- A. **Water Systems:** Construction of new water systems and expansion of existing water systems required to serve the subdivision, except where individual wells are proposed, installation of such wells shall be the responsibility of individual lot owners. Construction shall include the following:
 - 1. All water mains within the boundaries of the subdivision.
 - 2. Water mains necessary to connect the subdivision with any existing water system intended to provide service to the subdivision.
 - 3. Pump stations needed for operation of the water system.
 - 4. Water treatment facilities necessary to meet state standards for purification of water, where a stand-alone community water system is proposed.
 - 5. Individual service lines stubbed to each property lot line.
- B. **Sewer Systems:** Construction of new sewage disposal systems and expansion of existing sewage disposal systems required to serve the subdivision, except where individual septic systems are proposed, installation of such systems shall be the responsibility of individual lot owners. Construction shall include the following:
 - 1. All sewer mains within the boundaries of the subdivision.
 - 2. Sewer mains necessary to connect the subdivision with any existing sewer system intended to provide service to the subdivision.
 - 3. Lift stations needed for operation of the disposal system.
 - 4. Sewage treatment facilities necessary for operation of the disposal system where a stand-alone community disposal system is proposed.
 - 5. Individual service lines stubbed to each property lot line.
- C. **Other Utilities:** Installation of electric and telephone lines needed to serve each lot in the subdivision and to connect the subdivision to existing utility lines is required. Where feasible, installation of gas and cable television lines is required. These improvements shall be guaranteed through a Subdivision Improvements Agreement (“SIA”) or Site Plan Improvements Agreement (“SIA”) in conformance with Section 8602

8108.04: Required Dedications and Easements

- A. **Utility Lines:** The subdivider shall provide all easements for installed utility lines and those utility easements as requested by applicable utilities, by the special districts or by public agencies providing water and sewage disposal service. Where central water or sewage disposal services are not now available, utility easements for sewage and water lines shall be provided along appropriate alignments to facilitate the installation of such lines in the future should service become available. The subdivider shall also provide easements for any existing or planned main distribution or collection lines crossing the property to be subdivided to allow for the coherent

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development and maintenance of such systems. The width of any utility easement shall be sufficient to allow adequate maintenance of the system.

B. Utility Facilities:

1. **Public Systems:** Where a public water or sewage disposal system includes such facilities as well houses, pump stations, lift stations or soil absorption beds, these facilities shall be placed in easements allowing access to the operator for maintenance, repairs and improvements necessary for the adequate operation of the system.
2. **Community Systems:** Where a community water or sewage disposal system includes such facilities as well houses, pump stations, lift stations or soil absorption beds, these facilities shall be placed in a common out lot or in appropriate easements to allow access to the operator for maintenance, repairs and improvements necessary for the adequate operation of the system.

8108.05: Maintenance of Common Areas

Provisions shall be made for the maintenance of common areas and improvements in accordance with Section 3508 et seq.

8109: Project Naming Conventions

8109.01: Subdivisions Subject to Naming Conventions

The subdivision naming conventions outlined in this section shall apply to any new subdivision as provided for in the Subdivision Regulations where the project name will become part of the legal description or address of the resulting lots.

8109.02: Naming Criteria

- A. **Requirement for Unique Names:** New subdivisions identified in Section 8109.01 shall have unique names. Unique shall mean that there are no other subdivisions in the County or towns, either existing or approved on a preliminary plat or townhouse or condominium plat, with the same or a similar name, unless the name is reserved through the site plan development review process as provided for in these regulations. Names that sound similar are not considered unique (e.g., Beach and Peach, Bear Tree and Bearing Tree). The same root name with a different descriptor or suffix shall not be considered unique (e.g., Lakeview Meadows and Lakeview Commons).
- B. **Reservation of Project Name:** Project names must be reserved prior to townhouse or condominium platting at the time of site plan approval, in accordance with the provisions of Sections 12602.02 and 8109.
- C. **Similar Sounding Names May Be Allowed:** Similar sounding names may be recommended for approval at the discretion of the County's Geographic Information Systems Workgroup ("GIS Workgroup") of the Information Systems Department for townhouse or condominiums platted within the same PUD, as long as they are distinctly recognizable (e.g., Copper Springs Lodge and Copper Station).
- D. **Names for Filings in the Same Subdivision:** Separate filings of the same subdivision may have the same name as long as they are given separate filing numbers (e.g., Wilderrest Filing #1 and #2).
- E. **Basis of Names:** New subdivision names are encouraged to have a historical, cultural, geographic or natural significance to the area.

8109.03: Approval Authority

The County GIS Workgroup shall approve the names of all newly created subdivisions identified in Section 8109.01. The County GIS Workgroup may, at its own discretion, consult with the Summit County Communications Department about the acceptability of proposed subdivision names.

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8109.04: Name Change

Once a name is approved and recorded as part of the legal name of a plat, it can be changed through a general subdivision exemption development review process. If an applicant wishes to change a project name prior to the platting process, the new name must be reviewed and acted on in accordance with these regulations by the GIS Workgroup under the provisions of this section.

8109.05: Appeal Authority

Appeals of the decision of the GIS Workgroup regarding acceptance of a subdivision name will be heard by the Board of Adjustment in accordance with section 13200 of this Code. Any reference in this Code to GIS Workgroup approval of a subdivision name shall be deemed to include any decision of the Board of Adjustment on appeal regarding such subdivision name.

8109.06: Road Names

Road names shall be designated in accordance with Section 5004 et seq.

8150: SUBDIVISION REVIEW PROCEDURES

8151: Review Requirements

Summit County has established procedures and requirements for review of subdivisions and subdivision-related applications. These provisions are contained in the following sections:

- A. Subdivision Work sessionSection 8200 et seq.
- B. Preliminary PlatSection 8250 et seq.
- C. Final PlatSection 8300 et seq.
- D. Subdivision ExemptionsSection 8400 et seq.
- E. Rural Land Use Subdivision.....Section 8420 et seq.
- F. Right-of-Way Dedication PlatsSection 8500 et seq.

8200: SUBDIVISION WORK SESSIONS

Purpose and Intent: A subdivision work session is intended to identify potential development constraints and to evaluate the suitability of the subdivision layout in light of these constraints. The level of detail provided in the work session may vary depending on the size and scale of the proposed development and how it will be phased. The Planning Commission shall endeavor to alert the subdivider to any inconsistencies with current zoning, possible design problems and issues that need to be addressed in the preliminary plat submittal. The main function of a subdivision work session is to have a non-binding, cursory review of broad issues and concerns rather than provide a detailed critique and in-depth analysis. No formal approval or disapproval of a subdivision is granted at the work session stage. Unless as otherwise provided for in Section 12000.C.3 a subdivision work session is limited to the discussion of a proposed Preliminary Plat.

8201: Review Procedures for Subdivision Work sessions

An applicant seeking a subdivision work session shall follow the Class 3 development review process outlined in Section 12000 et seq.

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8250: PRELIMINARY PLAT

Purpose and Intent: Unless a work session is required per Section 12000.C.3, the preliminary plat development review process is the first step in obtaining approval to subdivide the property. The intent of the preliminary plat process is to evaluate the overall proposal against the requirements contained in the Subdivision Regulations and the other applicable requirements of this Code. This review is not intended to ensure final provisions have been made for water, sewer, access and other required infrastructure, but instead evaluate the tentative method of providing this infrastructure and ensure the applicant has a reasonable and reliable means of providing such infrastructure at the final plat stage. Accordingly, any representations or approvals relating to a preliminary plat shall not be considered to be an endorsement or assurance as to any final plat approval. A person seeking to subdivide a property must also apply for a final plat development review.

8251: Requirements for Approval

8251.01: Access

A. General Access Requirements:

1. As part of any preliminary plat submittal, the applicant shall include a preliminary road layout and shall identify approximate grades, cuts and fills.
2. The subdivider shall indicate the intended means of providing access to each lot intended to be developed in accordance with the Subdivision Regulations and the other applicable provisions of this Code.
3. The extent of the easements or rights-of-way proposed to be acquired shall be sufficient to demonstrate the ability to construct an access road meeting the County's Road Standards for the proposed subdivision (see Chapter 5).

8251.02: Water, Sewage Disposal and Utilities

A. Evidence of Adequate Water, Sewage Disposal and Other Required Utilities: Prior to approval of any preliminary plat, the subdivider shall supply evidence to the Planning Department that each proposed development lot (excluding proposed open space parcels) will have 1) an adequate supply of water in terms of quantity, quality and dependability for the proposed use of each lot; 2) an adequate means of sewage disposal; and, 3) availability of other required utilities. This evidence need not be in the form of providing a final decreed right, such as purchasing water or sewer taps, but instead can be in a narrative form that outlines the intended method of providing utilities, allowing an evaluation of the tentative method of providing this infrastructure so that the Review Authority can determine that the applicant has a reasonable means of providing such infrastructure at the final plat stage.

B. Initial Determination of Utility Provider Capacity: With respect to water, sewer and all other required utilities, the entity expected to provide such service to the subdivision shall signify, in writing, that capacity is available and the extension of lines is feasible. If the applicant proposes to provide water or sewage disposal through other than a central system, they shall meet the requirements of Section 8108. At minimum, the applicant shall provide evidence acceptable to the County that:

1. Adequate water rights have been acquired or right of acquisition has been obtained to supply the proposed development.
2. Data required by the County on the quality, dependability and quantity of water available have been submitted and the data meets the County's requirements.
3. Data from percolation test sites and profile holes have been submitted to the County in accordance with the test criteria in Section 8108 and the data meets the County's requirements.

8251.03: Fire Protection and Emergency Services

Prior to the BOCC's approval of a preliminary plat, referral agency comments from the agencies responsible for providing fire protection and emergency services for the proposed subdivision that are based on regulatory

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requirements of an applicable code or regulation, shall be incorporated into the design of the subdivision when (1) such comments are based on specific regulatory requirements, and (2) when the Review Authority determines that such recommendations should be incorporated as a part of a subdivision's design per the preliminary plat criteria for decision.

8252: Review Procedures for Preliminary Plats

An applicant seeking a preliminary plat shall follow the Class 5 development review process outlined in Section 12000 et seq.

8252.01: Criteria for Approval

The following criteria must be met to approve a preliminary plat:

- A. The proposed subdivision is consistent with the Zoning Regulations applicable to the property.
- B. The proposed subdivision is consistent with the Subdivision Regulations applicable to the property.
- C. The proposed subdivision is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans in accordance with Section 8004 of the Subdivision Regulations.
- D. The applicant has provided evidence that provisions can be made for a water supply that is sufficient in terms of quantity, quality and dependability to provide an appropriate supply of water for the type of subdivision proposed.
- E. The applicant has provided evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system, and if onsite sewage disposal is proposed, results from percolation tests and profile holes have been provided which demonstrate that sewage disposal systems would comply with state and local laws and regulations in effect at the time of submission of the preliminary plat.
- F. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
- G. The applicant has provided evidence that all lots and parcels created by the subdivision will have access to the County road system and to the State highway system in conformance with the State access code.

8300: FINAL PLAT

Purpose and Intent: The final plat development review process is the last step in obtaining approval to subdivide the property. The intent of final plat review is to ensure that a proposed subdivision complies with the Subdivision Regulations and other applicable regulations of this Code and that an applicant has definitively provided the required infrastructure for the subdivision. A person seeking to subdivide a property must first apply for, and receive approval of, a preliminary plat development review.

8301: Requirements for Approval of Final Plats

8301.01: Access

- A. **County Engineering Department Approval and Provision of Right-of-Way:** No final plat shall be approved unless the applicant has received approval from the Engineering Department of road improvement plans meeting the requirements of the County's Road Standards (Chapter 5) and these regulations and has acquired a means of access from the existing County road system to the proposed subdivision. The extent of the easements or rights-of-way acquired shall be sufficient to construct an access road meeting the County's Road Standards for the proposed subdivision.

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8301.02: Evidence of Adequate Water, Sewage Disposal and Other Required Utilities

Prior to approval of a final plat, the subdivider shall supply definitive evidence to the Planning Department that each proposed development lot (excludes proposed open space parcels) will have 1) an adequate supply of water in terms of quantity, quality and dependability for the proposed use of each lot; 2) an adequate means of sewage disposal; and, 3) availability of other required utilities. This evidence shall be in a final form that provides definite proof that water, sewer and required utilities will be provided to serve the proposed development lots. Examples of such include, but are not limited to: 1) final court approved water augmentation plan; 2) proof of purchased and allocated water taps; 3) proof of purchase of sewer taps; and 4) a confirmation letter from appropriate utility providers.

8301.03: Fire Protection and Emergency Services

Prior to BOCC approval of a final plat, the applicant shall provide consent sign-offs from the agencies responsible for providing fire protection and emergency services, if so required by the Review Authority, for the proposed subdivision.

8301.04: Providing Digital Data of a Final Plat to the County

Prior to presenting an approved final plat to the Chairman or the BOCC for a signature, the applicant shall be required to submit a digital file of the approved final plat to the County's GIS Workgroup of the Information Systems Department for updating and maintaining the County's GIS. Such a digital file shall be in a digital format acceptable to the GIS Workgroup. Requirements for digital submittal and specifying acceptable data format and content may be obtained from the County's GIS Workgroup.

8302: Review Procedures for Final Plats

An applicant seeking a final plat shall follow the Class 6 development review process outlined in Section 12000 et seq.

8302.01: Criteria for Approval

The following criteria must be met to approve a final plat.

- A. The proposed final plat is consistent with the approved preliminary plat and the applicant has complied with all conditions of preliminary plat approval.
- B. The applicant has provided definitive evidence that provisions have been made for a water supply that is sufficient in terms of quantity, quality and dependability to provide an appropriate supply of water for the type of subdivision proposed.
- C. The applicant has provided definitive evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system, and if onsite sewage disposal is proposed, results from percolation tests and profile holes have been provided which demonstrate that sewage disposal systems would comply with state and local laws and regulations in effect at the time of submission of the preliminary plat.
- D. The proposed final plat complies with the County's Subdivision Regulations and standards.
- E. The applicant has provided certification from the County Treasurer's Office that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
- F. The plat map is drawn in accordance with standards in the County's Subdivision Regulations (Chapter 8) and is suitable for recordation.
- G. No change has occurred which would result in an inability to make the findings required for approval of preliminary plats. Adequate provision has been made for water supply, sewage disposal, utilities and access for the subdivision in accordance with these regulations (Chapter 8) and Colorado State Law.

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8302.02: Endorsement and Recordation

A subdivision plat shall not be recorded in the Clerk and Recorder's Office unless it bears the approval of the BOCC as evidenced by the signature of the Chairman of the BOCC. The Chairman of the BOCC shall not sign a subdivision plat until the subdivider has: 1) complied with all conditions required to be met prior to recordation of the plat; 2) posted a financial guarantee for the subdivision improvements per the SIA approved by the BOCC; 3) paid any required public use area fees; 4) received formal approval from the BOCC at a public meeting. The Chairman of the BOCC shall only sign plats meeting such criteria if provided for signature directly by the Planning Department.

8302.03: Submission of Subdivision Improvements Agreement Prior to Issuing Grading Permit

No grading permit shall be issued for any aspect of a subdivision unless: 1) the subdivider has submitted an SIA per the provisions contained in this Code, 2) the Planning and Engineering departments have approved the estimated costs of the improvements, 3) the developer has legally executed the SIA; and 4) the SIA has received formal approval from the BOCC at a public meeting.

8302.04: Master Road and Subdivision Lists

- A. **Master Road List:** Upon approval of a final plat, the Planning Department shall notify the County GIS Workgroup of the Information Systems Department of its approval. The County GIS Workgroup shall add any new roads created by the plat to the County Master Road List and shall assign numbers to these roads.
- B. **Master Subdivision List:** Upon approval of a final plat or reservation of project name per Section 8109 et seq. or 12602.02, the Planning Department shall notify the County GIS Workgroup of its approval or name reservation. The County GIS Workgroup shall add any new subdivision names created by the plat to the County Master Subdivision List.

8400: SUBDIVISION EXEMPTIONS

8401: Types of Subdivision Exemptions

Colorado State Statutes allow the BOCC to exempt any division of land from review as a subdivision if the BOCC determines that such division is not within the purposes of the subdivision statute. The BOCC has established seven (7) types of subdivision exemptions:

8401.01: General Subdivision Exemptions

The BOCC has declared divisions of land that are not within the purposes of the State subdivision statutes (C.R.S. § 30-28-133 et seq.), and which are not otherwise classified by this section, to be classed as general subdivision exemptions if the criteria stated in Section 8402.01.A is satisfied.

8401.02: Duplex Subdivisions

The BOCC has declared subdivisions of duplex lots which create individual lots for each duplex dwelling upon such lot as subdivision exemptions if the criteria stated in Section 84042.01.B is satisfied.

8401.03: Lot Splits on Wells

The BOCC has declared subdivisions of parcels containing 40 acres or more which will result in a total of no more than two (2) building sites for single-family use, where the single-family dwellings will be served by wells, as subdivision exemptions if the criteria stated in Section 8402.01.C are satisfied.

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8401.04: Condominium Maps and Townhouse Plats

The BOCC has declared subdivisions of land for condominium maps and townhouse plats as subdivision exemptions if the criteria stated in Section 8402.01.D is satisfied.

8401.05: Correction Plats

The BOCC has declared that corrections to recorded subdivision plats are a subdivision exemption if the criteria in Section 8402.01.E is satisfied.

8401.06: Adjustments and Vacations of Lot Lines or Easements

The BOCC has declared that lot line adjustments are a subdivision exemption if the criteria in Section 8402.01.F is satisfied.

8401.07: Alterations or Elimination of Plat Notes

The BOCC has declared that alterations or elimination of plat notes on recorded plats are a subdivision exemption if the criteria contained in Section 8402.01.G is satisfied.

8402: Review Procedure for Subdivision Exemptions

Subdivision exemptions for condo maps, townhouse plats, duplex lot splits and correction plats shall follow the Class 2 development review process (refer to Section 12000 et seq.). General subdivision exemptions, adjustments and vacations of lot lines or easements or alterations or elimination of plat notes on recorded plats shall follow the Class 6 development review process (refer to Section 12000 et seq.). Lot splits on wells shall follow the Class 5 development review process (refer to Section 12000 et seq.).

8402.01: Criteria for Approval

- A. **General Exemptions:** The following criteria must be met for the BOCC to approve a general subdivision exemption:
1. The division of land created by the subdivision exemption is not within the purposes of the State subdivision statutes (C.R.S. § 30-28-133 et seq.).
 2. The lots resulting from the subdivision exemption are in compliance with County Zoning Regulations.
 3. The subdivision exemption is in compliance with County Subdivision Regulations and standards (Chapter 8).
 4. The proposed subdivision exemption is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
 5. The applicant has provided evidence that all areas of the proposed subdivision exemption that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
 6. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
 7. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.
- B. **Duplex Subdivisions:** The following criteria must be met for the chairman of the BOCC to approve a duplex subdivision as a subdivision exemption:

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1. The lot in which the duplex is located was approved and platted as part of a subdivision which meets the requirements of the County's Subdivision Regulations (Chapter 8).
 2. Lots created by the subdivision exemption shall be in compliance with the County's Zoning Regulations.
 3. Adequate easements for water, sewer, utilities and access have been provided.
 4. An acceptable party wall agreement has been provided and is suitable for recordation.
 5. The subdivision exemption is in compliance with the applicable County Subdivision Regulations and standards (Chapter 8).
 6. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.
 7. The public use area fee has been paid for the site.
 8. The applicant has added a plat note stating that the development of the parcels is subject to an overall development plan per the provisions of Sections 3505.14.H and Section 3505.15.A.5.
 9. If an updated SPIA is required by the County, the subdivider has signed and submitted an updated SPIA that contains obligations to provide improvements for the subdivision exemption as required by the provisions of this Code, and also obligating the subdivider to provide an adequate financial guarantee for these improvements prior to recordation of the exemption plat.
 10. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
- C. **Lot Splits on Wells:** The following findings shall be made by the BOCC to approve a subdivision exemption for a lot split served by wells:
1. The parcel to be subdivided via a subdivision exemption shall be of at least 40 acres in size and said subdivision shall not result in more than two (2) building sites for single-family use.
 2. No previous subdivision exemption for the purpose of creating a lot split has been granted for the property.
 3. The lots resulting from the subdivision exemption are in compliance with County's Zoning Regulations.
 4. The subdivision exemption is in compliance with County Subdivision Regulations and standards.
 5. The proposed subdivision exemption considers the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
 6. The applicant has provided evidence that an adequate water supply, method of sewage disposal and access is available to each lot created by the subdivision exemption.
 7. The applicant has provided evidence that all areas of the proposed subdivision exemption that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
 8. The subdivider has signed and submitted an SIA that contains obligations to provide improvements for the subdivision exemption as required by Section 8602 et seq. of these regulations, and also obligating the subdivider to provide an adequate financial guarantee for these improvements prior to recordation of the exemption plat.
 9. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
 10. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.
 11. The public use area fee has been paid for the site.
- D. **Condominium Maps and Townhouse Plats:** The following criteria must be met for a condominium map or townhouse plat to be approved.
1. The proposed map or plat is consistent with the approved subdivision final plat and site plan for the development project.
 2. The proposed map or plat is consistent with County Zoning and Subdivision Regulations, and other applicable County regulations, including the Building Code.
 3. The map or plat is drawn in accordance with the Subdivision Regulations and standards and is suitable for recordation.

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4. If applicable, the condominium or townhouse declaration and bylaws make adequate provision for the maintenance of common area elements and adequate easements have been provided for utilities, access, emergency access, drainage and other provisions of this Code that necessitate easements.
 5. If an updated SPIA is required by the County, the subdivider has signed and submitted an updated SPIA that contains obligations to provide improvements for the subdivision exemption as required by the provisions of this Code, and also obligating the subdivider to provide an adequate financial guarantee for these improvements prior to recordation of the exemption plat.
 6. The public use area fee has been paid for the site.
 7. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
- E. **Correction Plats:** The following criteria must be met for a correction plat to be approved:
1. The correction is necessary to correct technical or clerical errors in the approved and recorded final plat. Such errors include errors to legal descriptions, acknowledgments, dedication language, plat notes and other items that do not substantively change the plat as previously approved by the BOCC.
 2. The correction results in a plat that complies with all applicable requirements of the Summit County Land Use and Development Code.
 3. The correction results in a plat that is consistent with the approved preliminary and final plats for the subdivision.
 4. The map or plat is drawn in accordance with the Subdivision Regulations and standards and is suitable for recordation.
- F. **Adjustments and Vacations of Lot Lines or Easements:** A request for a lot line adjustment or vacation or an easement vacation shall meet the following criteria to be approved by the BOCC:
1. The adjustment or vacation procedure has not been used to circumvent the intent of the Subdivision Regulations.
 2. The lots resulting from the adjustment or vacation are in compliance with the County's Zoning Regulations (Chapters 3-4).
 3. Easements necessary for the provision of utilities are not affected or have been relocated to the satisfaction of the utility companies.
 4. If the request is for a lot line adjustment, the plat illustrating the lot line adjustment is drawn in accordance with standards in these regulations and is suitable for recordation.
 5. If the request is for a lot line vacation, the applicant has provided a restrictive covenant against the property that prohibits the vacated lot(s) from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.
 6. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
 7. For lot line vacations, the resolution of approval states the new lot name as one of the previous lot designations.
- G. **Alterations or Elimination of Plat Notes on Recorded Plats:** The following criteria must be met for a plat note to be altered or eliminated:
1. The alteration or elimination of the plat note(s) is justified based on one of the following: (1) changes in the County's development policy or County goals or objectives (Code policy, master plan policy, etc.), (2) administrative need, changes in the conditions in the vicinity or changes in the Building Code or Fire Code.
 2. The alteration or elimination of the plat note(s) do not substantively change the plat as previously approved by the BOCC or in any way deviate from any conditions of approval set forth by the BOCC for such plat.
 3. The plat note being altered or eliminated is a regulatory requirement in favor of Summit County.
 4. The alteration or elimination of the plat note is consistent with the Subdivision Regulations, Zoning Regulations and the applicable provisions of this Code.

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8402.02: Action

- A. **Lot Splits on Wells Subdivision Exemption:** Notwithstanding any of the requirements of the Class 5 development review process, no approval shall be granted for a general subdivision exemption which creates additional building sites unless the BOCC has first received a recommendation on such an application from the Planning Commission.
- B. **General exemptions, Adjustments and Vacations of Lot Lines or Easements and Alteration or Elimination of Plat Notes:** Notwithstanding any of the requirements of the Class 6 development review process, the BOCC shall take action to approve, approve with modifications, or deny a general exemption, adjustments and vacations of lot lines or easements, and alteration or elimination of plat notes.
- C. **Duplex Subdivisions:** Notwithstanding any of the requirements of the Class 2 development review process, the Planning Department shall present the plat to the Chairman of the BOCC for signature subsequent to the Review Authority's approval of the same. The Planning Department shall not present a duplex subdivision exemption plat to the chairman for signature unless the applicant has: 1) signed and submitted an updated site plan improvements agreement (if so required by the Review Authority); 2) posted an adequate financial guarantee as required by Section 8602 et seq. of these regulations; and 3) paid any required public use area fees. Affixing of the chairman's signature shall constitute approval of the exemption plat for a duplex subdivision, which subsequently can be recorded in the Office of the Clerk and Recorder.
- D. **Condominium Plats and Townhouse Plats:** Notwithstanding any of the requirements of the Class 2 development review process, the Planning Department shall present the map or plat to the Chairman of the BOCC for signature. The Planning Department shall not present a condominium map or townhouse plat to the chairman for signature unless the applicant has: 1) signed and submitted an updated SPIA (if so required by the Review Authority); 2) posted an adequate financial guarantee as required by Section 8602 et seq. of these regulations; and 3) paid any required public use area fees. Affixing of the chairman's signature shall constitute approval of the condominium map or townhouse plat, which subsequently can be recorded in the Office of the Clerk and Recorder.
- E. **Correction Plats:** Notwithstanding any of the requirements of the Class 2 development review process, the Planning Department shall present the map or plat to the chairman of the BOCC for signature. Affixing of the chairman's signature shall constitute approval of the correction plat, which subsequently can be recorded in the Office of the Clerk and Recorder.

8420: RURAL LAND USE SUBDIVISION

8421: Purpose and Intent

These regulations provide landowners a voluntary alternative process of splitting properties. Past development in the County has at times created a pattern of large, cookie-cutter lots (i.e., 20 to 40 acre parcels) that cover the countryside. Such a development pattern consumes large amounts of land and leads to fragmentation of habitat areas and ranch holdings. In contrast, these regulations encourage efficient use of land through clustering of development and preservation of rangeland, environmentally sensitive areas, and key open space areas. The regulations provide a land use option that differs from traditional 35-acre divisions of land and also differs from normal County subdivision and subdivision exemption processes.

These regulations are intended to achieve the following land use goals:

- A. Implement goals of basin master plans and subbasin plans to protect the character of the County's rural areas.
- B. Provide incentives (e.g., simplified development review process, bonus densities) to land owners to choose the program rather than selecting other methods of land division (e.g., 40 acre lot splits, subdivision exemptions, and subdivisions).
- C. Foster continued use of lands for ranching and agriculture.
- D. Protect environmentally sensitive areas, such as wetlands, streams and critical wildlife habitat.
- E. Preserve open space.

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- F. Avoid disturbance of floodplains, steep slopes and other geologically hazardous areas.
- G. Preserve historic sites and structures.
- H. Minimize visual impacts as seen from main public roads, when consistent with other goals.
- I. Minimize extension of roads and utilities.

8422: Authority

These regulations are adopted pursuant to C.R.S. § 30-28-401 et seq.

8423: Applicability

These regulations may be utilized on all A-1 zoned properties 70 acres or greater in size located in the unincorporated area of the county. Contiguous properties under separate ownership may file a joint application for development utilizing these regulations provided the cumulative property size is 70 acres or greater and provided all property owners are party to the application.

8424: Use Restrictions

Parcels that are created using the rural land use subdivision regulations shall have additional use restrictions as compared to the uses permitted in the A-1 zoning classification. Uses on all parcels except those designated as open space tracts shall be limited to the following uses, provided the underlying zone allows the use and provided all specific requirements of this Code are complied with:

A. Permitted Uses:

- 1. Dwelling, one-family.
- 2. Manufactured home.
- 3. Modular home.
- 4. Accessory uses to single-family residences:
 - a. Childcare, home.
 - b. Community building.
 - c. Dish antenna.
 - d. Garage.
 - e. Greenhouse, private.
 - f. Home occupation.
 - g. Motor vehicles, storage and parking.
 - h. Recreation building.
 - i. Recreation vehicle storage.
 - j. Septic system/leach fields*.
 - k. Storage areas and buildings.
 - l. Private athletic facilities.
 - m. Private recreation facilities.
- 5. Agricultural or Silvicultural operations.
- 6. Private lumbering operations shall only be permitted when timber harvest is for resource management purposes (i.e., maintaining forest health) in conjunction with a forest management plan approved by the County or its designees.
- 7. Animal keeping (see Section 3802)*.
- 8. Barn.
- 9. Boarding, community and private stables.
- 10. Agricultural buildings.
- 11. Park/Playground accessory to community building.
- 12. Group home.

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- 13. Minor utility facilities.
- 14. Private Firewood split/storage.
- 15. Caretaker unit
- 16. Accessory apartment
- 17. On-site employee housing for ranching and farming operations

B. Conditional Uses:

- 1. Bed and breakfast.
- 2. Freestanding park/playground.
- 3. Dude ranch/resort: small and medium scale.
- 4. Fish hatchery.
- 5. Packing and outfitting facilities.
- 6. Sewage treatment plant.
- 7. Major utility facilities.
- 8. Water treatment plant.
- 9. Bunkhouse.
- 10. Nordic ski center.
- 11. Nordic ski hut.
- 12. Wild game ranches*.
- 13. Farm/ranch office.
- 14. Lumbering operations, other than those listed as permitted under subsection A.6 above*.
- 15. Wood Manufacturing.

C. Temporary Uses:

- 1. Construction office.
- 2. Construction staging area.

D. Disturbance and Building Envelopes: All uses listed above shall be confined within the required disturbance and building envelopes for a parcel as specified in Section 8425.03, with the exception that uses with an asterisk (*) may be allowed throughout the parcel.

E. Required Plat Note: A note shall be placed on the rural land use subdivision plat, indicating that uses allowed on parcels are restricted to the uses identified in this section.

Additional use restrictions shall apply to designated open space tracts, as identified in Section 8426.04.

8425: Density, Lot Sizes and Building Envelopes

8425.01: Density

Maximum density achieved through a rural land use subdivision shall be determined by the amount of land from the overall site that is designated as an open space tract. Density shall be determined as follows:

Amount of Site Designated as Open Space	Density
66.7 - 74.9%	1 unit/25 acres
75 – 84.9%	1 unit/20 acres
85% or greater	1 unit/17.5 acres
80% or greater with permanent open space restriction (see Section 8426.C.3.)	1 unit/17.5 acres

8425.02: Lot Size

There is no maximum or minimum size for lots created under the rural land use subdivision process per this section, provided that other State or County regulations (i.e., County Public Health Department regulations for septic systems) are met.

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8425.03: Disturbance Envelopes

Disturbance envelopes not to exceed three (3) acres in size shall be established for each lot created under the rural land use subdivision process subject to the provisions of Section 8104.01.E, except that a building envelope is not required for each lot in a rural land use subdivision. The location of disturbance envelopes shall conform to the design criteria of Section 8427 and other applicable requirements of this Code. Driveways are allowed outside disturbance envelopes. Once a rural land use subdivision has been recorded, the location of disturbance envelopes may be changed through a general subdivision exemption process as provided in Section 8400 et seq., provided the design criteria of Section 8427 are met. All areas outside of the disturbance envelopes shall be designated as open space per the provisions of Section 8426.

8426: Open Space

8426.01: Open Space Tract

A separate open space tract(s) shall be designated as part of a rural land use subdivision. Areas designated as open space shall meet the design criteria of Section 8427 to the maximum extent possible. The open space tract or tracts may be owned by a single property owner or owned in common interest by multiple property owners in the project.

8426.02: Minimum Size of Open Space Tract

A minimum of two-thirds (66.7%) of the entire rural land use subdivision shall be designated in an open space tract or tracts. The open space tract shall not include any area within the disturbance envelope as required in Section 8425.03. Nor shall any residential uses permitted within such disturbance envelope spill over onto the open space tract or tracts.

8426.03: Open Space Document and Length of Restriction

- A. **Open Space Restriction:** A plat note or other restrictive mechanism acceptable to the County shall be required by the Review Authority to restrict use of the open space tract to the uses listed under 8426.04 and the restrictions in Section 8426.02.
- B. **Maintenance of Historic Land Uses:** As part of the open space restriction, historic uses of the land (i.e., hay farming) should be encouraged to be maintained. The restriction should also encourage maintaining existing water rights associated with the land to preserve productive agricultural lands.
- C. **Length of Open Space Restriction:** An open space tract shall be designated for a minimum of 99 years. Designations of open space tracts in perpetuity are encouraged. Open space tracts that are designated for a time period less than perpetuity (i.e., a 99-year restriction) may, after the time period of the restriction expires, be developed in accordance with the underlying zoning then in effect, provided density equaling the number of dwelling units requested shall be transferred to the site from a rural location in the County.

8426.04: Permitted Uses in Designated Open Space Tracts

- A. **Permitted Uses:** The following land uses shall be allowed in open space tracts created as part of a rural land use subdivision:
 - 1. Agricultural operations, with the following provision applicable to lumbering:
 - a. Lumbering shall only be permitted when timber harvest is for resource management purposes (i.e., maintaining forest health) in conjunction with a forest management plan approved by the CSFS.
 - 2. Animal keeping (see Section 3802).
 - 3. Existing agricultural buildings and barns.
 - 4. New agricultural buildings and barns, provided the new structures are approved as part of review of the rural land use subdivision or in subsequent administrative review by the Planning Department*, and

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provided that the cumulative total square footage of building footprints of all structures does not exceed one percent (1%) of the open space designated for the entire project site.

5. Boarding, community and commercial stables, provided that the new structures are approved as part of review of the rural land use subdivision or in subsequent administrative review by the Planning Department* and provided that the cumulative total square footage of building footprints of all structures on the open space tracts does not exceed one percent (1%) of the open space designated for the entire project site.
6. Fences—repair, replacement and new fences when used for agricultural or resource protection purposes (i.e., keeping cattle out of stream), provided the fences shall be constructed to effectively hold livestock while allowing for the passage of wildlife.
7. Minor utilities—maintenance of existing minor utilities and placement of new minor utilities when underground and when the disturbed area is restored and revegetated.
8. Existing public or private roads and the maintenance of the roads. Existing roads shall not be considered part of the open space tract when calculating the amount of open space in the overall project site.
9. New construction of roads only when the roads are constructed for purposes of providing access to agricultural structures or other uses allowed by this section. New roads constructed shall not be considered a part of the open space tract when calculating the amount of open space in the overall project site.
10. New construction of roads accessing homesites in the rural land use subdivision may be allowed to cross open space tracts, provided the design criteria of 8427 are complied with and provided impacts to the open space area are avoided to the maximum extent possible. Any new roads accessing homesites shall not be considered a part of the open space tract when calculating the amount of open space in the overall project site.
11. Benches, tables, shelters and viewing stands for open space users.
12. Stormwater detention facilities for on-site agricultural operations and subdivision drainage.
13. Recreation trails and pathways.
14. Leach fields for septic systems provided any ground disturbance is restored.
15. Wellheads/well houses and developed springs.
16. Wetlands, stream and wildlife enhancement projects.
17. Repair and replacement of existing irrigation ditches, headgates, water diversion structures, dikes and construction of new irrigation or water structures for the purposes of reasonable and customary management of irrigation water for agriculture.
18. Other uses as allowed as a part of the rural land use review process. The uses must be consistent with protection of open space values, preserving rural character and other goals of the Lower Blue Master Plan. Such proposed uses shall be referred to the Summit County Open Space Advisory Council for the Council's review and recommendation on whether the use is consistent with protecting open space values.

*Administrative review by the Planning Department shall include an evaluation of whether the proposed agricultural use complies with Sections 3802.03 and 3802.05. Administrative decisions on uses allowed in open space areas may be appealed to the Planning Commission.

- B. **Required Plat Note:** A note shall be placed on the rural land use subdivision plat, indicating that the uses in open space tracts are restricted to the uses listed under this section.

8427: Design Criteria

All applications for rural land use subdivisions shall demonstrate that the proposal meets the following design criteria, where applicable. Where site conditions preclude the ability to meet all of the following criteria, then the proposal shall meet as many of the criteria as possible and provide adequate justification for any listed criteria that cannot be met.

- A. **Impacts to Agricultural Lands:** Impacts to agricultural lands (i.e., irrigated hay meadows) shall be avoided or minimized to the maximum extent practicable.
- B. **Disturbance Envelopes:** Disturbance envelopes shall be free from environmentally sensitive areas (e.g., wetlands, critical wildlife habitat, steep slopes, floodplains and other geologic hazards).

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- C. **Designation of Agricultural Lands and Sensitive Areas:** Agricultural lands and environmentally sensitive areas shall be designated as open space, whenever practicable.
- D. **Minimizing Extension of Infrastructure:** Extension of infrastructure, including roads and utilities, shall be minimized, while still achieving other design criteria of this subsection.
- E. **Provision of Wildlife Buffers:** Where feasible, buffers shall be provided to protect critical wildlife habitat areas (e.g., listed species, critical winter range and movement corridors).
- F. **Additional Wetland and Streamside Setbacks:** Where practicable, open space tracts shall provide buffers in excess of County setback requirements from wetlands and streams.
- G. **Provision of Large Open Space Tracts:** Where practicable, open space should be in contiguous large tracts that best serve protection of open space values unless smaller tracts better protect the open space values of the site.
- H. **Criteria for Clustered Lots:**
 - 1. Wherever feasible, building envelopes created through the rural land use subdivision process shall be clustered together so that minimal disturbance to the overall landscape occurs and so that infrastructure is most efficiently provided. However, an adequate separation should be provided between building envelopes so that lot owners can still experience an attachment to surrounding open spaces.
 - 2. In some circumstances, it will be more appropriate to cluster lots in several different locations of the project site than in one (1) location to avoid key environmental features and other attributes listed in the design criteria of this subsection.
- I. **Minimizing Visual Impacts:** Visual impacts to views from public roads should be avoided or minimized.
 - 1. Homesites should be located and screened behind trees or topographic features whenever possible so they cannot be viewed from public roads.
 - 2. Development on prominent ridgelines should be avoided.
- J. **Minimizing Disturbance:** Minimize tree cutting and disturbance of the landscape.
- K. **Preservation of Historic Features:** Preserve historic features to the extent practicable.
- L. **Exterior Materials:** Design buildings to use natural or naturally appearing and non-reflective exterior materials.
- M. **Conformance with Other Applicable Subdivision Requirements:** Rural land use subdivisions shall be designed to be consistent with other applicable design requirements of the Subdivision Regulations, however, when there is a conflict between the provisions of the Rural Land Use Subdivision Regulations and the Subdivision Regulations, the provisions of the Rural Land Use Subdivision Regulations shall prevail as determined by the Review Authority.

8428: Development Review Process

8428.01: General

As an alternative process to conventional subdivisions, subdivision exemptions or subdivisions of properties not subject to subdivision review, the rural land use subdivision process is intended to provide for a timely development review, taking both property owner and community interests into account. The process involves: 1) conceptual development review by the Planning Commission; 2) rural land use subdivision review and public hearing by the Planning Commission; and 3) BOCC public hearing and final decision.

8428.02: Conceptual Development Plan

All rural land use subdivision proposals shall include a submittal for conceptual development plan review. Conceptual development plan review is intended to provide early guidance to an applicant concerning the feasibility of the proposal, while minimizing the amount of information that the applicant must provide.

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8428.03: Schedule for Review

An applicant shall submit a request for conceptual development plan review and all required submittal materials four (4) weeks prior to the Planning Commission meeting in order for the request to be scheduled on the Planning Commission's agenda. The Planning Department has the authority to decide, based on the complexity of the request, if additional review time is required. The Planning Department shall notify the applicant additional time is needed no later than two (2) weeks after a request is submitted.

8428.04: Submittal Requirements

The Planning Department and the Open Space and Trails Department shall assist the applicant in preparing the following written and graphic materials, utilizing data available to the Departments. The submittal materials prepared are not intended to be detailed information prepared at great expense by the applicant. The materials are intended to provide enough information for the Planning Commission to complete a preliminary evaluation of the proposal. Specific items may be waived by the Planning Director if deemed unnecessary.

- A. Written material.
 - 1. Application form.
 - 2. Statement of interest in property; if not property owner, statement from property owner allowing filing of application.
 - 3. Existing zoning.
 - 4. Description of the proposal.
 - 5. Identification of relevant site characteristics:
 - a. Description of current agricultural uses on the project site.
 - b. Streams, lakes, topography and vegetation.
 - c. Wildlife habitat.
 - d. Geologic and soils characteristics.
 - e. Key open space features.
 - 6. Estimated acreage of site.
 - 7. Identification of source of water, sewage disposal and access.
 - 8. List of property owner names and addresses within 2,000 feet of the project site.
- B. Graphic Material.
 - 1. Vicinity map.
 - 2. Existing conditions, structures and improvements.
 - 3. Existing utility, sewer and water line connections.
 - 4. Topography.
 - 5. Slope analysis.
 - 6. Vegetation and wildfire hazard as provided by the CSFS.
 - 7. Hydrology, wetlands and natural drainage.
 - 8. Soils, geology and natural hazards.
 - 9. Wildlife habitat categorized by the land cover classifications used on the official Wildlife Habitat Overlay District map adopted pursuant to Section 4203.01 of these regulations.
 - 10. Conceptual plan illustrating the approximate layout of lots, areas reserved in open space, location of roads, drainage and utility lines.
- C. Fee as required by resolution of the BOCC.
- D. Additional information deemed necessary by the Planning Director.

8428.05: Site Visit

Prior to Planning Commission public review of a conceptual development plan, the site being considered shall be visited in the field by County Planning, Engineering, and Open Space & Trails Staff, representatives from the Open Space Advisory Council ("OSAC") and, at a minimum, a quorum of members of the Planning Commission. The

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applicant shall clearly mark in the field the approximate location of proposed building envelopes and open space tracts. The intent of the site visit is to provide Staff and the Planning Commission a better understanding of the site's development constraints and open space characteristics. At the Planning Department's discretion, should winter conditions preclude the ability to adequately evaluate the site, the application may be continued until such time that more favorable conditions for a site visit prevail.

8428.06: Review Procedures for Conceptual Development Plan

A. Referral Agencies:

The Planning Department shall be responsible for referring conceptual development plans to the agencies listed below, unless determined by the Planning Director as unnecessary.

1. Fire district.
2. Sanitation district.
3. Water district.
4. Utilities.
5. Engineering Department.
6. Open Space & Trails Department.
7. Public Health.
8. Colorado State Forest Service.
9. Colorado Division of Wildlife.
10. Colorado Geological Survey
11. Other agencies deemed necessary by the Planning Director.

As part of the referrals, the Colorado Division of Wildlife shall be consulted on ways to design the development that minimizes wildlife impacts and avoids key wildlife movement corridors.

B. Planning Department Review:

Prior to public review by the Planning Commission of the conceptual development plan, the Planning Department shall prepare an analysis of the proposed plan. The analysis shall at a minimum evaluate the proposal's conformance with the criteria listed under Section 8428.06.E.

C. Public Notice:

Notice of the Planning Commission's review of the conceptual development plan shall be provided as identified in Section 13100 et seq.

D. Action:

Conceptual development plans shall be reviewed by the Planning Commission at a regular public meeting. The Planning Commission shall review the proposal to determine that the proposal conforms to the criteria listed under Section 8428.06.E below. The Planning Commission shall receive public comment on the proposal. There is no formal approval or disapproval of the conceptual development plan. However, the Planning Commission shall determine whether they are in general agreement or disagreement with the conceptual development plan. The Planning Commission shall make findings based on the criteria listed under Section 8428.06.E that explain why it is in general agreement or disagreement with the conceptual development plan. The intent of agreement/disagreement is to provide the applicant with an early indication of the feasibility of their project and to forewarn the applicant of potential issues that they may encounter, should the applicant elect to move forward with the project.

E. Criteria for Planning Commission Review of Conceptual Development Plans:

Conceptual development plans shall be reviewed to determine whether they meet the following criteria:

1. The proposal is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
2. The proposed rural land use subdivision complies with 1) the design criteria in Section 8427; 2) other provisions of the Rural Land Use Subdivision Regulations and the applicable Subdivision Regulations.
3. Issues raised by referral agencies are adequately addressed.

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8428.07: Rural Land Use Subdivision Review

After the Planning Commission has reviewed a conceptual development plan, an applicant may submit for formal rural land use subdivision review by the Planning Commission. Unlike the conceptual development plan, the rural land use subdivision shall contain all technical information necessary for the Planning Commission and BOCC to take action on the proposal.

A. Review Procedure for Rural Land Use Subdivisions:

An applicant seeking a rural land use subdivision shall follow the Class 5 development review process outlined in Section 12000 et seq.

B. Submittal Requirements for Rural Land Use Subdivision:

Applicants requesting a rural land use subdivision shall submit to the Planning Department the same information as required for Class 5 applications unless items are waived by the Planning Director as unnecessary (refer to Section 12000 et seq.). In addition, the following information shall be submitted with any application for a rural land use subdivision, unless specific items are determined to be unnecessary are waived by the Planning Director:

1. Description of current agricultural uses on the project site.
2. Document restricting open space tracts as described in Section 8426.03.
3. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities and such other utilities as may be required.
4. Homeowner covenants, conditions and restrictions (“CC&Rs”), which at a minimum should include architectural design guidelines that address the use of natural and non-reflective exterior materials.
5. Maintenance plan which identifies:
 - a. Party responsible for maintenance of common areas, facilities and open space tracts; and,
 - b. Items to be included in maintenance program including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, recreation facilities, common areas and other amenities.

C. Criteria for Approval:

The Review Authority shall approve a proposed rural land use subdivision only if it finds that it meets all relevant regulations and standards of this Code, and if it finds:

1. The proposed rural land use subdivision is consistent with the Zoning and Subdivision regulations, including the Rural Land Use Subdivision Regulations.
2. The applicant has provided evidence that definite provision has been made for a water supply that is sufficient in terms of quantity, quality and dependability to provide an appropriate supply of water for the type of subdivision proposed.
3. The applicant has provided evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system, and if onsite sewage disposal is proposed, results from percolation tests and profile holes have been provided which demonstrate that sewage disposal systems would comply with state and local laws and regulations.
4. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
5. The applicant has provided evidence that all lots and parcels created by the subdivision will have access to the County road system and to the State highway system in conformance with the State access code.
6. The proposed rural land use subdivision is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.

D. Notification of the Office of the State Engineer:

Within 14 calendar days of approval, the BOCC shall notify the Office of the State Engineer of such approval and shall provide the State Engineer a copy of the approved rural land use subdivision. Failure to notify does not invalidate the approval.

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8429: Rural Land Use Subdivision Improvements Agreement

8429.01: General

A. Design and Construction of Improvements:

All improvements shall be designed and constructed according to applicable standards approved by Summit County and other regulatory authorities having jurisdiction over the property to be subdivided. The applicant is responsible for financing and constructing all improvements internal or external to the proposed rural land use subdivision required by the criteria established in these regulations, unless suitable evidence is submitted that other public agencies have the responsibility for the construction and the costs of improvements.

B. Timing of Improvements and Financial Guarantee:

Summit County typically requires that all required improvements be completed or guaranteed financially prior to recordation of a plat. Under the rural land use subdivision process, a rural land use subdivision may be recorded prior to improvements or financial guarantees for improvements being put in place. However, the sale or conveyance of individual lots within the rural land use subdivision is contingent upon the improvements or financial guarantees for improvements being completed to fully serve the lot being sold. The intent of this provision is to limit improvements to properties being developed, rather than requiring all improvements to be completed up-front for the entire site. However, where improvements are provided to serve individual lots, the improvements shall be done in such a manner that will not preclude service or eventual hook-up to intervening undeveloped lots.

C. Cost Estimate:

At such time that a lot(s) within the rural land use subdivision is proposed to have ownership sold, conveyed or transferred, the applicant shall provide the County with an itemized estimate of the costs of required improvements for the lot or lots proposed to have ownership transferred. The County Engineer shall determine if this estimate is sufficient and he is authorized to require revisions in the list of improvements and cost estimates prior to posting of a financial guarantee.

D. Required Guarantee:

1. A rural land use subdivision may be filed for recordation without completion of all required improvements or supplying sufficient financial guarantee of performance for the completion of the improvements. However, where improvements have not been completed or financial guarantee has not been supplied, then a note shall be placed on the rural land use subdivision plat and the same note shall be recorded with the property title, stating the following:

“Per Summit County Land Use and Development Code Section 8429, and as amended from time to time, no individual lot or group of lots within this rural land use subdivision may exchange ownership unless required improvements are completed to fully serve the lot or lots in question or a financial guarantee for those improvements is supplied to the County. An exception to this requirement for improvements applies to transfers between family members as specified in Section 8429.”

2. The financial guarantee shall be executed by the project owners and a corporate surety authorized to conduct business in the State of Colorado and shall be in a form acceptable to the Planning Department. Acceptable forms of financial guarantee include an irrevocable letter of credit (“LOC”), cash bond or certificate of deposit from one (1) or more financial institutions, subject to regulation by the State or Federal government.
3. The financial guarantee shall meet the following criteria:
 - a. Shall be 115% of the total value of improvements, including labor and materials.
 - b. Shall provide for payment to Summit County upon demand if the developer has not performed the obligations specified in the rural land use improvements agreement and the issuer has been notified of such default.
 - c. Shall specify an expiration date or dates at which time the BOCC may use the funds available to pay for completion of construction of the required improvements.

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4. The requirements for improvements for drainage (Section 8102.02), fire protection (Section 8103.02), street improvements (Section 8106.02), water, sewage disposal and utilities improvements (Section 8108.03) shall not be required to be completed or financially guaranteed until such time that a lot within a rural land use subdivision has its ownership transferred. At that time, all improvements necessary to fully serve the lot in question must be completed or financially guaranteed.

E. Exception for Property Transfers Between Family Members:

A property owner may transfer individual properties within a rural land use subdivision to other immediate family members (spouse, children, parents or siblings only) without being required to make the necessary improvements or financially guarantee the improvements to the property in question. Where a property owner opts to enact such a transfer, the family member accepting the property shall sign a waiver that recognizes that improvements to the property may not be completed because of the family property transfer exception of this section. The waiver shall be recorded with the property title prior to actual property transfer.

F. Use of Guarantee:

If the improvements are not constructed in accordance with all provisions of the rural land use subdivision improvements agreement, the BOCC shall notify the subdivider of the noncompliance and the schedule for correcting the noncompliance. If the BOCC determines that the subdivider will not or cannot construct any or all of the improvements in accordance with all of the specifications, the BOCC shall have the power to withdraw and employ such funds from the financial guarantee as may be necessary to construct the improvement or improvements in accordance with the rural land use subdivision improvements agreements.

G. Release of Guarantee:

The financial guarantee may be released as provided in Section 8602.06.

8500: RIGHT-OF-WAY DEDICATION PLAT

8501: Review Procedures for Right-of-Way Plats

Right-of-way plats shall follow the Class 6 development review process contained in Section 12000 et seq.

8501.01: Criteria for Approval

A request for a right of way dedication plat shall meet the following criteria to be approved by the BOCC:

- A. The rights-of-way depicted on the right-of-way dedication plat are of sufficient size and are aligned to allow construction of a road meeting current County Road Standards (Chapter 5).
- B. The applicant has not used the right-of-way platting procedure to circumvent the intent of the County's subdivision regulations.
- C. Lots resulting from the right-of-way dedication plat are in compliance with the County's zoning regulations; or if lots affected by the right-of-way dedication are legal nonconforming lots and as a result of the right-of-way dedication will become more nonconforming, the applicant has demonstrated that it is in the best interest of the public health, safety and welfare to decrease the lot size by dedicating right-of-way.
- D. Easements necessary for the provision of water, sewer or utilities are not affected or have been relocated to the satisfaction of the water, sewer or utility companies.
- E. The right-of-way dedication plat is drawn in accordance with all standards in these regulations and is suitable for recordation.

8600: OTHER REQUIREMENTS

8601: Reserved

8602: Subdivision Improvements Agreement

8602.01: Purpose and Intent

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The purpose of this section is to ensure that all improvements to subdivisions are financed, constructed and maintained in accordance with all specifications pertaining to the same. The intent of this section is to provide for continued fiscal and legal responsibility for such improvements until the entire subdivision project is deemed complete and responsibility for the continued maintenance of such improvements has been properly assumed by the relevant successors in interest, such as a homeowner's association, a special district, or, in certain situations, the County or some other governmental entity. In such regard, unless otherwise determined by the BOCC, an SIA, as provided for pursuant to C.R.S. § 30-28-137, shall be required for every subdivision as provided for in this Code and shall control the administration of that project and the improvements related thereto.

8602.02: General Responsibilities for Improvements

Improvements the responsibility of developer: All improvements shall be designed and constructed according to applicable designs, specifications and standards as approved by Summit County and other regulatory authorities having jurisdiction over the property to be subdivided. The developer shall assume all responsibility for the financing, construction and initial maintenance of all improvements internal or external to the proposed subdivision as required by the subdivision approval pursuant to the criteria established in these regulations, unless suitable evidence is submitted that other public agencies have the responsibility for the construction and the costs of improvements.

8602.03: Required Contractual and Financial Guarantee

- A. Completion of Improvements or Fully Executed Agreement: No grading permit shall be issued for a subdivision, nor shall any final plat be recorded, until the developer has submitted, and the BOCC has approved, one or a combination of the following:
 - 1. An SIA, in standard form as provided by the County, committing developer to construct all required improvements shown in the final plat documents within a two year time period from the date of the issuance of the grading permit (or such other period of time as may be agreed to by the County and the applicant), together with collateral which is sufficient, in the judgment of the County, to make reasonable provision for the completion of said improvements in accordance with design and time specifications. Said SIA shall be duly executed and recorded as provided for herein and as provided for in Section 8302.03.
 - 2. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgment of the BOCC, will make reasonable provision for completion of said improvements in accordance with design and time specifications; or
 - 3. Certified proof, in a form acceptable to the County, of the completion of the required improvements in accordance with all plans, specifications, designs and standards for the same.
- B. After the SIA is executed, it shall be presented to the BOCC as a consent agenda item for review and approval, and shall be recorded in the Office of the Clerk and Recorder.
- C. The two year or longer time frame of the standard form SIA may be extended for good cause if such amendment is approved by the BOCC as a consent agenda item.
- D. The applicant and the County may mutually agree to amend the SIA and any associated phasing plan due to changes in the proposed development schedule, so long as the County reviews the changes and finds that there have been changes that warrant the amendment of the original SIA. Any amendment shall be considered an on-going continuation of the original SIA and such amendment shall be done in a form acceptable to the County.
- E. Cost Estimate:
 - 1. Prior to the execution and recordation of any SIA, the developer shall provide the County with an itemized estimate of the costs of all required improvements as addressed in the SIA. Said estimate shall be based upon a reasonable calculation of the costs of all material and labor necessary to perform the work in a workmanlike fashion in accordance with the applicable specifications and standards.

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2. Said estimate shall further be accompanied by a statement indicating that the estimate was prepared based upon a reliable computation of all estimated costs of completing such improvements, either directly by the developer or by the use of qualified subcontractors.
3. The County Engineer shall review the estimate and determine if the estimate is sufficient and is authorized to require revisions in the list of improvements and cost estimates, prior to posting of a financial guarantee. The County Engineer may investigate as to the costs of any particular line item(s) in said estimate and utilize the results of such an investigation as the necessary line item for the estimate if deemed appropriate.
4. Any significant alteration in the anticipated costs of completing any improvement as required in the subdivision approval, based upon changes in conditions, increase in costs of materials or labor, modification to plans or other such contingencies shall be immediately reported to the County Engineer and adjusted in the submitted estimate. If such alterations or changes have the effect of increasing the costs of the improvements, the County Engineer may require that any financial guarantee ensuring the same be adjusted to reflect that increase.

F. Required Guarantee:

1. Prior to the execution and recordation of any SIA, developer shall submit a financial guarantee of performance, ensuring the completion of all required improvements, including the costs of administration, labor and materials, in accordance with an accepted cost estimate as provided for in subsection E above.
2. Said financial guarantee shall be executed by the developer in a form acceptable to the Planning Department and the Engineering Department, including without limitation an irrevocable LOC, a cash bond, a certificate of deposit from one (1) or more acceptable financial institutions or other irrevocable financial commitment deemed appropriate by the Planning Department and the Engineering Department.
3. The financial guarantee shall meet the following criteria:
 - a. Shall be issued for 115% of the total value of improvements, including labor, equipment and materials unless the County has a demonstrated cause to require that a subdivider provide a financial guarantee of up to 125% of the total value of improvements, including labor, equipment and materials.
 - b. Shall provide for payment to Summit County upon demand if the developer has not performed the obligations specified in the subdivision improvements agreement and the issuer has been notified of such default.
 - c. Shall specify an expiration date or dates, reflecting the schedule for completion of the improvements, at which time the County may take unilateral action upon such guarantee to pay for the costs of correction, completion or necessary maintenance of any required improvements.

8602.04: Use of Financial Guarantee

If the County determines that any required improvements are not constructed in accordance with all provisions of the SIA and in substantial compliance with the specifications for such improvements, the County shall notify the developer of the noncompliance, accompanied by a list of specific deficiencies, and establish a schedule for correcting any such deficiencies. If the County determines that the developer will not or cannot construct any or all of the improvements in accordance with all of the specifications or has failed to do so in accordance with the schedule for correction provided, the County shall have the power to withdraw and employ such funds from the financial guarantee as may be necessary to construct the improvement or improvements in accordance with the SIA.

8602.05: Parties to SIA

- A. **Parties to Execute:** The SIA shall be executed by the developer and the BOCC and shall provide for continued responsibility of such developer for full and final performance of all aspects of the SIA.
- B. **Entity as a Party:** If the Developer is a corporation, limited liability company, or any other type of entity as provided under Title 7, C.R.S., then the following requirements for the proper execution of the SIA shall also apply:
 1. The entity shall be licensed with, and remain in good standing with, the Colorado Secretary of State, and be authorized to do business in the State of Colorado at all relevant times;

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2. For any such entity, during the entire duration of the project construction and applicability of the SIA, the County may, for good cause, require the entity to provide certification to the County on a periodic basis, or upon demand of the County, that it remains in good standing, maintains sufficient funds to address all potential claims under the SIA and otherwise remains solvent.
3. Moreover, for any such entity, the SIA shall incorporate or be accompanied by a certified acknowledgement by an agent of the entity that any potential claims by the County under the SIA are to be considered known claims entitled to prior notice of dissolution of that entity and that any failure to so notify the County shall be deemed a violation of the noticing requirements for dissolution of any such entity pursuant to Title 7 of the Colorado Revised Statutes.
4. At least 21 calendar days prior to any entity filing any papers of dissolution with the Colorado Secretary of State, said entity shall provide written notice to the Planning Department and the Engineering Department of such intent to dissolve, accompanied with a proposed assignment of all rights and responsibilities to another party for the review of the Planning Department and the Engineering Department.
5. Should any entity fail to substantially comply with any of the aforementioned requirements or otherwise commit a material violation of the SIA, the County may require that the SIA be cosigned by an individual acknowledging the assumption of joint responsibility for performance under the SIA.

8602.06: Release of Guarantee

The financial guarantee may be released, either in part or in whole, at the discretion of the Planning Department and/or the Engineering Department, only when the following conditions are met:

- A. Upon full completion of all improvements, the developer may send a written request for release of the guarantee to the Planning Department or the Engineering Department. Certification of compliance with all specifications for any improvement shall be submitted with any such written request. Any and all deviations from the approved plans and specifications shall be listed in said written request and depicted in such certification. No release of collateral may occur if the County Engineer determines that the certification or as built plans fail to address all required improvements or if any deviations to specifications have not received prior approval by the County Engineer and are not consistent with good engineering design. If deemed necessary based upon any particular considerations of the project, the County Engineer may require that certified as built plans be provided for any element of the project or the project in its entirety.
- B. Letters are submitted from all appropriate utilities or special districts indicating (1) improvements have been installed in accordance with approved plans; and, where applicable, (2) the utilities or special districts have accepted such lines for maintenance. Such letters shall be provided prior to the full release of the financial guarantee or any partial release of the same that has any nexus to improvements related to such utilities.
- C. Developer shall also warrant, in writing, that all responsibilities under the SIA have been performed in a workmanlike manner, in accordance with all plans and specifications, prior to the release of any part of the financial guarantee.
- D. Partial release of the financial guarantee may be granted by the Planning Department and Engineering Department upon acceptable certification that specific improvements have been completed in accordance with an approved construction plan that is incorporated into the SIA and the partial release is being requested because 100% of the work associated with any such improvements have been completed. Notwithstanding the foregoing, a partial release of any portion of the financial guarantee shall not be deemed as a release of any part of the overall obligations of the SIA and developer shall remain responsible for all performance under the SIA until such time as any and all of the developer's obligations under the SIA have been fully performed. The County reserves the right to hold up to ten percent (10%) of such itemized improvement as retainage, up to the point where final completion of the project is accomplished, for the limited purpose of ensuring such proper completion of the entire project.
- E. Upon determination by the County Engineer and the Planning Department that all performance under the SIA required of the developer has been fully completed in its entirety, the entire financial guarantee shall be released to the developer.

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8602.07: Assignment of Subdivision Improvements Agreement and Financial Guarantee

- A. Developer may assign the rights and responsibilities under the SIA only upon advance notice and approval by the County Engineer and the Planning Department of such assignment. No such assignment may be made without a concomitant assignment of all developer's interests in the financial guarantee to the same assignee.
- B. Developer may assign all rights and responsibilities under an SIA, including all interests in the financial guarantee, to a homeowner's association with concurrence by such association for a specific project for the purposes of completion of such project by said homeowner's association.

8602.08: Enforcement

In addition to, and not in abrogation of, all enforcement remedies available to the BOCC under Chapter 14, C.R.S. §§ 30-224 & 124.5, and the SIA, the following enforcement provisions shall apply to all SIA matters:

- A. **Continuing Obligation:** The developer shall have a continuing obligation of performance under the SIA until such time as all developer's responsibilities under the SIA have been fully performed.
- B. **Financial Guarantee for Complete Performance:** The financial guarantee provided for in Section 8600 et seq. is required to ensure the performance of all obligations under the SIA. Accordingly, any element of such financial guarantee, even if nominally designated for any particular element of performance under the SIA, may be used to ensure completion of any performance required by the SIA.
- C. **Financial Guarantee for Warranty of Work:** The financial guarantee may also be utilized to ensure that all work continues to adhere to the warranties and certifications provided by developer in the course of performance under the SIA.
- D. **District Court Jurisdiction:** The BOCC or any purchaser of any lot, outlot or other subdivided land subject to a plat restriction which is the security portion of an SIA shall have the authority to bring an action in any district court in accordance with C.R.S. § 30-28-137(3), as amended.
- E. **Injunctive Relief:** In addition to any other remedy set forth in Part 1, Article 28, Title 30, C.R.S., as amended, the BOCC or any purchaser of any lot, outlot or other subdivided land shall have the authority to bring an action for injunctive relief in accordance with C.R.S. § 30-28-137(4) to enforce any plat restriction (including all obligations contained in documents required to be executed and recorded as part of the final plat approval and all commitments of record of the developer related to the County's approval of the final plat), plat note, plat map or provision of an SIA and for damages arising out of failure to adhere to any such plat restriction, plat note, plat map or provision of an SIA. Nothing in Part 1, Article 28, Title 30 C.R.S., as amended, or this Section 8600, et seq., shall have the effect of requiring the BOCC to bring any action authorized in this provision.
- F. **Enforcement of the SIA:** The County shall seek to recover all costs incurred by the County from the financial guarantee, including but not limited to all administrative costs incurred in enforcing the terms of the SIA. If the financial guarantee is not enough to recover all of the costs of the required subdivision improvements and/or the County's administrative costs, the County may seek the recovery of such costs as provided for by law.

8603: Maintenance of Improvements

8603.01: Street Maintenance

Whenever roads are proposed to serve a subdivision, the subdivider shall arrange for the long-term maintenance of the road, either through County acceptance of road maintenance, as determined in accordance with the County's Road Standards or by a road maintenance agreement that binds a public or private entity (homeowner's association, etc.) to the long term maintenance of the road. The road maintenance agreement shall be in a form acceptable to the County. The subdivider shall also require through covenants or deed restrictions that all property owners within the subdivision join this private entity and assume their share of its financial obligations.

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8603.02: Covenants

Whenever a development includes private roads, common open space, shared driveways serving three (3) or more dwelling units, common parking areas, pathways, recreational facilities or any other facility or improvement requiring common maintenance and/or financing is proposed, a property owners association must be formed such that the owners association will bear the financial responsibility for maintenance of these facilities and improvements and have a means for fulfilling the responsibility. The subdivider shall submit incorporation documents including the declaration, corporation bylaws and CC&Rs for the owners association at the time he submits the final plat for review. The Planning Department must approve all maintenance and repair provisions in the covenants prior to approval of the final plat. The incorporation documents must be recorded for the final plat to be recorded.

8700: PLAT STANDARDS

8701: Required Elements of a Final Plat Maps

- A. A scaled drawing of the boundary of the land parcel.
- B. Recorded and apparent rights-of-way.
- C. All dimensions necessary to establish the boundary in the field.
- D. A statement by the land surveyor explaining how bearings, if used, were determined.
- E. A statement by the land surveyor that the survey was performed by or under the surveyor's direct responsibility, supervision and checking.
- F. 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.
- G. A statement of the scale or representative fraction of the drawing, and a bar-type or graphical scale.
- H. North arrow.
- I. Vicinity map.
- J. Title description or reference thereto.
- K. Signature and seal of the land surveyor.
- L. The exact name of the subdivision.
- M. All streets shall be named. Names shall not duplicate any existing or approved street names in the unincorporated area.
- N. Sheet size shall be 24 by 36 (24 x 36) inches with a one-half (1/2) inch border on the top, bottom and right hand sides and a one and one-half (1½) inch border on the left hand side. As many sheets as necessary may be submitted for a single plat or filing.
- O. The names of abutting subdivisions or, in the case of abutting unplatted property, the notation "unplatted" shall appear.
- P. If the area being subdivided is located within more than one (1) section, sufficient information shall be included on the plat so that the location of such section lines may be established.
- Q. Lengths of all lines shown on the plat shall be shown to an accuracy of hundredths of a foot and angles and bearings to one (1) second of arc.
- R. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field. This curve data shall include the following in tabular form for all circular curves:
 - 1. Radius of curve.
 - 2. Central angle.
 - 3. Arc length.
 - 4. Chord bearing and length.
 - 5. Notation of non-tangent curves.
- S. Mathematical errors of closure shall be calculated for all parcels, lots, tracts and other figures created by the final plat. Such mathematical closures will meet or exceed a precision ratio of one (1) part in 15,000 parts, expressed as the ratio of the closure error length to the total perimeter length of the figure.

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- T. Area of land within the boundary of the subdivision shall be shown on the plat to the nearest one-hundredth (1/100) of an acre.
- U. All lands within the boundary of the subdivision shall be accounted for as a lot, tract, parcel, open space, street, right-of-way, green area, alley or excepted parcel and all areas of such lands shall be shown on the plat to the nearest one-hundredth (1/100) of an acre.
- V. Excepted parcels within the boundary of the subdivision shall be designated "not included in this subdivision" or "not included in this plat", as appropriate, and boundary information on the plat for such parcels shall be sufficient to locate them in the field.
- W. Certificates as required by Section 8703 and Table 8-1 for the type of plat proposed. Text of certificates shall be in accordance with Table 8-1.
- X. Plat notes may be required as conditions of approval.
- Y. Base flood (100-year flood elevation) for any subdivision containing five (5) acres or 50 lots, whichever is less.

8702: Monumentation Standards

- A. Permanent monuments shall be set on the external boundary of the subdivision pursuant to C.R.S. § 38-51-105.
- B. Block and lot monuments shall be set pursuant to C.R.S. § 38-51-101.
- C. All monuments shall be located and described. Information adequate to locate all monuments shall be noted on the plat.

8703: Plat Notes and Certifications

The wording to be used in standard plat notes and required certifications for plat maps is stated in Table 8-1. Where a standard plat note has not been included for a certain situation, the wording for the note shall be determined by the Planning Department. The certifications required for each type of plat are stated in Table 8-1.

8800: ENFORCEMENT

8801: General

No final plat shall be submitted for recordation or grading or building permits issued until all of the following requirements have been met:

- A. Application fees have been paid.
- B. Public use area requirements have been met and any required public use area fees have been paid.
- C. Cost estimates for improvements have been accepted by the Engineering Department.
- D. An SIA has been accepted by the Planning and Engineering departments and a financial guarantee for all required improvements has been posted.
- E. Subdivider has provided tax certificate showing property taxes owed on the property to be subdivided have been paid.

8802: Endorsement Required

It is not lawful to record any subdivision or subdivision exemption plat in any public office unless the same bears thereon, by endorsement or otherwise, the approval of the BOCC [C.R.S. § 30-28-110(3)(a)]. No plat shall be deemed formally approved unless and until such endorsement is affixed thereto.

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8803: Recordation Required

Any subdivider or agent of a subdivider who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the BOCC and recorded or filed in the office of the County Clerk and Recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than 1,000 dollars nor less than 500 dollars for each parcel of or interest in subdivided land which is sold. All fines collected under this section shall be credited to the general fund of the County. No person shall be prosecuted, tried or punished under this section unless the indictment, information, complaint or action for the same is instituted prior to the expiration of 18 months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land [C.R.S. § 30-28-110(4)(a)].

8804: Withholding of Building Permits

No building permits shall be issued for the erection, construction, reconstruction, alteration or use of any building or structure on any parcel or lot created in contravention of State and County Subdivision Regulations.

8805: Payment of Taxes

No plat for subdivided land shall be approved by the BOCC unless at the time of the approval of platting the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid [C.R.S. § 30-28-110(4)(a)]. Additionally, prior to recordation of all subdivision plats the County Treasurer's Office shall confirm that all applicable ad valorem taxes due have been paid.

Table 8-1
REQUIRED CERTIFICATIONS FOR SUBDIVISION PLATS

TYPE OF PLAT	Dedication	Notarial	Surveyor	Recorder	Title Company	BOCC	Treasurer
Subdivision Plat	X	X	X	X	X	X	X
Subdivision Exemption							
a. Duplex	X	X	X	X	X	X	X
b. Lot Split (on wells)	X	X	X	X	X	X	X
c. General (creates bldg sites)	X	X	X	X	X	X	X
d. General (does not create bldg sites)	X	X	X	X	X	X	X
e. Lot Line Adjustment	X	X	X	X	X	X	X
f. Condo map/townhouse plat	X	X	X	X	X	X	X
Lot Line Vacation	NA	NA	NA	NA	NA	NA	NA
Right-of-Way Dedication	X	X	X	X	X	X	X

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Required Plat Certification Language

The following wording shall be used in plat certificates unless otherwise approved by the Planning Director.

A. Dedication

“Know all persons by these presents: That (printed name of owner), being the owner(s) of the land described as follows: (insert legal description of land being subdivided and include area in acres to two (2) decimal places) in Summit County, Colorado, under the name and style of (complete name of subdivision in capital letters) have laid out, platted, and subdivided same as shown on this plat, and by these presents does (do) hereby dedicate to the County of Summit, State of Colorado, the streets, roads, and other public areas as shown hereon, including but not limited to trails and open space, for use as such and hereby dedicate those portions of land labeled as utility easements to the County of Summit for use by utility companies or other providers of utilities in the installation and maintenance of utility lines and facilities. It is understood that dedication of public rights-of-way for streets and roads does not necessarily result in acceptance of roads constructed therein for maintenance by the County of Summit.

In witness whereof, the said owner (printed name of owner) had caused his or her name to hereunto be subscribed this ____ day of _____, 20__.”

B. Notarial Certificate

“State of Colorado

County of Summit

The foregoing owner's certificate was acknowledged before me this ___ day of _____, 20__, by (name as follows):

- a. if by natural persons insert name
- b. if by person acting in a representative official capacity, then insert the name of said person and said capacity
- c. if by officers of a corporation, then insert names of said officers, title of offices, and name of corporation

Witness my hand and official seal:

(Signature) (seal)

(printed name of notary)

Notary Public

My commission expires _____, 20__ (insert date of expiration)”

C. Surveyor's Certificate

“I (printed name of land surveyor), being a licensed land surveyor in the State of Colorado, do hereby certify that this plat and survey of (name of subdivision in capital letters) was made by me and under my supervision and that both are accurate to the best of my knowledge.

Dated this ___ day of _____, 20__.

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Signature _____ (Seal)

Colorado Registration # _____”

D. Recorder's Acceptance

“This plat was accepted for filing in the office of the Summit County Clerk and Recorder on this ___ day of _____, 20__ and filed for record at _____ under reception number _____.

Signature _____ (Seal)
Summit County Clerk and Recorder”

E. Title Company Certificate

“_____ Title Company does hereby certify that it has examined the title to all lands as shown hereon and title to such lands is in the dedicator free and clear of all liens, taxes, and encumbrances, except as follows:

Dated this _____ day of _____, 20__.

Agent”

F. Board of County Commissioners Approval

“The Board of County Commissioners of Summit County, Colorado, does hereby approve this [plat, condominium map, townhouse plat, subdivision exemption plat] at a meeting held on this ___ day of ___, 20__, and hereby accepts dedication of public rights-of-way, utility easements, and other public areas as shown hereon. Acceptance of public rights-of-way for streets or roads does not constitute acceptance from maintenance of roads constructed therein. The procedure for acceptance of roads for maintenance purposes shall be as stated in the Summit County Road & Bridge Design and Construction Standards or such regulations as shall be adopted in lieu of the Summit County Road & Bridge Design and construction Standards.

Chairman”

G. Treasurer's Certificate

“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 _____, 20__.

Signature _____
Summit County Treasurer”

H. Plat Notes

Plat notes may be required on an individual basis when deemed necessary by the Review Authority. Notes may be required for such things as use of floodplain areas, fire restrictions and use of engineered septic systems. Notes are intended to be used to notify prospective buyers of requirements placed on a property.