

Draft: 103124

# **SUBDIVISION APPLICATION GUIDELINES**

## CONCEPTUAL PLAN

Pre-application meetings to discuss subdivision proposals are not required pursuant to **UCA 10-9a-604(1)**. The Town, however, strongly encourages that a Conceptual Plan be developed and a review meeting scheduled with the Zoning Administrator to provide clarifications on the process and interpretations of the requirements of the Boulder Town Subdivision Chapter.

Within 15 business days of receipt of a Subdivision Conceptual Plan, the Zoning Administrator will schedule a meeting to review the Conceptual Plan with the applicant.

In the meeting, the Zoning Administrator will address questions raised by the applicant and help the applicant understand the elements and requirements of the Boulder Town Subdivision Chapter. The Zoning Administrator may seek the advice or assistance of others such as Planning Commission members, the Town attorney, or other professionals if they believe such input will be helpful in responding to the applicant.

There is no fee for an initial meeting with the Zoning Administrator to review a Conceptual Plan. Any subsequent meetings prior to submission of a Preliminary Subdivision Application will be subject to fees established by the Boulder Town Council.

## PRELIMINARY SUBDIVISION APPLICATION

### **Subdivision Application Submission**

The application form for a subdivision in Boulder Town can be found here: ----- An applicant is responsible for completing the online form and submitting all of the required documentation as requested in the application form and outlined in the Boulder Town Subdivision Code, Chapter 152 (insert a link?)

### **Review of Preliminary Subdivision Application.**

The Boulder Town Administrative Land Use Authority (ALUA) shall review the subdivision application within 30 business days of submission to determine completeness of the application in terms of the requirements outlined in 152.303 (C) and compliance with state and Boulder Town Codes.

The ALUA may request clarifications in the submitted materials and additional information that will need to be submitted with the Final Subdivision Application. Any request for additional information or modifications shall be in writing and be specific and include citations to all Town codes, standards, or specifications.

### **Effective Period.**

The ALUA response to an applicant on their Preliminary Subdivision Application shall be effective for a period of 180 business days. If the Final Subdivision Application and its attachments and responses to the ALUA comments are not submitted within that timeframe, the Preliminary Application shall be deemed null and void and the applicant shall be required to submit a new Preliminary Subdivision Application for review and consideration by the ALUA. A new submittal will be required to pay the requisite fees for the application.

### **Extensions.**

The applicant may request time extensions for the expiration of a Preliminary Subdivision Application by submitting a request in writing to the ALUA prior to the original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning code, or the Subdivision Chapter in effect at the time of the extension request.

## FINAL SUBDIVISION APPLICATION

### Submission of the Final Subdivision Application

The Final Subdivision Application is due within 180 days of approval or approval with comments of the Preliminary Subdivision Application. Details of the documents required with the Final Application can be found in the online application.

### Review of the Final Subdivision Application.

- 1) The ALUA will review the Final Subdivision Application, including the Subdivision Improvement Plan (if required) within 40 business days of submission of a complete Final Application. The ALUA may request:
  - a. additional information relating to an applicant's plans to ensure compliance with Town Codes and approved standards and specifications for construction of public improvements; and
  - b. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
  
- 2) The applicant shall respond with a written explanation to the ALUA within 40 days of requested modifications or corrections. If the applicant does not respond within this timeframe, once they do submit their changes, the ALUA has 60 days to review and respond. This cycle may be repeated for a total of four reviews.
  
- 3) If the applicant fails to respond to a comment in the review, the review cycle is not complete and any subsequent review may not commence until all comments are addressed.
  
- 4) If the applicant makes a material change to the Subdivision Improvement Plan, the Town has the discretion to restart the review process at the first review with respect to the portion of the Subdivision Improvement Plan affected.
  
- 5) If a dispute arises on a Subdivision Improvement Plan, on the 4<sup>th</sup> or final review, and the ALUA fails to respond within 40 business days (or 60 business days if the applicant has not responded within 40 days), the applicant may request that the ALUA assemble an appeal panel in accordance with **UCA 10-9a-508(5)(d)** to review and approve or deny the Final Subdivision Application. The ALUA must do this within 10 days of receiving the request.
  
- 6) If a dispute arises from the subdivision ordinance review, the ALUA may advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

### Final Subdivision Application Decision

If the Final Subdivision Application complies with the requirements of this chapter, the ALUA shall approve it. The applicant shall have two years to complete infrastructure improvements outlined in the subdivision improvement plan and record the plat.

### **Final Subdivision Application Extensions**

The applicant may request time extensions for the expiration of a final plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in a finding of non-compliance with the zoning code or this chapter in effect at the time of the extension request.

### **Subdivision Infrastructure Improvements**

After the final plat is approved by the ALUA and prior to recording, the developer may begin to install the required infrastructure and/or utilities for the subdivision as outlined in the Subdivision Improvement Plan. This timing applies to new lots being created in the subdivision and does not prevent routine agricultural operations or maintenance of existing buildings and infrastructure within the boundaries of the pending subdivision. The applicant shall certify in writing that the improvements have been completed in accordance with the design standards and the Subdivision Improvement Plan prior to the sale of any lots.

### **Final Recording**

The final plat shall be recorded, by the applicant, at the office of the Garfield County Recorder within two years of final plat approval by the ALUA or the final subdivision approval shall be null and void and a new application will be required. The final subdivision plat shall only be recorded when:

- 1) The ALUA has been notified that the required improvements have been installed, and all required signature blocks have been appropriately signed.
- 2) Each owner of record of the land described in the plat has signed the owner's dedication as shown on the plat.
- 3) The signature of each owner is acknowledged as provided by law.
- 4) The Surveyor who prepares the plat certifies that they:
  - A. Hold a license in accordance with [Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act](#),
  - B. Have completed a survey of the property described on the plat and has verified all measurements,
  - C. Have referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries, and
  - D. Have placed monuments as represented on the plat.