

## ARTICLE 7 REPLAT

701 Intent

To provide a review process for the replatting of an existing subdivision plat or superblock final plat. The process shall vary according to the nature of the proposed amendment, as determined by the Director, based on, but not limited to, the following:

- size
- design
- degree of change
- public concern
- impact to public facilities, services, access, and roads

The Director may modify the application procedures herein upon the determination that adequate public notice and input on the replat application can be attained through the modified process and that the modified process will not substantially impair the intent and purpose of this Resolution.

*Refer to section 7A for plat correction, lot line and building envelope adjustment/vacation; section 7B for road vacation/replat; or Section 7C for subdivision plat vacation.*

702 Prerequisite

Prior to submittal of a replat application, the applicant shall contact the Planning Office and schedule a presubmittal meeting to include staff from various County departments and, as deemed necessary, other referral agency representatives to discuss the proposal and provide information on the submittal process. The applicant shall provide basic information on the proposed subdivision in advance of the meeting. Staff shall prepare and distribute the written meeting summary to the applicant to include initial comments on the application and other relevant information, and place a copy in the project file. The written presubmittal meeting summary shall also provide any Director determinations required per Section 703, herein.

703 Replat of Subdivision or Super Block - Determination of Process

703.01 When determined by the Director that adequate public notice and input on the replat application can be attained, and the intent and purpose of this Resolution will not be substantially impaired, the subdivision application may be processed in accordance with this Article 7; otherwise the application shall be processed in accordance with Article 4 - Preliminary Plan and Article 5 - Final Plat, of this Resolution.

703.02 For nonresidential replats, the Director may determine that a Site Improvement Plan, in accordance with the site improvement plan (SIP) section of the Zoning Resolution, may be required to be processed concurrently.

When no more than three (3) additional nonresidential lots will result from the replat request, the request may be processed in accordance with Article 7A – Administrative Replat, if the following conditions can be met:

- A concurrent SIP is submitted for at least one of the replatted lots
- No new public roads are created
- All new easement dedications are capable of being accomplished by separate instrument prior to replat recordation or SIP approval
- The replat is provided with central water and sanitation services

703.03 For residential replats for single-family attached dwelling units or multifamily dwelling units, a replat request to create individual lots, or lots for fee-simple ownership purposes, may be processed in accordance with Article 7A – Administrative Replat, if the following conditions can be met:

- A concurrent SIP is approved or submitted for one or all of the proposed residential lots
- No increase in residential density (unit count) will result beyond that approved with the associated SIP
- No new public roads are created and all new easement dedications are capable of being accomplished by separate instrument prior to replat recordation
- No single-family detached lots are created

704 Approval Standards

A replat may be approved upon the finding by the Board that the replat:

- 704.01 Complies with all applicable standards and criteria, and the original conditions of approval.
- 704.02 Does not create nonconforming lots, and in the case of nonconforming lots, does not increase the nonconformity.
- 704.03 Complies with this Resolution.
- 704.04 Conforms with the goals and policies of the Master Plan.
- 704.05 Addresses the design elements established in Article 4, section 404 of this Resolution.
- 704.06 Conforms with Section 18A, Water Supply - Overlay District, of the Zoning Resolution.
- 704.07 Provides for a public wastewater collection and treatment system and, if other methods of wastewater collection and treatment are proposed, such systems shall comply with State and local laws and regulations.

- 704.08 Identifies all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions and that the proposed uses of these areas are compatible with such conditions.
- 704.09 Provides adequate drainage improvements.
- 704.10 Provides adequate transportation improvements.
- 704.11 Protects significant cultural, archaeological, natural, and historical resources and unique landforms.
- 704.12 Has available all necessary services, including fire and police protection, recreation facilities, utility services, streets, and open space to serve the proposed subdivision.

705 Submittal Requirements

The following information shall be submitted to the Planning Office, unless waived by the Director:

- 705.01 Completed land use application (*available from the Planning Office*)
- 705.02 A written narrative which, at a minimum, provides the following information:
  - 705.02.1 The total land area to be resubdivided.
  - 705.02.2 The total number of lots and proposed uses.
  - 705.02.3 The residential density and estimated nonresidential floor area.
  - 705.02.4 The total land area to be preserved as open space.
  - 705.02.5 Proposed roads, tracts, and easements, including ownership and maintenance responsibility.
  - 705.02.6 Land dedications for parks and schools, or cash-in-lieu.
  - 705.02.7 Provision of water, sewer, and other utilities.
- 705.03 Application fee (*fee schedule available from Planning Office*)
- 705.04 Proof of ownership that includes an updated or current title information binder or insurance policy issued no more than 30 days prior to the date of application, to be updated prior to plat recordation.
- 705.05 A notarized letter of authorization from the landowner permitting a designated representative to process the application.

705.06 Plan exhibit (*per Section 707, herein*)

Plan reductions (*11-inch by 17-inch*) may be required for public meeting packets.

705.07 All required water supply documentation in accordance with Section 18A – Water Supply Overlay District of the Zoning Resolution.

705.08 Development reports (*per Section 708, herein*)

Engineering plans and review fees shall be submitted to the Engineering Division.

705.09 Any additional information, as requested by staff to adequately review the application.

706 Submittal Process

The replat application shall be submitted only after the presubmittal meeting has been completed. The submittal is processed as follows:

706.01 The applicant shall submit the required submittal information to the Planning Office. An incomplete submittal will not be processed. Staff shall review the submittal information within 15 working days and provide the applicant with written initial comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review.

706.02 As part of its initial review, staff will identify the number of copies of the submittal information required for distribution to referral agencies and indicate which are regulatory and which advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet with the mailed paper referral packets and distribute the electronic referral packets. For any subsequent referral review, the applicant shall provide revised plans or other materials for distribution to applicable referral agencies as requested by staff.

706.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. (*Amended 4/13/2021*)

706.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant and the Board.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of advisory referral agencies those received as a result of the courtesy notice.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies.

Following receipt of the applicant's written response to comments, including the submittal of any revised exhibits and plans, the Planning and Engineering staff will provide additional comments to the applicant as necessary.

706.05 Staff will schedule a public meeting before the Board, notify the applicant in writing of the meeting date and time, and prepare a staff report for the Board. The subdivision improvements agreement shall be reviewed by staff and approved by the County Manager or Board prior to the Board meeting on the replat.

706.06 Staff will provide a staff report for the Board. The Board shall evaluate the replat request, staff report, referral agency comments, applicant responses, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, or deny the replat request. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.

706.07 If denied by the Board, a resubmittal of a replat application for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board within 10 days from the date of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed replat.

707 Replat Exhibit

The replat shall:

- 707.01 Be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording in the Office of the County Clerk and Recorder.
- 707.02 Be an acceptable fix-line photographic or computer-generated copy of the original drawing. Inaccurate, incomplete or poorly drawn plans shall be rejected.
- 707.03 Include sheet size of 24-inch by 36-inch with the long dimension horizontal. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet.
- 707.04 Be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than 1%. Acceptable scales are 1"=50' or 1"=100' and for subdivisions exceeding 100 acres, 1"=200'. In special instances, another scale may be approved by the Director. When a proposal requires multiple sheets, a composite, on 24-inch by 36-inch paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.
- 707.05 Include a title placed at the top of the sheet along the long dimension of each sheet and identical to the previously recorded plat followed by the next consecutive amendment number. The subtitle shall include a brief description of all the changes; the planning area, as applicable; and a general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, CO.

On the title sheet (*sheet #1*), under the general legal description, include the total acreage, total number of lots, and the Planning Office file number. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet.

*Example:*

|  |                     |                 |
|--|---------------------|-----------------|
| <b>PINE VIEW FILING #1, 1st Amendment</b>                                |                     |                 |
| A vacation and replat of lots 1-10 Pine View Filing #1 -Planning Area H- |                     |                 |
| SW/4 of Sec. 9, T6S, R67W of the 6th P.M., Douglas County, CO            |                     |                 |
| 8.06 acres   | 35 residential lots | SB ____ - _____ |

- 707.06 Include a block in the lower right-hand corner with the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer,

- engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.
- 707.07 Include a vicinity map that depicts the replat area and the area which surrounds the subdivision within a minimum 1-mile radius.
- 707.08 Include a vicinity map when the land is zoned planned development that depicts the replat area, superimposed on the planned development at the same scale as the planned development that shows the limits of the replat superimposed on the planning areas.
- 707.09 Include a written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes clearly and prominently. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the replat that do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a Part of This Subdivision".
- 707.10 Show all deleted lot lines, easements, or rights-of-way on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement, or right-of-way is hereby vacated. (*Dashed lines shall be graphically different for existing vs. proposed vs. deleted.*)
- 707.11 Display ties to aliquot section corners and to the State grid, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the County Engineer. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (*second order*) minimum for linear and angular (*bearing*) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
- 707.12 Locate, identify, and label all lots, tracts and, when requested by staff, building envelopes with the appropriate dimension with sufficient linear, bearing, and curve data. No ditto marks shall be used for dimensions. All lots and whenever practical, blocks shall be shown in their entirety on one sheet. Lots shall be consecutively numbered, tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot or tract to the nearest 0.01 of an acre. On residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land

inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.

- 707.13 Indicate all road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way line with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the replat.
- 707.14 Describe the purpose, widths and location (*with fine dashed lines*) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be shown with an arrow or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.
- 707.15 Locate 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected land.
- 707.16 Include the following certifications on a single sheet in accordance with Article 8 of this Resolution: Surveyor, Dedication Statement, Title Verification, Board of County Commissioners, Clerk and Recorder, and Acceptance Certificate, as needed.
- 707.17 Include the following statement for all replats within the Centennial Airport Review Area, as identified by the Zoning Resolution:
- Owner waives, remises, and releases any right or cause of action it may now have or which it may have in the future against the County of Douglas, its officers, employees, and agents related to, or resulting from, the passage of aircraft in the airspace above the property that is the subject of this replat.
- 707.18 Include notes that adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation



easements, maintenance responsibility for private roads, easements and tracts, and limitations on wells or septic systems. The applicant shall provide for the construction, at no cost to the County, of traffic signalization, all utilities, and other public infrastructure, as required by the Board, and provide bonding or other security needed to ensure such improvements, as required by the Board.

#### 708 Development Reports

The applicant shall submit the supporting materials necessary for the review of the replat which address the following items:

- 708.01 Phase III Drainage Report prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 708.02 A traffic impact analysis prepared in accordance with the Douglas County Roadway Design and Construction Standards.
- 708.03 Final roadway and stormwater construction plans prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 708.04 An overall utility plan for the subdivision.
- 708.05 Water and sanitary sewer plans. These plans may be included in the roadway and stormwater construction plans.
- 708.06 A Grading, Erosion, and Sediment Control Report and Plan for the subdivision in accordance with the Douglas County Grading, Erosion and Sediment Control Manual.
- 708.07 A printed copy of the closure calculations on the boundary lines of the replat. Any mathematical closure errors in excess of 1:50,000 (*second order*) must be corrected by the applicant's surveyor prior to plat approval by the Board.
- 708.08 A traffic impact analysis prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards.
- 708.09 A sound study, when proposed residential units are located abutting a federal, state, or major regional arterial highway, identifying the current noise levels and projected noise levels based on projected highway expansion. Subdivision design may be required to mitigate noise impacts.
- 708.10 A report on the geological characteristics of the site, by a qualified professional, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, a determination of what effect such factors would have and proposed

corrective or protective measures. The report shall also include an evaluation of potential radiation hazard to the proposed land use.

- 708.11 A report which discusses existing or potential cultural, archaeological and historical resources of significance on site and plans for the protection of such resources.
- 708.12 Wildfire Mitigation Plan, Weed Management Plan, and other land management reports and studies as required by County regulation or warranted based on site characteristics and proposed land uses.
- 708.13 Provide the following supplemental information on a 24-inch by 36-inch sheet of paper, drawn at the same scale of the replat exhibit, or other acceptable scale, as may be required by staff to analyze the replat:
- 708.13.1 100-year floodplains, existing/proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected property.
- 708.13.2 Potential geologic hazard areas including: areas of rockfall hazard, debris flow, steeply dipping bedrock, and expansive soils.
- 708.13.3 Existing topography at 10' intervals, or as otherwise requested by staff. Identify areas of 15-20% slope in one shading pattern and areas greater than 20% in another shading pattern. Include a narrative that describes the mitigation methods used to address existing slope conditions.

#### 709 Vested Property Rights

The replat is designated as the Site Specific Development Plan for the purpose of vesting property rights for single-family residential land. A landowner seeking vested property rights for single-family residential land must obtain approval of a Site Specific Development Plan pursuant to the provisions of Article 12 of this Resolution. For nonresidential, refer to Section 34 of the Zoning Resolution.

#### 710 Recordation Procedure

The replat shall be submitted for recordation as follows:

- 710.01 The applicant shall amend the replat document in accordance with the Board approval, as necessary. The applicant shall demonstrate compliance with all applicable Board conditions of approval prior to plat recordation.
- 710.02 Within 60 days of approval of the replat, unless stated otherwise in such approval, the applicant shall submit: 1 mylar (3 mil weight, emulsion up, rolled) original of the approved replat exhibit ready for recordation (*except for the signatures of the Board Chair, Director and other County*

*Departments*); all required documentation; and all mapping and recordation fees to the Planning Office.

- 710.03 When applicable, the applicant shall provide proof that security has been provided to cover the subdivision improvement costs in accordance with the terms of the approved subdivision improvements agreement.
- 710.04 The applicant shall provide updated title information, no more than 2 weeks old. If there is a difference in ownership between this title policy and the title policy submitted with the replat application, recordation shall not be allowed until the newly identified owners have executed the plat and any other agreements, easements, or deeds which require owner signatures.
- 710.05 The applicant shall provide cash-in-lieu of County land dedication for parks or schools in accordance with the Board's conditions of approval. The applicant shall provide a special warranty deed for any required County rights-of-way or other land dedications located outside the subdivision boundary, in accordance with Board conditions of approval and the approved subdivision improvements agreement.
- 710.06 A signed warranty deed shall be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.
- 710.07 The applicant shall provide a certificate of taxes paid for the land area of the replat that indicates taxes through and including the prior year have been paid.
- 710.08 Within 30 days of receipt of the replat, and supporting documentation, the staff planner shall obtain the signatures of the Board and other County departments, as required; and upon execution and acceptance by the County of all warranty deeds, the replat shall be recorded.

#### 711 Expiration of Approval

- 711.01 Failure by the applicant to submit all required documentation within 60 days shall render approval of the replat null and void, unless extended by the Director or Board as provided herein.
- 711.02 The Director may grant a time extension for plat recordation of up to 1 year from the date of Board approval, upon a written request by the applicant or staff for good cause being shown. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.
- 711.03 A plat recordation extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any

changes in the Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plat as these changes affect the plat, along with the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office.

711.04 The denial of a plat recordation extension by the Director may be appealed to the Board in writing within 10 days of the decision by the Director.

712 Lot Numbering

When vacating or replatting lots/tracts the following shall apply:

712.01 When vacating a common lot line between two lots, use the original lot number followed by the letter A. e.g., *Vacating the common lot line between lot 1 and lot 2 - the newly created lot should be renumbered lot 1A.*

712.02 When replatting 3 lots into 2 lots use the original lot numbers followed by the letter A. e.g., *Replatting lots 3, 4, & 5, into two lots - the new lots should be numbered lot 3A and 4A.*

712.03 When adjusting the common lot line between two lots, use the original lot numbers followed by the letter A. e.g., *Realignment of the common lot line between lots 7 and 8 - the new lots should be numbered 7A and 8A.*

712.04 When replatting an entire subdivision filing the lots shall be numbered consecutively starting with the number 1. Tracts shall be lettered alphabetically in consecutive order. Specify the acreage within each lot and tract.