



PLANNING COMMISSION SPECIAL MEETING
117 South Main Street, Monticello, Utah 84535. Commission Chambers
December 30, 2024 at 9:00 AM

AGENDA

Google Meeting Link: <https://meet.google.com/ust-hood-zzu>

Or dial: (US) +1 661-552-0879 PIN: 960 575 714#

Welcome / Roll Call

Pledge of Allegiance

Conflict of Interest Disclosure

PUBLIC HEARING for the Consideration and Approval of the Subdivision Ordinance updates, Kristen Bushnell, Planning Administrator

PUBLIC COMMENT - *Time reserved for public comments. Open comments are not allowed once into Administrative and Legislative agenda items.*

LEGISLATIVE ITEMS

1. Consideration and Approval of the Subdivision Ordinance, Kristen Bushnell, Planning Administrator

ADJOURNMENT

****In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice****



LEGISLATIVE STAFF REPORT

MEETING DATE: December 30, 2024

ITEM TITLE, PRESENTER: Consideration and Approval of the Subdivision Ordinance, Kristen Bushnell, Planning Administrator

RECOMMENDATION: Make a motion to approve the adoption of the ordinance to the County Commission.

Make a motion denying the ordinance based on findings of fact due to the following reasons: (statements of findings for substantial evidence)

SUMMARY

The State of Utah passed Senate Bill 174 in March 2023 (effective May 2023) to reorganize the process of approving Subdivisions through administrative staff. This will shorten approval times for subdivisions that meet minimum requirements of San Juan County. The County has been mandated to revise our local ordinance to align with State Code by December 31, 2024.

At this point in time, the scope of evaluation is for Chapter 6: Subdivisions which will be included in the upcoming 2025 Land Use, Development and Management Ordinance that will be set forth in the January 9th Planning Commission and January 21st County Commission meetings.

CHAPTER 6 SUBDIVISIONS

Section 1: SUBORDINATION TO STATE LAW

- A. This LUDMO is subordinate to controlling state law, particularly CLUDMA at Utah Code Title 17, Chapter 27a, Part 6. Applicants should consult the statute before this Chapter’s provisions, which supplement state law.

Section 2: DESIGNATION OF ADMINISTRATIVE AUTHORITY FOR SUBDIVISION APPLICATIONS

- A. The Planning Administrator is authorized to review and approve both preliminary and final subdivision applications. All subdivision applications, including those for single-family homes, two-family homes, townhomes, minor and major subdivisions, shall be reviewed and approved administratively, provided they comply with the requirements of this chapter and other applicable land use ordinances.

Section 3: CONSOLIDATION OF PRELIMINARY AND FINAL APPLICATION PROCESSES

- A. The County’s process combines the preliminary and final plat review processes for all subdivisions to expedite approval and minimize administrative overhead. Applicants must submit a complete subdivision application that includes all subdivision improvement plans, which will undergo a single administrative review.

Section 4: SUBDIVISION PLAT APPLICATION REQUIRED

- A. Unless expressly excepted by statute or this LUDMO, subdividers must submit a subdivision plat application to the San Juan County Planning & Zoning and Building Department for approval.

Section 5: REVIEW CYCLE LIMITS AND TIMELINE

- A. A maximum of four review cycles shall be allowed for each subdivision application. Each review shall be completed within 20 business days. The County shall provide specific citations for required modifications, which shall be logged in an index of requested changes. Applicants must provide a written explanation for any declined modifications.

- B. Subject to Subsection (1), unless the change or correction is necessitated by the applicant’s adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the County’s plan review is waived. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
- C. If an applicant makes a material change to a subdivision improvement plan set, the County has the discretion to start the review process at the first review of the application, but only with respect to the portion of the plan set that the material change substantially affects.
- D. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the County’s previous review cycle, the County may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- E. In addition to revised plans, an applicant shall provide a written explanation in response to the County’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. The applicant’s written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction. If an applicant fails to address a review comment in the response, the review cycle is not complete, and the subsequent review cycle by the County may not begin until all comments are addressed.

Section 6: APPEALS PROCESS FOR SUBDIVISION APPLICATIONS

- A. An applicant aggrieved by a decision of the Planning Administrator may appeal to the appeal authority consistent with state law and this LUDMO, including for disputes involving subdivision improvement plans, an appeal panel consisting of licensed engineers may be convened as per Utah Code section 17-27a-507(5)(d).

Section 7: SUBDIVISION PLAT APPLICATION AND SUBMISSIONS

- A. The subdivider shall file an application for subdivision approval with the Planning Administrator. The application shall include a plat showing all the property the subdivider is seeking to subdivide and the following:
 - 1. A letter of intent signed by the applicant subdivider that explains the purpose of the application and includes all requests and justifications for variances, exceptions, and waivers;

2. A copy of a title report for the property to be subdivided as proof of ownership. A subdivider shall include an affidavit or declaration under penalty of perjury of ownership executed by all owners of the property, or, if the property is owned by a corporation, an authorized officer. If the applicant is acting as the property owner's agent, documentation of the applicant's authority to act for the owner;
 - a) If the required title report reveals any liens or mortgages on the subdivision property or any part thereof, a consent to record plat signed and executed by the mortgagee or lien holder, which shall be recorded simultaneously with the approved subdivision plat;
3. As applicable, a copy of all restrictive covenants on the property that must be recorded with the approved subdivision plat with the San Juan County Recorder (the covenants shall explicitly and prominently state that the County has no responsibility for enforcing the covenants and that the subdivider, owners association, or lot purchasers, as applicable, are solely responsible for enforcing the covenants);
4. As applicable, a road maintenance agreement signed by the San Juan County Road Superintendent.
5. A plat map no smaller than an 18"x 24" (ARCH C) or 24"x36" (ARCH D) size matte mylar drawn in black ink or a black line positive mylar of the same. The plat map may contain and satisfy required elements of the improvement plan. It shall display the following:
 - a) The subdivision name, location (San Juan County, State of Utah), designation as a subdivision plat, total land area in acres, legal description of the total land area of the subdivision referenced to section, township, range, baseline, meridian, county, state, and municipality (if applicable), date of the drawing scaled 1:100 (or large if possible), dates of original drawing and subsequent revisions and sheet number, and north arrow;
 - b) The location and description of all section lines, corners, and permanent survey monuments in or near the subdivision giving the basis of bearings and the distance and course to two or more PLSS or Government survey monuments (GLO, BLM, County, City, Townsite);
 - c) Multiple phases with the same subdivision name shall be identified as "Phase 1", "Phase 2," and so forth;
 - d) Blocks numbered consecutively throughout the subdivision, and the lots numbered consecutively throughout each block, with the areas to be excluded from the plat marked "Reserved" or "Not a Part" and lots within separate phases not having the same number as any other lot in any other phase of the subdivision;
 - e) Lots within different phases of the same subdivision shall be numbered sequentially without regard to phase boundaries or may be distinctly numbered (e.g., 101, 102, 103 in Phase 1; 201, 202, 203 in Phase 2; etc.);
 - f) Lots shall be addressed as per County addressing standards;

- vii. The dimensions of proposed lots and blocks calculated and shown in decimal feet to a precision of two decimal places (hundredth of a foot) and the value of all required bearings and angles dimensioned in degrees, minutes, and seconds, and the acreage for each lot, shown within the lot lines (and staked on the ground), all closed within a hundredth of a foot;
- g) The total numbers of units by kind and their location;
 - h) The exterior boundary lines of the proposed subdivision drawn in a heavy solid line encompassing all planned phases (at all lines bearing breaks, points of curve, and points of tangency, a symbol shall be placed to indicate a change of direction) and the length of subdivision perimeter boundary lines expressed in feet and decimals thereof and the value of all required bearings and angles dimensioned in degrees, minutes, and seconds (boundary closures must close within a hundredth of a foot);
 - i) An indication that all subdivision corners have been surveyed (monuments representing all lot corners shall be set and identifiable on the ground in accordance with state law);
 - j) A designation of the zone or zones in which the subdivision is located and, when applicable, the existing zone boundary lines;
 - k) If requested by the Planning Administrator or County Surveyor, topographic contours with intervals of five feet or less within the subdivision and of at least 50 feet immediately adjacent thereto. If five-foot contour data is unavailable, the contour intervals must be deemed acceptable by the County Surveyor;
 - l) The following signature blocks, executed except for the Planning Administrator and Recorder: San Juan County Zoning Administrator, San Juan County Health Department, San Juan County Recorder, San Juan County Attorney, San Juan County Surveyor, consents of private easement owners, and the subdivision property owner's and mortgagee's certificate of dedication of public land, rights of way, and easements, with space for notarization in the following forms:

<p align="center">SJC Health Department</p> <p>Approved this _____ Day of _____, 20__</p> <p align="center"><i>(Printed name of Health Official if known)</i> Health Official</p>	<p align="center">Owners Dedication</p> <p>OWNER'S DEDICATION AND CONSENT TO RECORD Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into lots, parcels and streets, together with easements as set forth to be hereafter known as _____</p> <p align="center">(Name of Subdivision/Plat)</p> <p>and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner hereby conveys to any and all public utility companies a perpetual, nonexclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines. The undersigned owners also hereby convey any other easements as shown and/or noted on this plat to the parties indicated and for the purposes shown and/or noted hereon this _____ Day of _____, 20__</p> <p>By: _____, Owner <i>(Full printed name exactly as it appears on the vesting deed)</i></p> <p>By: _____, Owner <i>(Full printed name exactly as it appears on the vesting deed)</i></p>
<p align="center">Approval as to Form</p> <p>Approved this _____ Day of _____, 20__</p> <p align="center"><i>(Printed name of Signing Official if known)</i> SJC Attorney</p>	<p align="center">Acknowledgement</p> <p>State of Utah, County of San Juan, on the _____ Day of _____, 20__ personally appeared before me _____ and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she/they) executed the same freely and voluntarily for the purposes stated herein.</p> <p>My commission expires _____, 20__</p> <p align="center">Notary Residing in _____ County.</p> <p align="center">Notary</p> <p align="right"><i>Notary's Seal</i></p>
<p align="center">SJC Recorder</p> <p>State of Utah, County of San Juan, Recorded at the request of _____</p> <p>Date: _____ Time: _____</p> <p>Book: _____ Page: _____ Fee: _____</p> <p align="center"><i>(Printed name of Signing Official if known)</i> SJC Recorder</p>	<p align="center">SJC Surveyor</p> <p>Approval in accordance with information and records on file in this office.</p> <p>Date _____ SJC Surveyor</p> <p align="right"><i>Surveyor's Seal</i></p>

There shall be a separate acknowledgement block for each signing owner in the owner's dedication

- m) All parcels of land to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision together with the purpose and conditions of such reservations, including the names, locations, and widths of public rights-of-way, railroad rights-of-way, access easements to public rights-of-way, adjacent roads and rights-of-way, including at least 50 feet of the property surrounding the plat. Any property not a road that is offered for dedication to the public shall be fully dimensioned by lengths and bearings or angles with the area marked "public";
- n) The radii, arc lengths, chord lengths, and chord directions for curvilinear streets and radii of all property returns;
- o) The identification, location, and dimensions of all easements for public services or utilities as per the improvement plan;
- p) As applicable, a note disclosing that there are restrictive covenants on the property and an acknowledgment that the County has no responsibility for enforcing the covenants.
- q) Drainage channels, wooded areas, and other significant natural features within the platted area and at least the 50 feet of the property surrounding the plat.
- r) The boundary and source of reference to any 100-year floodplain. In the absence of reliable floodplain data, any areas of the plat that are known to be subject to flooding shall be delineated and noted on the plat map;

- s) As applicable, perimeter fence line, delineated and a description of the type and height of the fence;
 - t) Names and addresses of the owners, subdividers, and surveyor preparing the plat; and
 - u) A certification by the surveyor making the plat that the surveyor:
 - i) Holds a license in accordance with the state's Professional Engineers and Land Surveyors Licensing Act;
 - ii) Has completed a survey of the property described on the plat in accordance with state law, including seal and the date of survey, and has verified all measurements;
 - iii) Has resolved any and all boundary issues with adjoining properties to said subdivision; and
 - iv) Has placed monuments as represented on the plat.
 - 6. Written communication from the San Juan County or Utah State Fire Marshal regarding the County's ability to provide fire protection and the fire suppression required or recommended for the proposed subdivision;
 - 7. Written communication from the San Juan County Sheriff regarding any public safety concerns or recommendations for the proposed subdivision;
 - 8. A certification from the San Juan County Treasurer's Office that all taxes owing on the property are paid, including rollback taxes from any previous greenbelt exemption;
 - 9. A vicinity map with north arrow (scale of 1"=2,000' preferred) showing the major roadway network, the ownership of lands abutting the subdivision, and any existing subdivisions adjacent to the proposed subdivision;
 - 10. Two sets of preliminary construction plans for public improvements prepared in accordance with the improvement plan and the design standard requirements of this LUDMO; and
 - 11. Other documents and information may be deemed necessary by the Planning & Zoning and Building Department.
- B. All lots within the subdivision shall conform to the following standards:
- 1. Lots shall meet the width, depth, frontage, and lot size requirements for the zone in which the lot is located, as specified in this LUDMO;
 - 2. All lots shall abut a dedicated street or county road, or a street or road that has become public by right of use, or a private street for which there is a recorded road maintenance agreement; and
 - 3. No single lot shall cross the boundary of a County or other political subdivision, a public road or street, or a private road or street that can legally be used by property owners other than the owner of the lot.

- C. The application will not be considered complete until the required information and compliant plat are submitted with the requisite fee.

Section 7: SUBDIVISION IMPROVEMENT PLAN SUBMISSION

- A. With the subdivision application and in addition to the submissions identified in the foregoing Section, the subdivider shall also provide a subdivision improvement plan. All subdivision improvement plans, including civil engineering plans for infrastructure and utilities, shall be submitted with the plat application. The application will not be deemed complete until all required plans have been reviewed and approved by the Planning Administrator.
- B. The improvement plan shall include the following, some of which may be included on the plat:
1. The location, width, and purpose of all existing and/or proposed public and/or private roads, rights of way, easements, including existing and/or proposed culinary, irrigation, and fire suppression water lines and hydrants, sanitary sewers, other utility main lines, culverts, storm sewers, and storm water detention areas located within the plat and at least 50 feet of the property surrounding the plat;
 2. A letter describing:
 - a) The culinary, irrigation, and fire suppression water and sanitary sewer facilities proposed for the subdivision; and
 - b) Estimated construction costs for planned public facilities, including roads (including, where applicable, curb, gutter, and sidewalks), water (culinary, irrigation, and fire suppression), sanitary sewer, storm drainage, and other such public facilities that may be required. The subdivider shall also state the form of collateral that will be provided to ensure that such improvements will be completed;
 3. If culinary water is to be provided by individual lot or group wells or sanitary sewer is to be provided by individual or group septic or similar waste disposal, the letter describing the water and sanitary facilities must include a statement that the wells or septic or similar waste disposal facilities will be constructed and function in conformance with the rules and regulations of the Utah Department of Environmental Quality and the San Juan County Health Department;
 4. If either water or sanitary sewer facilities are to be part of an approved public system, the application shall also include confirmation from the entity providing the sewer and water services that such services are, or are contracted to be, available to serve the subdivision;
 5. If the proposed subdivision is within 1.5 miles of a municipality or within the boundary of a county service area, special service district, or municipal expansion area, the applicant shall provide proof of notice of its application to such entity;

6. If the subdivider intends to build roads within the subdivision that will be accepted and maintained by the County after dedication, such roads must be built consistent with the County Road Standards. To ensure that this happens, the subdivider must meet with a representative of the San Juan County Road Department, and the County Road Department must agree to the dedication:
 - a) Before proceeding with any road work, placement of any underground utilities, and/or acquisition of any road materials, the subdivider must provide the San Juan County Road Department with a copy of the approved preliminary plat and set up an onsite meeting with the Road Department representative to review all aspects of the roads within the subdivision;
 - b) The subdivider may be required, at its own expense, to provide testing for road materials, compaction testing, and other testing procedures will be used to assure compliance with minimum standards. The subdivider will develop a schedule of road work to be accomplished with an inspection schedule;
 - c) The subdivider may be required to enter into a road maintenance agreement with the County governing the responsibility for maintaining dedicated and accepted public roads, and such agreement shall be executed and recorded as a condition of the final subdivision plat approval;
 - d) If the subdivider proceeds with any of the work on roads within the subdivision that intends to dedicate to the public without the approval and/or inspection of the Road Department representative, the County may, in its discretion, choose not accept the dedication of the roads onto the county system and in such case shall not be responsible for any type of maintenance duty;
 - e) If the subdivider intends to place of any type of water, sewer, septic, telephone, cable television, fire hydrant, etc. line within the right-of-way of any planned public roads, it must comply with the county road standards and provide adequate certification of compliance or compensate the County for inspecting such for compliance; and
 - f) For subdivisions built in “No Winter Maintenance” areas, private snow removal is required unless the subdivision is planned to be—and buyers are provided adequate notice that it is—seasonal, and such requirement shall be set forth in the road maintenance agreement;
 - g) If the subdivider intends that the roads within the subdivision shall be private roads and thus not required to be constructed to county standards, the subdivider still may be required to obtain the approval of the Road Department and any other State, Federal, or Tribal authority for all subdivision access roads that originate off of County, State, Federal, or Tribal roads and other safety factors such as placement and financial responsibility of signs and other items; and

- h) If a subdivision is being developed off an unimproved county road, the Road Maintenance Agreement must include improvements to such road to match the County Road Standard of the road at the access point;
7. In order to guarantee that the required county roads and, if specified, other public facilities including but not limited to drainage, water, fire suppression, and sanitary sewer facilities are constructed in accordance with the applicable standards and to guarantee that the cost of the required public improvements are borne by the subdivider and not the public, the subdivider may be required to enter into a subdivision improvement agreement with the County.
- a) If required, the agreement must be fully executed prior to the approval of the subdivision.
 - b) If required, the agreement shall be structured as determined by the Planning Administrator, at a minimum describing the public improvements to be provided by the subdivider and include unit and total costs, the form and amount of an improvement completion assurance to be provided for the public improvements, and the basis for forfeiture of the assurance and assumption of responsibility by the County;
8. A drainage plan, the design of which shall accommodate runoff from the entire subdivision and the historical runoff from areas adjacent to and upstream of the subdivision in accordance with the following minimum standards.
- a) All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water drainages shall be upheld;
 - b) All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves, or other standards required by San Juan County Code. The “100-year storm” referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed;
 - c) All drainage shall be designed by a Utah licensed professional engineer, in accordance with any requirements of the Utah Department of Environmental Quality for managing storm water;
 - d) The design shall insure that runoff from the developed subdivision shall not exceed the historical volumes and velocities discharged onto adjacent property;
 - e) The drainage system plans submitted with a preliminary plat application shall include:
 - i) All proposed surface drainage structures; and
 - ii) All appropriate design details, dimensions, construction materials and elevations;
 - f) The drainage design for each phase shall show how the drainage is consistent with the master drainage plan of all phases; and

- g) The County Road Department may require a Road Maintenance Agreement on or around any drainage which may have an impact on any existing or planned road;
9. Except as otherwise provided below, each lot in a subdivision shall be served with an approved piped sanitary sewer system.
- a) Individual septic tank systems, or other private sewage systems, shall only be permitted when the nearest point of the subdivision boundary is more than 1,320 feet from an existing approved sanitary sewer system. Septic systems shall be in conformance with the requirements established by the Utah Department of Environmental Quality and the San Juan County Public Health Department, and applicants shall provide proof of the necessary permits and certifications from those entities;
10. Except as otherwise provided below, each lot in the subdivision shall be served with an approved public water system.
- a) Individual or common wells or other private water systems shall only be permitted when the subdivision boundary is more than 1,320 feet from the nearest approved public water system. All private culinary water systems shall be in compliance with the requirements of the Utah Department of Environmental Quality and the San Juan County Public Health Department, and applicants shall provide proof of the necessary permits and certificates from those entities.
 - b) If stock ponds are present, the outer perimeter of the berm must be at least one-hundred feet (100') from any adjoining property line;
11. In consultation with the Planning Administrator and the County Fire Marshal, the County may require a subdivider to provide substantial improvements to provide fire protection for the subdivision when the size of the subdivision/development and the number of lots proposed along with other factors would otherwise jeopardize the health, safety, and general welfare of the residents of the subdivision. Such improvements may include, but not be limited to, fire hydrants, water storage for fire protection, other water systems, and participation in the acquisition of firefighting equipment and facilities to house such equipment. Refer to the San Juan County Fire Policy for anticipated requirements. If required, fire hydrants will be spaced every 500 feet.
- a) If such fire protection improvements are required, these shall be made at the expense of the subdivider/developer and shall meet all fire protection standards as provided in state code, the San Juan County Fire Policy, and other applicable standards. All required systems shall be tested and accepted by the County prior to the issuance of any building permit;
12. Each property owner/subdivider is responsible for fencing out in all zones to allow domestic animals to graze without trespassing onto farms, subdivisions, or other private property.
- a) In newly established subdivisions:

- i) The subdivider shall construct a stock-proof perimeter fence around the entire subdivision prior to any lot being sold. This shall be a condition of approval. The height, fence type, and materials shall be as approved by the Planning Commission during the subdivision application process.
 - ii) A subdivider may request, and the Planning Administrator may approve, an exemption from the fencing requirement only if any one of the following criteria are met:
 - The proposed subdivision is completely surrounded by developed land;
 - The proposed subdivision is within the future annexation area of a nearby municipality and within 100 feet of a municipal boundary; or
 - The proposed subdivision is enclosed by property already enclosed with a stockproof fence.
 - b) If the subdivider obtains an exemption from the fencing requirement, that exemption must be reflected on the plat so as to place others on notice of the exemption.
 - c) If the subdivider does not obtain an exemption from the fencing requirement, a stock-proof fencing proposal shall be submitted with the plat application;
13. When, in the opinion of the County Road Department, the projected traffic volumes within the subdivision are such that the separation of vehicular and pedestrian access is necessary for the safety of the public, the Planning Administrator may require designed sidewalks, curb and gutter, or pedestrian rights-of-way.
 - a) Drainage/Curb and Gutter – In the absence of curb and gutter, a subdivider shall provide a street drainage plan detailing potential impacts to county roads and streets. The subdivider shall be required to provide and install culverts or other drainage structures as required by the County; and
14. The Planning Administrator may require that a sufficient improvement completion assurance be provided by the subdivider to cover the cost of the public improvements required by the subdivision improvement agreement and ensure the completion of improvements within the period specified. The amount of the assurance shall be 110% of the estimated cost of the improvements. The assurance shall be in the form of an escrow deposit, performance bond, irrevocable letter of credit, or, in special circumstances approved at the County’s discretion, a first lien and restriction on sale of the property to be subdivided. The first lien and restriction on sale of the property shall only be used when the appraised current market value of the property is equal to, or greater than, the estimated cost of the public improvements. The Planning Administrator may accept one or a combination of the types of assurance listed above.
 - a) Unless otherwise agreed between the applicant and the County, as improvements are completed, the subdivider may apply to the Planning Administrator for release of all or part of the improvement completion assurance.

- b) Before releasing any part of the improvement completion assurance, the Planning Administrator shall confirm with the San Juan County Road Department or San Juan County Building Inspector, as applicable, that the planned public roads or other improvements have been completed or are in that part completed commensurate with the portion of the assurance sought to be released in conformance with county standards.
- c) Upon confirmation that the planned public roads or other improvements have been, in conformance with county standards, completed or are in that part completed commensurate with the portion of the improvement completion assurance sought to be released, the Planning Administrator shall authorize the release of part or all of the assurance as applicable, less 10% for the County's administrative costs, except that the Planning Administrator shall retain 10% of the assurance for one year in order to ensure that the improvements have been properly constructed.

Section 8: RECORDING OF THE APPROVED PLAT

- A. No plat approval is effective until it has been recorded.
- B. No approved plat shall be recorded until:
 - 1. The plat is approved and signed by the Planning Administrator;
 - 2. If an improvement agreement has been required, the approved and executed agreement has been filed with the San Juan County Clerk;
 - 3. If a road maintenance agreement has been required, the approved and executed agreement is delivered to the Planning Administrator for recording with the final subdivision plat;
 - 4. If a mortgagee's or lien holder's consent to record plat has been required, the executed consent has been delivered to the Planning Administrator for recording with the final subdivision plat; and
 - 5. A copy of the restrictive covenants, if any, for recording.
- C. Upon a subdivision plat's approval, the Planning Administrator shall hold the approved subdivision plat and the other required documents for recording until the Planning Administrator confirms that:
 - 1. The applicant has tendered the full recording fee to the San Juan County Recorder;
 - 2. If required, the applicant has provided the improvement completion assurance in the agreed form and amount;
 - 3. If required, the applicant has tendered the impact fees due and in the correct amount; and

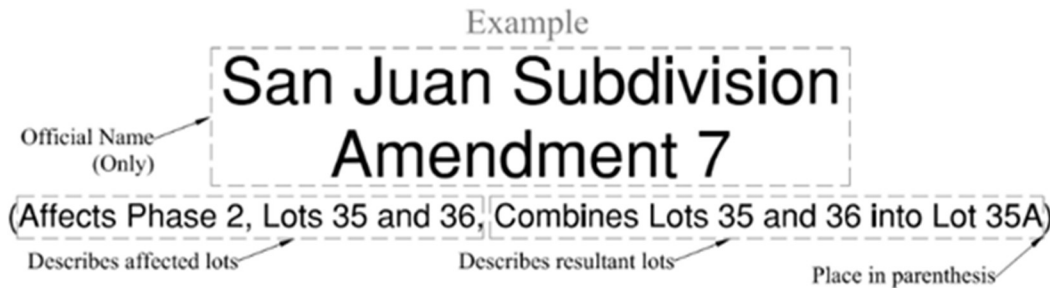
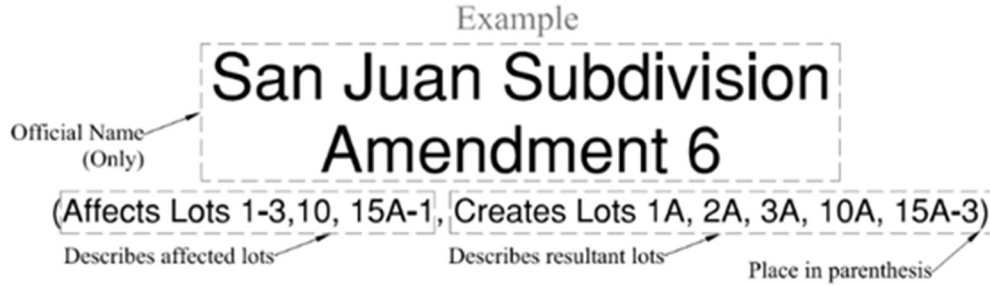
4. The required agreements, approvals, and other records have been provided.
- D. Once the Planning Administrator confirms compliance as required by Subparagraph (3), the Planning Administrator shall cause the approved subdivision plat and the applicable documents to be recorded with the San Juan County Recorder, executed by the Recorder, and a copy of the recorded and stamped subdivision plat and recorded documents delivered to the applicant.
- E. The applicant must provide the Planning Administrator the materials and fees required by Subparagraph (3) within 30 days of the Planning Administrator's signing of the subdivision plat or it will be voidable if the applicant cannot show good cause for the delay. If the applicant does not provide the required materials and fees within six months, the subdivision plat shall be void.

Section 9: OPTIONAL PRE-APPLICATION PROCESS

- A. An applicant may request a pre-application meeting with the Planning Administrator to discuss a concept plan and receive initial feedback. The Planning Administrator shall schedule the meeting within 15 business days of receiving the request. At the pre-application meeting, the Planning Administrator shall provide or make available:
 1. Copies of applicable land use regulations;
 2. A complete list of standards required for the project;
 3. Preliminary and final application checklists; and
 4. Feedback on the concept plan to assist the applicant in preparing a complete subdivision application.
- B. Participation in a pre-application meeting is optional, and the feedback provided shall be advisory only, intended to help the applicant understand the requirements and streamline the formal application process.

Section 10: AMENDMENTS AND VACATIONS

- A. A lot owner may file with the San Juan County Planning & Building Department an application for subdivision amendment with a plat meeting the requirements set forth in CLUDMA Chapter 6 and those sections of this LUDMO applicable to initial subdivision plat approvals.
 1. A proposed subdivision amendment shall be named to correlate with the original subdivision and the sequentially numbered amendment. Each new amendment to the original approved subdivision plat shall increase by an increment of one. Below the subdivision name and number, in parenthesis, shall be listed the affected lots and the resultant lots or changes.



2. The amended plat shall include the following signature blocks: San Juan County Planning Administrator, San Juan County Health Department, San Juan County Recorder, San Juan County Attorney, San Juan County Surveyor, consents of private easement owners, and the subdivision property owner's and mortgagee's certificate of dedication of public land, rights of way, and easements, with space for notarization in the same form as required above for all other final subdivision plats.
 3. The amended plat shall include signature blocks for each property owner within the plat.
- B. The application petition shall also include proof of written notice to:
1. The owners of record of lots within the plat affected by the plat revision;
 2. Adjoining owners; and
 3. If the subdivision includes one, the owners' association.
- C. Upon determining that the application is complete, including the payment of required fee, and does not seek to amend or vacate a public street or easement, the Planning Administrator shall:
1. Provide notice to affected entities, if required; and
 2. Treat the application as one for an initial subdivision and follow that process.
- D. If the proposed amended plat seeks to amend or vacate a public street or easement, the process for that amendment or vacation shall be that provided in CLUDMA.
- E. The Board of County Commissioners may vacate all or a portion of a subdivision plat by passing and recording an ordinance.

- F. The amended plat shall become effective upon recording. The Planning Administrator shall follow the same procedure for recording as that for recording the initial plat and the same requirements and limitations apply.

Section 11: EXEMPTION AND WAIVERS

- A. **Small Subdivision** - A subdivider may create a small subdivision of four or fewer lots without a plat by filing an application with the Planning Administrator that provides sufficient information for the County to find that the statutory requirements for a small subdivision have been met:
 - 1. In addition to the statutory requirements, each lot in the proposed subdivision must have access to a public or private road or an easement to access a public or private road directly and must comply with the applicable zoning.
 - 2. Upon determining that a small subdivision application is complete, including the payment of the required fees, and complies with the applicable requirement, the Planning Administrator shall:
 - a) Certify the subdivision’s compliance in writing;
 - b) Record the written certification; and
 - c) Keep the certification on file in the San Juan County Planning & Building Department.

- B. **Waivers**
 - 1. The Planning Administrator may in its discretion waive certain requirements for a subdivision application or for all or a portion of the required processing fees. All waiver requests must be submitted to the Planning Administrator in writing explaining the reasons for the waiver request. The request must be presented contemporaneously with the application for which it is being sought.
 - 2. Waivers of submittal requirements may be granted by the Planning Administrator upon finding that the particular requirements are not necessary for the application’s consideration.
 - 3. A waiver of part or all the required processing fees for a subdivision application may be granted by the Planning Administrator only on finding that the County’s review time will be significantly less than the time required for the typical subdivision application.