

11-822. Subdivision approval; platting regulations; violation; classification; easement vesting

A. No plat of a subdivision of land within the area of jurisdiction of the county shall be accepted for recording or recorded until it has been approved by the board. The approval of the board shall be endorsed in writing on the plat and shall also include specific identification and approval of the assurances, except those for hiking and equestrian trails required by this section. If a county planning and zoning commission exists, the plat may be referred to the commission for its consideration and the board may receive the recommendation of the commission. If the subdivision is comprised of subdivided land, as defined in section 32-2101, and is within an active management area, as defined in section 45-402, the plat shall not be approved unless it is accompanied by a certificate of assured water supply issued by the director of water resources, or unless the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an assured water supply by the director of water resources pursuant to section 45-576 or is exempt from such a requirement pursuant to section 45-576. The board shall note on the face of the plat that a certificate of assured water supply has been submitted with the plat or that the subdivider has obtained a commitment of water service for the proposed subdivision from a city, town or private water company designated as having an assured water supply pursuant to section 45-576.

B. The ground of refusal or approval of any plat submitted, including citation of or reference to the rule or regulation violated by the plat, shall be stated on the record of the board.

C. Approval of a plat shall not be deemed to constitute or effect an acceptance by the county for designation of any street, highway, bicycle facility or other way or open space shown on the plat into the county maintenance system except for hiking and equestrian trails that are constructed and maintained by the county. However, at the time the streets, highways, bicycle facilities or other ways are fully completed in accordance with the approved plat and written specifications made by the county board, the county shall accept the streets, highways, bicycle facilities and other ways into the county maintenance system within one year of completion.

D. Any person causing a final plat to be recorded without first submitting the plat and obtaining approval of the board is guilty of a class 2 misdemeanor. A county recorder shall not accept for recording or record any plat that has not been approved as provided by this article.

E. On recording of a plat, the fee of the streets, alleys, avenues, highways, easements, parks and other parcels of ground reserved to the use of the public vests in trust in the county for the uses and to the extent depicted on the plat, including ingress and egress easements depicted on the plat. On annexation by any city or town the fee automatically vests in the city or town.

F. For any subdivision that consists of lots, tracts or parcels, each of which is of a size as prescribed by the board of supervisors, the board may waive the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat and may waive or reduce infrastructure standards or requirements except for improved dust-controlled access and minimum drainage improvements.