

CHAPTER 17

Subdivisions

Article 1 General Provisions

- Sec. 17-1-10 Title
- Sec. 17-1-20 Short title
- Sec. 17-1-30 Authority
- Sec. 17-1-40 Purpose
- Sec. 17-1-41 Purpose and intent
- Sec. 17-1-50 Save harmless clause
- Sec. 17-1-60 Disclaimer of liability
- Sec. 17-1-70 Compliance required
- Sec. 17-1-80 Remedies for violations
- Sec. 17-1-90 Amendments
- Sec. 17-1-100 Jurisdiction

Article 2 Definitions

- Sec. 17-2-10 Definitions

Article 3 Administrative Provisions

- Sec. 17-3-10 Owner or agent may subdivide
- Sec. 17-3-20 Variances
- Sec. 17-3-30 Exemption
- Sec. 17-3-40 Access requirement
- Sec. 17-3-50 Fees
- Sec. 17-3-60 Adequacy of applications
- Sec. 17-3-70 Suspension of approval; service of written notice
- Sec. 17-3-80 Permits for development; changes on final plat
- Sec. 17-3-90 Overview of procedures

Article 4 Administrative Replat Procedure

- Sec. 17-4-10 Intent
- Sec. 17-4-20 Prerequisite
- Sec. 17-4-30 Administrative process determination
- Sec. 17-4-40 Approval criteria for administrative replat
- Sec. 17-4-50 Formal submittal process
- Sec. 17-4-60 Formal submittal requirements
- Sec. 17-4-70 Plat exhibit
- Sec. 17-4-80 Expiration of approval
- Sec. 17-4-90 Recordation procedure

Article 5 Preliminary Subdivision Plat

- Sec. 17-5-10 Preliminary subdivision plat submittal
- Sec. 17-5-20 Staff review
- Sec. 17-5-30 Site review
- Sec. 17-5-40 Planning Commission review
- Sec. 17-5-50 Further review by Planning Commission
- Sec. 17-5-60 Town Council review
- Sec. 17-5-70 Preliminary plat application
- Sec. 17-5-80 Preliminary plat review
- Sec. 17-5-90 Additional requirements

Article 6 Final Subdivision Plat

- Sec. 17-6-10 Staff review
- Sec. 17-6-20 Planning Commission review
- Sec. 17-6-30 Town Council review
- Sec. 17-6-40 Final plat application
- Sec. 17-6-50 Additional requirements

Article 7 Subdivision Improvements

- Sec. 17-7-10 Subdivision improvements agreement
- Sec. 17-7-20 Guarantee of public improvements submittal

Article 8 Minor Subdivisions

- Sec. 17-8-10 Purpose
- Sec. 17-8-20 Definitions
- Sec. 17-8-30 Procedure
- Sec. 17-8-40 Application requirements

Article 9 Vacation of Public Easements and Rights-of-Way

- Sec. 17-9-10 Procedure
- Sec. 17-9-20 Applicability

ARTICLE 1

General Provisions

Sec. 17-1-10. Title.

The ordinance codified in this Chapter is an ordinance adopting subdivision regulations for the Town; providing definitions of certain terms; setting out certain provisions, requirements and standards; providing for variances and exemptions; and setting forth details relating thereto. (Prior code 17-1-1)

Sec. 17-1-20. Short title.

These regulations shall be known and may be cited as the "Subdivision Regulations, Town of Minturn, Colorado." (Prior code 17-1-2)

Sec. 17-1-30. Authority.

These subdivision regulations are enacted and adopted pursuant to Article XX of the State Constitution and the Town Charter. (Prior code 17-1-3)

Sec. 17-1-40. Purpose.

These subdivision regulations are intended and designed to protect the health, safety and welfare of the citizens of the Town by providing for orderly, controlled development; by requiring disclosure to purchasers of unknown risks; and by establishing minimum standards for the design of land subdivision projects to ensure that all public and private facilities, including streets and other forms of access, drainage, water supply and sanitation improvements necessary to support human occupation on the land, are provided while also protecting the land form, streams and vegetation from the effects of excessive earthwork and deforestation resulting in extensive erosion and other forms of environmental deterioration. To assure attainment of the objectives, it is necessary that each subdivision be planned in an efficient and economical manner. (Prior code 17-1-4)

Sec. 17-1-41. Purpose and intent.

The purpose of this Section is to establish the minimum standards for the division of land and improvement of that land in the Town:

- (1) General. Establish reasonable and equitable procedures and standards for the subdivision of land.
- (2) Safe and convenient traffic circulation. Require the provision of safe and convenient vehicular and pedestrian traffic circulation.
- (3) Adequacy of public facilities. Ensure that public facilities are available to serve development.
- (4) Conserve and manage natural resources. Conserve and manage natural resources.

(5) Minimize air and water pollution. Minimize the impacts of air and water pollution and the degradation of land.

(6) Open space. Provide for open space and recreational land through efficient and appropriate subdivision design.

(7) Consistency with Master Plan and Land Use Regulations. Guide future growth and development consistent with the Master Plan and the Land Use Regulations.

(8) Safety from fire, flood and other disasters. Maintain or improve safety from fire, flood and other potential disasters.

(9) Adequate light, air and privacy. Provide adequate light, air and privacy for land uses.

(10) Recordation. Ensure that the subdivision of lands is recorded with proper legal descriptions and monuments. (Prior code 17-1-4.1)

Sec. 17-1-50. Save harmless clause.

The subdivider agrees to save the Town and its officers, employees and agents harmless from any and all costs, damages and liabilities which may occur, or be claimed to occur, by reason of any work performed upon any subdivision platted under this Chapter. (Prior code 17-1-5)

Sec. 17-1-60. Disclaimer of liability.

This Chapter shall not be construed as imposing upon the Town, or any official or employee of the Town, any liability or responsibility for damages of any kind to any person by reason of this Chapter. (Prior code 17-1-6; Ord. 15-2008 §1)

Sec. 17-1-70. Compliance required.

It is unlawful for any person to subdivide land within the entire area of the Town without having first complied with the provisions of this Chapter. (Prior code 17-1-7; Ord. 15-2008 §1)

Sec. 17-1-80. Remedies for violations.

In addition to all remedies provided by law, the Town shall be authorized to enforce this Chapter as follows:

(1) The Town may institute an action for injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove an unlawful construction, use, occupancy or conveyance or to enjoin any subdivider from selling, agreeing to sell or offering to sell, or otherwise convey, before full compliance with the provisions of this Chapter, any parceled land or other interest, which sale or conveyance would constitute a subdivision under this Chapter.

(2) The Building Official shall refuse to issue permits of any kind for the construction of any building or other improvements upon any land for which an approved final plat is required by this Chapter, unless and until the requirements hereof have been complied with.

(3) No building permit shall be issued for any lot or parceled land which has been transferred, sold, conveyed, subdivided or acquired in violation of this Chapter.

(4) The Town Council may withdraw any approval of a plat in accordance with the provisions of Section 17-3-70 of this Chapter. (Prior code 17-1-8; Ord. 15-2008 §1)

Sec. 17-1-90. Amendments.

The procedures, standards and criteria contained in this Chapter may from time to time be revised, altered or amended by ordinance by the Town Council. (Prior code 17-1-9)

Sec. 17-1-100. Jurisdiction.

This Chapter is applicable on all land located within the legal boundaries of the Town. (Prior code 17-1-10)

ARTICLE 2

Definitions

Sec. 17-2-10. Definitions.

The following words and phrases, when used in this Chapter, shall have the meanings ascribed in this Section except where the context clearly indicates a different meaning:

Access means the place, means or way by which pedestrians and vehicles shall have adequate and useable ingress and egress to a property, use or parking space.

Alley means a public right-of-way providing only secondary access to the rear of a property and not intended for general travel.

Construction plans and specifications means engineered plans and specifications that are drawn and written with enough detail that a bid schedule and bids can be made from the plans and specifications.

County means Eagle County, Colorado.

Design Review Board means the Design Review Board of the Town, whose duly authorized agent for administrative matters is the Planning Director.

Developable land means net land available for building or other development which is free from water bodies or the one-hundred-year floodplain.

Disposition means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; a conveyance of said interest; and/or a lease or assignment of an interest in subdivided land which is not made pursuant to one (1) of the foregoing, whether made before or after Town Council approval of the subdivision plat.

Dwelling means a building or portion thereof used for human occupancy.

Dwelling, multiple-family means a building containing three (3) or more dwelling units.

Dwelling, single-family means a building containing only one (1) dwelling unit.

Dwelling, two-family (duplex) means one (1) structure containing two (2) dwelling units sharing a common wall which comprises at least ten percent (10%) of the linear measurement around the perimeter of the structure.

Dwelling unit means one (1) or more rooms in a dwelling occupied by one (1) family living independently of any other family, and having not more than one (1) indoor kitchen facility which is limited to the use of the one (1) family.

Easement means a conveyance or reservation of an incident of ownership in real property for one (1) or more specific purposes, public or private.

Final plat means a map and supporting materials of certain described land prepared in accordance with this Chapter as an instrument for recording of real estate interests with the County Clerk and Recorder.

Impervious cover or materials means a surface that does not readily allow water to infiltrate into the ground. The term may include, but not be limited to, building roof surfaces, concrete or asphalt surfaces, compacted gravel and other similar surfaces.

Lot means the individual parcels of separate interests into which a tract of real property is to be divided for purposes of occupancy or transfer of ownership.

Lot area means the total horizontal land area within the boundaries of a lot.

Lot line means the external boundaries of a lot.

Lot slope means:

a. *Standard method.* The gradient of the undisturbed land surface of a lot which shall be established by measuring the maximum number of feet in elevation gained or lost between lot lines. This relationship of vertical measurement divided by the horizontal measurement shall be expressed as a percentile.

b. *Composite method.* This method involves the preparation of slope analysis of the parcel which characterizes the parcel into subareas on the basis of a range of lot slope. The categorization is done by mapping the areas by a predetermined distance between contour lines.

Master Plan means a compendium of reports, charts, graphs, drawings, maps or plans as may be adopted, or any portion thereof or any amendment thereto, which sets forth recommendations and policies for guiding any future growth and development while providing for the public's health, safety and general welfare.

Mobile home means any wheeled vehicle without motor power, capable of being drawn by a motor vehicle, built on a permanent chassis designed for long-term residential occupancy or temporary office use, containing electrical, plumbing and sanitary facilities and designed to be installed in a permanent or semi-permanent manner.

Mobile home park means any parcel of land or portion thereof used for location of three (3) or more mobile homes for human habitation.

Mobile home space means a plot of ground within a mobile home park designed for accommodation of one (1) mobile home or camper vehicle.

Open space means any land or water area which serves the purpose of providing park, agricultural, recreation or conservation opportunities. Construction within open space is limited to foot paths, bridges, irrigation structures, erosion protection devices, underground utilities and outdoor recreation facilities. Ownership of open space may be deeded or reserved to a property owners' association, or may be dedicated to the public or protected in other forms deemed acceptable to the Town Council. Indoor recreation facilities shall not be included in open space.

Ordinary high water means the line on the bank established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding area.

Park means land retained in an open condition for recreation use; it may be improved with playground apparatus, tennis courts, picnic areas, riding or hiking trails, recreation fields, swimming pools and similar facilities.

Parking, off-street means an area maintained on the lot in an accessible and unobstructed condition for parking of vehicles by the residents, visitors, employees and customers of uses occupying the lot.

Permit means a document issued by the Town granting permission to perform an act or service which is regulated by the Town.

Person means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

Planning Commission means the Planning Commission of the Town, whose duly authorized agent for administrative matters is the Planning Director.

Planning staff or *Planner* means a person or persons employed by the Town to assist the Planning Commission in a staff capacity.

Preliminary plat means the map of a proposed subdivision and specified supporting materials drawn and submitted in accordance with the requirements of this Chapter to permit the evaluation of the proposal prior to detailed engineering and design required for the final plat.

Public improvements means all commonly used amenities, including but not limited to parking, driveways, walkways, landscaping, recreational facilities, outdoor lighting, off-site roads, water and sewer mains, drainage, public parks, open space and other improvements.

Road or street means a way or right-of-way reserved for public or private use (other than an alley) which also provides primary vehicular and pedestrian access to adjacent properties, and may include the terms *avenue, drive, highway, lane, place, road* or other similar designation.

Setback means the area prescribed by an imaginary line extending across the lot, parallel with the adjacent lot line and within which no building or structures shall be constructed.

Subdivide means to make a disposition of land which is defined in this Section as a *subdivision*.

Subdivider means a person who makes a disposition of land which is defined in this Section as a *subdivision*.

Subdivision or subdivided land means any parcel of land in the Town (including land used for condominiums, apartments or any other multiple dwelling units) which is divided into two (2) or more parcels, separate interests or interests in common, unless exempted under other provisions of this Chapter. The terms *subdivision* and *subdivided land* as defined herein shall apply to any division of land. If a tract of land which has been subdivided in the past is later described as a single tract in deeds or plats by the legal or equitable owners thereof, any later subdivisions of that tract, even if along the lines of the earlier subdivision, shall be subject to the requirements of this Chapter. Further, if any tract of land has been subdivided as one (1) type of subdivision and thereafter is subdivided so as to create a different type of subdivision (for example, conversion of a condominium subdivision to a time-sharing subdivision), such conversion shall be subject to the requirements of this Chapter. Unless the method of disposition is adopted for the purpose of evading this Article, the terms *subdivision* and *subdivided land*, as defined herein, shall not apply to any division of land which:

- a. Is created by a lien, mortgage, deed of trust or any other security instrument.
- b. Is created by an interest in an investment entity.
- c. Creates cemetery lots.
- d. Creates an interest in oil, gas, minerals or water which is now or hereafter severed from the surface ownership of real property.
- e. 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 of such interest. For the purpose of this Subparagraph, any interest in common owned in joint tenancy shall be considered a single interest.
- f. Creates a leasehold interest of less than three (3) years in term and involves no change in use or degree of use of the leasehold estate or will devote the leasehold estate solely to the growing of crops or livestock.

g. Is created by any court in this State pursuant to the law of eminent domain or by operation of law, or by order of any court in this State if the Town is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion prior to entry of the court order.

h. Would be redundant, where the case involved a clerical error in a previously approved plat.

i. Would result in a property division for the purpose of perpetual open space.

Subdivision, minor means a proposed subdivision of a parcel of land creating a total of six (6) lots or less, including both platted and remaining unplatted parcels, which is properly zoned for the proposed use. All lots on the proposed subdivision must abut a Town street or road which has been accepted for maintenance or, in the judgment of the Town, be physically accessible, or capable of being physically accessible, from the public street by conventional vehicles.

Town Clerk means that person officially appointed by the Town Council to act as administrative secretary to maintain procedures and records in compliance with this Chapter.

Town Council means the Town Council of the Town of Minturn. (Prior code 17-2-1; Ord. 15-2008 §1)

ARTICLE 3

Administrative Provisions

Sec. 17-3-10. Owner or agent may subdivide.

No person but the owner of land may subdivide or make application to subdivide such land without first having obtained a properly acknowledged power of attorney to subdivide such land from the owner thereof or from the authorized agent of said owner. (Prior code 17-3-1)

Sec. 17-3-20. Variances.

(a) Upon application by a subdivider, the Town Council may, at its discretion, grant variances from some or any requirements of this Chapter based upon the following criteria:

(1) Whether a strict, literal interpretation of this Chapter would result in an undue hardship to the subdivider due to the purpose, size, shape, location and character of the proposed subdivision; and

(2) Whether the provisions of this Chapter from which relief is requested are not materially important, in a planning sense, to the orderly controlled development of the tract in question.

(b) A variance granted by the Town Council may contain limitations as to time of disposition or use of the tract in question in order to ensure that the stated purpose of the variance request is realized. (Prior code 17-3-2; Ord. 15-2008 §1)

Sec. 17-3-30. Exemption.

The Town Council may, pursuant to a resolution duly adopted at a public meeting, exempt from the provisions of this Chapter any division of land if the Town determines that such division is not within the purposes of this Chapter and, in addition, the method of disposition adopted is not for the purpose of evading the provisions of this Chapter. Exempted divisions of land include those listed in the definition of subdivision in Section 17-2-10 of this Chapter. (Prior code 17-3-3)

Sec. 17-3-40. Access requirement.

No person shall submit an application for subdivision approval to the Town Council unless the subdivision plat ensures, pursuant to Section 43-2-147, C.R.S., that all lots and parcels created by the subdivision will have access to the state highway system in conformance with the State Highway Access Code. (Prior code 17-3-4)

Sec. 17-3-50. Fees.

The fees for subdivision procedures shall be established by resolution of the Town Council. (Prior code 17-3-5; Ord. 15-2008 §1)

Sec. 17-3-60. Adequacy of applications.

(a) All materials and information, as required by applicable sections of this Chapter, including applications, fees, sketches, maps, plans, plats and reports, must be submitted to the Planning Director, complete in every detail and by the times specified.

(b) No item or application which is not in compliance with the standards and procedures of this Chapter may be placed on a meeting agenda of the Town Council. The Planning Director shall determine the compliance of each application and shall be the authority for placing any application or item on an agenda.

(c) Appeals from a ruling of the Planning Director may be made to the Town Council in writing, specifying details of the appeal, at least ten (10) days prior to the regular meeting at which the appellant wishes to be heard.

(d) The Town Council, at the specified meeting, shall hear facts and relevant information as presented by the Planning Director and by the appellant, and shall render a decision in writing on how to proceed with further action within thirty-five (35) days of the meeting.

(e) The Planning Director may waive certain application materials where such materials have been determined to be unnecessary. (Prior code 17-3-6)

Sec. 17-3-70. Suspension of approval; service of written notice.

(a) The Town Council may suspend or withdraw any approval of a plan or plat or may require certain corrective measures to be taken following a determination that the information provided by the subdivider upon which such approval was based is false or inaccurate or that new significant information has been brought to its attention. Suspension of approval may occur if construction of public improvements is not in accordance with the approved final plat and supplemental information.

(b) A written notice from the Planning Director shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider to appear at a regular or special meeting of the Town Council not less than ten (10) days or more than thirty (30) days after the date of service of notice. The Town Council shall determine at the meeting the nature and extent of alleged false or inaccurate information, shall consider any new significant information that has been brought to its attention and shall have power, upon good cause being shown, to suspend or withdraw any approval or require certain corrective measures to be taken. (Prior code 17-3-7)

Sec. 17-3-80. Permits for development; changes on final plat.

(a) No permits of any kind shall be issued by any Town official for the construction of any building or other improvements upon any land to which this Chapter applies unless and until the requirements in this Chapter have been met.

(b) No changes, erasures, modifications or revisions shall be made on the final plat after the approval by the Town Council without specific approval in writing by the Town Council. Such approval shall be noted on the final plat and signed by the Mayor. (Prior code 17-3-8)

Sec. 17-3-90. Overview of procedures.

Unless exempted pursuant to Section 17-3-30 above, prior to the division or transfer of land within the Town, an applicant shall obtain approval for a preliminary plat and final plat for subdivision pursuant to the procedures and standards of this Section.

(1) Preliminary plat. The purpose of preliminary plat review is for the applicant to respond to planning and development issues and concerns and to formulate detailed, properly engineered solutions to those issues and concerns. The preliminary plat stage is when the applicant is to provide detailed information and mitigation proposals to be evaluated by the Town.

(2) Final plat. The purpose of final plat review is for the applicant to submit a permanent, comprehensive and accurate public record of the subdivision, including the precise size, shape and location of lots, blocks, streets, easements, open space and other parcels of land within the development, together with all applicable covenants, conditions, use restrictions and design and development standards. The final plat shall conform in all respects to the preliminary plat approved by the Town and shall incorporate all modifications and conditions imposed by the Town Council. (Prior code 17-3-9)

ARTICLE 4

Administrative Replat Procedure

Sec. 17-4-10. Intent.

These procedures are to provide an abbreviated process for replat applications that demonstrate compliance with the criteria contained herein. The administrative replat process is intended to be accomplished within a period of thirty (30) business days. This time frame may vary depending upon the circumstances of each individual case. A final development plan, subdivision development plan

or administrative site plan shall be completed for each site prior to building permits being issued when applicable. The administrative replat shall include one (1) contiguous parcel of land within the boundaries of one (1) subdivision. Right-of-way cannot be included within the boundaries of an administrative replat. Parcels separated by right-of-way cannot be replatted administratively. (Prior code 17-4-1; Ord. 15-2008 §1)

Sec. 17-4-20. Prerequisite.

The criteria for the Planning Director in making the administrative designation shall include, but not be limited to, the following:

- (1) An overall final drainage report and street construction plans have been approved for the final plat governing the administrative replat proposal and a subdivision improvement agreement is in place to guarantee all required public improvements.
- (2) No additional right-of-way dedications, public improvements, traffic studies, drainage studies or subdivision improvement agreements are required.
- (3) The perimeter boundaries of the administrative replat coincide with existing lot lines. The perimeter boundary of the existing subdivision is not affected. (Prior code 17-4-2)

Sec. 17-4-30. Administrative process determination.

(a) The applicant shall submit all required presubmittal materials, in accordance with Planning Department requirements, along with a justification letter that details how the proposed administrative replat meets the applicable criteria contained herein.

(b) Upon the Planning Department's acceptance of the presubmittal materials, the applicant will be scheduled for and must attend a presubmittal conference with the Town Planner and Town Engineer to discuss the merits of the proposed administrative replat. During the presubmittal meeting, the Town Planner and Town Engineer will make an initial determination as to the proposal's eligibility to be processed administratively.

(c) At the next regularly scheduled staff meeting following the presubmittal meeting, the proposal will be presented to the Planning Director for final determination as to whether the proposal can be processed administratively. The applicant will be notified by the case planner of the determination to approve or deny the request for administrative processing as soon as practical.

(d) The Planning Division Manager reserves the right to refer any request for an administrative replat to the Town Council for consideration at a regular meeting of the Town Council. The Planning Division will notify the applicant if the Planning Division Manager determines that Town Council review is desired.

(e) If the Planning Division Manager denies a request for administrative replat process, the applicant can appeal the decision to the Town Council, within ten (10) working days of the Planning Division Manager's decision, by filing a letter of appeal with the Planning Department. The Planning Director will notify the Town Council upon receipt of the letter of appeal, and the matter will be scheduled within (30) thirty days for final Town Council determination. The applicant will be

notified by the Planning Department of the date the Town Council will consider the appeal and the requirement to provide justification on his or her behalf.

(f) Upon a determination that the application can be processed administratively, the applicant must submit the formal application within sixty (60) days of the Planning Director's determination that an administrative replat is allowed. Failure to submit the application within the sixty (60) working days of the Planning Division Manager's determination, in writing, will render the decision voidable.

(g) The Planning Director, at the Planning Director's discretion, may waive the presubmittal conference. If a waiver is granted, the Planning Director will issue a letter of confirmation. (Prior code 17-4-3; Ord. 15-2008 §1)

Sec. 17-4-40. Approval criteria for administrative replat.

The Town Council shall consider the following criteria for approval of an administrative replat:

(1) Whether the administrative replat is consistent with the efficient development and preservation of the entire final plat.

(2) Whether the administrative replat will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.

(3) A lot line vacation when there is no increase in the number of lots in the original plat; i.e., the combination of two (2) or more lots into one (1) lot up to a maximum of four (4) lots.

(4) An adjustment of lot lines for a maximum of four (4) existing lots (e.g., four [4] lots into two [2] lots), in which the original subdivision is not substantially modified and additional lots are not created.

(5) Use of the administrative replat procedures is compatible with the site's existing planned unit development, when applicable, as well as the Town's community plan.

(6) Approval is in keeping with the spirit and intent of the subdivision regulations and will not weaken the purposes of those regulations.

(7) Approval will not adversely affect public health, safety and welfare.

(8) The subdivision of lots within an approved final plat for property located within an approved master development plan or PUD. (Prior code 17-4-4)

Sec. 17-4-50. Formal submittal process.

(a) Upon receipt of all required information, the Planning Department shall review the formal submittal within five (5) business days to determine if it is consistent with the standards set forth in these regulations.

(b) If the application has not adequately addressed all outside referral agencies through submittal letters of approval at Paragraph 17-4-60(10) below, staff will notify those agencies with a fourteen-day referral period. This referral process may extend the thirty-day review period.

(c) The applicant will be notified of any outstanding issues upon completion of this internal review.

(d) The applicant shall submit a final Mylar for signature by the Town Council following completion of all outstanding issues raised by the referral process and staff's determination that the administrative replat complies with all specified plat content requirements per Section 17-4-70 herein.

(e) The final Mylar shall be an original drawing in black ink on twenty-four-by-thirty-six-inch single/double matte Mylar or photographic blackline positive Mylar of the same, or equivalent.

(f) Prior to recordation of the replat, the applicant must submit all required documentation, recordation fees and a certificate of taxes paid, along with the approved administrative replat in accordance with the Town Council approval.

(g) The applicant shall provide evidence through a current title insurance policy or commitment, no more than thirty (30) days old from the date the Mylar is submitted, that the signature of the owner on the Mylar is the owner of the property.

(h) No plat shall be recorded on the replatting of real property unless all delinquent taxes and special assessments thereon have been paid and unless such property is classified in the appropriate zoning district as defined in Chapter 16 of this Code.

(i) Upon acceptance of the final Mylar by the Planning Director, the administrative replat will be signed by the Mayor and attested by the Town Clerk.

(j) Within thirty (30) days receipt of the Mylar, the applicant shall record the administrative replat with the office of the County Clerk and Recorder. (Prior code 17-4-5; Ord. 15-2008 §1)

Sec. 17-4-60. Formal submittal requirements.

The following are requirements for formal submittal:

- (1) Land use application (the application is available in the Planning Division office).
- (2) Application fee (fee schedule is available in the Planning Division office).
- (3) A letter of intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.
- (4) Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than ninety (90) days old.
- (5) A notarized letter of authorization from the landowner permitting a representative to process the application with a disclaimer that no other party's consent is required.

(6) An administrative replat exhibit, per Section 17-4-70 below. The format for all plats shall be in upper-case sans serif. Font size shall be readable when reduced to an eleven-by-seventeen-inch size. No plats shall include copyright restrictions.

(7) Certificate of taxes paid.

(8) One (1) set of traverse closure computations corresponding to the administrative plat.

(9) One (1) set of monument records if applicable.

(10) Letters from any referral agencies stating their recommendation regarding the replat and any existing facility they have over or across the land, including:

a. All special districts providing maintenance of infrastructure within or adjacent to the property.

b. All known easement beneficiaries and/or utility providers.

c. All landowners abutting the property.

(11) Any easements or roadway vacations associated with an administrative replat must be processed separately. (See Section 17-9-10 of this Chapter for more details.)

(12) A submittal requirements matrix is available in the Planning office listing the complete list of submittal items and the proper number of copies. There may be other submittal requirements based on an engineering review. (Prior code 17-4-6; Ord. 15-2008 §1)

Sec. 17-4-70. Plat exhibit.

The administrative replat exhibit shall be an original drawing in black ink on twenty-four-by-thirty-six-inch single/double matte Mylar or photographic blackline positive Mylar of the same, or equivalent, and shall contain the following information:

(1) The title of the subdivision, as dedicated, shall be located at the top of each sheet. On each sheet, in smaller lettering, the second line of the title block shall read "A REPLAT OF _____," followed by the legal description of the lots and blocks included within the administrative replat. On each sheet, the next line of the title block shall indicate the quarter section, section, township, range and 6th Principal Meridian in which the administrative replat is located. The name of the County and the State shall be included on the last line of the subtitle.

(2) Each sheet of the administrative replat shall show the date of the survey, north arrow, sheet number and the written and graphic scale. The drawing date and any revision dates shall be shown on the cover sheet. On the bottom left-hand corner of each page, the Case No. XX-XXX shall be added. The minimum scale of the drawing shall be one (1) inch to one hundred (100) feet. Acceptable larger scales are one (1) inch to twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet and sixty (60) feet.

(3) Vicinity map (scale of 1" = 2000' preferred) showing the administrative replat in relation to section lines and existing or proposed streets within one (1) mile.

(4) An accurate and complete monumented land survey pursuant to Section 38-51-102(13), C.R.S., shall be made of the land to be included in the administrative replat. A traverse of the boundary when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one (1) part in fifteen thousand (15,000).

(5) The monumented land survey shall be an accurate reflection of the legal description. The legal description shall be in the following format:

"A parcel of land in the $\frac{1}{4}$ Section __, Township __ South, Range __ West of the Sixth Principal Meridian, County of Eagle, State of Colorado, more particularly described as follows:

"(Include the Lots, Block, if any, and name of the subdivision as dedicated. The area of the subdivision to the nearest one-hundredth (.01) of an acre, more or less, shall be included.)"

(6) If the subdivision of which the replat is a part was recorded prior to July 1, 1975, the legal description must include a metes-and-bounds legal description.

(7) One (1) corner of the replat shall be tied (distance and bearing) to two (2) adjacent section or quarter section corners of the Public Land Survey System. The monuments found/set at the section or quarter-section corners must be described on the plat.

(8) The surveyor shall rehabilitate or upgrade any section or quarter-section corners used to control the survey of the subdivision as required by the Rules of Procedure promulgated by the State Board of Registration for Professional Engineers and Professional Land Surveyors.

(9) This Section is not applicable if the subdivision of which the replat is a part was tied (distance and bearing) to two (2) adjacent section or quarter-section corners of the Public Land Survey System.

(10) A note indicating the line being referenced and the existing monuments that define the referenced line shall be included on the replat. If the subdivision of which the replat is a part uses bearings, the surveyor may use the same basis of bearings for the replat.

(11) If the original basis of bearings is not used or the original subdivision did not use bearings, the surveyor must establish a basis of bearing in accordance with Article 6 of this Chapter.

(12) The administrative replat shall be monumented pursuant to Subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) of Section 38-51-105, C.R.S.

(13) Where applicable, the monuments set by the surveyor on the boundary of the subdivision shall be thirty (30) inches long, solid steel pins, one-half ($\frac{1}{2}$) inch to three-fourths ($\frac{3}{4}$) inch in diameter, set in a concrete collar at least six (6) inches in diameter and twelve (12) inches in depth.

(14) Offsets, which are to be set on the extension of any lot line, shall be noted on the plat at the time of recording and shall comply with Section 38-51-105, C.R.S. This note shall specify the standard offset distance and any nonstandard distances. An example of a note is as follows:

a. All offset notes are one-inch metal disks embedded in concrete sidewalks set on the lot line extended, five (5) feet from the platted lot corner along all streets except as follows: Nonstandard offsets for lot lines between:

1. Lots 1 and 2, Block 1, is 5.87 feet.
2. Lots 3 and 4, Block 1, is 6.03 feet.

b. If no offset monuments are to be set in conjunction with the administrative replat, the following note shall be included on the plat:

Note: No offset monuments are to be set in conjunction with this administrative replat.

(15) A Colorado land survey monument record for each section or quarter-section corner that the subdivision is tied to or controlled from must be prepared and sealed at the time the plat is submitted to the Planning Department.

(16) Each monument record shall describe both the supporting and contradicting evidenced, as well as the monument found and accepted, established, restored or rehabilitated, and at least three (3) accessory or reference points. If the latest monument records on file meet the above-described criteria and the reference points are still existing, the surveyor only needs to submit copies of the latest monument records with the plat.

(17) The following note shall be placed on the administrative replat exhibit:

Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class 2 misdemeanor pursuant to Section 18-4-508, C.R.S.

(18) The plat shall show complete survey and mathematical information, including curve data, and other data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines. Distances and bearings shall be used.

(19) The boundary of the administrative replat shall be delineated with a heavy solid line.

(20) The lines of all proposed lots shall be fully dimensioned with distances and bearings. Where a lot line intersects a street line at right angles, the bearing may be omitted. If a lot line intersects a curved street, the bearing on the line shall be shown. If the lot line is not radial to a curved street line or a curved property line, the lot line shall be labeled N.R. and the radial bearing at the point of intersection shall be shown.

(21) The location of lots, blocks, tracts and parcels adjoining the administrative replat shall be shown. Adjoining lots and blocks shall be labeled and the name of adjoining subdivisions, as dedicated, shall be shown.

(22) The blocks in the administrative replat shall be numbered consecutively throughout the administrative replat, commencing with Block 1. The lots in each block shall be numbered consecutively, commencing with Lot 1.

(23) The names and widths of all public streets shall be shown on the administrative replat. Existing rights-of-way shall bear notations of dedication by book and page number. Private drives and streets shall be labeled as such.

(24) All easements shall be clearly labeled, identified and dimensions shown and tied to reference points within the subdivision, and be shown by dashed lines. Existing easements shall bear a notation of dedication of conveyance by book and page number. If any easement of record can not be definitely located, a statement of the existence, the nature thereof and its recorded reference shall be placed in the note section. Easements shall be designated and the disposition thereof indicated in the note section. Easements that abut the exterior boundary of the subdivision shall be shown and clearly labeled.

(25) All plats having lots bordering a collector or larger street/road shall contain a note limiting or prohibiting ingress and egress to that street/road.

(26) The identification and designation of the boundary lines of any one-hundred-year developed floodplain and the source of the designation shall be shown on the plat.

(27) The appropriate traffic sight triangles shall be designated and dimensions shown on the plat. Sight triangles shall be shown at the intersection of all roadways and at the intersection of all private drives/access points with public roadways.

(28) All standard notes and certificates required by the Planning Department shall be included on the plat. All notes not meeting these specifications shall be removed. The surveyor shall seal the plat so that the seal does not obscure any information shown on the plat. (Prior code 17-4-7)

Sec. 17-4-80. Expiration of approval.

(a) Unless extended as provided herein, failure by the applicant to submit all required documentation within sixty (60) days of approval shall render approval of the administrative replat voidable and may result in the necessity for a new submittal of the administrative replat. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Department.

(b) The Planning Director may grant extensions of time up to twelve (12) months upon a written request by the applicant or staff for showing good cause. Good cause may include, but not be limited to, that signatories are out of state or country or a major change was requested by the Town Council.

(c) An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines. The request shall list any changes in the character of the neighborhood and any changes in the County Master Plan, zoning resolution or subdivision regulations that have occurred since approval of the administrative replat. These changes may affect the administrative replat and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Division office. Additional review of the administrative replat may occur, resulting in additional conditions as applicable.

(d) The denial of an extension by the Planning Director may be appealed to the Town Council in writing within ten (10) working days of the decision by the Planning Director. (Prior code 17-4-8; Ord. 15-2008 §1)

Sec. 17-4-90. Recordation procedure.

The administrative replat shall be recorded in accordance with the final plat regulations. (Prior code 17-4-9)

ARTICLE 5

Preliminary Subdivision Plat

Sec. 17-5-10. Preliminary subdivision plat submittal.

Twenty (20) copies of the preliminary subdivision plat and supplemental information shall be submitted to the Planning Director at least thirty (30) days before the Planning Commission meeting at which it is to be reviewed. The submittal shall be accompanied by the appropriate review fee as set forth in Section 17-3-50 of this Chapter. Plan requirements are detailed in Section 17-5-70 below. (Prior code 17-6-1)

Sec. 17-5-20. Staff review.

The Planning Director shall distribute copies of the preliminary subdivision plat to Town staff and other agencies as he or she deems appropriate. They shall review the plat with site visits as needed to determine whether the proposal conforms with the Town's regulations, goals, policies and plans in their areas of responsibility. They shall submit their comments to the Project Planner at least seven (7) days before the appropriate Planning Commission meeting. The Project Planner shall compile their comments and prepare for the Planning Commission a summary of the issues which it should consider in reviewing the proposal. (Prior code 17-6-2)

Sec. 17-5-30. Site review.

Before the Planning Commission hearing on a preliminary subdivision plat, the proposal shall be reviewed on site by at least three (3) members of the Planning Commission. They may make written recommendations to the full Planning Commission at its regular meeting regarding compliance of the proposal with the Town's regulations, goals, policies and plans. (Prior code 17-6-3)

Sec. 17-5-40. Planning Commission review.

(a) The Planning Department shall distribute copies of the preliminary subdivision plat, along with the summary of issues and comments, to the Planning Commission members. A copy of the summary of issues and comments shall also be furnished to the applicant.

(b) The Planning Commission shall review the proposal at a regular meeting at which it shall hold a public hearing on the proposal. Public notice shall be given, with at least ten (10) days' advance notice. The applicant or a representative shall be present at the meeting to represent the proposal. The Planning Commission shall take one (1) of the following actions:

(1) Recommend to the Town Council that the preliminary subdivision plat be approved, subject to such conditions as the Planning Commission finds necessary to ensure that the proposed subdivision complies with the Town's regulations, goals, policies and plans;

(2) Continue the hearing to the next regular Planning Commission meeting with the requirement that the applicant submit changes or additional information which it finds necessary to determine whether the proposal complies with the Town's regulations, goals, policies and plans;
or

(3) Recommend denial of the preliminary subdivision plat, stating the specific reasons for denial. (Prior code 17-6-4)

Sec. 17-5-50. Further review by Planning Commission.

(a) In the event the hearing is continued, the applicant shall submit twenty (20) copies of the required changes or information to the Planning Director at least ten (10) days prior to the Planning Commission meeting at which the proposal is to be reconsidered. The Planning Director shall review the additional submittal with appropriate staff and other agencies and shall distribute copies of the submittal, along with comments from staff and agencies, to the Planning Commission members.

(b) At the continued hearing, the applicant or a representative shall be present to represent the proposal. The Planning Commission shall take one (1) of the following actions:

(1) Recommend to the Town Council that the preliminary subdivision plat be approved, subject to such conditions as the Planning Commission finds necessary to ensure that the proposed subdivision complies with the Town's regulations, goals, policies and plans; or

(2) Recommend denial of the preliminary subdivision plat, stating the specific reasons for denial. (Prior code 17-6-5)

Sec. 17-5-60. Town Council review.

Subsequent to the Planning Commission's recommendation, the Project Planner shall distribute copies of the preliminary subdivision plat and supplemental information to the Town Council, along with relevant excerpts from Planning Commission minutes and copies of staff or agency comments. The Town Council shall review the plat at a regular meeting at which it shall hold a public hearing on the proposal. The applicant shall be present to represent the proposal. The Town Council shall take one (1) of the following actions:

(1) Affirm the recommendations of the Planning Commission after a finding that the proposal does or does not comply with the Town's regulations, goals, policies and plans; or

(2) Reverse the recommendation of the Planning Commission after a finding that the proposal does or does not comply with the Town's regulations, goals, policies and plans. (Prior code 17-6-6)

Sec. 17-5-70. Preliminary plat application.

(a) Any person proposing to subdivide land shall submit a preliminary plat in the form and manner hereinafter described, together with required supplemental information, to the Planning Commission and Town Council. The required application shall also be submitted. Included with the application shall be a list, including mailing addresses, of the owners of subsurface mineral interests in the proposed land to be subdivided and their lessees, if any, the recorded owners of land contiguous to the proposed subdivision and any other party which has requested in writing to be notified of development proceedings.

(b) Preliminary plat maps shall be drafted in a preliminary fashion scaled and dimensioned to the nearest foot; and construction plans for street, utilities, erosion control facilities and other public improvements should be drawn in sufficient detail to fully represent the intentions of the subdivider with regard to the type, materials and location of the proposed improvements.

(c) Maps and plans submitted shall be to the following scale:

<i>Subdivision Lot Area</i>	<i>Scale</i>
Less than 10,000 sq. ft.	1" = 50 or less feet
10,000 sq. ft. - 2 acres	1" = 100 or less feet
2.01 acres - 5 acres	1" = 200 or less feet
More than 5 acres	Scale shall be consistent with clear depiction of information and final plat sheet size (24" x 36")

(d) The following maps and information shall be required and shall conform to the format and inclusions which follow:

(1) Preliminary information sufficient to indicate that the final plat will meet requirements established under Section 38-51-101, et seq., C.R.S.

(2) North arrow, graphic scale, data of plat preparation (and revisions thereto) and contour interval.

(3) Boundary lines with bearings and distances, plus a property description of the tract proposed for subdivisions; said property description shall be a metes-and-bounds survey.

(4) Departing property lines and owners of record of all parcels adjoining the proposed subdivision, including parcels separated therefrom only by a public right-of-way.

(5) Existing contours at two-foot intervals on all portions of the land proposed for development for either public or private use, and at ten-foot intervals for all areas to remain in their natural state. All contour lines shall be accurate to within fifty percent (50%) of the interval. Areas sloping less than two percent (2%) shall have two-foot contour intervals.

(6) Street names and a block and lot numbering system shall be shown.

(7) Approximate area of each lot and its proposed use.

(8) Site or facilities to be reserved or dedicated for public parks, schools or other public uses, if any, and the proposed terms and managing agencies for such reservations and dedications.

(9) The site's geological, mineral resource, drainage and floodways, soil, vegetation, wildfire and other natural or man-made characteristics, including hazards and pollution which will affect the proposed land use, shall be investigated and shown on a map supplemental to and at the same scale as the preliminary plat, accompanied by such reports as necessary to complete the description of the existing conditions to show the following:

a. Soils. Soil types and their boundaries based on the National Cooperative Soil Survey, U.S.D.A. Soil Conservation Service, and a table of interpretations for included soil types shall be included.

b. Vegetation. Plant associations, including a description of materials, shall be mapped and described and major tree masses shall be shown on the plat.

c. Wildlife. The wildlife species inhabitation inventory, including wildlife habitats which will be affected by the proposed subdivision, shall be mapped and described following the practices of the State Division of Wildlife.

d. Wildfire. The relationship of vegetation types, aspect, slope and weather in the area of the proposed subdivision shall be inventoried and mapped, following practices of the State Forest Service, to determine wildfire hazard conditions.

e. Slope. The slopes of each proposed lot shall be shown.

f. Proximity to water bodies. The distance from the natural identifiable high water mark of live or intermittent streams to any proposed development within the subdivision.

g. Pollution. Potential pollution hazards which might affect the property.

h. Buildings. Hazardous or abandoned building on the property.

(e) A grading and drainage plan, on a plan supplemental to and at the same scale as the preliminary plat shall be provided, to include the following:

(1) Grading plan. Generalized grading plan for the areas to be developed for public or private use, showing existing and revised contours and any proposed retaining structures.

(2) Cross-sections. Cross-sections to illustrate potentially difficult grade relationships between proposed roads, building sites and parking areas, and the recommended solutions to these problem areas.

(3) Street plan and profiles. Plan views and centerline profiles shall be plotted at a horizontal scale of one (1) inch to five (5) feet on sheets supplemental to the drainage plan. These plans and profiles shall show all intersections with existing streets and all existing and proposed drainage areas and easements crossing, or parallel to, the roads. Also shown will be any known areas of high water table, unsuitable soils and geological hazards. These plans shall include typical cross-section showing road widths, including driving surface, shoulders, curbs and gutters, barrow

ditches, cut-and-fill slopes to the point of intersection with natural ground and the pavement structure details. The plan shall include the extremities of all cut-and-fill areas. A supplemental sheet shall be included to detail all drainage, retaining and bridge structures to be constructed as part of the roadway.

(4) Drainage study. A drainage study shall be prepared in accordance with this Chapter. This study shall include a contour map showing all existing and proposed water courses, including the seasonal course limits of tributaries, indicating the surface conditions and location of point of departure from the development. This study shall include computations of ten-year flow and one-hundred-year floodplain plotted on the contour maps. The drainage study shall also include computation of the increase or decrease in flows anticipated as a result of the development, and the capacity and velocity through all drainage structures, including open channels. In no case shall the area within the one-hundred-year floodplain be used for structural development without specific approval of the Town. In no case will a development be allowed to affect the location of discharge, the magnitude, depth and slope of stream bed, velocity of drainage flows upstream or downstream from the development, or the stream channel slope within the development, unless part of a floodplain management plan approved by the Town.

(f) A utility plan, on a plan supplemental to and at the same scale as the preliminary plat shall be required, to include the following:

(1) Water supply. If a central water supply and distribution system is to be provided, the details of the system shall be shown and shall include the following:

a. Adequate evidence prepared by a registered engineer that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed, including requirements for fire protection.

b. If connection is to be made to the existing Town system, the following information shall be provided:

1. Evidence that the Town is willing to service the proposed subdivision;

2. Information regarding present service requirements, future commitments and present and future water supply capabilities of the Town;

3. Information regarding the water rights owned or used by the applicant, and an analysis of the potential for transfer to the Town for the purpose of supplying the development; and

4. Evidence of compliance with all applicable water system construction and operation specifications of the Town, to include demonstrated adequacy for fire protection.

(2) Water supply. If it is intended that individual water systems will be provided by lot owners, a report indicating the availability of ample potable groundwater at estimated depths throughout the subdivision and expected quality and long-term yield of such wells shall be

provided by a registered engineer or geologist qualified to perform such work. The cumulative effect of on-lot domestic wells shall be considered on existing water rights.

(3) Water supply options. A review and analysis of all viable options for water supply, indicating the relative benefits of each, shall be submitted.

(4) Electrical service. Underground distribution of electrical power or communication lines is required, and a description of the system shall be shown. The subdivider shall present written evidence that the utility companies involved have been advised of the proposed system and that an agreement on design has been reached.

(5) Sewer service. A central sewer collection system is to be provided; the details of the system shall be shown and include the following:

- a. Evidence that the Town or sewer district is willing to service the proposed subdivision;
- b. Information regarding present and future requirements and future commitments and capabilities of the provider of service; and
- c. Adequate evidence provided by a registered engineer that the proposed sewer collection system is capable of serving the proposed subdivision.

(6) Fire protection. The systems proposed to carry an adequate supply of water, and the related systems, shall be shown to comply with the Town ordinances and/or regulations regarding fire control and protection.

(g) Erosion control and revegetation landscaping plans:

- (1) Plan. An erosion control plan shall be required by the Town.
- (2) Revegetation. Revegetation shall be required. Topsoil shall be saved and/or protected from erosion during construction and used for revegetation for disturbed areas.
- (3) Revegetation landscaping. Such plan shall be required of all applicants.
- (4) Additional requirements. In addition to the previously listed requirements, the Town may require any or all of the following additional controls:
 - a. Timing of disturbance.
 - b. Disturbed area controls.
 - c. Stabilization during disturbance.
 - d. Monitoring during disturbance.
 - e. Water quality impact report.

f. The temporary and permanent erosion control and revegetation measures required by this Subsection shall, as public improvements, be covered by the subdivision public improvements agreement or other security arrangements. The portion of such security allocated to permanent erosion control and revegetation measures shall not be released until those measures have been constructed and demonstrated effective over a period of two (2) growing seasons. The security or plat restriction imposed to guarantee temporary erosion control and revegetation measures may be released upon inspection and approval of such measures by the representatives of the Planning Commission.

(5) The effects of increased impervious cover due to development (roofs, parking lots, streets, driveways, sidewalks, etc.) shall be mitigated in the following manner:

a. The developer shall attempt to minimize increases in impervious cover; an example is underground parking; and

b. Maximum use of open space shall be encouraged to mitigate the impact of increased impervious cover. The developer shall present information indicating the percentage increase in impervious cover projected as a result of development.

(6) All applications for subdivision shall include a nonpoint source pollution control program. This program shall include both temporary and permanent control devices. Applicants should make proposals which meet any anticipated pollution source, including but not limited to parking lot and street runoff, sedimentation from disturbed areas, etc. The best current control devices must be proposed and included in any improvements agreement.

(h) Plats and reports shall be prepared, dated and signed by professional persons as follows:

(1) Legal description and maps – by a professional land surveyor licensed in the State;

(2) Utility, road, grading, drainage, erosion control and water quality plans – by a professional engineer licensed in the State;

(3) Soil reports – by a professional engineer licensed in the State actively engaged in the practice of soils engineering; and

(4) Geologic reports – by a professional geologist as defined in Chapter 34, C.R.S.

(i) The following information will be required when applicable:

(1) Environmental impact report performed by independent, qualified professional consultants or personnel.

(2) A completed Section 404 – U.S. Army Corps of Engineers dredge-and-fill permit application for subdivisions which propose to modify the existing channel of navigable streams. (Prior code 17-6-7; Ord. 15-2008 §1)

Sec. 17-5-80. Preliminary plat review.

The Town shall consider the following in its review of the preliminary plat:

- (1) Information requested or required by the Town.
- (2) Whether the proposed subdivision conforms to these and other applicable regulations, policies and guidelines of the Town.
- (3) Review of reports on file, and others as available, pertaining to geologic, soils, wildfire, flood, pollution and other hazards, mineral resource areas and significant wildlife areas. The review shall consider the guidelines and recommendations, as prepared by the appropriate agency, to mitigate hazards and to protect resources. (Prior code 17-6-8)

Sec. 17-5-90. Additional requirements.

- (a) Approval of a preliminary plat shall be valid for a period of three (3) years from the date of approval.
- (b) Approval may be extended beyond the valid time of initial approval, for good cause shown, when such request is submitted by the subdivider in writing to the Town at least sixty (60) days prior to the date of approval expiration.
- (c) For subdivisions of six (6) plots or less, the Town may waive the preliminary plat requirements if the necessary information showing that those requirements have been met is provided. (Prior code 17-6-9)

ARTICLE 6

Final Subdivision Plat

Sec. 17-6-10. Staff review.

Prior to Planning Commission review, the Planning Director shall review the final subdivision plat with appropriate staff and agencies for conformance with the approved preliminary subdivision plat and for compliance with the requirements for final subdivision plat. (Prior code 17-7-2)

Sec. 17-6-20. Planning Commission review.

At a regular meeting, the Planning Commission shall review the final subdivision plat. The Planning Commission shall either:

- (1) Determine that the plat is in conformance with the approved preliminary subdivision plat and meets the requirements for final subdivision plat and recommend approval of the plat; or
- (2) Determine that the above conditions have not been met and require that the plat be resubmitted, with corrections, at a regular Planning Commission meeting for Planning Commission approval. (Prior code 17-7-3)

Sec. 17-6-30. Town Council review.

Subsequent to the Planning Commission's determination that the final subdivision plat meets the requirements for approval, the proper signatures shall be affixed to the plat. At a public hearing, the Town Council shall review the plat and proposed subdivision agreement, which shall include any legal, financial or other agreements between the subdivider and the Town. Public notice shall be given at least ten (10) days in advance of such hearing. Upon approval of such plat and agreement, the Town Council shall enact an ordinance authorizing Town Council certification of the plat accepting any dedications shown thereon. The Town Council shall also authorize the staff to draft a subdivision agreement, which shall include any legal, financial or other agreements between the subdivider and the Town and which shall include such conditions as the Town Council finds necessary to ensure that the proposed subdivision complies with the Town's regulations, goals, policies and plans. The plat and subdivision agreement shall be recorded with the County Clerk and Recorder within thirty (30) days of Town Council certification. If the proposal is denied, the Town Council shall state the specific reasons for denial based on standards found herein. (Prior code 17-7-4)

Sec. 17-6-40. Final plat application.

(a) Twenty (20) copies of the final subdivision plat for all or a portion of an area within an approved preliminary plat to which it must conform shall be submitted to the Planning Director at least fifteen (15) days before the Planning Commission meeting at which it is to be reviewed, along with five (5) copies of any protective covenants.

(b) The final plat shall be drafted in a legible form with black waterproof ink on a permanent reproducible material such as Mylar, on a sheet or sheets measuring twenty-four (24) by thirty-six (36) inches with clear margins measuring two (2) inches on the left-hand side and one-half (½) inch on the remaining sides. The plat shall show the name of the subdivision, date, date of survey, north arrow, graphic scale and a vicinity map to appropriate scale. Where multiple sheets are necessary to depict the total filing, the vicinity map, legal description of the tract boundary, a key map to sheet location and all certifications and dedications need to appear on the title or cover sheet. The final plat shall adhere to the format and include information as follows:

(1) Tract boundary lines and right-of-way lines or street lines in solid black lines; easements or other right-of-way lines in dashed lines; and lot boundaries in solid lines shall be shown with accurate dimensions to the nearest one-hundredth (0.01) foot. Bearings, deflection angles, arc lengths, chord bearings, chord lengths, tangent distances and central angles of all curves shall be shown. Curve tables shall be on each sheet and include only those curves shown on that sheet. Widths and dimensions of all easements, rights-of-way and streets shall be indicated. In addition to requirements described herein, the final plat shall meet all requirements established under Section 38-51-101, et seq., C.R.S.

(2) Names of all streets or roads, block letters or numbers and lot numbers shall be indicated for easy plat identification. Street addresses shall also be shown for each lot.

(3) The location of all major drainage channels and areas showing the boundaries of land subject to inundation by a one-hundred-year flood.

(4) All surveying data shall be tied to primary control points, the locations and descriptions of these control points being indicated. The location and description of all property monuments on the subdivision shall be indicated. Two (2) concrete monuments, at least thirty-six (36) inches in length and four (4) inches square with a suitable center point, shall be set at each street intersection on the street right-of-way line, or on offset lines therefrom, designated on the record plat. Iron monuments one-half (½) inch in diameter and eighteen (18) inches long shall be placed on all points on boundary lines where there is a change of direction.

(5) A legal description of the property.

(6) The name of the subdivision and the basis of bearings.

(7) A vicinity map at a scale of 1" = 1,000 feet which includes section lines and township and range lines, where practical.

(8) Certification and information as follows:

a. Names and addresses of owners of record;

b. Total acreage of the subdivision and total number of lots;

c. A reference to any protective covenants, declarations or other restrictions which shall be filed with the plat and an indication of the purpose for which sites other than residential lots are dedicated or reserved;

d. A certificate of dedication and ownership executed by the record owners and all other persons or entities having an interest in the subdivision, including any security interest;

e. The certificate of a title company or attorney showing marketable title in the owners, subject only to the liens or encumbrances of persons executing the certificate of dedication and ownership;

f. A surveyor's certificate, which shall be signed by a land surveyor licensed in the State responsible for the survey and final subdivision plat;

g. An approval block for the Town; and

h. A recorder's certificate which need not be completed until after final approval.

(9) Supplemental documents required to be filed with the final plat shall be as follows:

a. Two (2) copies of all the protective covenants, declarations, party wall agreements or other restrictions placed on the subdivision, if any, one (1) copy of which shall be filed for record in the office of the County Clerk and Recorder at the time of recording of the final plat;

b. Complete engineering plans and specifications, time schedules and cost estimates for all public improvements, including erosion control and revegetation measures, "no discharge" measures to eliminate stormwater discharges, streets, access roads, drainage facilities, utility systems, bridges, landscaping and other improvements proposed or required to be installed by

the developer, and a statement of proof that the subdivider has the ability to pay for such improvements. The above-referenced drawings shall be labeled as final public improvement drawings;

c. An executed subdivision public improvements agreement, off-site improvements agreement or other agreement required by the Town as a condition of final plat approval; and

d. Adequate evidence of water in sufficient quantity for both domestic and irrigation use which shall be transferred to a legal entity which shall be established to operate a system to provide such quantity of water. (Prior code 17-7-5)

Sec. 17-6-50. Additional requirement.

(a) The Planning Director, without a hearing or requiring compliance with any of the submittal, referral or review provisions in this Chapter, may approve a correction plat if the sole purpose of the correction plat is to correct one (1) or more technical errors in an approved plat and where such correction plat is consistent with the approved preliminary plat.

(b) A plat, or portion thereof, which has been finally approved by the Town Council and has been recorded, shall be subject to vacation proceedings if the subdivision project and associated public improvements are not completed within the time set by the Town, provided that no extension has been previously approved by the Town and no lots have been conveyed therein.

(c) The subdivider shall cause the final plat and restrictive covenants, if any, to be recorded within thirty (30) days from the date of approval and acceptance of the Town. In the event that the plat is not so recorded, the approval of the Town shall be deemed to be void and such plat shall not thereafter be recorded unless and until the Mayor executes a written authorization for recording such final plat. Town approval of any final plat shall terminate in the event that, within two (2) years from the date of said approval, public improvements have not been installed. The subdivider may apply to the Town for an extension. (Prior code 17-7-6)

ARTICLE 7

Subdivision Improvements

Sec. 17-7-10. Subdivision improvements agreement.

(a) General. Concurrent with the approval of a final plat for subdivision, the applicant and the Town Council shall enter into a subdivision improvements agreement binding the subdivision to any conditions placed in the ordinance. This agreement shall be signed by the Town Council in conjunction with signature of the final plat.

(b) Common park and recreation areas. The subdivision improvements agreement shall include a common open space, park and recreation area plan. It shall outline the area of common open space, parks, trails and recreation lands, and specify any agreement on the part of the developer to preserve the open space, parks, trails and recreation lands and how this will be implemented by deeding the land to the appropriate entity. It shall also identify any deed or other restrictions against future

residential, commercial or industrial development and shall include the terms by which any common areas will be maintained.

(c) Landscape guarantee. The subdivision improvements agreement shall describe how the landscaping proposed for the subdivision will comply with Section 16-16-170 of this Code. Landscaping for a phased subdivision may be designed by phase, with installation occurring concurrent with development of each phase. The subdivision improvements agreement shall include the landscaping for the entire subdivision and for each phase of the subdivision.

(1) Form of guarantee. The Town may require the developer to provide a guarantee for no less than one hundred twenty-five percent (125%) of the current estimated cost of the landscaping improvements, and the landscape plan as estimated by the Planning Director, to ensure the installation of all landscaping shown and to ensure the continued maintenance and replacement of that landscaping for a period of two (2) years after installation. The guarantee shall be in a form acceptable to the Town Attorney. At the developer's option, the guarantee may be provided for the entire subdivision or for each phase. The guarantee shall be provided prior to initiation of any land clearing or infrastructure development for the first or following phase or the subdivision, whichever is applicable.

(2) Release. As portions of the landscape improvements are completed, the Planning Director shall inspect them and, upon approval and acceptance, shall authorize the release of the agreed estimated cost for that portion of the improvements, except that ten percent (10%) shall be withheld until all proposed improvements are completed and approved, and an additional twenty-five percent (25%) shall be retained until the improvements have been maintained in a satisfactory condition for two (2) years.

(3) Public improvements guarantee. In order to ensure installation of necessary public improvements planned to accommodate the development, the subdivision improvements agreement shall provide a guarantee for no less than one hundred percent (100%) of the current estimated cost of such public facility improvements, as estimated by the Town Engineer. The guarantee shall be in a form approved by the Town Attorney. As portions of the public facilities improvements are completed, the Town Engineer shall inspect them and, upon approval and acceptance, shall authorize the release of the agreed costs for that portion of the improvements, except that ten percent (10%) shall be withheld until all proposed improvements are completed and approved by the Town Engineer. (Prior code 17-8-1)

Sec. 17-7-20. Guarantee of public improvements submittal.

Prior to the issuance of any permits for a multi-family condominium project or the recording of the final plat, the applicant shall submit to the Town, and the Town may approve, one (1) or more of the following, when applicable:

(1) An improvements agreement indicating agreement to construct any required public improvements to be shown in the final plat documents, together with collateral which is sufficient, in the judgment of the Town, to make reasonable provision for the completion of said improvements in accordance with design and time specifications. *Subdivision improvements agreement* means one (1) or more security agreements which the Town accepts to secure the actual cost of construction of such public improvements as are required by this Chapter. The

improvements agreement may include any one (1) or a combination of the types of security or collateral listed herein, and the applicant may substitute security in order to release portions of the development for sale. The types of collateral which may be used as security under the subdivision improvements agreement are as follows:

- a. Restrictions on the conveyance, sale or transfer of any lot, lots, tract or tracts of land within the development as set forth on the plat, or as recorded by separate instruments;
 - b. Performance or property bonds.
 - c. Private or public escrow agreements.
 - d. Letters of credit.
 - e. Deposits of certified funds.
 - f. Other similar surety agreements.
 - g. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements to be shown in the final plat documents which, in the judgment of the Town, will make provision for completion of said improvements in accordance with design and time specifications.
- (2) An off-site road and bridge improvements agreement if the Town determines that the traffic generated by the subdivision will:
- a. Result in safety hazards for vehicle drivers, pedestrians or adjacent residents; or
 - b. Result in substantially increased maintenance costs to the Town. The Town shall then determine the amount of work necessary to bring the road or bridge to acceptable standards to provide adequate safe service to present owners, to the proposed subdivision and to other probable subdivisions, if applicable. The subdivider shall submit to the Town an off-site road and bridge improvements agreement which shall set forth the plan, method and parties responsible for the construction of the required off-site public road and bridge improvements, together with collateral which, in the judgment of the Town, is sufficient to make provision for the completion of those improvements required of the subdivider in accordance with design and time specifications:
 1. Security required under such improvements agreement shall equal in value the estimated cost of improvements to be completed, but shall not be required on the portion of the development subject to plat restrictions. The Town shall require security arrangement with collateral not to be in excess of the actual cost of construction of the public improvements with an inflation factor for multi-year improvements.
 2. As improvements are completed, the applicant may apply to the Town for a release of part or all of the collateral deposited with the Town. Upon inspection and approval, the Town shall release said collateral. If the Town determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish to the

applicant a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure substantial compliance. If the Town determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the Town may withdraw, and employ from the deposit of collateral, such funds as may be necessary to construct the improvements in accordance with the specifications.

3. A registered engineer may be required to certify that all required public improvements relating to roads and bridges are constructed in substantial compliance with the final plat documents.

(3) An off-site water system improvements agreement if the Town determines that the impact generated by the subdivision will:

a. Result in fire safety hazards or flow and supply deficiencies for citizens of the Town; or

b. Result in substantially increased maintenance costs to the Town. The subdivider shall then determine the amount of work necessary to bring the system to acceptable standards to provide adequate service to present owners, to the proposed subdivision and to other probable subdivisions, if applicable. The subdivider shall submit to the Town a water system improvements agreement which shall set forth the plan, method and parties responsible for the construction of the required off-site public improvements, together with collateral which, in the judgment of the Town, is sufficient to make reasonable provision for the completion of those improvements in accordance with design and time specifications:

1. Security required under such improvements agreement shall equal in value the estimated cost of improvements to be completed, but shall not be required on the portion of the development subject to plat restrictions. The Town shall require security arrangements with collateral not to be in excess of the actual cost of construction of the public improvements with an inflation factor for multi-year improvements.

2. As improvements are completed, the applicant may apply to the Town for a release of part or all of the collateral deposited with the Town. Upon inspection and approval, the Town shall release said collateral. If the Town determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish to the applicant a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure substantial compliance. If the Town determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the Town may withdraw, and employ from the deposit of collateral, such funds as may be necessary to construct the improvements in accordance with the specifications.

3. A registered engineer may be required to certify that all required public improvements are constructed in substantial compliance with the final plat documents.

(4) An off-site sewer system improvements agreement if the Town and the sewer district determine that the impact generated by the subdivision will:

a. Result in safety hazards, flow, treatment or other problems for citizens of the Town or the sewer district; or

b. Result in substantially increased maintenance costs to the Town or the sewer district. The subdivider shall then determine the amount of work necessary to bring the system to acceptable standards to provide adequate safe service to present owners, to the proposed subdivision and to other probable subdivisions, if applicable. The subdivider shall submit to the Town a sewer system improvements agreement which shall set forth the plan, method and parties responsible for the construction of the required off-site public improvements, together with collateral which, in the judgment of the Town and the sewer district, is sufficient to make reasonable provision for the completion of those improvements required by the subdivider in accordance with design and time specifications:

1. Security required under such improvements agreement shall equal in value the estimated cost of improvements to be completed, but shall not be required on the portion of the development subject to plat restrictions. The Town and the sewer district shall require security arrangements with collateral not to be in excess of the actual cost of construction of the public improvements with an inflation factor for multi-year improvements. Collateral will be held in trust by the sewer district.

2. As improvements are completed, the applicant may apply to the Town and the sewer district for a release of part or all of the collateral deposited with the Town and sewer district. Upon inspection and approval, the Town shall release said collateral. If the Town or sewer district determines that any of such improvements are not constructed in substantial compliance with specifications, they shall furnish to the applicant a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure substantial compliance. If the Town or sewer district determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the Town or sewer district may withdraw, and employ from the deposit of collateral, such funds as may be necessary to construct the improvements in accordance with the specifications.

3. A registered engineer may be required to certify that all required public improvements are constructed in substantial compliance with the final plat documents.

(5) An off-site drainage system improvements agreement if the Town determines that the impact generated by the subdivision will:

a. Result in safety hazards for citizens of the Town; or

b. Result in substantially increased maintenance costs to the Town or other public entities. The subdivider shall then determine the amount of work necessary to bring the system to acceptable standards to provide adequate safe service to present owners, to the proposed subdivision and to other probable subdivisions, if applicable. The subdivider shall submit to the Town an off-site drainage system improvements agreement which shall set forth the plan, method and parties responsible for the construction of the required off-site public improvements, together with collateral which, in the judgment of the Town, is sufficient to make reasonable provision for the completion of those improvements in accordance with design and time specifications:

1. Security required under such improvements agreement shall equal in value the estimated cost of improvements to be completed, but shall not be required on the portion of

the development subject to plat restrictions. The Town shall require security arrangements with collateral not to be in excess of the actual cost of construction of the public improvements with an inflation factor for multi-year improvements.

2. As improvements are completed, the applicant may apply to the Town for a release of part or all of the collateral deposited with the Town. Upon inspection and approval, the Town shall release said collateral. If the Town determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish to the applicant a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure substantial compliance. If the Town determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the Town may withdraw, and employ from the deposit of collateral, such funds as may be necessary to construct the improvements in accordance with the specifications.

3. A registered engineer may be required to certify that all required public improvements are constructed in substantial compliance with the final plat documents. (Prior code 17-8-2)

ARTICLE 8

Minor Subdivisions

Sec. 17-8-10. Purpose.

A minor subdivision shall be reviewed in accordance with the provisions of this Section for:

- (1) Type A subdivisions.
- (2) Type B subdivisions.
- (3) Amended final plats. (Prior code 17-9-1)

Sec. 17-8-20. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

Amended final plat: An amended final plat may be used only in the following instances:

- a. The proposed amended final plat is part of a previously approved final plat;
- b. The proposed amendment to the final plat is not inconsistent with the intent of the final plat;
- c. The proposed amendment to the final plat does not adversely affect adjacent property owners; and
- d. The proposed amendment to the final plat does not create a new lot or lots.

Type A subdivision means a subdivision creating not more than six (6) lots within property that has not previously been platted.

Type B subdivision means a subdivision creating not more than six (6) lots within a legally approved subdivision, or is a subdivision of a building containing condominiums, townhomes or duplexes, which may include the subdivision of land directly associated with that building. (Prior code 17-9-2; Ord. 15-2008 §1)

Sec. 17-8-30. Procedure.

(a) **Initiation.** An application for either a Type A or Type B subdivision or an amended final plat shall only be submitted by the owner, any other person having a recognizable interest in the land or his or her authorized agent. The application shall contain the materials specified herein and shall also contain the following additional materials, as applicable:

(1) **Final plat.** A final plat of the proposed subdivision in conformance with final plat requirements.

(2) **Zoning.** Demonstration that the land included within the proposed subdivision is properly within the proper character area and zoned for the proposed use. Conformance with existing zoning on the property is required.

(3) **Access.** Demonstration that all lots in the proposed subdivision have legal and physical access to a public street or right-of-way by conventional vehicle.

(4) **Water supply.** Satisfactory evidence demonstrating the existence of a legal, physical, adequate and dependable water supply for each lot.

(5) **Wastewater disposal.** Satisfactory evidence, for each proposed lot, demonstrating the existence of a wastewater disposal system, or other lawful means of disposing of human wastes, which complies with all applicable public health laws.

(6) **Fire protection.** Satisfactory evidence demonstrating adequate fire protection for each proposed lot.

(7) **Hazards.** Satisfactory evidence demonstrating that all site conditions associated with the subdivision will not create hazards and all lots will contain safe, adequate building sites.

(8) **Site plan.** A site plan, if applicable, depicting existing and proposed building locations, access drives, parking areas, landscaping, fences, signs and any other pertinent site data.

(9) **Agreements.** A subdivision improvements agreement, off-site road improvements agreement or other agreement if required by the Town Council.

(10) **Restrictions.** Any protective covenants, declarations, party wall agreements or other restrictions to be placed on the subdivision, which shall be filed for recording in the office of the County Clerk and Recorder at the time of final plat recording.

(11) Schools. Demonstration that all applicable school land dedication or cash-in-lieu requirements have been satisfied.

(b) Public notice. Minor subdivisions shall comply with the provisions of Section 16-20-60 regarding public notice, except that Type B subdivisions are exempt from this requirement.

(c) Review of applications. The submission of an application for minor subdivision, and determination of its sufficiency, shall comply with the procedures established in Section 16-20-50 of this Code. In addition, the staff report or review shall outline any revisions that need to be made to the Type A or Type B subdivision to ensure that it complies with the requirements of this Section.

(d) Revised subdivision Mylar. Prior to placing Town Council signatures on the approved plat, the applicant shall submit to the Planning Director all improvements agreements for Town Council signature and a properly signed and notarized Mylar of the subdivision showing all necessary revisions as required by the Planning Director, together with two (2) paper copies of the replat. Upon review and approval by the Town Attorney, the plat shall be scheduled for the next available hearing date of the Town Council as applicable.

(e) Action on Type A subdivision. After receipt of the staff report on the Type A subdivision and the revised subdivision Mylar, improvement agreements and certificates, and considering any public testimony, the Town Council shall review the application and other support materials and approve or disapprove the Type A subdivision based on the standards found herein.

(f) Action on Type B subdivision. After review of an application on the Type B subdivision and the revised subdivision Mylar, improvements agreements and certificates, the Planning Director shall review the application and other support materials and approve or disapprove the Type B subdivision based on the standards herein. If the Planning Director approves the Type B subdivision, the final plat shall be signed by the Town Council.

(g) Action on amended final plats. After receipt of the staff report on the amended final plat and the revised amended final plat Mylar, improvements agreements and certificates, and considering any public testimony, the Planning Director shall review the application and other support materials and approve or disapprove the amended final plat based on the standards herein.

(h) Standards. The Town Council and/or the Planning Director shall consider the following in the review of a Type A subdivision, a Type B subdivision and an amended final plat.

(1) Standards for Type A subdivision:

a. Consistent with Chapter 16. The proposed subdivision shall comply with all of the standards of this Section and all other provisions of Chapter 16 of this Code, including but not limited to the applicable standards of Article 3 and Article 16.

b. Spatial pattern shall be efficient. The proposed subdivision shall be located and designed to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, required duplication or premature extension of public facilities or result in a leapfrog pattern of development.

c. Utility and road extensions. Proposed utility extensions shall be consistent with the utility's service plan or shall require prior Town approval of an amendment to the service plan. Proposed road extensions shall be consistent with the Town Road Capital Improvements Plan.

d. Service ultimate population. Utility lines shall be sized to serve the planned ultimate population of the service area in order to both avoid future land disruption and the necessity of upgrading under-sized lines.

e. Suitability for development. The property proposed to be subdivided shall be suitable for development, considering its topography, environmental resources and natural or man-made hazards that may affect the potential development of the property, and existing and probable future improvements to the area.

f. Compatible with surrounding uses. The proposed subdivision shall be compatible with the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area.

g. Improvements agreements. The adequacy of the proposed improvements agreement, where applicable.

h. Conformance with final plat requirements. Its conformance with the final plat requirements and other applicable regulations, policies, standards and guidelines.

(2) Standards for Type B subdivision:

a. Access, water and sewage. The adequacy of access, potable water and sewage disposal on the land to be subdivided.

b. Conformance with final plat requirements. Its conformance with the final plat requirements and other applicable regulations, policies, standards and guidelines.

c. Improvements agreements. The adequacy of the proposed improvements agreement, where applicable.

(3) Standards for amended final plat:

a. Adjacent property. Review of the amended final plat to determine if the proposed amendment adversely affects adjacent property owners.

b. Final plat consistency. Review of the amended final plat to determine that the proposed amendment is not inconsistent with the intent of the final plat.

c. Conformance with final plat requirements. Review of the amended final plat to determine if the proposed amendment conforms to the final plat requirements and other applicable regulations, policies and guidelines.

d. Improvements agreement. Adequacy of the proposed improvements agreements and/or off-site road improvements agreement when applicable.

e. Restrictive plat note alteration. If the amendment is an alteration of a restrictive plat note, at least one (1) of the following criteria must be met:

1. That the area for which the amendment is requested has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area; or

2. That the proposed amendment is necessary in order to provide land for a demonstrated community need. (Prior code 17-9-3)

Sec. 17-8-40. Application requirements.

(a) The application shall consist of five (5) copies of the following:

(1) An application form and the subdivision summary form, along with a site plan; and

(2) Paper copies of the final plat.

(b) In addition, the following items are necessary:

(1) The required application fee;

(2) Documentation that the land included within the proposed map is properly zoned for the proposed use;

(3) Documentation that all lots on the proposed map abut a street, road or access easement which is physically accessible, or capable of being physically accessible, from the public street by a conventional vehicle;

(4) Documentation that there exists an adequate and dependable water supply for each lot;

(5) Documentation that a connection will be made to the sewer district collection system which complies with all applicable public health laws for each proposed lot;

(6) Documentation that satisfactory evidence has been furnished regarding the geology, soil, topography, drainage, fire protection and other conditions indicating that the subdivision will not create any hazards, and that all lots will contain safe and adequate building sites; and

(7) An improvements agreement, off-site improvements agreement or other agreement required by the Town pursuant to Article 7 of this Chapter shall be executed and submitted to the Town, as necessary or required. (Prior code 17-9-5)

ARTICLE 9

Vacation of Public Easements and Rights-of-Way

Sec. 17-9-10. Procedure.

The methods and procedures to effect any and all road and easement vacations shall be in compliance with, and subject to, Section 43-2-301, et seq., C.R.S. (Prior code 17-10-1)

Sec. 17-9-20. Applicability.

(a) As used herein, the terms *road* and *easement* shall be deemed to include any and all parcels upon which there has been legally sufficient acceptance of dedication by the public or its authorized agents, representatives or officials.

(b) The applicants for any road or easement vacation shall present a petition requesting such vacation to the Town, which petition shall have been signed by the owners of all abutting property whose means of legal ingress and egress would be affected by such vacation. The petition shall set forth adequate reasons for such vacation, together with the names, mailing and legal addresses of all abutting or adjacent landowners, or other landowners whose interests might be adversely affected by or who may be interested in such vacation. The petition shall be accompanied by a map adequately showing the road or easement sought to be vacated, as well as the property of all landowners described above. The petition, together with the map, shall be submitted to the Town in triplicate and shall be accompanied by the appropriate fee.

(c) Upon receipt of the petition, the Town shall set the matter for discussion at a regular meeting of the Planning Commission, at least one (1) month thereafter, to allow for referrals as indicated below.

(d) The Town shall refer a copy of the petition, together with the map, to affected governmental agencies, as well as public and private utility concerns, for review and written comment, to be returned within thirty (30) days. Such comments shall be advisory only.

(e) The Town shall cause to be given notice by certified mail, return receipt requested, to all landowners referred to in Subsection (b) above, stating:

- (1) That a petition for vacation has been submitted to the Town;
- (2) A description of the road or easement sought to be vacated;
- (3) Briefly, the reasons for the submittal; and
- (4) The date, time and place of the meeting referred to in Subsection (c) above.

(f) The Planning Commission at its meeting shall consider the merits of the petition to vacate, as well as the comments of interested members of the public, and shall, within a reasonable time afterward, make and submit its written recommendation thereupon to the Town Council.

(g) Thereafter, the Town Clerk shall cause to be given public notice by one (1) publication in a legal newspaper not less than thirty (30) days prior to the hearing before the Town. The public notice shall state:

- (1) The road or easement sought to be vacated;
- (2) The recommendation of the Planning Commission; and
- (3) The date, time and place of the hearing before the Town.

(h) At its hearing, the Town Council shall consider the merits of the petition to vacate, together with the recommendation of the Planning Commission, as well as all other material the Town may deem pertinent, including the comments of interested members of the public, and may either approve or disapprove the petition to vacate.

(i) No approved vacation of any road or easement shall be effective unless the following condition has been met within a reasonable time following approval by the Town of any petition to vacate: Quit claim deeds have been duly recorded in the office of the County Clerk and Recorder which cumulatively relinquish all rights, claims and interests that all interested parties, including public and private utility companies, may have in the road or easement to be vacated. (Prior code 17-10-2)