

CHAPTER 16 – TIMNATH LAND USE CODE

ARTICLE 4 – SUBDIVISION REGULATIONS

16.4.1	General provisions.....	2
16.4.2	Intent.....	2
16.4.3	Administration.....	3
16.4.4	Types of subdivisions	3
16.4.5	Sketch Plan.....	6
16.4.6	Preliminary Plat	12
16.4.7	Final Plat	18
16.4.8	Minor Subdivision Plat	26
16.4.9	Plot Plan	31
16.4.10	Site Plan.....	32
16.4.11	Resubdivision	37
16.4.12	Subdivision Improvement Agreements	37
16.4.13	Administrative Plat	39

16.4.1 General Provisions

The provisions of this Article shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Section and this Code.

This Section establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Town Comprehensive Plan and this Code and applicable regulations, policies and other guidelines.

For purposes of this Article, “next available meeting” shall mean the next regularly scheduled meeting at which there is adequate time remaining on the proposed agenda for consideration of the sketch plan, and for which there is adequate time in advance of the meeting for staff to review and prepare information for distribution. (Ord. 10-2002; Ord. 4-2003))

16.4.2 Intent

- A.** This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:
- 1.** Encouraging new subdivision developments to relate to Town’s historic development pattern.
 - 2.** Promoting compact, well-defined, sustainable neighborhoods that enhance the Town’s character.
 - 3.** Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
 - 4.** Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
 - 5.** Providing a variety of lot sizes and housing types in every neighborhood.
 - 6.** Protecting sensitive natural and historic areas and the Town’s environmental quality.
 - 7.** Providing adequate and convenient open spaces for traffic, utilities, access for fire apparatus, recreation, light and air, and avoiding population congestion.
 - 8.** Providing open spaces for adequate storm water management.
 - 9.** Providing adequate spaces for educational facilities.

10. Providing protection from geologic hazards and flood prone areas.
11. Ensuring compliance with this Code and the Town Comprehensive Plan.
12. Regulating such other matters as the Board may deem necessary in order to protect the best interest of the public. (Ord. 10-2002; Ord. 4-2003)

16.4.3 Administration

All plans of streets or highways for public use, and all plans, plats, and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Board for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Board. Acceptance of proposed dedications to the public shall require separate action of the Board. (Ord. 10-2002)

16.4.4 Types of Subdivisions

A. Major Subdivisions.

1. Definition. A major subdivision is a subdivision which includes one or more of the following:
 - a. Dedication of public right-of-way or other public tracts; or
 - b. The entire tract to be subdivided is greater than six (6) acres; or
 - c. The subdivision consists of more than six (6) lots.
2. Major Subdivision Process. The major subdivision process is as follows:
 - a. *Sketch Plan.*
 - i. Pre-application conference and site visit with staff.
 - ii. Application submittal.
 - iii. Staff certifies application is complete.
 - iv. Notice of public workshop.
 - v. Planning Commission public workshop.

- vi. Staff compiles a record of the workshop and provides it to the applicant with comments.
- b.** *Preliminary Plat.*
- i. Pre-application conference with staff.
 - ii. Application submittal.
 - iii. Staff certifies application is complete.
 - iv. Staff refers application to parties of interest.
 - v. Letters of support and commitment to serve.
 - vi. Staff reviews application and prepares comments.
 - vii. Applicant addresses staff comments.
 - viii. Final staff review and report to Planning Commission.
 - ix. Town schedules public hearing and completes public notification process.
 - x. Planning Commission public hearing and recommendation.
 - xi. Applicant addresses any Planning Commission conditions of approval.
 - xii. Board action.
- c.** *Final Plat.*
- i. Application submittal.
 - ii. Staff certifies application is complete.
 - iii. Staff reviews application and prepares comments.
 - iv. Applicant addresses staff comments.
 - v. Final staff review and report to Planning Commission.
 - vi. Planning Commission public meeting and recommendation to the Board of Trustees.
 - vii. Applicant addresses Planning Commission conditions.
 - viii. Staff notifies parties of interest of public meeting on final plat.
 - ix. Town schedules public meeting.
 - x. Applicant submits two original signed mylar plats.
 - xi. Applicant submittal of all remaining documents in final form.
 - xii. Board public meeting and action.
 - xiii. Town records final plat with County Clerk and Recorder.
 - xiv. Post approval actions.

B. Minor Subdivisions.

1. Definition. A minor subdivision is a subdivision which meets all of the following conditions:
 - a. The property has previously been platted;
 - b. There is no public right-of-way dedication;
 - c. The entire tract to be subdivided is six (6) acres or less in size;
 - d. The resulting subdivision consists of six (6) or fewer lots.

2. Process. The minor subdivision process is as follows:
 - a. Pre-application conference with staff.
 - b. Planning Commission public workshop.
 - c. Application submittal.
 - d. Staff certifies application is complete.
 - e. Staff refers application to parties of interest.
 - f. Letters of support and commitment to serve.
 - g. Staff reviews application and prepares comments.
 - h. Applicant responds to staff comments.
 - i. Town schedules public hearing and completes public notification process.
 - j. Planning Commission public hearing and recommendation.
 - k. Applicant responds to any Planning Commission conditions of approval.
 - l. Board action.
 - m. Applicant submittal of all documents in final form.
 - n. Record minor subdivision Plat.

C. Administrative Subdivisions.

1. Definition. An administrative subdivision is an amendment of all or a portion of a recorded subdivision for the purpose of any of the following:
 - a. Correct a drafting or other technical error on a recorded subdivision plat;
or
 - b. Adjust one or more lot lines on a recorded subdivision plat where:

- i. The boundaries of ten or fewer lots are changed;
- ii. There is no increase in the number of lots;
- iii. No existing OR dedicated easements or rights-of-way are changed; and
- iv. All resulting lots will comply with the requirements of this Code. No lots are created that will result in the need for a zoning variance or an exception to the Subdivision Design Standards;
- v. All required public improvements are installed and approved;
- vi. There have not been other Administrative Plats within the same subdivision such that in combination with the proposed Administrative Plat they would circumvent the intent of this Section;
- vii. The approval of the Administrative Plat will not violate any provisions of this Chapter.

2. Process. The administrative subdivision process is as follows:

- a. Final Plat.
 - i. Pre-application conference and site visit with staff.
 - ii. Application submittal.
 - iii. Staff certifies application is complete.
 - iv. Staff reviews application and prepares comments.
 - v. Applicant addresses staff comments.
 - vi. Applicant submits complete final plat.
 - vii. Town records final plat with County Clerk and Recorder. (Ord. 10-2002; Ord. 1-2003; Ord. 4-2003)

16.4.5 Sketch Plan

A. Sketch Plan Purpose. The Sketch Plan is a broad concept that describes in very general terms what the applicant envisions. The purpose of the sketch plan is three-fold. First, it provides the Town the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss his/her development plans, explain how the plans will further the community's vision and obtain input and direction from the Planning Commission early in the process. Third, it gives the applicant an opportunity to hear comments and concerns from the public prior to engaging in project design. The ultimate goal of this process is to help the applicant develop a plan that reflects the community's vision.

B. Sketch Plan Application Process.

- 1.** Pre-Application Conference and Site Visit with Staff. A pre-application conference and site visit with representatives from the Town is required before the applicant may submit a sketch plan application. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the Town the opportunity to communicate the Town's vision. Topics to be discussed will include:
 - a.** Applicant's goals for the property.
 - b.** Town vision and expectations as identified in the Timnath Comprehensive Plan.
 - c.** The requirements of this Code.
 - d.** The character and quality of development the Town is seeking.
 - e.** Town regulations and standards.
 - f.** The application and review process.
 - g.** Submittal requirements.
 - h.** Schedule.

- 2.** Planning Commission Public Meeting. This is intended to be a collaborative meeting among the Planning Commission, the public and the applicant to ensure that all new development is consistent with the community's goals and that important issues are identified early in the development process. Topics that may be addressed in this meeting include:
 - a.** How the proposed project is consistent with the Town Comprehensive Plan and this Code.
 - b.** The applicant's goals and vision for the project.
 - c.** How the proposed development will incorporate variety in the type, design and siting of buildings.
 - d.** How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
 - e.** How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).
 - f.** How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
 - g.** How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.

- h. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.
 - i. Applicants should bring the following items to the meeting:
 - i. Context/Vicinity Map – which shows the proposed development in relation to the surrounding area.
 - ii. Base Map – which shows the site features (such as topography, ditches, drainageways, wildlife habitat, trees and view corridors).
3. Sketch Plan Application Submittal. Prior to preparing the multiple copies of documents required in a Sketch Plan submittal, applicants are encouraged to meet with Town staff to review a single set of application materials for completeness. Incomplete applications will not be accepted for processing. The applicant shall submit the complete sketch plan application package to the Town Clerk. The application must be submitted a reasonable length of time prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan application package shall include the following items:
- a. Land Use Application Form, including certification of ownership.
 - b. Subdivisions - Technical Criteria Form.
 - c. Application Fee.
 - d. Neighboring Property Owner Envelopes. Provide the Town Clerk with one (1) set of stamped, addressed No. 10 envelopes. The envelopes shall have the Town's address as the return address and the envelopes shall be addressed to the surrounding property owners within five hundred (500) feet of the property.
 - e. Context/Vicinity Map. Twenty (20) copies, properly folded. The context/vicinity map shall show the proposed subdivision in relation to the surrounding area (one [1] mile radius around the property). The map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 1,000') and date of preparation.
 - iii. Boundary of proposed project.
 - iv. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e. residential, commercial, industrial, park, etc.) -- label land use and whether it is existing or proposed.
 - v. Major streets (show and label street names).
 - vi. Existing public water and sewer lines and proposed connections.
 - vii. Regional open space/trail networks per the Town Comprehensive Plan.

- viii. Major ditches, rivers and bodies of water.
 - ix. Adjacent properties identified by subdivision name or zoning district.
- f. Sketch Plan. Twenty (20) copies, properly folded. The sketch plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and may be a free hand drawing in a legible medium that clearly shows:
- i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 200') and date of preparation.
 - iii. Vicinity map.
 - iv. Legal description.
 - v. Acreage of property.
 - vi. USGS topographic contours.
 - vii. Location and approximate acreage of proposed land uses.
 - viii. Existing easements and rights-of-way on or adjacent to the property
 - ix. Existing streets on or adjacent to the property (show and label street name).
 - x. Note indicating how the twelve percent (12%) public land dedication will be met.
 - xi. Table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.
 - xii. Proposed collector and arterial streets.
 - xiii. General locations of existing utilities on or adjacent to the property.
 - xiv. Graphic and/or verbal explanation of how the property will be served with utilities.
 - xv. Location of any proposed sewer lift stations.
 - xvi. Trails - show how the development will tie into the regional trails network.
 - xvii. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, this must be stated on the plan).
 - xviii. Geologic hazard areas.
 - xix. Existing and proposed zoning on and around the property.
 - xx. Land use table - the table shall include: land uses, approximate acreage of each land use and percentage of each land use.
- g. Conceptual Landscape Plan. Twenty (20) copies, with large maps properly folded. The Conceptual Landscape Plan shall be a generalized graphic and

written description of how landscaping will enhance public rights-of-way and other public spaces within the subdivision.

- h.** Conceptual Open Space Plan. Twenty (20) copies, with large maps properly folded. The Conceptual Open Space Plan shall be a generalized graphic and written description of the size, location, characteristics and function of the public and private open spaces within the subdivision.
 - i.** General Development Information. Twenty (20) copies. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

 - i.** Design rationale - discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with this Code. If it is not consistent with that section, explain how the intent of the criteria in the section is met.
 - ii.** Proposed number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units (not needed if information is shown on the sketch plan).
 - iii.** General description of plan for drainage and storm water management.
 - iv.** Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the Town and the source of the water (if part of annexation, source of raw water).
 - v.** Statement indicating whether or not any commercial mineral deposits are located on the site.
 - vi.** Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan map).
 - vii.** Show how the proposed development complies with the Town Comprehensive Plan.
 - j.** Soils Report and Map. The report and map shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.
- 4.** Application Certification. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number

of copies of the application to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

5. Notice to Neighboring Property Owners. In a reasonable period prior to the Planning Commission review of the sketch plan, the Clerk shall send notice of the Planning Commission meeting to neighboring property owners within 500 feet of the property.
6. Planning Commission Review. At the next available meeting, the Planning Commission shall review the sketch plan application and provide input regarding how well the project addresses the sketch plan review criteria. The Planning Commission will then recommend to the Board approval, approval with conditions or denial.
7. Board Action. The Board shall review the sketch plan at its next available meeting, and shall approve, conditionally approve or deny the application based on how well the application in accordance with this Code.

C. Sketch Plan Review Criteria. The Town shall use the following criteria in addition to other applicable provisions of this Code to evaluate the applicant's sketch plan application:

1. The land use mix within the project conforms to Town's Zoning District Map and Land Use Map and furthers the goals and policies of the Comprehensive Plan including:
 - a. The proposed development promotes Timnath's small town, rural character;
 - b. Proposed residential development adds diversity to the Town's housing supply;
 - c. Proposed commercial development will benefit the Town's economic base;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects the Town's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
2. The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Town Comprehensive Plan.
3. The utility and transportation design is adequate, given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Timnath according to Town goals. (Ord 10-2002; Ord. 4-2003; Ord. 10-2004)

16.4.6 Preliminary Plat

- A. Preliminary Plat Purpose.** The purpose of the preliminary plat is to provide the Town with an overall master plan for the proposed development.
- B. Preliminary Plat Application Process.**
1. Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:
 - a. The provisions of this Code and the applicable requirements;
 - b. The application and review process;
 - c. Input received in the sketch plan process;
 - d. Submittal requirements; and
 - e. Schedule.
 2. Preliminary Plat Application Submittal. Prior to preparing the multiple copies of documents required in a Preliminary Plat submittal, applicants are encouraged to meet with Town staff to review a single set of application materials for completeness. Incomplete applications will not be accepted for processing. Upon approval or conditional approval of the sketch plan, the applicant shall submit the complete preliminary plat application to the Town Clerk. The application must be submitted a reasonable length of time prior to the Planning Commission hearing at which the application will be reviewed. The application must be submitted not more than twelve (12) months after approval of the sketch plan unless a longer period is otherwise approved by the Board. The preliminary plat application package shall include the following items:
 - a. Completed Preliminary Plat Application Form.
 - b. Subdivisions - Technical Criteria Form.
 - c. Application Fee.
 - d. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.
 - e. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within five hundred [500] feet of the

property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

f. Preliminary Plat. Twenty (20) copies, properly folded. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

- i.** Title of project.
- ii.** North arrow, scale (not greater than 1" = 100') and date of preparation.
- iii.** Vicinity map.
- iv.** Names and addresses of owners, applicant, designers, engineers and surveyors.
- v.** Legal description.
- vi.** Total acreage of property.
- vii.** Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
- viii.** Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
- ix.** Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
- x.** Consecutive numbering of all lots and blocks.
- xi.** Existing and proposed rights-of-way and easements on and adjacent to the property.
- xii.** Existing and proposed street names for all streets on and adjacent to the property.
- xiii.** Existing and proposed zoning on and adjacent to property.
- xiv.** Location and size of existing and proposed sewer lines, water lines and fire hydrants.
- xv.** Existing and proposed curb cuts on and adjacent to property.
- xvi.** Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
- xvii.** Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, state this on the plan).
- xviii.** The boundaries of proposed phases of the subdivision if the final plat is intended to be submitted in multiple phases.

xix. General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.

- xx. Location and acreage of proposed parks, trails, playgrounds, schools or other public uses.
 - xxi. Location, function, ownership and manner of maintenance of any private open space.
 - xxii. Land use table - the table shall include: land uses, approximate acreage of each land use type, and percentage of each land use type, including how twelve percent (12%) public land dedication requirement will be met.
 - xxiii. Total number of lots.
 - xxiv. Number of each type of dwelling unit proposed.
- g.** General Development Information. Twenty (20) copies. A written description of the existing conditions on the site and the proposed development, including the following items:
- i. Explanation of how the preliminary plat is consistent with the sketch plan, and if there are any differences, what they are and how the plan is still consistent with the community's vision.
 - ii. Explanation of how the items of concern expressed by the Planning Commission and by the public at the time of sketch plan review have been addressed.
 - iii. Explanation of how the plan is consistent with this Code and the Comprehensive Plan.
- h.** Preliminary Grading and Drainage Plan and Report. Five (5) copies, with large maps properly folded. This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.
- i.** Master Utility Plan. Five (5) copies, with large maps properly folded. This plan shall be prepared by a Colorado registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- j.** Preliminary Landscape Plan. Twenty (20) copies, with maps properly folded.
- k.** Preliminary Open Space Plan. Twenty (20) copies, with maps properly folded.
- l.** Traffic Study. Five (5) copies. This study must be prepared by a Colorado registered professional engineer who specializes in traffic planning and engineering.
- m.** Covenants. Five (5) copies. Draft of Proposed Covenants, if any, and Architectural Design Guidelines.

- n. Mineral, Oil and Gas Rights Documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number, and mailing address.
 - o. Soils Report and Map. Five (5) copies, with large maps properly folded.
 - p. Colorado Historical Society Records Search. At the discretion of the Town Staff or the Board, an applicant may be required to provide the Town with Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, five (5) copies of a site-specific historic survey is required. The survey shall provide the following information:
 - i. Site identification:
 - State site number;
 - Site address;
 - Site location/access;
 - Type and description of finding (what is historic); and
 - Owner's name and address.
 - ii. Eligibility assessment for historic designation.
 - iii. Statement of significance.
 - iv. Management and administrative data:
 - References;
 - Photographs of the site;
 - Maps of the site;
 - Name, address, phone number and qualifications of person completing survey; and
 - Date of completion of survey.

If, in coordination with the applicant, the Board decides to protect an historic resource, a protection plan must be devised.
 - q. Public Hearing Notification Envelopes. Provide the Town Clerk with one (1) set of stamped, addressed No. 10 envelopes. The envelopes shall have the Town's address as the return address and the envelopes shall be addressed to the surrounding property owners within five hundred (500) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies as discussed in pre-application conference.
3. Application Certification. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct

any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

4. Refer Application To Parties of Interest. A reasonable length of time to receive responses from such agencies prior to the date scheduled for the initial public hearing, Staff shall send summary information about the application to: adjacent municipalities, Larimer County, surrounding property owners within five hundred (500) feet, mineral interest owners as shown on the title commitment, mineral and oil and gas lessees for the property identified by Applicant, and other parties of interest as may be designated by the Town. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the property, and the applicant's name.
5. Letters of Support and Commitment to Serve. Within a reasonable length of time after the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the pre-application conference.
6. Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary plat based on the preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.
7. Applicant Addresses Staff Comments. The applicant shall submit the following to the Town Clerk:
 - a. Letter explaining how all of the comments have been addressed; and
 - b. Revised maps and other documents.
8. Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.
9. Schedule Preliminary Plat Public Hearing and Complete Public Notification Process. The Town shall schedule a public hearing before the Planning Commission for the purpose of taking action on the preliminary plat. A public hearing notification sign shall be posted on the property by the applicant. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held a reasonable length of time after the date of posting of the property and newspaper publication.
10. Planning Commission Public Hearing and . The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Board to approve, conditionally approve, or deny the application.

11. Applicant Addresses Planning Commission Conditions. The applicant shall revise the preliminary plat based only on the Planning Commission's conditions of approval and submit it for consideration by the Board.
12. Revised Preliminary Plat. The applicant shall submit twenty (20) copies, properly folded, of the revised preliminary plat.
13. Board Action. The preliminary plat shall be presented to the Board of Trustees for its review and action. The Board may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board. If the plat is denied, the plat or a substantially similar plat may not be considered by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within one (1) year or within such extended time as may be granted by the Board, a new preliminary plat must be submitted and processed according to this code before the Town may act on a final plat.

C. Preliminary Plat Review Criteria. In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's request:

1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.
2. The application is consistent with the approved sketch plan and incorporates the Planning Commission's recommendations and conditions of approval.
3. The land use mix within the project conforms to Timnath's Zoning District Map and Land Use Map and furthers the goals and policies of the Comprehensive Plan including:
 - a. The proposed development promotes the Town's small town, rural character;
 - b. Proposed residential development adds diversity to the Town's housing supply;
 - c. Proposed commercial development will benefit the Town's economic base;
 - d. Parks, open space and trails are incorporated into the site design;
 - e. The proposed project protects the Town's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
4. The utility and transportation design is adequate, given existing and planned capacities of those systems.
5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Timnath.

D. Phasing. A preliminary plat shall designate the boundaries of phases for which separate final plats will be presented for approval. Each phase, either alone or in conjunction with previously approved and recorded phases, must meet all of the requirements of this Code. (Ord. 10-2002; Ord. 4-2003; Ord. 10-2004)

16.4.7 Final Plat

A. Final Plat Purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards of the Town.

B. Final Plat Application Process.

1. Step 1: Final Plat Application Submittal. The final plat application shall conform to the preliminary plat as approved at the public hearing and shall meet all conditions of approval required by the Board. The final plat application for the first phase of development must be submitted not more than twelve (12) months after approval of the preliminary plat unless otherwise approved by the Board. Unless otherwise specified by the Board, final plat applications for subsequent phases must be submitted not more than twelve (12) months after approval by the Board of previous phases. Unless an extended time is approved by the Board, preliminary plat approval expires if complete final plat applications are not submitted within the required time period. In addition, the application must be submitted a reasonable length of time prior to the Planning Commission meeting at which the application will be reviewed. Prior to preparing the multiple copies of documents required in a Final Plat submittal, applicants are encouraged to meet with Town staff to review a single set of application materials for completeness. Incomplete applications will not be accepted for processing. The applicant shall submit the complete final plat application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board. The final plat application shall include:

- a. Final Plat Application Form.
- b. Subdivisions - Technical Criteria Form.
- c. Application Fee.
- d. Title Commitment. An updated title commitment, dated no more than thirty (30) days from the date of final plat application submittal.
- e. Final Plat. Twenty (20) copies, properly folded. The final plat drawing shall comply with the following standards:

- i.** The plat shall be prepared by or under the direct supervision of a Colorado registered professional land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable requirements.
- ii.** Plats shall not include parcels that are not contiguous, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
- iii.** Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
- iv.** The perimeter survey description of proposed subdivision shall include at least two (2) ties to an existing section monument of record and a description of monuments. One computer printout and electronic data of the plat boundary closure data (perimeter bearings, distances, closure and acreage information) shall be submitted to, and in a format as required by, the Town Engineer.
- v.** Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
- vi.** Names and signatures of all owners of equitable interest in the property being subdivided shall be on the plat and shall be made in black permanent drawing ink.
- vii.** Major survey monumentation, not including interior lot corners and other minor survey monuments, required for subdivision or resubdivision shall be completed before final plat approval is given. Compliance with all the rules and regulations as set forth in Articles 51 and 53, Title 38, Colorado Revised Statutes, 1973 shall be required.
- viii.** The final plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:
 - a)** Title of project.
 - b)** North arrow, scale (not greater than 1"=100') and date of preparation.
 - c)** Vicinity map.
 - d)** Legal description.
 - e)** Basis for bearing statement.
 - f)** Names and addresses of owners, applicant, designers, engineers and surveyors.

16-4-19

- g) Total acreage of subdivision.
- h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
- i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
- j) Parcels excepted from inclusion should be noted as “not included in this subdivision” and the boundary completely indicated by bearings and distances.
- k) Existing and proposed rights-of-way in and adjacent to property (labeled and dimensioned).
- l) Existing and proposed street names for all streets on and adjacent to the property.
- m) Existing and proposed easements and their type in and adjacent to property (labeled and dimensioned).
- n) Location and description of monuments.
- o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
- p) Signature block for registered land surveyor certifying to accuracy of boundary survey and plat.
- q) Signature block for certification of approval by the Board with a signature for the Mayor and Town Clerk.
- r) Signature block for utility providers
- s) Certification of ownership
- t) Dedication of streets, rights-of-way, easements and public sites to the Town of Timnath.
- u) The following certification language, completed with signature lines and including any amendments required by the Town:

DEDICATION OF PUBLIC PROPERTY

The owner of the real property described in this Plat has caused the real property to be surveyed, laid out and subdivided under the name of _____, and does hereby sell, grant, dedicate, and convey to the Town of Timnath in fee simple, free and clear of all liens and encumbrances, and set apart all of the streets, roads, alleys, easements, and other public ways and places, and Tracts ____, ____, and ____ as shown on the accompanying plat to the use of the public forever. The owner shall be responsible for construction and maintenance of all improvements of said streets, alleys, easements, public ways and places, until acceptance of maintenance therefor by the Town as provided in the Timnath Municipal Code.

CERTIFICATE OF TITLE

I, _____ an authorized representative of _____, a title company licensed to do business in the State of Colorado, have made an examination of the public records and state that all owners, mortgagees, and lienholders of the property are listed in the certificate of ownership and dedication. We further certify that there are no recorded liens or encumbrances not shown on this plat. Attorney signature and date:

16-4-20

CERTIFICATE OF OWNERSHIP

I/We certify that _____ is/are the owners of the property, _____ are all of the mortgagees and holders of liens upon the property, and each and all hereby consent to this plat and join in the conveyance and dedication of all streets, roads, alleys, easements, public ways, and places shown hereon.

RESTRICTION ON CONVEYANCE AND BUILDING PERMITS

There shall be no conveyance, sale, or transfer of title of any lot, lots, tract, or tracts of land created or revised by this Plat, nor will the Town issue building permits for any lots until all public improvements within the [name of subdivision] including but not limited to all streets, curb, gutter, sidewalks, pans, drainage facilities, water and sewer improvements, landscaping and street fixtures are fully completed and accepted by the Town of Timnath as provided in the Timnath Municipal Code.

SURVEYOR'S CERTIFICATE

I, _____, PLS # _____, a duly registered land surveyor in the State of Colorado, do hereby certify that this Plat of _____ was performed by me or under my direct supervision, and that this plat has been prepared in compliance with all applicable laws of the state of Colorado at the time of this survey and within my control and is accurate to the best of my knowledge, information and belief.

PLANNING COMMISSION CERTIFICATE

Approved this _____ day of _____, 200_, by the Town Planning Commission, Timnath, Colorado.

BOARD OF TRUSTEES CERTIFICATE

Approved this _____ day of _____, 2003, by the Board of Trustees, Timnath, Colorado. This approval is conditioned upon all expenses involving necessary improvements for all utility services, paving, grading, landscaping, curbs, gutters, street lights, street signs, and sidewalks shall be financed by others and not the Town.

(All signers, except the Town, Planning Commission and Surveyor must have signatures notarized)

- f. General Development Information. Twenty (20) copies. Provide a written description confirming that the final plat conforms to the preliminary plat with only those changes to the Preliminary Plat that were required by the Board. In addition, the description shall address how the proposed development conforms to this Code.
- g. Update of any plans or reports provided with the Preliminary Plat for which there is a change of conditions.
- h. Special Documents (as Needed)

- i.** Special agreements (as may be required).
- ii.** Floodplain Use Permit (from Town).
- iii.** State Highway Utility Permit (from Colorado Department of Transportation).
- iv.** State Highway Access Permit (from Colorado Department of Transportation).
- v.** Construction Dewatering Permit (from Colorado Department of Public Health and Environment).
- vi.** 404 Permit (from Army Corps of Engineers).
- vii.** Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).
- viii.** Work in Ditch Right-of-Way Permit (from individual ditch companies).
- ix.** Rare Species Occurrence Survey (from U.S. Fish and Wildlife Service).
- x.** Subdivision Improvement Agreement (SIA)..
- xi.** Improvements Guarantee - Cash, certified check, or a letter of credit from a bank in Colorado or other acceptable collateral in the amount stipulated to in the SIA, posted in favor of the Town in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the Board shall determine.
- xii.** Approved Adjudication of Water Rights and a Plan of Augmentation (if applicable).
- xiii.** Protective Covenants, Homeowners Association (HOA) Documents, Articles of Incorporation for HOA, and Architectural Design Guidelines, if any, finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.
- xiv.** FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
- xv.** Documentation showing who will own and maintain the open space.
- xvi.** Documentation for dedication of public sites for open space or other civic purposes.

- 2.** Application Certification. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct

16-4-22

any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

3. Notice to Referral Agencies. In order to provide an opportunity for referral agencies to review final plats for changes, the Clerk shall send to all referral agencies from whom comments were received prior to the Preliminary Plat review, and within a reasonable period prior to the Board's final plat review meeting, a notice of the meeting.
4. Staff Reviews Application and Prepares Comments. Staff will complete a technical review of the final plat based on the Town's final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report to the applicant.
5. Applicant Addresses Staff Comments. The applicant shall address all of the Staff comments then submit the following to the Town Clerk:
 - a. Letter explaining how all of the comments have been addressed; and
 - b. Revised maps and other documents.
6. Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.
7. Schedule Final Plat Public Meeting. The Town shall schedule a Planning Commission public meeting to be held at the next available Planning Commission meeting not less than thirty (30) days from receipt of a complete final plat application for the purpose of taking action on the final plat.
8. Planning Commission Review and Recommendation. The Planning Commission shall review the final plat based on the Town's final plat review criteria and requirements specified upon approval of the Preliminary Plat. They shall then make a recommendation to the Board to approve, conditionally approve, or deny the final plat application.
9. Applicant Addresses Planning Commission Conditions. The applicant shall revise the final plat based on Planning Commission's conditions of approval and submit it to the Town Clerk.
10. Schedule Board review of the Final Plat. After receiving and reviewing all required final plat documents, the Town shall schedule the final plat for consideration by the Board at a public meeting.
11. Original Plats. Before final plat consideration by the Board, the applicant shall submit to the Town Clerk two (2) original, signed reproducible mylar drawings of the final plat ready for the Mayor and clerk to sign and record, and final executed copies of all agreements. No portion of the final plat shall have "stick on" type material. Upon

submittal, all original, signed mylar drawings and documents shall become the property of the Town. The applicant shall also submit all required recording fees payable to the Larimer County Clerk and Recorder.

12. Complete Engineering Plans and Specifications. Before Final Plat consideration by the Board the applicant shall prepare and submit the following for approval by the Town:

- a. **Construction Plans and Profiles.** The Plans and Profiles shall be prepared by a Colorado registered professional engineer, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - i. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - ii. Minimum horizontal scale: 1"=100'.
 - iii. Minimum vertical scale: 1"=10'.
 - iv. The typical road geometric and structural cross-section is to be shown on each plan sheet.
 - v. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches.
 - vi. The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards.
 - vii. Signature blocks for all utility providers unless otherwise provided in agreement form.
 - viii. Structure Details. Sufficient data shall be given for construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.
 - ix. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.
 - x. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial pre-application conference. The plan and report must provide:

- a) Cross-sections of each water carrier showing high water elevations for one hundred (100) year run-off and adjacent features that may be affected thereby.
 - b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Larimer County, ditch companies).
 - c) Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
 - d) Erosion control plans, when required, to be submitted as a result of preliminary plan review.
- xi. Final Grading Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).
 - xii. Soils Reports. The soils reports shall detail special foundation requirements (shall be submitted after overlot grading is complete) and pavement design (may be submitted prior to building permit).
 - xiii. Final Street Lighting Plan. A final street lighting plan shall be prepared in conjunction with applicable electric utilities and the Town. The plan must specify the number, kind and approximate location of street lights.
- b. A final Landscape Plan.
 - c. An AutoCad drawing file of the final plat and overall utility plan on compact disc in a format specified by the Town Engineer.
13. Security for required improvements. Before final plat consideration by the Board, the applicant shall provide to the Town an irrevocable letter of credit or other security acceptable to the Town in a form approved by the Town Attorney, guaranteeing construction of and payment for all public improvements, landscaping, and survey monumentation to be constructed within and necessary for the subdivision, and complete mylar and electronic as-built drawings for all public improvements in a format as specified by and as required by the Town Engineer. The amount of the security shall be one hundred twenty-five (125) percent of the estimated cost as approved by the Town Engineer of constructing all required improvements, unless otherwise provided in the SIA.
 14. Deed for public lands. Before final plat consideration by the Board, the applicant shall submit to the Town Clerk a warranty deed and title insurance for all lands dedicated to the Town on the final plat and accepted by the Town.
 15. Board Action. The finalized final plat shall be presented to the Board for its review and action. The Board shall review and act on the final plat based on the final plat review criteria. Board approval shall be by resolution.

16. Record Final Plat. Upon completion of all prior steps, the Town Clerk shall record one (1) original mylar drawing of the final plat in the office of the Larimer County Clerk and Recorder.
17. Post Approval Actions. Prior to issuance of a building or grading permit, the applicant shall submit the following documentation to the Town Clerk:
 - a. List of Contractors. List of all contractors that will be performing the improvements.
 - b. Proof of Insurance. Proof of workman's comprehensive insurance and liability insurance for each contractor.
 - c. Open Space Deed Restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
 - d. Other certificates, affidavits, enforcements or deductions as required by the Planning Commission or by the Board.

C. Final Plat Review Criteria. In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

1. The final plat conforms to the approved preliminary plat and incorporates required changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the Board.
2. The development will substantially comply with this Code.
3. All applicable technical standards have been met. (Ord. 10-2002; Ord. 4-2003; Ord. 10-2004)

16.4.8 Minor Subdivision Plat

A. Minor Subdivision Plat Purpose.

1. The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when the following conditions exist:
 - a. The property has previously been platted within the Town;
 - b. There is no public right-of-way dedication;

- c. The entire tract to be subdivided is six (6) acres or less in size; and
- d. The resulting subdivision will produce six (6) or fewer lots.

B. Minor Subdivision Plat Application Process.

1. Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a minor subdivision plat application. Topics to be discussed will include:
 - a. Town regulations and standards.
 - b. The application and review process.
 - c. Submittal requirements.
 - d. Schedule.
2. Minor Subdivision Plat Application Submittal. The applicant shall submit one (1) copy of the complete minor subdivision plat application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board. The minor subdivision plat application shall include:
 - a. Minor Subdivision Application Form.
 - b. Subdivisions - Technical Criteria Form.
 - c. Application Fee and Fee Agreement. A non-refundable fee is collected to cover the anticipated cost of review by Town consultants whom the Town may wish to employ; staff time, all administrative costs, and notice and publication expenses. Applicant is liable for costs in excess of the application fee as provided by this Code.
 - d. Title Commitment – A current title commitment, dated no more than thirty (30) days from the date of minor subdivision plat application submittal.
 - e. Improvement Location Survey – An improvement location survey, prepared by a licensed surveyor, showing at least the location of all improvements, easements, and current and proposed lot lines.
 - f. Minor Subdivision Plat. Twenty (20) copies, properly folded. The minor subdivision plat drawing shall comply with the following standards:

- i.** The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.
- ii.** Plats shall not include parcels that are not contiguous, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
- iii.** Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
- iv.** The perimeter survey description of proposed subdivision shall include at least two (2) ties to an existing section monument of record and a description of monuments. One computer printout and electronic data of the plat boundary closure data (perimeter bearings, distances, closure and acreage information) shall be submitted to, and in a format as required by, the Town Engineer.
- v.** Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
- vi.** All signatures on mylar plats shall be made in black permanent drawing ink.
- vii.** Major survey monumentation, not including interior lot corners and other minor survey monuments, required for subdivision or resubdivision shall be completed before final plat approval is given. Compliance with all the rules and regulations as set forth in Articles 51 and 53, Title 38, Colorado Revised Statutes, 1973 shall be required.
- viii.** The minor subdivision plat shall be on mylar, twenty-four (24) inches high by thirty-six (36) inches wide, and shall provide the following information:
 - a)** Title of project.
 - b)** North arrow, scale (not greater than 1"=100') and date of preparation.
 - c)** Vicinity map.
 - d)** Legal description.
 - e)** Basis for establishing bearing.
 - f)** Names and addresses of owners, applicant, designers, engineers and surveyors.
 - g)** Total acreage of subdivision.
 - h)** Bearings, distances, chords, radii, central angles and tangent

links for the perimeter and all lots, blocks, rights-of-way and easements.

- i)** Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
- j)** Parcels excepted from inclusion noted as “not included in this subdivision” and the boundary completely indicated by bearings and distances.
- k)** Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).
- l)** Existing and proposed street names for all streets on and adjacent to the property.
- m)** Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
- n)** Location and description of survey monuments.
- o)** Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
- p)** Certificates as specified for final plats, blocks for signatures of owner, surveyor, utility providers, and Town approval, as applicable.

g. General Development Information. Twenty (20) copies. A written description addressing how the proposed development conforms to the Town Land Use Code (including the Community Design Principles and Development Standards, the Zoning Code and the Subdivision Regulations) and the Comprehensive Plan.

h. Surrounding and Interested Property Ownership Report. A current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within five hundred [500] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

3. Application Certification. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink, with the exception of original mylar plats which shall be signed in black permanent drawing ink.

4. Refer Application To Parties of Interest. A reasonable length of time to receive responses from such agencies prior to the date scheduled for public hearing or Staff decision, Staff shall send information about the application to: adjacent municipalities, Larimer County, surrounding property owners within five hundred (500) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant’s name.

5. Letters of Support and Commitment to Serve. Within a reasonable length of time after the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the pre-application conference.
 6. Staff Reviews Application and Prepares Comments. Staff will complete a review of the minor subdivision plat based on the Town's minor subdivision plat review criteria. Staff will then prepare a report identifying any issues of concern that the applicant shall address and forward it to the applicant.
 7. Applicant Addresses Staff Comments.
 - a. The applicant shall address the Staff's comments then submit the following to the Town Clerk:
 - i. Letter explaining how all of the comments have been addressed; and
 - ii. Revised maps and other documents.
 8. Schedule Minor Subdivision Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the minor subdivision. The Town Clerk shall publish notice in a newspaper of general circulation within a reasonable time prior to the hearing.
 9. Planning Commission Recommendation. After the public hearing, the Planning Commission shall then make a recommendation to the Board based on discussions at the scheduled Public Hearing to approve, conditionally approve, or deny the application.
 10. Applicant Addresses Planning Commission Conditions. The applicant shall revise the minor subdivision plat based on all of the Planning Commission's conditions of approval and submit it to the Town.
 11. Board Action. After receiving and reviewing all required final plat documents, the Town shall schedule the final plat for consideration by the Board at a public meeting. The Board may approve, conditionally approve or deny the minor subdivision based on the minor subdivision review criteria. If approved, the Applicant shall provide two (2) original signed mylars of the plat ready for the Town's signatures and recording.
 12. Record Minor Subdivision Plat. One (1) original mylar drawing of the minor subdivision plat shall be recorded by the Town Clerk in the office of the Larimer County Clerk and Recorder.
- C. Minor Subdivision Plat Review Criteria.** The Town shall use the following criteria to evaluate the applicant's request:
1. The minor subdivision plat is in compliance with this Code and with the Comprehensive Plan.
- D. Survey Monumentation.** Prior to final approval of a minor subdivision plat, all survey monumentation, including lot corners on newly described lots, shall be properly installed as

described on the plat or installation shall be guaranteed as required for major subdivision plats. (Ord. 10-2002; Ord. 4-2003; Ord. 10-2004)

16.4.9 Plot Plan

- A. Plot Plan Purpose.** The plot plan is a prerequisite to apply for a building permit for any building or structure constructed on a single-family home or duplex lot. The plot plan shows where the proposed building or structure will be located on the lot so that the Town can make sure that the proposed location will be in compliance with all applicable regulations.
- B. Plot Plan Process.**
- 1. Submit Plot Plan Application Package.**
 - a.** Land Use Application Form.
 - b.** Plot Plan - Technical Criteria Form (from Workbook).
 - c.** Application Fee and Fee Agreement.
 - d.** Plot Plan Map - The plot plan map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and shall provide the following information:
 - i.** Title of project.
 - ii.** North arrow, scale (1"=20' or as approved by the Town) and date of preparation.
 - iii.** Name, address and phone number of property owner.
 - iv.** Lot number, block number and name of subdivision.
 - v.** Lot size (square footage).
 - vi.** Bearings and distances of all lot lines.
 - vii.** Existing easements on the lot.
 - viii.** Footprint of the proposed building or structure, dimensioned.
 - ix.** Square footage of the proposed building and the footprint of the proposed building.
 - x.** Distance from the proposed building or structure to all lot lines.
 - xi.** All existing buildings or structures on the lot.
 - xii.** Driveway.
 - xiii.** Existing and/or proposed water and sewer service lines on the lot.
Elevations of:
The finished floor for the house and garage.

The ground ten (10) feet away from the house and garage.
The lot corners.

- xiv. Height of all proposed buildings.
 - xv. Street trees (right-of-way landscaping).
- e. Community Design Principles Description - Demonstrate in written and/or graphic form how the proposed structure is consistent with this Code.
 - f. Drainage Information - Provide the Town with information regarding how the lot will drain.
2. Staff Reviews Plot Plan Application and Prepares Comments. Staff will review the plot plan map to make sure is it consistent with the plot plan review criteria. Following the review, Staff will prepare a written report outlining any changes that must be made to the plot plan before it can be approved.
 3. Applicant Addresses Staff Comments. Applicant makes all necessary changes to the plot plan and resubmits a revised copy to the Town.
 4. Plot Plan Approval. Staff completes final review of plot plan to ensure that the Plan is complete. If the Plan is determined completed, it is approved by Staff.

C. Plot Plan Review Criteria. The plot plan must meet the following review criteria:

1. All of the information needed on a plot plan is shown.
2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
3. No buildings or structures infringe on any easements.
4. The proposed site grading is consistent with FHA standards (if insured by FHA) otherwise it shall meet the Town's approval.
5. The density and dimensions shown conform with the Town Zoning Code Density and Dimensional Standards or the approved PD requirements.
6. The applicable provisions of this Code have been adequately addressed. (Ord. 10-2002)

16.4.10 Site Plan

A. Site Plan Purpose. The site plan is a prerequisite to a building permit for all multi-family, commercial, and industrial developments. The site plan shows how the lot will be developed so that the Town can make sure that the site design will be in compliance with all Town regulations.

Site Plan Process.

- 1.** Step 1: Submit Site Plan Application.
 - a.** *Land Use Application Form.*
 - b.** *Site Plan - Technical Criteria Form.*
 - c.** *Application Fee and Fee Agreement.*
 - d.** *Site Plan Map* - The site plan map shall be a minimum of eighteen (18) inches by twenty-four (24) inches and shall provide the following information:
 - i.** Title of project.
 - ii.** North arrow, scale (no greater than 1"=50') and date of preparation.
 - iii.** Vicinity map.
 - iv.** Address of project.
 - v.** Legal description of property.
 - vi.** Name, address and phone number of property owner.
 - vii.** Name, address and phone number of person or firm responsible for plan.
 - viii.** Lot size (square footage).
 - ix.** Bearings and distances of all lot lines.
 - x.** Existing and proposed easements and rights-of-way.
 - xi.** Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
 - xii.** Gathering areas for people.
 - xiii.** Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
 - xiv.** Existing and proposed two (2) -foot contours.
 - xv.** Existing waterways on or adjacent to the site.
 - xvi.** Finished floor elevations for all structures.
 - xvii.** Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
 - xviii.** Existing structures and their use.
 - xix.** Square footage of the proposed building(s) and the footprint of the proposed building(s).
 - xx.** Proposed structure height.
 - xxi.** For commercial and industrial uses, the type of activity and number of

employees.

- xxii.** For multi-family residential, the number of residential units and bedrooms per unit.
 - xxiii.** Location of proposed signs and lights.
 - xxiv.** Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in footcandles) of these fixtures across the site to all property boundaries.
 - xxv.** Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned).
 - xxvi.** Trash disposal areas and enclosures including specifications for enclosures.
 - xxvii.** Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
 - xxviii.** Location and size of water and sewer lines to which the service connections will be or are made.
 - xxix.** Location and size of water meter(s).
 - xxx.** Location and size of backflow-prevention devices.
 - xxxi.** Indication of how and where perimeter drain will drain (if one exists).
 - xxxii.** Location of existing electrical lines and poles on or adjacent to the site.
 - xxxiii.** Location of proposed electrical service connection and meter location.
 - xxxiv.** Location of electric transformer.
 - xxxv.** Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within 500 feet.
 - xxxvi.** Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
 - xxxvii.** The distance from the proposed building(s) or structure(s) to adjacent lot lines, easements, and adjacent structures.
 - xxxviii.** A land use chart (table).
 - xxxix.** Certificate blocks for signatures of owner, surveyor, utility providers, and Town approval, as applicable.
- e.** Community Design Principles and Development Standards Description - Demonstrate in written or graphic form how the proposed structure is consistent with this Code.
- f.** Certified Drainage Report - A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the

appropriate sanitation district (if applicable) prior to submittal of the report to the Town as part of the site plan application.

- g.** Final Landscape Plan
 - h.** Final Open Space Plan
 - i.** Exterior Elevations of Proposed Structures/Graphic Visual Aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.
- 2.** Application Certification. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Site Plan *Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
 - 3.** Staff Refers Application To Adjacent Municipalities and Other Agencies. Staff may refer the site plan materials to adjacent municipalities and other agencies and service providers for comments. The referral period shall be fifteen (15) days, but such period may be reduced or extended by Staff. Staff shall notify the applicant of any adjustment to the referral period.
 - 4.** Site Plan Letters of Support. Within thirty (30) working days of receipt of the site plan, the applicant shall provide the Town with letters of support from all utility providers that will be serving the property.
 - 5.** Staff Reviews Application and Prepares Comments. Staff will review the site plan map to ensure it is consistent with the site plan review criteria. Staff may consider comments received during the referral period in its review of the site plan. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be approved. This report will be forwarded to the applicant.
 - 6.** Applicant Addresses Staff Comments. Applicant shall make all necessary changes to the site plan and resubmit a revised copy to the Town.
 - 7.** Subdivision Improvement Agreement. Staff may require that the applicant execute a subdivision improvement agreement to assure the construction of on-site and off-site improvements as a condition of approval of the site plan.
 - 8.** Planning Commission Review and Action. The site plan shall be presented to the Planning Commission for its review and action at the Commission's next available meeting. The Planning Commission may approve, conditionally approve or deny the site

plan based on the site plan review criteria. Any action taken by the Planning Commission shall become final unless appealed. If the site plan is denied, the request or one that is substantially the same may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Board. Any aggrieved party, who wishes to appeal the action, shall file a written appeal stating the reasons why the Planning Commission action is incorrect. The applicant shall file the appeal with the Town Clerk within seven (7) days of the meeting at which such action was taken.

9. Board Consideration of Appeals. The Board shall consider any appeal within forty-five (45) days of the close of the seven (7)-day appeal period, except an appeal associated with a concurrent development application requiring Board review or approval, shall be consider with final action on the concurrent development application. The Board shall apply the site plan review criteria to uphold, modify, or reverse the Planning Commission's decision.
10. Submit and Record Site Plan. Upon approval by the Planning Commission or, upon appeal, by the Board, the applicant shall have thirty (30) days to submit two (2) original, fully executed mylar drawings of the approved site plan to the Town Clerk for recording.
11. Post Approval Actions.
 - a. **Building Permit.** A building permit shall be issued only when a site plan has been approved. However, with the approval of the Town Clerk, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
 - b. **Phasing and Expiration of Approval.** The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.

B. Site Plan Review Criteria. In addition to all requirements of this Code, the site plan must meet the following review criteria:

1. All of the information required on a site plan is shown.
2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
3. No buildings or structures infringe on any easements.
4. The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans.

5. The density and dimensions shown conform with the Town Zoning Code Density and Dimensional Standards or the approved PD requirements.
6. The applicable provisions of this Code have been adequately addressed and the proposed improvements conform to this Code.

C. Amendments to Approved Site Plans.

1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
2. Changes to approved site plans that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section. (Ord. 10-2002; Ord. 4-2003)

16.4.11 Resubdivision

Amendments to any lots, tracts or parcels, or the relocation or addition of streets within a previously recorded subdivision, shall be considered a resubdivision (also known as a “replat”) and shall be prepared and submitted in compliance with the requirements for subdivisions as set forth in this Article. Sketch plan, preliminary plat and final plat requirements may be waived at the discretion of the Board. (Ord. 10-2002; Ord. 4-2003)

16.4.12 Subdivision Improvements and Development Agreements

- A. Agreements and Improvements.** A Subdivision Improvement Agreement (SIA) stating that the applicant agrees to construct any required improvements shown in the final plat documents together with security in a form approved by the Town Attorney is required. No subdivision plat shall be signed by the Town or recorded at the office of the Larimer County Clerk, and no building permit shall be issued for development until a SIA between the Town and the applicant has been executed. Such agreement shall include a list of all agreed-upon public improvements, as-built drawings, survey monumentation, and landscaping, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Board to ensure that all improvements will be completed in a timely, quality and cost-effective manner.
- B.** Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.

C. As required by this Code, all applicable laws, rules and regulations, the applicant shall apply to the Town for inspection of improvements.

D. The following improvements shall be constructed unless waived by the Board.

1. Road grading and surfacing.
2. Curbs.
3. Street lights.
4. Sidewalks.
5. Sanitary sewer collection system.
6. Storm sewers or storm drainage system, as required.
7. Potable water distribution including fire hydrants.
8. Non-potable irrigation water distribution system.
9. Utility distribution system for public parks and open space.
10. Street signs at all street intersections.
11. Permanent reference monuments and monument boxes.
12. Underground telephone, electricity and gas lines.
13. Berm or fence along major arterial and collector streets.
14. Required landscaping.
15. Tree lawns.
16. Underdrains.
17. Required floodway improvements.
18. Required irrigation ditch improvements.

E. **Time for Completion.** The required time for the completion of all required improvements shall be two (2) years from the recording date of the final map or plat. However, the Board may extend such time for completion upon request from the applicant. Upon completion of such improvements within the required time and approval thereof by the Board, the Town shall cause the cash or letter of credit to be released within thirty (30) days of the Town's final acceptance of

such improvements and receipt of the required as-built drawings. When such improvements are not completed within the required time, the Town may cause the proceeds of the cash or letter of credit to be used to complete the required improvements.

- F. Partial Release of Security.** During construction of required improvements, the applicant may from time-to-time request the release by the Town of a portion of the security for improvements that have been inspected and approved by the Town Engineer. The required warranty period shall commence upon completion and initial approval of all required improvements.
- G. Warranty.** All workmanship and materials for all required improvements shall be warranted by the applicant as specified in the SIA, the Town's Design Criteria Manual, and this Code. (Ord. 10-2002; Ord. 4-2003)

16.4.13 Administrative Plat

- A. Administrative Plat Purpose.** The purpose of the Administrative Subdivision Plat is to provide a simple administrative subdivision process to:

- 1. correct a drafting or other technical error on a recorded subdivision plat; or
- 2. adjust one or more lot lines on a recorded subdivision plat where:
 - a. The boundaries of ten or fewer lots are changed;
 - b. There is no increase in the number of lots;
 - c. No existing OR dedicated easements or rights-of-way are changed;
 - d. All resulting lots will comply with the requirements of this Code. No lots are created that will result in the need for a zoning variance or an exception to the Subdivision Design Standards;
 - e. All required public improvements are installed and approved;
 - f. There have not been other Administrative Plats within the same subdivision such that in combination with the proposed Administrative Plat they would circumvent the intent of this Section;
 - g. The approval of the Administrative Plat will not violate any provisions of this Chapter.

- B. Administrative Plat Process.**

- 1. Pre-Application Conference and Site Visit. A pre-application conference with a representative from the Town is required before the applicant may submit an Administrative Subdivision plat application. Topics to be discussed will include:
 - a. Town regulations and standards.
 - b. The application and review process.
 - c. Submittal requirements.
 - d. Schedule.
- 2. Administrative Plat Application Submittal. The applicant shall submit one (1) copy of the complete Administrative Plat application package to the Town Clerk. The Administrative Plat application shall include:

- a. Administrative Plat Application Form with accompanying fee.
 - b. Deposit for Costs. The deposit required by Section 16.1.12 of this Chapter.
 - c. Title Commitment. A current title commitment, dated no more than thirty (30) days from the date of Administrative Plat application submittal.
 - d. Final Administrative Plat. The Administrative Plat drawing shall comply with the same standards as required for a Minor Subdivision Plat.
 - e. Administrative Plat. The Administrative Plat drawing shall comply with the same standards as required for a Minor Subdivision Plat, and shall contain certifications as specified by the Town. The Plat shall also:
 - i. have an appropriate, explanatory title that describes the purpose of the plat such as "Resubdivision" or "Correction Plat"; and
 - ii. contain a statement of the history of the plat being changed, including the date or original approval and the Larimer County recording information of the original plat and any amendments thereto.
3. Staff Reviews Application and Prepares Comments. Staff will complete a review of the Administrative Plat based on the Town's minor subdivision plat review criteria. Staff will then prepare a report identifying any issues of concern that the applicant shall address and forward it to the applicant.
4. Applicant Addresses Staff Comments. The applicant shall address the Staff's comments then submit all of the following to the Town Clerk:
- a. Letter explaining how all of the comments have been addressed;
 - b. Other documents that may be required by Staff;
 - c. Fully-executed final Administrative Plat;
 - d. One mylar copy and three paper copies of the fully-executed Administrative Plat;
 - e. An AutoCad drawing file of the final plat on compact disc in a format specified by the Town Engineer; and
 - f. A check payable to Larimer County for the full amount of the recording fee.
5. Survey Monumentation. Prior to final approval of an administrative subdivision plat, all survey monumentation, including lot corners on newly described lots, shall be properly installed as described on the plat or installation shall be guaranteed as required for major subdivision plats.
6. Record Minor Subdivision Plat. Upon approval of the fully-executed Administrative Plat by the Town Administrator, the Town Clerk shall record one

(1) original mylar drawing of the Administrative Subdivision Plat in the office of the Larimer County Clerk and Recorder. (Ord. 10-2002; Ord. 1-2003; Ord. 4-2003)