

CHAPTER 17

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ARTICLE 1

General Provisions

Sec. 17-1-10. Subdivision regulations adopted.

The ordinance codified in this Chapter is an ordinance adopting subdivision regulations for the Town; providing definitions of certain terms and setting out certain provisions, procedures, requirements and standards; providing for variances and exemptions; and setting forth details relating thereto. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-1-20. Short title.

These regulations shall be known and may be cited as "Subdivision Regulations, Town of Red Cliff, Colorado." (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-1-30. Authority.

These subdivision regulations are enacted and adopted pursuant to Article XX of the Colorado Constitution. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-1-40. Existing subdivision agreements and covenants.

Subdivisions filed and recorded on a final plat prior to the date of the ordinance codified herein shall not be regulated by this Chapter unless proposed for resubdivision in such manner as to fall within the definition of a subdivision of this Chapter. Subdivisions having received preliminary plan approval prior to the effective date of these regulations shall be considered as having received preliminary plan approval under these regulations, provided that all final plat submittals subsequent to the date of these regulations shall conform to the requirements of these regulations. In the instance of large tracts or blocks of land contained within a recorded subdivision and intended or designed for resubdivision into smaller tracts, lots or building sites, the resubdivision shall comply with all provisions of this Chapter except for those which, in the opinion of the Board of Trustees, have been satisfied prior to filing of the original subdivision plat. This Chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of private agreements or restrictive covenants running with land to which the Town is a party. Where this Chapter imposes a greater restriction than that imposed by such existing provisions of law, contract or deed, the provisions of this Chapter shall control. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-1-50. 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 landform, 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 these objectives, it is necessary that each subdivision be planned in an efficient and economical manner. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-1-60. Save harmless clause.

The subdivider agrees to save the Town, 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 these regulations. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-1-70. 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 these subdivision regulations. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-1-80. Compliance required.

From and after the effective date of these regulations, it is unlawful for any person to subdivide land within the entire area of the Town without having first complied with the provisions of these regulations. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-1-90. Amendments.

(a) The procedures, standards and criteria contained in these regulations may from time to time be revised, altered or amended, and such revision may be requested by any person, group or agency.

(b) Any request for amendment shall be submitted in writing to the Town Clerk for consideration by the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-1-100. Definitions.

The following words and phrases when used in these regulations, shall have the meanings ascribed as follows except where the context clearly indicates a different meaning:

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

Areas and activities of local interest means items of reference for land use, including geologic, soils, flood, wildfire, airport hazards and mineral resource and wildlife areas.

Board of Trustees means the Board of Trustees of the Town of Red Cliff.

Construction plans and specifications means engineered plans and specifications prepared by a Colorado-licensed engineer that are drawn and written with enough detail that a bid schedule and bids can be made from the plans and specifications.

County means the County of Eagle, State of Colorado, as represented by the Board of County Commissioners or its designated and appointed representatives.

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

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 these regulations and state statutes as an instrument for recording of real estate interests with the County Clerk and Recorder.

General plan means any land use plan, master plan, comprehensive plan or any element thereof which is currently in effect and has been officially adopted by the Town.

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

Person means an individual, partnership, corporation or other association of persons.

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

Street or road means a right-of-way reserved for public or private use which provides vehicular and pedestrian access to adjacent properties and includes designations as street, road, highway, thoroughfare, avenue, boulevard, parkway, throughway, lane, place, trail, alley or however otherwise designated. *Street* may also be used for utilities access to the properties.

Subdivide means to make a disposition of land or airspace which is defined in this Chapter as a subdivision, subdivided land, estate in airspace, specially planned area and/or Planned Unit Development subdivision, minor subdivision, duplex subdivision or timesharing subdivision.

Subdivider means a person who makes a disposition of land or airspace, which is defined in this Chapter as a subdivision, subdivided land, specially planned area and/or Planned Unit Development subdivision, minor subdivision, estate in airspace, duplex subdivision or timesharing 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 interest or interests in common, or creation of an estate in airspace in the Town, unless exempted under other provisions of these regulations. The terms *subdivision* and *subdivided land* shall apply to any division of land or creation of an estate in airspace. If a tract of land which has been created or 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 these regulations. Further, if any tract of land or airspace has been subdivided as one (1) type of subdivision and thereafter is

subdivided so as to create a different type of subdivision, such conversion shall be subject to the requirements of these regulations. Unless the method of disposition is adopted for the purpose of evading this Article, the terms *subdivision* and *subdivided land* 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 any interest in an investment entity.
- c. Creates cemetery lots.
- d. Creates an interest in oil, gas, minerals or water which are 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 a twenty-year term and involves no change in use or degree of use of the leasehold estate.

Subdivision, duplex means a proposed subdivision of a two-unit building built upon one (1) lot zoned as a duplex lot, creating two (2) lots, each lot containing one (1) unit of the two-unit building. Both lots on the proposed subdivision must abut a Town street or road which has been accepted for maintenance and be physically accessible, or capable of being physically accessible, from the public street by conventional vehicles.

Subdivision, estate in airspace means the creation of an estate in airspace pursuant to the provisions of Section 38-32-101, et seq., C.R.S.

Subdivision, minor means a proposed subdivision of a parcel of land creating a total of four (4) 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 and be physically accessible, or capable of being physically accessible, from the public street by conventional vehicles.

Subdivision, timesharing means a proposed subdivision of any parcel or lot of land or condominium unit, whether fee interest, leasehold or contractual right, whereby ownership exceeds an interest in joint tenancy by two (2) persons being considered one (1) person for the purpose of this Section and are entitled to the use, occupancy or possession of such lot, parcel or unit according to a fixed or floating time schedule occurring periodically over any period of time (the use, occupancy or possession of each person being exclusive of that of the others). *Subdivision, timesharing* includes, but is not limited to, a timeshare estate as defined in Section 38-33-110, C.R.S.

Town Clerk means that person as officially appointed by the Board of Trustees to act as administrative secretary to maintain procedures and records in compliance with these regulations. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 2

Administrative Provisions

Sec. 17-2-10. 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 agents of said owners. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-2-20. Variances.

(a) Upon application by a subdivider, the Board of Trustees may, at its discretion, grant variances, as provided in Article 9 of this Chapter, from some or any requirements of these regulations based upon the following criteria:

(1) Whether a strict, literal application of these subdivision regulations would result in an undue hardship to the subdivider due to the purpose, size, shape, location and character of the proposed subdivision.

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

(3) Whether the granting of the request might adversely affect the use of the land in the immediate area of the tract in question.

(b) A variance granted by the Board of Trustees may contain limitations as to time or disposition or use of the tract in question in order to ensure that the stated purpose of the variance request is realized. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-2-30. Exemption.

Upon application by the subdivider, the Board of Trustees may, pursuant to rules and regulations provided herein, grant exemption from the Town subdivision regulations. The following items, individually or in combination, shall be the criteria for approval of applications for exemption:

(1) The division shall not violate the specifications of any relevant previously approved subdivision.

(2) The division shall not result in prohibitive physical restraints upon access to or use of either of the resulting parcels.

(3) The division shall qualify as one (1) or more of those exempted actions found in the definition of subdivision or subdivided land at Section 17-1-100 of this Chapter. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-2-40. Fees.

(a) Fees for the review of an application shall be established from time to time by resolution of the Board of Trustees.

(b) The Town may also assess and collect such additional fees as it may deem appropriate, including fees for staff review that are above and beyond the application fee for professional services; provided that, when operating pursuant to the authority granted by this provision, the Town shall base such additional fees upon the actual cost, whether by Town employees or independent third parties, of performing related plan and document preparation and review, inspection of construction of public and related improvements and all related services, including attorney and engineering fees. Such additional fees may be charged on a per-unit basis, such as by foot or mile, and the Town may also include in such additional fees a factor for overhead or other indirect expenses. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-2-50. Adequacy of applications.

(a) All materials and information, as required by applicable sections of these regulations, including applications, fees, sketches, maps, plans, plats and reports, must be submitted to the Town Clerk, 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 these regulations may be placed on a meeting agenda of the Board of Trustees. The Town Clerk shall determine the compliance of each application and shall be the authority for placing any application or item on an agenda.

(c) No application shall be placed on a meeting agenda of the Board of Trustees at a time when the applicant is in default under any related or unrelated agreement or obligation to the Town.

(d) Appeals from a ruling of the Town Clerk may be made to the Board of Trustees 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.

(e) The Board of Trustees, at the specified meeting, shall hear facts and relevant information as presented by the Town Clerk and by the appellant and shall render a decision in writing on how to proceed with further action within thirty (30) days of the meeting. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-2-60. Suspension of approval; service of written notice.

(a) The Board of Trustees 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 Town Clerk 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 Board of Trustees not less than ten (10) days nor more than thirty (30) days after the date of service of notice. The Board of Trustees 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. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-2-70. Permits for development; changes and erasures on final plat.

(a) No permits of any kind shall be issued by the Building Administrator, or any other administrative officer of the Town, for the construction of any building or other improvements upon any land to which these regulations apply, 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 Board of Trustees without specific approval, in writing, by the Board of Trustees. Such approval shall be noted on the final plat and signed by the Mayor. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 3

Preliminary Plans

Sec. 17-3-10. Submittal.

The subdivider, in compliance with this Article, must submit the preliminary plan of the proposed subdivision with the maps and supporting information required in this Chapter to the Board of Trustees at least sixty (60) days prior to the meeting at which the applicant wishes to be heard. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-20. Transmittal to other agencies.

The Board of Trustees may, at its discretion, transmit prints of the preliminary plan and supporting information to one (1) or more of the following agencies for their review and appropriate comments and recommendations and further may require the applicant to provide the prints and information needed for these transmittals:

- (1) Any utility, local improvement or service district or ditch company, when applicable.
- (2) The Colorado Department of Transportation when the proposed subdivision is adjacent to or in sufficient proximity to affect a right-of-way, interchange or other facility.

(3) The Colorado Geological Survey for findings and recommendations pertaining to geologic factors, including geologic hazards, mineralized areas and sand and gravel areas which would have a significant impact on the proposed use of the land.(4) To any other agency concerned with a matter or area of local interest which could be affected by the subdivision, upon the advice of the Town Engineer and as determined by the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-30. Time restriction on response from other agencies.

The Board of Trustees shall instruct each of the agencies to which the prints are distributed that any of their recommendations must be submitted back to the Board of Trustees within twenty-four (24) days after receipt of such prints, or the plan will be deemed to have been approved by the agency. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-40. Review; conformance to applicable regulations.

The Board of Trustees shall review the preliminary plan to determine whether the proposed subdivision conforms to applicable zoning and these subdivision regulations and whether it takes into consideration:

- (1) The Comprehensive Plan;
- (2) For *PUDs*, the relevant Planned Unit Development Master Plan and the Comprehensive Plan, as reflected in the approval of that *PUD*;
- (3) Physical suitability of lots proposed for subdivision; and
- (4) Compatibility with surrounding land uses. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-50. Review consideration of reports on file.

The Board of Trustees shall review reports on file and others available, pertaining to geologic, soils, wildfire, flood and airport hazards, mineral resource areas and significant wildlife areas, and shall consider the guidelines and recommendations as prepared by the appropriate agency, to mitigate hazards and to protect resources. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-60. Review new material or revisions.

If new material or revisions are to be submitted for approval, the Town and its reviewers shall have at least twenty-one (21) days to complete the review of this material, but no more than forty-five (45) days before consideration in front of the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-70. Hearing and notice.

The Board of Trustees shall hold a public hearing upon any application for preliminary plan approval submitted pursuant to this Chapter. Notice of such hearing shall be sent by first-class mail or delivered personally, at least twelve (12) days prior to the hearing date, to owners of property within three hundred (300) feet of the property in question. Owners of residential condominium units may be served with notice by mailing (or delivering) a copy of the notice to the homeowners' association or its manager. The applicant shall furnish to the Town Clerk the names and addresses of

the owners of property within three hundred (300) feet of the property in question. The public hearing and notice requirements hereof may be combined and run concurrently with the public hearing and notice requirements contained in Section 17-9-40 of this Chapter. Where subdivision approval will be required to implement development in a proposed PUD, a preliminary subdivision plan application must be filed and reviewed concurrently with the PUD application. The public hearing notice requirements for preliminary subdivision plan approval shall be combined and run concurrently with the PUD public notice and hearing requirements as prescribed in Chapter 16 of this Code. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-80. Period of validity.

Approval of a preliminary plan shall be valid for a period of two (2) years from the date of approval. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-90. Approval extension.

Approval may be extended for good cause shown when such request is submitted by the subdivider in writing to the Town Clerk at least sixty (60) days prior to the date of approval expiration. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-100. Request for review by Planning and Zoning Commission.

The Board of Trustees may, at its discretion, request that the preliminary plan be reviewed by the Planning and Zoning Commission for specific recommendations. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-110. Evidence of approval by utilities.

Before final action can be taken by the Board of Trustees on any preliminary plan, evidence of approval by the appropriate utilities (including water and sewer utilities) shall be supplied to the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-120. Scale of maps.

Preliminary plan maps shall be drafted in a preliminary fashion, scaled and dimensioned to the nearest foot; construction details requested for street or utility improvements may be shown schematically. Maps and plans submitted shall be to the same scale, as follows:

**Table 17-1
Subdivision Lot Area Scale**

<i>Lot Area</i>	<i>Scale</i>
Less than 10,000 sq. ft.	1" = 10 or less feet
10,001 sq. ft. to 2 acres	1" = 20 or less feet
2.01 acres to 5 acres	1" = 40 or less feet
More than 5 acres	1" = 50 or less feet

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-130. Maps, plans and reports; form, content and additional information.

The entire area proposed for subdivision shall be shown on one (1) sheet; if practical, the only size limitation being a forty-two-inch width. If more than one (1) map is necessary, given the above limitation, they shall be accompanied by a general area map showing the relationships between the component parts of the subdivision. All maps, except a required general area map, shall conform to the format and shall include the following:

(1) Preliminary information sufficient to indicate that the final plat will meet requirements established under Section 38-51-102, C.R.S.

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

(3) Boundary lines with bearings and distances, plus a property description of the tract proposed for subdivision. Said property description shall be a metes-and-bounds survey, unless an acceptable parcel description identifies the property as the subject of a previously recorded 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 five-foot intervals on all portions of land proposed for development to either public or private use, to ten-foot intervals for all areas to remain in a natural state, except that areas sloping less than two percent (2%) shall have two-foot contour intervals.

(6) All mapping shall meet National Map Accuracy Standards, with ninety percent (90%) of the elevations determined from the map within one-half ($\frac{1}{2}$) contour interval of true elevation, and the remaining ten percent (10%) of such elevations shall be in error by no more than one (1) contour interval.

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

a. Legal description and maps: By a registered professional land surveyor licensed in the State.

b. Utility road, grading and drainage plans: By a registered professional engineer licensed in the State.

c. Soils reports: By a registered professional engineer licensed in the State and actively engaged in the practice of soils engineering.

d. Landscaping plans: At a minimum, by a licensed architect or a professional landscape architect practicing in the area.

e. Geologic reports: By a registered professional geologist as defined in Chapter 12, C.R.S.

f. Wildfire reports: By a professional forester as recognized by the Colorado State Forest Service.

- (8) Street names and a block and lot numbering system shall be shown.
- (9) Approximate area and use of each lot shall be shown.
- (10) Sites to be reserved or dedicated for public parks, schools and other public buildings, facilities or use shall be shown.
- (11) Common open space not reserved or dedicated to the public shall be shown.
- (12) Additional information shall accompany the preliminary plan as follows:
 - a. Name of the proposed subdivision, which shall be different from that of any existing subdivision previously recorded in the County.
 - b. Name and mailing address of the record owners, the subdivider and the person or firm preparing the preliminary plat.
 - c. Names and mailing addresses of the owners of land within three hundred (300) feet of the land to be platted. Owners of residential multi-family condominium units shall be designated by the name and address of the manager of the homeowners' association.
 - d. Total acreage of land to be subdivided and acreage intended for each type of usage in sufficient detail to satisfy requirements under Section 30-28-136, C.R.S.
 - e. Filing fee as provided in Section 17-2-40 of this Chapter.
 - f. Proposed terms of reservations or dedications of public sites for parks, schools and other public buildings, facilities or use.
 - g. Brief description of proposed covenants.
 - h. Statement realistically demonstrating the needs for the proposed subdivision, including current availability of lots and housing, current and future needs and demand for housing and types of housing in the Town, and other supporting information.
- (13) All professionals involved in the development of subdivision documents shall state, in writing, all other plans and documents which they have reviewed which affect or would be affected by their product and shall further state that all plans and documents reflect the relevant limitations and constraints observed. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-140. Vicinity sketch map.

A vicinity sketch map shall be drawn at a scale of one (1) inch equals one thousand (1,000) feet, although if such maps are not available, a USGS map, 1:24,000 scale, may be accepted. The vicinity sketch map shall depict tract lines and names of all abutting subdivisions, the location of streets and highways within an area of approximately one-half (½) mile of the proposed subdivision tract, the location of all adjacent utility systems within an approximate one-half-mile area minimum, the natural drainage courses for streams flowing through the proposed subdivision, with the limits of tributary areas shown where it is reasonable. All maps submitted in accordance with this Section

shall include clear indications of the section, township and range containing the lands which are the subject of the maps. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-150. Maps and reports on physical conditions.

The site's geological, mineral resource, drainage and floodways, soil, vegetation, wildfire and other natural or man-made characteristics, including hazards which will affect the proposed land use, shall be investigated and shown on a map, accompanied by such reports as thought necessary to complete the description of the existing conditions.

(1) Geology. Bedrock lithology and the stratigraphy of overlaying unconsolidated materials shall be generally described and/or illustrated in sufficient detail to indicate any potential development problems resulting from groundwater, subsidence, instability in road excavations and fills, expansive soils, drainage, structural bearing strength for building foundations, etc.

(2) Soils. Soil types and their boundaries based upon the National Cooperative Soil Survey, USDA, Soil Conservation Service or on-site investigation by a soils engineer, plus a table of interpretations for included soil types, shall be mapped and described.

(3) Vegetation. Plant associations, including a description of adapted materials, shall be mapped and described following practices of the Soil Conservation Service. Major tree masses shall be shown on the plan.

(4) Wildlife. The wildlife species inhabitation inventory, including wildlife habitats which may be affected by the proposed subdivision, shall be mapped and described following the practices of the Colorado Division of Wildlife.

(5) 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 Colorado Division of Forestry to determine wildfire hazard conditions. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-160. Supplemental plan for roads and drainage.

On a plan supplemental to and at the same scale as the preliminary plan maps, the following shall be depicted:

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

(2) 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 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 other geological hazards. These plans shall include a typical cross-section showing road widths, including driving surface, shoulders, curbs and gutters, barrow ditches and cut-and-fill slopes, to

the point of intersections with natural ground and the pavement structure details proposed. The plan shall include the extremities of all cut-and-fill areas. Supplemental sheets, if necessary, shall be included to illustrate 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 Article 8 of this Chapter. This study shall include a contour map showing all existing and proposed watercourses, including the seasonal course limits of tributaries, indicating the surface conditions and locations of points of departure from the development. This study shall include computations of ten-year flows and one-hundred-year flows, in addition to an indication of the limits of the one-hundred-year floodplain plotted on the contour map. The drainage study shall also include computations of the increase or decrease in flows anticipated as a result of the development, the capacity and velocity through all drainage structures, including open channels, and the revised floodplains shall be plotted on a contour map. In no case shall the area within the one-hundred-year floodplain be used for structural development without specific approval of the Board of Trustees. Detention ponds and/or infiltration galleries shall be included in the drainage plan to reduce peak runoff rates and to minimize pollution release to receiving streams when such can be reasonably fit into the development and when they will not create unusual maintenance responsibilities for the Town. The drainage study shall comply with the hydrology recommended in the *Procedures for Determining Peak Flows in Colorado*. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-170. Water and sewer service; supplemental plan for alternate service, underground utilities and fire protection.

(a) All applicants are required to obtain service for water and sewer from the Town.

(b) In the event water and sewer service cannot be provided, a supplemental plan shall be submitted to the Town, and, at the same scale as the preliminary plan map, the plan for alternate water supply and sanitary sewage disposal shall be depicted.

(1) Alternate water supply. If a central water supply and distribution system is to be provided, a general description of the system which includes the following information shall be shown:

a. Source-adequate evidence shall be prepared by a registered professional 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, namely:

1. Evidence of ownership or right of acquisition of existing and proposed water rights.
2. Historic use and estimated yield of claimed water rights.
3. Amenability of existing rights to a change in use.
4. Evidence confirming the potability of the proposed water supply for the subdivision.

b. The nature of the legal entity which will own and operate the water system shall be described as well as the proposed method of financing.

c. If connection is to be made to an existing system, at minimum, the following information shall be provided:

1. The nature of the legal entity which will supply water to the proposed subdivision.
2. Evidence that the above entity is willing to service the proposed subdivision.
3. Information on present service requirements, future commitments and present water supply capabilities.
4. Information on the water rights owned and used by the above entity.

d. 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 the expected quality and long-term yield of such wells shall be provided by a registered professional engineer or geologist qualified to perform such work. The cumulative effect of on-lot domestic wells shall be considered on existing water rights.

(2) Alternate sanitary sewage disposal. If a central sanitary sewage system is to be provided, a general description of the collection system and treatment facilities, which includes the following information, shall be shown:

a. Treatment. Evidence shall be that public or private sewage treatment facilities can and will provide adequate sewage treatment for the proposed subdivision if such service is to be provided by an existing district.

b. The nature of the legal entity which will own and operate the sewer system shall be described.

c. If connection is to be made to an existing sewer system, at a minimum, the following information shall be provided:

1. The nature of the legal entity which will treat the wastewater to the proposed subdivision.
2. Evidence that the above entity is willing to service the proposed subdivision.
3. Information on present service requirements, future commitments and present wastewater treatment capabilities.

d. If it is intended that sanitary sewage disposal will be accomplished by individual lot owners, the results of soil percolation tests and maximum groundwater level data, where applicable, shall be furnished. Location of percolation tests shall be indicated on the plat. The percolation tests shall be performed and signed by a registered professional engineer or geologist qualified to do such work. The number and locations of tests shall be as necessary to meet requirements of the Colorado Department of Public Health and Environment, Water Pollution Control Commission.

(3) Underground utilities. Underground distribution of gas (if available), electrical power or communication lines are 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. Evidence shall be provided that the utilities involved are willing to service the proposed subdivision.

(4) Fire protection. An adequate supply of water storage facilities, hydrant spacing, water main size and other related systems shall be shown to comply with the International Fire Code currently adopted by the Town and in effect, and the grading schedule for Municipal Fire Protection and *Guide for Determining Required Fire Flow*, published by the Insurance Services Office shall be followed. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-180. Revegetation and/or landscaping plan.

A revegetation and/or landscaping plan shall be required of any applicant proposing three (3) or more units (dwelling, commercial, etc.) in any one (1) project. The Board of Trustees, or its authorized representative, may impose the requirement upon any other applicant at the Board of Trustee's option. Numbers of units notwithstanding, potential damage to existing landscaping/vegetation shall be adequate reason for requiring a landscaping plan. All plans submitted shall be prepared by a person who *is* qualified under Section 17-3-120 of this Chapter. At a minimum, plans submitted under this Section shall include revegetation of land disturbed by development. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-3-190. Number of copies required.

All of the above maps, plans and supporting documents shall be submitted in four (4) or more copies, as required by the Town Clerk. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 4

Final Plats

Sec. 17-4-10. Submittal; conformance to preliminary plan; new or revised material.

The subdivider shall submit the final plat for all or a portion of an area within an approved preliminary plan to which it must conform, with maps and information as required under Article 2 of this Chapter, to the Town Clerk at least forty-five (45) days prior to the meeting at which the applicant wishes final plat approval. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-20. Comparison with County records.

The Town Engineer shall compare the legal description of the subject property with the County records to ensure that:

- (1) The property described contains all contiguous single ownership and does not create a new or remaining unrecognized parcel of less than thirty-five (35) acres in size;
- (2) The lots and parcels have descriptions which both close and contain the area indicated; and

(3) The plat is correct in accordance with surveying and platting standards of the State. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-30. Review by Board of Trustees.

The Board of Trustees, at a regularly scheduled meeting, shall review the final plat and take final action on acceptance or rejection. The Board of Trustees may continue its review of the plat for additional information if a determination is made that the plat or prior conditions are not yet complete. The subdivider shall cause the final plat and restrictive covenants, if any, to be recorded within ninety (90) days from the date of approval and acceptance by the Board of Trustees. In the event that the plat is not so recorded, the approval of the Board of Trustees 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. Board of Trustees approval of any final plat shall terminate in the event that, within two (2) years from the date of said approval, no substantial effort has been made to realize the development as shown on the plat. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-40. Evidence of approval by utilities.

Before final action can be taken by the Board of Trustees, evidence of approval by the appropriate utility (including water and sewer utilities) for the final plat shall be supplied to the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-50. Alterations subsequent to approval.

Any provision, stipulation, restriction or covenant filed and recorded as part of a final plat shall not be altered subsequent to final plat approval by the Board of Trustees, unless said change is first referred to the Board of Trustees for approval. Such changes may be referred to the Planning and Zoning Commission for recommendation to the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-60. Correction of errors.

The Board of Trustees may summarily grant permission to alter a final plat by the filing of an amended plat, to cure errors caused by mistakes which do not materially alter the substance of the plat as represented to the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-70. Vacation proceedings.

A plat or any portion thereof that has been finally approved by the Board of Trustees and has been recorded shall be subject to vacation proceedings if the project which is the subject of the subdivision is not completed within a time set by the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-80. Time for completion and extensions.

Part of the plat approval proceedings shall include a determination by the Board of Trustees of a reasonable time by which the project involved should be completed. Extensions of such time limit may be obtained from the Board of Trustees for good cause shown, upon request by the subdivider or owner of the tract, if made before vacation proceedings are instituted. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-90. Notation of completion date on plat.

All plats given final approval by the Board of Trustees shall contain a notation indicating the time by which a project is expected to be completed. This notation shall be prima facie evidence of a reasonable time by which the project should have been completed. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-100. Guarantee of public improvements; agreements and collateral.

No final plat shall be recorded until the subdivider has submitted, and the Board of Trustees has approved, one (1) or a combination of the following:

(1) The installation of all roads, utilities, drainage facilities, survey monuments and other public improvements serving all lots described in the subdivision agreement to specifications of the Board of Trustees or its designated representatives.

(2) An agreement to construct any required public improvements shown in the final plat documents, together with collateral which is sufficient, in the judgment of the Board of Trustees, to make reasonable provision for the completion of said improvements in accordance with design and time specifications agreed to. Collateral shall be one (1) or a combination of the following:

a. Cash or its equivalent.

b. Securities of acceptable value.

c. Letter of credit.

d. Land of acceptable value by trust deed or other acceptable means. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-110. Guarantee of public improvements; conditions for release of collateral.

After a two-year performance period, upon improvement completion or a required improvement revision, the subdivider may apply to the Board of Trustees for release of part or all of the collateral deposited with the Board of Trustees. Upon inspection and approval, the Board of Trustees may authorize release of said collateral. If the Board of Trustees determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish to the subdivider a list of specific deficiencies and shall be entitled to retain collateral sufficient to ensure such substantial compliance. If the Board of Trustees determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board of Trustees may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications or return the land to its previous condition. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-120. Form.

The final plat shall be drafted in a legible form with black, waterproof ink on a permanent reproducible material, such as Mylar, on 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

and 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 shall appear on the title or cover sheet. Scale of the final plat shall be consistent with that of the preliminary plan or at such larger scale as necessary to clearly convey all necessary information. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-130. Information to be included.

The final plat shall adhere to the format and include information as follows:

(1) Tract boundary lines and right-of-way 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 hundredth of a foot. Bearings or deflection angles, arc lengths, tangent distances and central angles of all curves shall be shown. Each lot shall be numbered, and the dimensions and area of each lot shall be shown. 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 38-51-102, C.R.S.

(2) Names of all streets or roads, block and lot numbers shall be indicated for easy plat identification. Street addresses shall also be shown on each lot, and each number shall be circled to distinguish these numbers from lot numbers. The Building Administrator shall designate the appropriate street addresses.

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

(4) All surveying data shall be tied to primary control as specified in Section 38-51-101, et seq., C.R.S. Steel pins with metal caps shall be set in eight-inch concrete monuments at each curve and at such additional points as necessary for intervisibility of monuments along street rights-of-way.

(5) Vicinity map at a scale of one (1) inch equals one thousand (1,000) feet, including section lines, and township and range lines where practical.

(6) Certifications and information as follows:

a. Name and address of owners of record.

b. Total acreage of the subdivision, total number of lots and acreage within the subdivision devoted to each use, such as single-family residential, commercial, street or open space.

c. A reference to any protective covenants 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. (See Section 17-10-10 of this Chapter).

e. Surveyor's certificate. (See Section 17-10-20 of this Chapter). The certificate shall be signed by a registered land surveyor in the State who is responsible for the survey and final subdivision plat.

f. An approval block for the Board of Trustees and a title insurance company or attorney's certificate. (See Article 10 of this Chapter).

g. The recorder's certificate. (See Section 17-10-70 of this Chapter).

h. A statement of whether or not lots or, in the case of a condominium subdivision, units may be converted to timesharing units. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-140. Supplemental requirements.

Supplemental requirements to be filed with the final plat shall be as follows:

(1) A letter must be received stating that all supplemental information furnished with the preliminary plat is valid for the final plat or, if this is not the case, revised supplemental data of the same scope and format as required for the preliminary plat shall be furnished.

(2) Filing fee as required under Section 17-2-40 of this Chapter.

(3) Three (3) copies of all the protective covenants or restrictions placed on the subdivision, one (1) copy of which shall be filed for record in the Office of the County Clerk and Recorder at the time of recording the final plat.

(4) Preliminary construction plans and specifications, time schedules and cost estimates for all public improvements, including 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. All such construction plans and specifications shall be prepared as per Section 17-3-140 of this Chapter.

(5) Improvements. Approval of the plat of the entire area of the subdivision may be given, and improvements may be installed in only a portion of the subdivision, provided that a street or streets are dedicated or provided to allow access to said portion and the improvements are installed on said street or streets. Any utilities construction in a portion of a subdivision shall be designated and built in such a manner that they can be extended or expanded to serve the entire subdivision.

a. No lot shall be developed, offered for sale or sold, except within that area and portion wherein the improvements have been installed or collateral furnished, funds placed in escrow or other assurance given to ensure the installation thereof; and, if the plat is recorded in the office of the County Clerk and Recorder, the plat shall contain a statement that lots described in the plat may be sold only in the area where the improvements have been installed or other conditions of this Chapter complied with.

b. No construction of subdivision improvements shall be started until the improvement plan for the entire area covered by the final plat has been approved by the Board of Trustees. After the improvement plans have been filed and the approval of the Board of Trustees has been obtained, the subdivider shall construct the required improvements subject to obtaining the required permits from the Town.

c. All required subdivision improvements, as specified in this Chapter and other applicable Town ordinances and regulations, shall be fully constructed and be approved by the Town, and a written notice of approval shall be transmitted to the subdivider. The approval of the improvements by the Town shall be contingent upon the subdivider guaranteeing and being responsible for any defaults with said improvements for a two-year period.

(6) A subdivision agreement to be executed by the subdivider and the Board of Trustees at the time of approval of the final plat. Said agreement shall be in the form agreed to and specified under these regulations and shall include all items under Paragraphs (4) and/or (5) above and additional items as may be required by the Board of Trustees.

(7) A final court decree of adjudicated water rights for adequate quantity or other determination of adequate water rights and use shall be a prerequisite of a final plat approval. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-4-150. Number of copies required.

All of the above-mentioned maps, plats and information shall be submitted in original and three (3) copies thereof. An additional Mylar copy of the final plat which must be signed is also required and all filing data placed on it and returned to the Town Clerk for Town records. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 5

Minor Subdivisions

Sec. 17-5-10. Requirements.

Minor subdivisions, as defined in Section 17-1-100 of this Chapter, shall adhere to the requirements set forth in this Chapter. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-5-20. Water service.

Satisfactory evidence must be furnished to the Board of Trustees that adequate water service is available to serve each lot in the proposed subdivision. All installations must comply with the current rules of the Eagle River Water and Sanitation District. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-5-30. Sewage disposal.

Satisfactory evidence must be furnished to the Board of Trustees that adequate sewer service is available to serve each lot in the proposed subdivision. All installations must comply with the current rules of the Eagle River Water and Sanitation District. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-5-40. Evidence concerning physical conditions.

Satisfactory evidence must be provided to the Board of Trustees concerning the geology, soil, topography, drainage, fire protection and any other conditions so as to indicate that the subdivision

will not create any hazards and that all lots will contain safe, adequate building sites. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-5-50. Submittal of site plan and final plat.

A site plan, final plat and supplemental information shall be submitted to the Town Clerk in accordance with the current policy of submittal deadline, number of copies required and filing fee.

(1) The site plan shall be drawn and submitted in accordance with the standards set forth in preliminary plan requirements of these regulations or other governing rules and regulations.

(2) The final plat shall be drawn and submitted in accordance with the standards set forth in the final plat requirements in these regulations. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-5-60. Approval; filing and fees.

(a) After reviewing the submittals required in this Article, the Board of Trustees may approve the subdivision as a minor subdivision if it finds that all the requirements listed above have been met without waiver.

(b) Upon final approval by the Board of Trustees, the map shall be filed with the County Clerk and Recorder upon payment of all required filing or recording fees. Two (2) Mylar copies of the subdivision plat shall also be filed with the Town Clerk. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-5-70. Applicability.

Applicability of a proposed subdivision to the minor subdivision procedure is to be determined by the Board of Trustees. Applications may be determined to not be in accordance with the regulations and be directed through the full subdivision process. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 6

Duplex Subdivisions

Sec. 17-6-10. Requirements.

Duplex subdivisions, as defined in Section 17-1-100 of this Chapter, shall adhere to the following requirements set forth in this Article. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-6-20. Submittal of final plat.

A final plat showing the subdivision of the duplex and lot and a party wall agreement outlining the responsibility of each owner with respect to maintenance, restoration and upkeep of the building and provisions for landscaping and maintenance of the common elements of the duplex subdivision shall be submitted to the Town Clerk in accordance with the current policy of submittal deadline, number of copies required and filing fee. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-6-30. Approval; filing and fees.

(a) The Town Attorney and the Building Administrator shall review the documents submitted pursuant to this Article and determine whether or not all the requirements have been met. Upon a finding that all requirements have been met, they shall recommend to the Board of Trustees that final approval be granted.

(b) Upon final approval by the Board of Trustees, the plat and party wall agreement shall be filed with the County Clerk and Recorder by the Town Clerk pursuant to the applicable statutes upon payment of all required filing or recording fees. One (1) Mylar copy of the plan and a signed copy of the party wall agreement shall also be filed and remain with the Town Clerk. (Ord. 6, 2008; Ord. 7 §1, 2010)

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

The final plat shall be drawn and submitted in accordance with the standards set forth in the final plat requirements in these regulations. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-6-50. Applicability.

Applicability of a proposed subdivision to the duplex subdivision procedure is to be determined by the Town Attorney and/or Building Administrator at their discretion. Applications may be determined to be not in accordance with the regulations and be directed through the full subdivision process. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 7

Timesharing Subdivisions

Sec. 17-7-10. Requirements.

Timesharing subdivisions, as defined in Section 17-1-100 of this Chapter, shall adhere to the procedure for division review as well as the further requirements set forth in this Article. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-7-20. Disclosure statement; contents.

Satisfactory evidence must be furnished to the Board of Trustees that prospective purchasers will be provided a disclosure statement, including but not limited to the following:

- (1) A first-year budget, including any reserves for maintenance and replacement and the projected common expense of each time-share unit.
- (2) Any services to be provided by the developer.
- (3) A description of any liens or encumbrances affecting the timeshare unit.
- (4) The terms of any limitation on any warranty to be given by the developer.

(5) A statement that any deposit made in connection with the purchase of a timeshare will be held in an escrow account until closing of a transaction.

(6) Any restraints on alienation of a timeshare.

(7) A description of insurance coverage.

(8) The extent to which one (1) timeshare unit may become subject to a tax or other lien arising out of claims against or the tax liability of other owners of the same timeshare unit or other units.

(9) Description of any program for the exchange of occupancy rights with owners of other timeshare units, including whether such program is mandatory.

(10) A statement that, in any transfer of the developer's interest to any third person, the third person shall assume the obligations of the developer.

(11) A statement of any rights of cancellation of purchasers and whether the same may be waived. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-7-30. Conversions.

In the case of any conversion of a multiple-dwelling unit or condominium subdivision to a timesharing subdivision, the Board of Trustees shall be provided with satisfactory evidence that such conversion will not have a detrimental effect on the availability of long-term rental housing or accommodations in the Town. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 8

Design and Improvement Standards

Sec. 17-8-10. Conformance.

The individual lots and subdivision layout, the constructed improvements and engineering investigation and design shall conform to the provisions of this Chapter. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-20. Suitability of land for subdivision.

Land subject to natural hazards, such as flooding, falling rock, landslides, snow slides, wildfire or other natural hazards, shall not be platted for any use which might endanger the health, safety or welfare of the inhabitants. Such lands shall be reserved for other uses that will not present these hazards. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-30. Street pattern.

The street pattern in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas. Where appropriate to the design, the streets shall be

continuous and in alignment with the existing plat or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the land to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Board of Trustees, such extension is not necessary for connection of the subdivision with the existing layout or the probable future layout of adjacent tracts. All dead-end streets shall be provided with a turnaround. Design of dead-end streets shall include areas for storage of plowed snow. Proposed streets shall intersect one another as nearly at right angles as topography permits, unless specifically approved by the Town Engineer. Excessively long residential streets conducive to high-speed traffic shall be discouraged. Alleys will not normally be permitted in residential subdivisions but may be required in commercial areas. Where subdivisions are located adjacent to existing or proposed arterial or subarterial highways, the subdivision street pattern shall conform to highway plans. Intersection of proposed streets in the subdivision with such highways shall be held to a minimum. Lots bordering such highways shall be either reverse-facing (on an internal street within the subdivision) or be served by a frontage road designed to collect traffic from within the subdivision and provide access to a designed intersection with the arterial or subarterial highway. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-40. Private streets.

The creation of private streets is discouraged. Private streets may be permitted based on the character and location of a proposed subdivision, provided that the following requirements are satisfied: the right-of-way width, grades, curves, sight distances and improvements within the proposed subdivision are all in conformance with the requirements of this Chapter and there is no land either adjacent to or in the vicinity of the proposed subdivision which will be denied public access for traffic, utilities, drainage or other purposes through creation of private streets, and provided that an adequate homeowners' association or other entity is formed to be responsible for all maintenance of such private streets. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-50. New street classifications.

(a) All streets within the proposed subdivision shall be classified by the Board of Trustees in one (1) of the following general classifications:

(1) Arterial streets: A broad roadway with limited property access providing high-volume access within and around the Town and being traffic-loaded primarily by collector roads.

(2) Collector streets: A roadway providing access to properties and being traffic-loaded primarily by local roadways.

(3) Local streets: A roadway to provide direct access to property frontage and to allow minimum traffic flows, particularly within residential areas.

(4) Cul-de-sacs.: Cul-de-sacs are dead-end local streets. The overall length of a cul-de-sac from the intersection with another street or road to the radius point of the turnaround shall not exceed one thousand (1,000) feet. No cul-de-sac will service more than twenty (20) residential units. Cul-de-sacs will be allowed only in those cases where it can be adequately assured that the roads will be passable year-round by virtue of minimum grades and curvature, adequate parking and snow removal. Each cul-de-sac shall have a minimum of a thirty-six-foot paved radius roadway bulb at the dead end.

(b) To determine road classification, the following table shall be used, unless otherwise directed by the Town. This table is based upon average daily traffic (ADT). The value used should be based upon the Town's Master Plan or other sources approved by the Town.

**Table 17-2
Practical Capacity for Specific Types of Roadways**

<i>Type of Roadway</i>	<i>Practical Capacity</i>
Arterial	8,000
Collector	4,400
Local street	N/A

Capacities shall include truck traffic calculations. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-60. Rights-of-way widths.

(a) Rights-of-way shall be provided to the following minimum widths:

- (1) Arterial streets: eighty (80) feet.
- (2) Collector streets: sixty (60) feet.
- (3) Local streets: fifty (50) feet.
- (4) Cul-de-sac: fifty-foot radius bulb at a dead end.

(b) Right-of-way widths shall be increased or easements provided as necessary to include all cut-and-fill slopes necessary for road construction and maintenance. In calculating this width, all slopes will be calculated at the rate of three (3) feet horizontal to one (1) foot vertical, except in those cases where adequate engineering reports are submitted by the subdivider to assure the Board of Trustees that the back slopes will be stable at steeper slopes. In areas of unstable soils, additional slope protection shall be provided for, as indicated by a soils engineer. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-70. Roadway widths.

Roadway widths will be designed and constructed in accordance with the following table:

**Table 17-3
Roadway Widths**

<i>Street Classification</i>	<i>Driving Surface Width</i>	<i>Shoulder Side Each</i>	<i>Each Side as Applicable</i>	
			<i>Parking</i>	<i>Drainage Each Side</i>
Arterial	44 ft.	8 ft.	Emergency only	10 ft.
Collector	24 ft.	8 ft.	Emergency only	10 ft.
Local	22 ft.	4 ft.	Discouraged	10 ft.

Note: Minimum channelization may be required.

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-80 Driveways.

Driveways shall not exceed 4% for the first 10' from the road and should not exceed 4% for the 10' in front of a garage. Under no circumstances should the driveway exceed 12% unless it is heated and not exceed 16% with heat. The driveways should also be as close to perpendicular to the road as possible and not exceed a 15 degree deviation from perpendicular without a variance. Residential driveways should be a minimum of 12' wide and have a minimum centerline radius of 20'. Commercial and other non-residential driveways shall be a minimum of 20' wide and accommodate deliveries from large and oversized vehicles. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-90. Grades, curves and sight distance; variances.

(a) Grades, curves and sight distances shall be subject to approval of the Board of Trustees to assure proper drainage and safety for vehicles and pedestrians. Table 17-4 below establishes minimum design criteria:

**Table 17-4
Design Criteria**

<i>Street Classification</i>	<i>Design Speed</i>	<i>Maximum Grade (1)(2)</i>	<i>Minimum Curve Radius</i>	<i>Minimum Stopping Sight Distance</i>
Arterial	40 mph	5%	500 ft.	300 ft.
Collector	30 mph	6%	300 ft.	200 ft.
Local	30 mph	8%	100 ft.	200 ft.

(b) Maximum grades for distance equal to the stopping sight distance from an intersection shall be six percent (6%). In addition, the maximum grade for fifty (50) feet from an intersection shall be four percent (4%).

(c) Variances from Table 17-4 above may be granted by the Board of Trustees upon recommendation from the Town Engineer and satisfactory demonstration of need with adequate design to minimize the effects of any variance granted. All design and construction shall incorporate other standard highway design considerations, such as crowns, super elevation, spiral transitions, etc. Vertical curves shall be used in all cases where the change in grade exceeds one and one-half percent (1½%). (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-100. Relationship to adjacent slopes.

A grading plan showing revised contours for street construction through such areas shall be submitted. Such plan shall depict the extent and slope of cut-and-fill areas created by street construction and ensure provision for vehicular access to each lot created by the proposed subdivision and served by the road to be constructed. Any proposed retaining structures shall be designed in detail with cost estimates. All cut-and-fill slopes and retaining structures shown as a result of street construction shall be located within the proposed dedication of street right-of-way or provided easements.

(b) A Stormwater Management Plan in accordance with Colorado requirements shall be submitted for all cut-and-fill slopes. The revegetation plan shall utilize native or similar horticultural materials and include a cost estimate for implementation. The revegetation plan shall be implemented concurrently with street construction. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-110. Roadway structural section.

(a) All streets and roads shall be laid out and constructed by the subdivider at his or her expense. Roadway construction shall be in accordance with such regulations as promulgated by the Board of Trustees and CDOT.

(b) Pavement structural sections shall be designed by a registered soils engineer to withstand the loads anticipated on the subgrade material present. As a minimum, all streets will be designed to the American Association of State Highway and Transportation Officials (AASHTO) Group Index Method.

(c) The subdivider shall submit complete construction specifications to the Town for approval as a part of the final plat submittal. The specifications shall cover all work involved, including but not limited to stripping and grubbing, excavation and embankment, compaction, base and surface course, installation of drainage facilities, reseeding, sign installation, and shall include material and method specifications. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-120. Drainage.

The subdivider shall be responsible for constructing all drainage facilities required and providing all drainage easements required, as determined by the drainage study. All drainage facilities shall be designed by a registered professional engineer in a manner that will protect all roadways and adjacent lots. Particular attention will be given to items which will prevent overtopping erosion or silting up of drainage facilities. Culverts of sufficient length to extend beyond the point where a two-horizontal-to-one-vertical slope from the edge of the road shoulder intercepts the bottom of the culvert or headwalls shall be installed. All drainage facilities under the roadway shall be designed and constructed to withstand an AASHTO-recommended HS-20 loading. The minimum accepted culvert size shall be eighteen (18) inches in diameter. Open channels shall be a trapezoidal shape with a minimum side slope of two (2) horizontal to one (1) vertical. They shall be sized to retain the anticipated flows at the approved velocities. Drop structures shall be installed as necessary. All drainage easements shall be a minimum of twenty (20) feet wide. Where necessary, storm sewers with appropriate inlets and manholes will be constructed by the subdivider. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-130. Bridges.

It shall be the responsibility of the subdivider to construct, reconstruct or repair all bridges within any proposed subdivision to meet the following minimum requirements:

- (1) Sufficient strength to accommodate an AASHTO HS-20 live load.
- (2) Provide a width equal to or greater than the approved driving surface, plus four (4) feet.

- (3) Adequate pedestrian facilities, including walkways and handrails.
- (4) Hydraulic capacity to pass the maximum one-hundred-year probable flow as determined by the drainage study without excessive inundation or velocities.
- (5) Roadway approach grades and curvatures to approach safe sight distance.
- (6) Adequate channel and wingwalls to protect approach roadway fill. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-140. Street names.

Names of streets shall be subject to the approval of the Board of Trustees and shall be consistent with the following criteria:

- (1) Names shall relate to one (1) or more of the following:
 - a. The history of the State, the Town and the area, including persons associated with that history.
 - b. Skiing and the history of skiing.
 - c. Local flora and fauna.
 - d. Local geography, including creeks, lakes and mountain peaks.
 - e. The American West, particularly including farming, mining, ranching and Native American culture.
- (2) Names of living persons are discouraged.
- (3) Names shall be consistent with the surrounding area so as to avoid duplication with names of other streets in the Town and adjacent subdivisions of unincorporated Eagle County. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-150. Railroad crossings.

The subdivider shall be required to obtain all permits and necessary forms and perform all work required by the Public Utilities Commission in the event any portion of his or her subdivision involves a railway crossing. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-160. Road acceptance.

The subdivider shall post at all entrances to the subdivision a sign which states: "NOTICE – Roads within this subdivision have not been accepted by the Town of Red Cliff." This sign shall remain in place until acceptance by the Town of the roads within the subdivision. Acceptance inspection of roads will not be made during the period of November 15 through May 15 of the following year. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-170. Guardrails.

Guardrails shall be installed at bridges, bridge approach sections, on the outside of sharp-radius curves or at other locations specified by the Town. The design of guardrails shall be as outlined as a Type-3 guardrail from the Colorado Department of Transportation, or equivalent construction. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-180. Soil compaction.

Soil compaction shall be required for fill of all utility lines (including service connections) within highway or street rights-of-way. The compaction shall be a minimum of ninety-five percent (95%) Standard Proctor. The applicant shall provide a geotechnical report verifying the compaction results and/or recommendations prepared by a State-licensed professional engineer. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-190. Service connections.

All service connections shall be stubbed out from the main utility line to the right-of-way line prior to paving and adequately marked with rebar, treated 4x4 or 3M marker at the discretion of the Town. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-200. Drainage study and improvements.

The subdivider shall be responsible for submitting a drainage plan for the subdivision prepared by a registered professional engineer licensed in the State. He or she shall further provide all easements and construct all drainage facilities called for in the approved plan. The drainage study shall be in accordance with Section 17-3-160 of this Chapter and in addition to the provisions set forth in this Article. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-210. One-hundred-year floodplain defined.

One-hundred-year floodplain is defined as the area that can be anticipated to be inundated by the one-hundred-year-frequency storm. This area shall be divided into two (2) subareas:

(1) The *high-hazard area* is defined as that area where severe damage to structures and possible loss of life could be expected. Such area shall be defined as the portion of the floodplain where water velocities can be expected to be three (3) feet per second or higher or the water depth can be expected to exceed one (1) foot. The high-hazard area shall be reserved for open space and shall not be developed without the specific approval of the Board of Trustees at the recommendation of the Town Engineer and of the Colorado Water Conservation Board.

(2) The *low-hazard area* is defined as the remaining portion of the one-hundred-year floodplain where it is not anticipated that the water velocity will exceed three (3) feet per second or the depth of one (1) foot. The low-hazard area may be used for any purpose not requiring permanent structures when such uses or structures are otherwise in compliance with all other Town regulations; however, the low-hazard area should not be used for:

- a. Storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life.
- b. Solid waste disposal sites.
- c. Uses which will result in enlargement of the floodplain causing damage to or on lands other than those proposed for development.
- d. New or replacement water supply systems or sanitary sewage systems that do not make provisions for minimizing or eliminating infiltration of floodwaters.
- e. Development that does not minimize flood damage. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-220. Drainage structures required.

Drainage structures are defined as all facilities necessary to control the direction, depth and velocity of water flow within a proposed subdivision. Drainage structures shall be required to direct and control the flow of all permanent and seasonal watercourses. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-230. Roadways designed as drainage structures.

(a) Roads shall be designed to ensure that they will remain open to vehicular and pedestrian traffic in at least the following circumstances:

- (1) Local streets: During periods of runoff anticipated from a twenty-five year-frequency storm.
- (2) Collector streets: During periods of runoff anticipated from a twenty-five-year-frequency storm.
- (3) Arterial streets: During periods of runoff anticipated from a one-hundred-year-frequency storm.

(b) Roadways will be designed in a manner that will ensure that major damage will not result from runoff from a one-hundred-year-frequency storm. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-240. Design of drainage structures.

(a) Drainage structures shall be designed by a registered professional engineer licensed in the State who is qualified in the fields of hydrology and hydraulics and shall be approved by a registered professional engineer licensed in the State qualified in the field of soils engineering. Drainage structures shall be designed to prevent heavy sedimentation within or erosion of channels, overtopping of channels and damage to the structure. Drainage structures shall be designed in a manner that will not adversely affect adjacent property in any of the following manners:

- (1) Relocation of the point where channels cross the boundary line of the subdivision.
- (2) Increasing the depth of flow or velocity at the point where channels cross the boundary line.

(b) Drainage structures shall be adequately described and detailed. This may require field surveys to define cross-sections, profiles and the computation of backwater curves.

(c) Culverts shall be designed and detailed to show the size, length, slope and headwater depth at a maximum flow. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-250. Nondegradation of streams.

At the time of preliminary plan approval, the subdivider shall show evidence and plans to ensure that his or her proposed development does not result in reasonably avoidable degradation of streams. This condition shall apply to both his or her development activities and the ultimate use of the land. Items such as settling ponds, filtration galleries, sand traps and the ultimate maintenance of these items shall be addressed and resolved prior to subdivision approval. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-260. Procedures for determining runoff.

The engineer for the subdivider shall be allowed to use any recognized method for calculating runoff, subject to the approval of the Town. The drainage study shall specify the method used, shall include all maps and calculations and shall specify all assumptions and coefficients used. The Town Engineer shall review the drainage study and shall have the authority to require the use of different coefficients, corrections to calculations or the submittal of additional information. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-270. Water supply.

(a) Water supply shall be available or made available to all lots platted. The water system, as proposed, and the availability of the water sources, shall be explained and certified by a registered professional engineer licensed in the State, and an attorney, if necessary, shall substantiate water rights. Water supply, treatment and distribution facilities must be provided in conformance with the requirements of the Colorado Department of Public Health and Environment and the Board of Trustees through their designated representatives. Design submitted with the preliminary plan shall be of a preliminary engineering level sufficiently detailed to permit accurate cost estimates. Complete construction plans and specifications shall be submitted with the final plat. The adequacy of water supply for any proposed system shall be calculated on total development of the subdivision served following standard engineering practice based on per-capita water usage derived from peak demand, storage and fire protection requirements, with the last-named requirement related to location and character of the subdivision. Construction of facilities may be on a phased basis. Fire hydrant spacing shall conform to the standards set forth by the Greater Eagle River Protection District, and the minimum size of water mains shall be eight-inch diameter. Where a central water system is to be installed, an organization shall be set up to administer the operation of this system.

(b) The subdivider shall be required to make application to the Town of Red Cliff and its water maintenance provider and a letter from the district regarding this service shall be required. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-280. Sanitary sewage disposal systems.

(a) The design and construction of the sanitary sewer system must be in conformity with the regulations of the Colorado Department of Public Health and Environment and must be approved by that Department and by the Board of Trustees and its sewer maintenance provider. Collection sewers shall be designed and provided to service each lot. Design submitted with the preliminary plat shall be of a preliminary engineering level sufficiently detailed to permit accurate cost estimates. Completed construction plans and specifications shall be submitted with the final plat. Capacity of the system shall be calculated on total development of the subdivision served following standard engineering practice based on per-capita water consumption. Construction of facilities may be on a phased basis. Sewage treatment facilities of an approved design shall be constructed to adequately treat all collected sewage. Administration of the sewage system shall be by the Town or a sanitation district. All proposed sewer plants shall make provisions for the drying and disposal of sewage sludge.

(b) The subdivider shall be also be required to make application to Eagle River Water and Sanitation District or other authorized sanitation district for any sanitary sewer system, and a letter from the district regarding this service shall be required. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-290. Stream setbacks.

A thirty-foot strip of land measured horizontally from the mean annual flood high-water mark on each side of any live stream located within the boundaries of a proposed subdivision shall be protected in its natural state, with the exception that footpaths, bridges, irrigation structures, flood-control and erosion-protection devices may be constructed thereon with approval by the Town Engineer. If such stream is along the outer boundaries of the subdivision, this requirement shall apply to that part of such stream and strip which is within the subdivision. Underground utilities may be located in such protected area, provided that there is no practical alternative location for such utilities, that the plans are approved by the Board of Trustees and that all construction scars are revegetated. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-300. Utility easements.

(a) Acceptable easements shall be provided following utility design requirements. The subdivider shall have submitted his or her preliminary subdivision plat to all applicable utilities for their input as to where easements will be required by their particular utility and easements shown for the needs of the various utilities.

(b) The minimum acceptable utility easement allowed is fifteen (15) feet. Larger easements may be required with multiple utilities within the easements or depending on the depth of the utility requirements. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-310. Drainage easements.

Drainage easements shall be provided for all permanent and seasonal watercourses and shall be in accordance with the approved drainage study and drainage plan and meet the requirement of Section 17-8-110 of this Article. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-320. Irrigation ditches.

Irrigation ditch easements shall be provided for all irrigation ditches crossing the proposed subdivision, unless the subdivider can prove conclusively that they have been legally abandoned. Irrigation ditch easements shall be of a width equal to the average ditch width, plus twenty (20) feet or as otherwise recommended by the ditch owner and as approved by the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-330. Subdivider's responsibility.

It shall be the subdivider's responsibility to coordinate design of the utilities systems with the appropriate utility company during the preliminary design stage. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-340. Utility plan.

Final plat submittal stamped by a State-licensed professional engineer shall include a utility plan showing construction location of all utilities, profiles of all water and sewer main lines and utility easements. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-350. Lot and block design.

Each lot created in a subdivision shall be physically capable of accommodating a structure devoted to the intended use of the lot. Each lot shall have a frontage width on a dedicated street of not less than twenty-five (25) feet. Additional area may be required if determined necessary by the shape of the land or contours. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-360. Planned Unit Development.

To promote excellence of subdivision design and improvement, the Board of Trustees may recommend approval of a subdivision that departs from the usual design or regularly platted lots and blocks. Variations, as described in Article 9 of this Chapter, may be followed singly or in combination, provided that the standards set are maintained and all variations are clearly indicated and labeled as such on the preliminary and final plats. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-370. Architectural variations.

(a) Setback and height restrictions as now or hereafter established may be varied to accommodate specific building types with unusual orientation on the lot or relationship between buildings.

(b) The averaging of lot areas is intended to provide flexibility in design and relate lot size to topography so that each lot contains acceptable building sites. The clustering of development with a usable common open space is intended to encourage provisions for open space and save street and utility improvement and maintenance costs. The architectural cluster is intended to accommodate contemporary building types which are not spaced individually on their own lots but share common side walls, combined service facilities and similar architectural innovations while providing for separate ownership of land and buildings.

(c) Further criteria and procedural requirements are found in Chapter 16 of this Code. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-380. Park sites; dedication.

The Board of Trustees may require the reservation or dedication of lands or sites for parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. The Town may require the costs of the park and park improvements to be shared by the subdivider. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-8-390. Park sites; location.

The Board of Trustees may require that each proposed subdivision include a park plan consisting of park sites suitable for active recreation use and walkways or riding trails for access to recreation sites. Location of sites shall be based on topography, vegetation, circulation patterns and the size of the subdivision. Wherever possible, consistent with the foregoing locational criteria, such park sites should be located in such a fashion to permit expansion through creation of similar facilities in future subdivisions on adjacent undeveloped land. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 9

Variances and Exemptions

Sec. 17-9-10. Applications; time of submittal.

At the time of or after the submittal of the sketch plan, but not later than the submittal of the preliminary plan, the subdivider may apply to the Board of Trustees for variances or for a finding that his or her proposed subdivision is exempt from the definitions of the term *subdivision* as provided herein. Application for exemption shall be accompanied by a sketch or drawing, to scale, depicting the division of land held to be exempt from these regulations, noting the total land area enclosed in each of the proposed parcels. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-9-20. Applications; preparation, copies, fees and supporting documents.

(a) Applications for variance shall be submitted in four (4) copies and shall include the required fee.

(b) Applications for exemption shall be accompanied by sketches or drawings. Included will be a list of names and mailing addresses of all adjacent property owners. The required fee shall be included with applications for exemption.

(c) Applications for exemption and all supporting sketches, documents, etc., as required, shall be submitted in four (4) copies, or more when required by the Town Clerk.

(d) Completed applications for variance or exemption shall be submitted to the Board of Trustees at least thirty (30) days before the Board of Trustees meeting at which review is sought. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-9-30. Applications; transmittal to other agencies.

Upon receipt of an application for variance or exemption, the Board of Trustees shall, at its discretion, transmit a copy of said application to the agencies which might receive copies of the preliminary plan, with instructions to respond with recommendations within thirty (30) days after such applications have been received. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-9-40. Board of Trustees to grant or deny in writing.

The Board of Trustees shall hold a public hearing upon any application submitted pursuant to this Article. Notice of such hearing shall be sent by first-class mail or delivered personally, at least twelve (12) days prior to the hearing date, to owners of property within three hundred (300) feet of the property in question. Owners of residential condominium units may be served with notice by mailing (or delivering) a copy of the notice to the homeowners' association or its manager. The applicant shall furnish to the Town Clerk the names and addresses of the owners of property within three hundred (300) feet of the property in question. The public hearing and notice requirements hereof may be combined and run concurrently with the public hearing notice requirements contained in Section 17-3-70 of this Chapter. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-9-50. Authority of written ruling; variance.

The written ruling of the Board of Trustees with respect to an application for variance shall be authority for the subdivider to prepare his or her preliminary plan and final plan in accordance with the requirements of these regulations as altered by the variance. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-9-60. Authority of written ruling; exemption.

If the Board of Trustees grants a request for exemption, the written ruling of the Board of Trustees shall be authority for the subdivider to develop the property in accordance with the information shown on the variance application without further compliance with the provisions of these regulations, provided that the variance application or any map or plat depicting said development shall not be recorded and conveyances shall not be made by reference to any lot and block designation shown on said sketch plan or map or plat of development, except as such recording may be authorized by any law of the State now or hereafter in effect. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-9-70. Exemption termination.

Town approval of an application for exemption shall terminate in the event that the approved exemption is not made part of the official Town and County records within one (1) year from the date of said approval. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-9-80. Exemption; additional information may be required.

Nothing contained in this Article shall be construed as prohibiting the Board of Trustees, in its discretion, from requiring a subdivider to provide any additional supporting information before granting an application for exemption, or conditioning the granting or an exemption upon the furnishing of any or all of such supporting information. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 10

Forms

Sec. 17-10-10. Certificate of dedication and ownership.

The certificate of dedication and ownership shall have the following form:

CERTIFICATION OF DEDICATION AND OWNERSHIP

Know all men by these presents that _____, being sole owner(s) in fee simple of all that real property described as follows: _____, and containing _____ acres, more or less, has by these presents laid out, platted and subdivided the same into Lots and Blocks as shown hereon and designate the same as _____, Town of Red Cliff, County of Eagle, State of Colorado, and dedicate for public use the streets shown herein, including avenues, drives, boulevards, lanes, courts and alleys to the Town of Red Cliff; and the utility and drainage easements shown hereon for utility and drainage purposes only; and do further state that this subdivision shall be subject to the Protective Covenants filed and recorded for this Subdivision in the Office of the Clerk and Recorder of Eagle County, Colorado, as Document Number _____.

Executed this ____ day of _____ A.D., 20__.

_____ Owner(s)

STATE OF COLORADO)
) ss
County of _____)

The foregoing Dedication as acknowledged before me this ____ day of _____ AD., 20__ by _____.

My Commission expires _____.

Witness my hand and seal.

_____ Notary Public

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-10-20. Surveyor's certificate.

Surveyor's certificates shall have the following form:

SURVEYOR'S CERTIFICATE

I, _____, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Plat of the _____, as laid out, platted, dedicated and shown herein, that such Plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land. All monuments are set as required by the Subdivision Regulations of the State of Colorado.

In Witness whereof I have set my hand and seal this ____ day of _____ A.D., 20__.

_____ Professional Land Surveyor No.

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-10-30. Town certificate.

The Town certificate shall have the following form:

TOWN CERTIFICATE

This Plat, uses, densities, standards and definitions are approved by the Board of Trustees of the Town of Red Cliff, County of Eagle, State of Colorado this ____ day of _____, 20____, A.D., for filing with the Clerk and Recorder of the County of Eagle and for conveyance to the Town of Red Cliff of the public dedications shown hereon subject to the provision that approval in no way obligates the Town of Red Cliff for financing or constructing the improvements on lands, streets or easements dedicated, except as specifically agreed to by the Board of Trustees and further that said approval shall in no way obligate the Town of Red Cliff for maintenance of streets until construction of improvements thereon shall have been completed to the satisfaction of the Board of Trustees. Approval of this plat by the Town is a consent only and is not to be construed as an approval of the technical correctness of this plat or any documentation relating thereto.

WITNESS MY HAND AND SEAL OF THE TOWN OF RED CLIFF:

BOARD OF TRUSTEES OF
THE TOWN OF RED CLIFF
By: _____
Mayor

Attest:

Town Clerk

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-10-40. Town certificate (amended plat).

The Town certificate (amended plat) shall have the following form:

TOWN CERTIFICATE (AMENDED PLAT)

This Plat, including vacation of any lot lines, easements and rights-of-way, previously dedicated and not dedicated hereon, is approved by the Board of Trustees of the Town of Red Cliff, County of Eagle, State of Colorado, this ____ day of _____, 20____, A.D., for filing with the Clerk and Recorder of the County of Eagle and for conveyance to the Town of the public dedications shown hereon, the same to supersede the prior Plat, subject to the provision that approval in no way obligates the Town of Red Cliff for financing or construction of improvements on lands, streets or easements dedicated except as specifically agreed to by the Board of Trustees, and further that said approval shall in no way obligate the Town of Red Cliff for maintenance of streets until construction of improvements thereon shall have been completed to the satisfaction of the Board of Trustees. Approval of this plat by the Town is consent only and is not to be construed as an approval of the technical correctness of this plat or any documentation relating thereto.

WITNESS MY HAND AND SEAL OF THE TOWN OF RED CLIFF:

BOARD OF TRUSTEES OF
THE TOWN OF RED CLIFF
By: _____
Mayor

Attest:

Town Clerk

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-10-50. Town certificate (condominium plat).

The Town certificate (condominium plat) shall have the following form:

TOWN CERTIFICATE (CONDOMINIUM PLAT)

This Plat is approved by the Board of Trustees of the Town of Red Cliff, County of Eagle, State of Colorado this ____ day of _____ A.D., 20____, for filing with the Clerk and Recorder of the County of Eagle. Approval of this plat by the Town is consent only and not to be construed as an approval of the technical correctness of this plat or any documentation relating thereto.

WITNESS MY HAND AND SEAL OF THE TOWN OF RED CLIFF:

BOARD OF TRUSTEES OF
THE TOWN OF RED CLIFF
By: _____
Mayor

Attest:

Town Clerk

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-10-60. Title insurance company or attorney's certificate.

The title insurance company or attorney's certificate shall have the following form:

TITLE INSURANCE COMPANY OR ATTORNEY'S CERTIFICATE

_____ does hereby certify that _____ has examined the title to all lands shown upon this plat and that title to such lands vested in _____ are free and clear of all liens, encumbrances, taxes and assessments except as follows:

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-10-70. Clerk and Recorder's certificate.

The Clerk and Recorder's certificate shall have the following form:

CLERK AND RECORDER'S CERTIFICATE

This Plat was filed for record in the Office of the Clerk and Recorder at _____ o'clock __.M., this ____ day of _____, 20____, and is duly recorded in Book _____, Page No._____.

Clerk and Recorder
By _____
Deputy

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-10-80. Application for variance.

The application for variances shall have the following form:

APPLICATION FOR VARIANCE,
TOWN OF RED CLIFF SUBDIVISION REGULATIONS

Name of Development: _____

Location: _____

Size (Number of Acres): _____

Name and Addresses of Owners: _____

List of Adjacent Owners and their Addresses:

Provisions of Subdivision Regulations from which Variance is requested:

Reasons for Request for Variance:

Signatures of Applicant(s):

(Record Owners should sign)

BOARD OF TRUSTEES ACTION

Received this ___ day of _____, 20__.

By _____

The within request for Variance (granted/ denied) this ___ day of _____, 20__, for the following reasons:

BOARD OF TRUSTEES OF
THE TOWN OF RED CLIFF

By: _____
Mayor

Attest:

Town Clerk

(Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-10-90. Application for exemption.

The application for exemptions shall have the following form:

APPLICATION FOR EXEMPTION,
TOWN OF RED CLIFF
SUBDIVISION REGULATIONS

Name of Development: _____

Location: _____

Size (Number of Acres): _____

Name and Addresses of Owners:

List of Adjacent Owners and their Addresses:

Provisions of Subdivision Regulations from which Exemption is requested:

Reasons for Request for Exemption:

Signatures of Applicant(s):

(Record Owners should sign):

BOARD OF TRUSTEES ACTION

Received this ___ day of _____, 20__.

By: _____

The within request for Exemption (granted/denied) this ___ day of _____, 20__, for the following reasons:

BOARD OF TRUSTEES OF
THE TOWN OF RED CLIFF

By: _____
Mayor

Attest:

Town Clerk

(Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 11

School Site Dedications

Sec. 17-11-10. Purpose.

It is declared to be the policy of the Town that, whenever there is an annexation of property into the Town for residential development purposes, the owner of the land shall provide land for school needs generated by the proposed residential use. It is the purpose of this Article to require the dedication of land or the payment of fees in lieu thereof directly for the benefit of the school children of the Town. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-11-20. School land dedication or cash in lieu thereof.

(a) Whenever an annexation of land occurs for residential subdivision, the applicant shall allocate and convey school sites to the Town when they are reasonably necessary to serve the proposed subdivision and future residents thereof by the application of the formulas set forth below:

(1) Single-family and duplex or primary secondary: Number of units x .014495 = dedication requirement in acres.

(2) Multi-family: Number of units x .002676 = dedication requirement in acres.

(b) When sites for schools are not reasonably necessary to serve the proposed subdivision and future residents thereof, the Town, may require, in lieu of such conveyance of land, the payment to the Town of an amount to be mutually agreed upon by the Town and the applicant, but not to exceed the fair market value of such sites for schools. The spending of any fees collected under this Article shall be used solely for educational purposes and/or educational facilities within the Town. (Ord. 6, 2008, Ord. 7 §1, 2010)

Sec. 17-11-30. Application.

This Article shall apply only to land annexed to the Town after January 1, 2008. The Board of Trustees finds and determines that adequate school sites have been dedicated to serve all land located within the Town on that date. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-11-40. Town exempted.

The Town is exempted from the requirements of this Article. (Ord. 6, 2008; Ord. 7 §1, 2010)

ARTICLE 12

Enforcement and Penalty

Sec. 17-12-10. Enforcement.

It shall be the duty of the Board of Trustees to enforce the provisions of these regulations. No final plat of a subdivision shall be approved by the Board of Trustees unless it conforms to the provisions of these regulations. (Ord. 6, 2008; Ord. 7 §1, 2010)

Sec. 17-12-20. Violation; penalty.

It is unlawful for any person to violate any of the provisions of this Chapter or to transfer, sell, lease or agree to sell or lease any lot, tract, parcel, site, separate interest (including a leasehold interest), condominium interest, timeshare estate or any other division within a subdivision within the Town until such subdivision has been approved in writing by the Board of Trustees and a plat thereof recorded in the office of the County Clerk and Recorder; provided, however, that a written agreement to sell or lease a condominium unit which is expressly conditioned upon approval of the Board of Trustees of the final plat, condominium map and condominium declarations shall not constitute a violation of this Chapter so long as the project as to which the agreement and the preliminary plan has been approved by the Board of Trustees. (Ord. 6, 2008; Ord. 7 §1, 2010)