

## CHAPTER 17 Subdivision<sup>1</sup> [□](#)

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#### FOOTNOTE(S):

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**Editor's note**—Ord. No. 15-04, adopted Mar. 17, 2015, repealed and reenacted Ch. 17 to read as herein set out. Former Ch. 17 pertained to the same subject matter, consisted of §§ 17-1-10—17-1-40, and derived from the Prior Code; Ord. No. 05-03, 2005; Ord. No. 06-01, 2006; and Ord. No. 11-03, 2011. [\(Back\)](#)

### ARTICLE I General Provisions

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#### **Sec. 17-1-10. Purpose.**

- (a) Statutory authority. The subdivision regulations contained in this Chapter have been prepared and enacted in accordance with Colorado Revised Statutes title 31, article 23, for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the Town.
- (b) Goals. To these ends, these regulations are intended to protect the environment, to ensure efficient circulation, adequate improvements, sufficient open space and, to assist the orderly, efficient and integrated development of the Town. These regulations also provide for the proper arrangement of streets and ensure proper distribution of population. The regulations coordinate the need for public services with governmental improvement programs. Standards for design and construction of improvements are hereby set forth to ensure adequate and convenient traffic circulation, utilities, emergency access, drainage, recreation and light and air. Also intended is the improvement of land records and surveys, plans and plats and to safeguard the interests of the public and subdivider and provide consumer protection for the purchaser; and to regulate other matters as the Town Planning and Environmental Commission and Town Council may deem necessary in order to protect the best interests of the public.
- (c) Specific purposes. These regulations are further intended to serve the following specific purposes:

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- (1) To inform each subdivider of the standards and criteria by which development proposals will be evaluated, and to provide information as to the type and extent of improvements required.
- (2) To provide for the subdivision of property in the future without conflict with development on adjacent land.
- (3) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements on the land.
- (4) To ensure that subdivision of property is in compliance with the Town's zoning ordinances, to achieve a harmonious, convenient, workable relationship among land uses, consistent with town development objectives.
- (5) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities and generally to provide that public facilities will have sufficient capacity to serve the proposed subdivision.
- (6) To provide for accurate legal descriptions of newly subdivided land and to establish reasonable and desirable construction design standards and procedures.
- (7) To prevent the pollution of air, streams and ponds, to assure adequacy of drainage facilities, to safeguard the water table and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-1-20. Compliance.**

- (a) General prohibition. It is unlawful for any person, business, or corporation 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), interest in common, condominium interest, timeshare estate, fractional fee, or timeshare license, or any other division within a subdivision within the Town until such subdivision has been approved in writing by the Board and a plat thereof recorded in the office of the Summit County Clerk and Recorder; provided, however, that a written agreement to sell or lease which is expressly conditioned upon full compliance by the seller with the subdivision regulations of the Town within a specified period of time and which expressly recites the seller's failure to satisfy such condition within such period of time shall terminate the agreement and entitle the buyer to the prompt return of all consideration heretofore paid by the buyer under such agreement, shall not constitute a violation of this subsection.
- (b) Prohibitive conveyance. No lot or parcel of land, nor any interest therein, shall be transferred, conveyed, sold, subdivided or acquired either in whole or in part, so as to create a new nonconforming lot, or to avoid or circumvent or subvert any provision of this Chapter.
- (c) Responsibility. The owner, developer, buyer, or seller shall be fully responsible for all acts of agents or employees thereof that are committed in violation of the terms of this Chapter.
- (d) Prohibited construction. No structure shall be constructed, nor building permit issued for a structure, on any parcel of land except where such structure is to be constructed upon a parcel which meets the regulations contained herein. The lot lines, common walls, individual units, condominium units established in such development or parcel shall not be changed or altered by conveyance of a part thereof, nor shall any part of the same be joined with a part of any other for conveyance or construction or converted to condominiums or time sharing unless and until written application, and other required materials, has been made to and approved in writing by the Board.
- (e) Remedies for violations. In addition to all remedies provided by law, the Town shall be authorized to enforce its Subdivision Regulations as follows:

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- (1) The Town, in addition to other remedies provided, may institute an action for injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, remove an unlawful construction, use, occupancy or conveyance or to enjoin any subdivider from selling, agreeing to sell or offering to sell, or otherwise convey, before full compliance with the provisions of the Chapter, any parceled land or other interest which sale conveyance would constitute a "subdivision" as defined herein.
- (2) The Town Building Official shall refuse to issue permits of any kind for the construction of any building or other improvements upon any land for which an approved final plat is required by this Chapter, unless and until the requirements hereof have been complied with.
- (3) No building permit shall be issued for any lot or parceled land that has been transferred, conveyed, sold, subdivided or acquired in violation of this Chapter. Any transferee who acquires a lot or a parcel of land in violation of this Chapter without knowledge of such violation, and any subsequent transferee, shall have the right to rescind and/or receive damages from any transferor who violates the provisions of this Chapter.
- (4) The Administrator or Board (whichever is applicable) may withdraw any approval of a plan or plat or require certain corrective measures to be taken following a determination that information provided by the subdivider, or by anyone on his or her behalf, upon which a decision was based is false or inaccurate. The Administrator shall cause written notice to be served on the subdivider, or his/her assignees, setting out a clear and concise statement of the alleged false or inaccurate information provided by the subdivider, or agents on his/her behalf and directing the subdivider to appear at a certain time for a hearing before the Board not less than fifteen (15) days nor more than thirty (30) days after the date of service of notice. The Board shall determine at the hearing the nature and extent of the alleged false or inaccurate information and shall have power, for good cause being shown, to withdraw any approval or require certain corrective measures to be taken. However, withdrawal of approval or imposition of corrective requirements shall not be an exclusive remedy on finding by the Board that inaccurate information has been received, and any and all remedies provided by law may be exercised.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-1-30. Approval required for recordation.**

All plats of a subdivision of land within the Town shall be filed and recorded only after having been approved and signed by the Board.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-1-40. Jurisdiction.**

These regulations are applicable within legal boundaries of the Town or to property being considered and reviewed for annexation to the Town.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-1-50. Interpretation.**

In the interpretation and application of the provisions of these regulations, the following regulations shall govern:

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- (a) Minimum requirements. In their interpretation and application, the provisions of these regulations shall be regarded as the minimum requirements for the protection of the public health, safety and welfare.
- (b) Most restrictive regulation prevails. Whenever both a provision of these regulations, and any other provisions of these regulations, or any provision of any other law, ordinance, resolution, rule, or regulation of any kind, contains any restriction covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.
- (c) Limitation. These regulations are not intended to abrogate or annul the following:
  - (1) Any permits issued before the effective date of these regulations; or
  - (2) Any easement or covenant.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-1-60. Definitions.**

The definitions contained in Section 16-1-10 of Zoning are hereby adopted by reference. The following additional definitions apply:

Accepted, roads and streets: When used in regard to roads and streets, shall mean written acceptance of the road or street by the Town Engineer.

Adjacent: When used with respect to a lot or property ownership, shall mean all properties with a common point or line to the subject property and the property which would have a common point or line with the subject property if a public vehicular right-of-way separating the properties were not there.

Administrator: The Administrator of the Town.

As built plan: The final development plan that reflects the constructed subdivision.

Bike path: A corridor for use by bicycles and pedestrians, prohibited for use by motorized vehicles.

Block: An area of land within a subdivision which is entirely bounded by streets, highways, natural boundaries or the exterior boundary or boundaries of the subdivision.

Board: The Board of Trustees of the Town of Blue River, Colorado.

Building: Any structure having a roof supported by columns or walls, or any other enclosed structure, for the housing or enclosure of persons, animals or property.

Building connection sewer: A sewer within a public street or right of way, proposed to connect any parcel, lot, or part of a lot with a main line sewer.

Building sewer: A sewer, wholly within private property, proposed to connect any building to a building connection.

Bylaws: Shall refer to the Bylaws of the unit owners' association or corporation.

Condominium project: The entire parcel of real property, including all structures thereon, to be divided into two (2) or more units for the purpose of constructing to condominium units.

Condominium unit: An individual air space unit together with the interest in the common elements appurtenant to such unit.

Condominiums: A building containing condominium units which means an individual air space unit (any enclosed room or rooms occupying all or part of a floor or floors in a building of one (1) or more floors to be used for residential, professional, or commercial purposes which has access to a public street) together with the interest in the common elements appurtenant to said unit.

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**Contractor:** The individual, partnership, corporation, joint venture, or other legal entity performing the work. In the case of work being performed under permit issued by the Town, the permittee shall be construed to be the contractor.

**Correction plat:** Corrections to previously approved plats where the character and intent of the original plat is not altered. Examples include address changes, plat note amendments, plat title corrections, easement vacations, and other minor corrections.

**Culvert:** A ditch, drain or conduit, not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way, or other type of overhead structure.

**Days:** Consecutive calendar days, unless otherwise specified.

**Declaration:** An instrument recorded pursuant to the statutes of the State and which defines the character, duration, rights, obligations, and limitations of condominium ownership. The declaration shall include all restrictions, limitations and specifications, which may be required by the Planning and Zoning Commission or Board; and the procedure for amendments of the declaration that requires approval of the Town.

**Dedication:** A grant by the owner of a right to use land to the public in general, involving a legally recorded transfer of property rights, and an acceptance of the dedicated property by the Town.

**Drainage:** Surface water runoff or the removal of surface water or ground water from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

**Easement:** A grant of land by the owner for the specified use of the land.

**Final approval:** Approval by the Board or Planning and Zoning Commission of the final plat.

**Individual air space unit:** Consists of any enclosed room or rooms occupying all or part of a floor or floors of a building of one (1) or more floors to be used for residential, professional, commercial or industrial purposes, which has access to a public street.

**Inspector:** An authorized representative of the Town Engineer, assigned to make any or all necessary inspections of materials furnished and work performed by the contractor.

**Plans:** The drawings, profiles, cross sections, working drawings, and supplemental drawings, or reproductions thereof, approved by the Town Engineer or building official, which show the location, character, dimensions, or details of the work.

**Plat, final:** A map, drawing or chart upon which the subdivider presents proposals for the physical development of subdivision, and which he/she submits for approval and intends to record in final form.

**Preliminary plan:** The preliminary drawings described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Board for approval.

**Project documents:** Defined in accordance with the statutes of the State.

**Right-of-way:** The width between property lines of a street.

**Same ownership:** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of such family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

**Service connection:** All or any portion of the conduit, cable, or duct, including meter, between a utility distribution line and an individual consumer.

**Sewer:** Any conduit intended for the reception and transmission of sewage and fluid industrial waste.

**Soil stability analysis:** A study conducted to determine the status of the soil on a property.

**Special provisions:** Any written provisions, which supplement or modify these specifications.

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Specifications: Standard specifications, reference specifications, special provisions, and specifications in supplemental agreements between the contractor and the Town.

Standard plans: Details of standard structures, devices, or instructions referred to on the plans or in specifications by title or number.

Storm sewer: Any conduit and appurtenances intended for the reception and transfer of stormwater.

Street, private: Any street maintained by the town for purposes of vehicular or pedestrian use.

Street, public: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Subdivider: Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a "subdivision" as defined herein, including any agent of the subdivider.

Subdivision or subdivided land:

(a) Meaning:

- (1) A tract of land which is divided into two (2) or more lots, tracts, parcels, sites, separate interests (including leasehold interests), interests in common, or other division for the purpose, whether immediate or future, of transfer of ownership, or for building or other development, or for street use by reference to such subdivision or recorded plat thereof; or
- (2) A tract of land including land to be used for condominiums; or
- (3) A house, condominium, apartment or other dwelling unit which is divided into two (2) or more separate interests through division of the fee or title thereto, whether by conveyance, license, lease, contract for sale or any other method of disposition.

(b) Exceptions: Unless the method of land disposition is adopted for the purpose of evading this definition, the term "subdivision" as defined herein shall not apply to any of the following divisions of land or interests in land:

- (1) The division of land by order of any Court in this State or by operation of law.
- (2) The division of land by a lien, mortgage, deed of trust or any other security instrument.
- (3) The division of land by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.
- (4) The division of land which creates an interest or interests in oil, gas or minerals which are now or hereafter severed from the surface ownership of real property.
- (5) The division of land 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 and any such interest shall be deemed for purposes of this definition as only one (1) interest; provided, however, that no agreement exists, either recorded or unrecorded, between the cotenants allowing for the use and occupancy of the property by one (1) or more cotenants to the exclusion of one (1) or more cotenants during any period, whether annually recurring or not if such agreement is in any way binding or effective upon any assignee or future owner of a fractional fee interest or if such agreement continues to be in any way binding or effective upon any cotenant for the sale of any interest in the property.
- (6) The division of land by reason of the dissolution of a joint venture or other business entity.

Supervision: Where used to indicate supervision by the Engineer, shall mean the performance of obligations, and the exercise of rights, specifically imposed upon and granted to the Town in becoming a party to the contract except as specifically stated herein, supervision by the Town shall not mean active and direct superintendence of details of the work.

Surety: Any individual, firm or corporation, bound with and for the contractor for the acceptable performance, execution, and completion of the work, and for the satisfaction of all obligations incurred.

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Town: The Town of Blue River, County of Summit, State of Colorado.

Townhouse: A building that has one-family dwelling units erected in a row or in a clustered fashion as a single building on adjoining lots, each being separated from the adjoining unit or units by a party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

Utility: Tracks, overhead or underground wires, pipelines, conduits, ditches, ducts or structures, sewers or storm drains owned, operated, or maintained in or across a public right-of-way or private easement.

(Ord. No. 15-04, § 1, 3-17-2015)

### **ARTICLE II Subdivisions**

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### **Sec. 17-2-10. Requirements and procedures.**

The following submittal requirements and procedures apply to subdivision proposals.

**Sec. 17-2-20. Consultation required; conceptual review; waiver of requirements.**

The first step in the process for a subdivision is for the applicant to request a meeting with the Administrator to assist in meeting submittal requirements, address related zoning issues and generally give the proposal a conceptual review. The Administrator may waive certain submittal requirements based on the scope of the proposed subdivision and which requirements are determined to be an undue burden upon the applicant.

(Ord. No. 15-04, § 1, 3-17-2015)

**Sec. 17-2-30. Preliminary plan.**

- (a) General subdivision process. A subdivision is reviewed and approved in a multi-step process. The preliminary plan is the most significant step in the process as it provides all of the details for the Town to evaluate impacts and benefits of the plan. The preliminary plan is reviewed by Town staff or its consultants to ensure compliance with submittal and Code requirements. Town staff forwards the preliminary plan, along with its recommendations to the Planning and Zoning Commission. The Planning and Zoning Commission reviews the application and forwards a recommendation on the preliminary plan to the Board. The Board reviews the preliminary plan and takes final action on the preliminary plan. Approval of a preliminary plan allows the subdivider to submit appropriate permits and begin construction of the subdivision or to enter into a Subdivision Improvement Agreement to guarantee performance and completion of improvements and apply for a final plat. A final plat is formally approved by the Planning and Zoning Commission. If there are dedications, the Board must take formal action to accept the proposed dedications after the Planning and Environmental Commission has approved the final plat. The final plat is ultimately recorded by the Summit County Clerk and Recorder.
- (b) Process, notice, and appeals. A preliminary plan shall be formally considered at a hearing by the Planning and Zoning Commission at a regularly scheduled or special meeting. A notice shall be mailed to all property owners within three hundred (300) feet of the area being subdivided, by regular mail, at least fifteen (15) days prior to the hearing, and a certificate of such mailing shall be filed with the Administrator. The materials presented shall reflect the proposed subdivision and indicate any adjacent lands under the same ownership of the applicant or lands under option to the subdivider or applicant at the time of subdivision.
- (c) Submittal requirements. At least sixty (60) days (unless the time frame is reduced by the Administrator) prior to the preliminary plan presentation to the Planning and Zoning Commission, the subdivider shall submit of each of the following to the Town (exceptions can be granted on individual items by the Town Engineer or the Administrator):
  - (1) A completed application on forms provided by the Town.
  - (2) In instances where the applicant is not the owner, the applicant will submit a written consent to subdivide from the owner of record.
  - (3) A copy of any existing restrictive covenants applicable to the property.
  - (4) A fee in the amount required by this Chapter or fee schedule maintained by the Town.
  - (5) A list of all property owners whose property lies within three hundred (300) feet of the subject property, including their current mailing addresses.
  - (6) A written document providing an overview of the subdivision, its consistency with zoning, Town comprehensive planning documents or official Town reports, existing and proposed covenants affecting the property, and addressing any review criteria and/or findings of this Chapter or other relevant Chapters of the Municipal Code. The written document should also address the provision of utilities, services provided by other quasi-municipal districts, and water rights. If the

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subdivision is subject to a Planned Residential Development Guide, the written document shall also address compliance with such guide.

- (7) Five (5) copies of a preliminary subdivision plan which meets the following requirements:
- a. The preliminary subdivision plan shall be clearly and legibly drawn on a sheet of eighteen inches by twenty-four inches (18" x 24") or twenty-four inches by thirty-six inches (24" x 36") in size to a scale of one inch equals one hundred feet (1" = 100'). The scale may be increased or decreased if necessary to fit the paper, but in all cases the scale used shall be in multiples of ten (10).
  - b. The preliminary subdivision plan shall include the following general information:
    - i. Date of preparation.
    - ii. North point.
    - iii. Scale of drawing.
    - iv. Location of the subdivision by section, township and range sufficient to define the location and boundaries of the proposed subdivision.
    - v. The approximate acreage of the tract being subdivided, and the size, use and number of all proposed lots.
    - vi. Names and addresses of the subdivider, engineer and surveyor.
  - c. The preliminary subdivision plan shall include the following site analysis information:
    - i. A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, paths and utilities. This map should include a sketch of the general layout of the proposed subdivision.
    - ii. The location, widths and names of both through and dead end streets within or adjacent to the proposed subdivision, together with easements; other rights-of-way and other important features such as section lines, property corners, Town boundary lines and monuments.
    - iii. Contour lines related to an established benchmark or other datum approved by the Town Engineer and having two-foot contour intervals.
    - iv. The location and direction of all watercourses and the location of all areas subject to the 100-year floodplain.
    - vi. Natural features such as rock outcroppings, visible ridgelines or hillsides, marshes, wetlands, wooded areas and isolated preservable trees.
    - vii. Existing uses on the property, including the location of all existing structures, roadways, and trails.
    - viii. The location of all existing or historical pedestrian and bicycle paths on site, paved or unpaved and any easements relating to these facilities.
    - ix. The location of all existing utilities on site and all existing easements.
    - x. A boundary survey indicating the exterior boundary of the property, plus all existing public rights-of-way.
    - xi. Ghosting in the departing lot lines of adjacent subdivisions and structures existing or approved by the town or county located within thirty (30) feet of the subdivision, and the names of adjacent subdivisions.
    - xii. A preliminary analysis of the site concerning any existing or potential hazardous conditions including, but not limited to, soils.
    - xiii. Existing zoning.

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- xiv. All areas of forty (40) percent slope or greater, and avalanche areas indicated as shaded areas.
  - xv. Correspondence from all applicable utility and urban service providers that they have reviewed the proposed subdivision and that they can serve the property.
  - xvi. For subdivisions located in areas of fifteen (15) percent or greater slope, cross sections of the proposed roadways, retaining walls and driveways.
  - xvii. A separate revegetation and landscaping plan, including all trees to be removed and those to be installed.
  - xviii. A street lighting plan.
  - xiv. Restrictive covenants to be recorded, if any.
- d. The preliminary subdivision plan shall include the following information relating to the proposed subdivision:
- i. The location, width, name and approximate grade and radii of streets and street curves;
  - ii. The location, width and approximate grade of all proposed pedestrian and bicycle paths;
  - iii. The location, width and purpose of existing and proposed easements;
  - iv. The location and approximate dimensions of lots and the proposed lot and block numbers;
  - v. Indication of proposed use of all lots or sites;
  - vi. The location, approximate acreage and approximate dimensions of areas proposed for public or private use;
  - vii. An outline of the areas proposed for partial recording of a final plat, if phased recording is proposed;
  - viii. A plan for domestic water supply lines and related water service facilities;
  - ix. A plan for sewage disposal, stormwater drainage, flood control, and water quality measure, including profiles where appropriate;
  - x. The proposed location for all other applicable utilities, including telephone, electrical service, cable and gas.
- (8) The preliminary subdivision plan shall be accompanied by written statements from the subdivider giving essential information regarding the following matters:
- a. Adequacy and source of water supply. A statement from a licensed engineer or representative of the public water provider is required.
  - b. Proposed method of sanitary sewage disposal. A statement from a licensed engineer or a representative of the applicable sanitary sewage disposal provider is required.
  - c. Proposed method for disposal of stormwater runoff and protection of community water quality. A statement from a licensed Engineer is required.
  - d. A phasing plan for the installation of the public or private improvements.
- (d) Agencies review.
- (1) The Administrator shall inform any of the following agencies that copies of the preliminary plan are available for review and comment. Notification shall be mailed, hand delivered, or provided via email at least twenty-one (21) days prior to the date set for the Planning and Zoning Commission hearing:

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- a. Town Attorney.
  - b. Fire District.
  - c. Town Police Department.
  - d. Town Engineer.
  - e. Any applicable water and sewer district.
  - f. Electricity provider to the area.
  - g. Any other agency the Town believes necessary.
- (2) Such agencies shall be required to make recommendations and comments within twenty-one (21) days from the date of receipt of notification that the preliminary plan is available for review. Recommendations or comments made after the twenty-one-day period may or may not be considered in the review of the application.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-2-40. Commission review of application; criteria and necessary findings.**

The Planning and Zoning Commission shall conduct a hearing on an application for a preliminary plan. The Planning and Zoning Commission shall consider the application, relevant additional materials, staff report and recommendations as well as any other comments or public information given at the hearing. The Planning and Zoning Commission may discuss advisable changes to the proposed subdivision with the applicant. The burden of proof shall rest with the applicant to show that the application is in compliance with the intent and purposes of this Chapter, zoning and other pertinent regulations that the Planning and Zoning Commission deems applicable. Due consideration shall be given to the recommendations made by public agencies, utility companies, and other agencies consulted.

- (a) Before recommending approval, approval with conditions or disapproval of the preliminary plan, the Planning and Zoning Commission shall consider the following criteria with respect to the proposed subdivision:
  - (1) The extent to which the proposed subdivision is consistent with all the applicable elements of the adopted goals, objectives and policies outlined in the Town of Blue River Comprehensive Plan and is compatible with the development objectives of the Town; and
  - (2) The extent to which the proposed subdivision complies with all of the standards of this Title, as well as, but not limited to, Chapter 16, Zoning, of this Code, and other pertinent regulations that the Planning and Zoning Commission deems applicable; and
  - (3) The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives; and
  - (4) The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines; and
  - (5) The extent to which the proposed subdivision results in adverse or beneficial impacts on the natural environment, including, but not limited to, water quality, air quality, noise, vegetation, riparian corridors, hillsides and other desirable natural features; and
  - (6) Such other factors and criteria as the commission deems applicable to the proposed subdivision.
- (b) Necessary findings. Before recommending approval or approval with conditions of the preliminary plan, the Planning and Zoning Commission shall make the following findings with respect to the proposed major subdivision:

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- (1) That the subdivision is in compliance with the criteria listed in Subsection (a) of this Section.
- (2) That the subdivision is consistent with the Town of Blue River Comprehensive Plan and policies of the Town.
- (3) That the subdivision is compatible with adjacent uses and appropriate for the surrounding areas.
- (4) That the subdivision promotes the health, safety, morals, and general welfare of the Town and promotes the coordinated and harmonious development of the Town in a manner that conserves and enhances its natural environment and its established character as a community of the highest quality.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-2-50. Board review of application; criteria and necessary findings.**

The Board shall conduct a hearing on an application for a preliminary plan. The Board shall consider the application, relevant additional materials, staff report and recommendations, and the Planning and Zoning Commission recommendation as well as any other comments or public information given at the hearing. The Board may discuss advisable changes to the proposed subdivision with the applicant. The burden of proof shall rest with the applicant to show that the application is in compliance with the intent and purposes of this Chapter, zoning and other pertinent regulations that the Board deems applicable. Due consideration shall be given to the recommendations made by public agencies, utility companies and other agencies consulted.

- (a) Before voting to approve, approve with conditions or denying the preliminary plan, the Board shall consider the following criteria with respect to the proposed subdivision:
  - (1) The extent to which the proposed subdivision is consistent with all the applicable elements of the adopted goals, objectives and policies outlined in the Town of Blue River Comprehensive Plan and is compatible with the development objectives of the Town; and
  - (2) The extent to which the proposed subdivision complies with all of the standards of this Title, as well as, but not limited to, Chapter 16, Zoning, of this Code, and other pertinent regulations that the Board deems applicable; and
  - (3) The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives; and
  - (4) The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines; and
  - (5) The extent to which the proposed subdivision results in adverse or beneficial impacts on the natural environment, including, but not limited to, water quality, air quality, noise, vegetation, riparian corridors, hillsides and other desirable natural features; and
  - (6) Such other factors and criteria as the Board deems applicable to the proposed subdivision.
- (b) Necessary findings. Before voting to approve or approve with conditions the preliminary plan, the Board shall make the following findings with respect to the proposed major subdivision:
  - (1) That the subdivision is in compliance with the criteria listed in Subsection (a) of this Section.
  - (2) That the subdivision is consistent with the Town of Blue River Comprehensive Plan and policies of the Town.

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- (3) That the subdivision is compatible with adjacent uses and appropriate for the surrounding areas.
- (4) That the subdivision promotes the health, safety, morals, and general welfare of the Town and promotes the coordinated and harmonious development of the Town in a manner that conserves and enhances its natural environment and its established character as a community of the highest quality.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-2-60. Review and appeal periods, false statements.**

- (a) Board decision. The Board shall have ninety (90) days from the date of reviewing the preliminary plan at the initial Board hearing to approve, disapprove, or approve with conditions or modifications, unless a longer period of time is agreed upon by the subdivider and the Board or the preliminary plan shall be deemed approved.
- (b) False information. It is unlawful for any person to intentionally or knowingly submit a false statement as part of an application for subdivision approval, exemption or exception.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-2-70. Final plat.**

- (a) Submission. At any time within three (3) years after the Board has approved the preliminary plan, a final plat shall be submitted to the Town. If more than three (3) years have passed from the date of the Board's approval, the proposal shall be required to be reviewed on a preliminary plan basis again.
- (b) Requirements and procedure.
  - (1) Copies required. The subdivider shall submit copies (the number of which is determined by the Administrator) of the final plat, two (2) or more of which shall be Mylars, and any additional material as required by this Chapter. The final plat shall substantially conform to the preliminary plan and shall include changes as required of the preliminary plan approval by the Board. If it does not substantially conform to the preliminary plan and include any revisions required by Board, it shall be required to be review pursuant to the preliminary plan procedures.
  - (2) Final plat and supplementary material; contents. In addition to that otherwise specified by law, the following information shall be shown on the final plat:
    - a. The name of the subdivision, the date, scale, north point, legend and existing features such as highways and waterways.
    - b. A written legal description of the subdivision boundaries.
    - c. Reference points of existing surveys identified, related to the plat by distances and hearings, and referenced to a field book or map as follows:
      - i. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
      - ii. Adjoining corners of adjoining subdivisions.
      - iii. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Chapter.
      - iv. Names of adjoining subdivisions and departing lot lines.

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- v. A statement identifying the basis of bearing and the specific monuments used for determination.
- (3) The exact location and width of street rights-of-way and easements intercepting the boundary of the tract.
- (4) Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings. Distances shall be shown to the nearest one-hundredth (0.01) feet. No ditto marks shall be used.
- (5) The names and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and center angle shall be indicated.
- (6) Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. If an easement is not definitely located or recorded, there shall be a written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- (7) Locations and widths of drainage channels, rights-of-way, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the subdivision.
- (8) Numbering of lots shall be as follows: Lot numbers beginning with the number "1" and numbered consecutively in sequence generally following the same system as sections are numbered in a township. Additions to subdivisions shall begin with number "1" and follow the same pattern as previously described.
- (9) Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
- (10) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land as established by the Town.
- (11) Such other information as the Town Engineer may reasonably require.
- (12) Those certificates as shown in this Chapter.
- (c) Supplemental information with plat. The following data shall accompany the plat unless waived by the Administrator or the Town Engineer:
  - (1) A title report issued by a title insurance company in the name of the subdivider of the land, showing all parties whose consent is necessary and their interest in the premises. Such report shall have been prepared within sixty (60) days of the submission of the final plat.
  - (2) Sheets and drawings showing the following:
    - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any (closure sheet).
    - b. The computation of distances, angles and courses shown on the plat.
    - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
  - (3) A copy of any existing and proposed restrictive covenants applicable to the subdivision.
  - (4) A copy of any dedications requiring separate documents.
  - (5) For any property to be dedicated to the public, proof that all taxes and assessments on the tract have been paid.

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- (6) If no subdivision improvement agreement is required, a certificate by the Town Engineer that the subdivider has installed all public improvements in accordance with the requirements of this Chapter, any relevant zoning documents or PRD Guides, and all Town engineering and street standards.
  - (7) Final plans and specifications for all public utilities including, but not limited to, water, and preliminary plans and cost estimates for all other public utilities including sewer, electrical, gas and cable television.
  - (8) Final street, sidewalk, pedestrian path and bicycle path construction plans.
  - (9) Final drainage and erosion control plans.
  - (10) Final grading plans.
  - (11) Final lighting and signage plans.
  - (12) A final report outlining any potential environmental hazards within the proposed subdivision and all proposed measures to mitigate their impacts.
  - (13) Final floodplain study or determination study, if applicable.
  - (14) Such other information as the Administrator or Town Engineer may reasonably request.
- (d) Survey requirements. A complete and accurate survey of the land to be subdivided shall be prepared by a professional surveyor in accordance with standard practices and principles of land surveying and as provided in this Chapter and State law.
- (1) Monuments:
    - a. All monuments shall be set according to the provisions of State law and the requirements of this Chapter.
    - b. In making the survey for the subdivision, the survey shall set all permanent monuments prior to the recording of the final plat so the survey or any part thereof may be retraced. This shall be surveyed to the Town's coordinate system.
    - c. Delaying the placement of interior "postmonumentation" may be permitted by approval of the Town at the time of approval of the final plan or upon special request prior to filing the final plat subject to the following:
      - i. The subdivider has shown that it is necessary and practical to delay the interior monumentation.
      - ii. The subdivider of the plat agrees to furnish a bond or cash deposit in an amount equal to not more than one hundred twenty (120) percent of the estimated cost of performing the work for the interior monuments.
      - iii. The subdivider shall sign an agreement with the subdivider's surveyor and the Town Engineer indicating:
        1. The amount of the bond or cash deposit to be furnished at the time of submitting the final plat;
        2. How the surveyor is to be paid for the work of establishing the interior monuments;
        3. That the rules for postmonumentation as provided in Colorado Revised Statutes shall be followed;
        4. The date when the monumentation will be completed; and
        5. Setting out other particulars that may be necessary to ensure the completion of the monumentation at a later date.

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- (2) Utility markers. Permanent markers shall be provided for all underground water, sewer and utility stubs within the prepared subdivision as approved by the Town Engineer.
- (e) Dedication requirements.
  - (1) All parcels of land shown on the final plat intended for public use shall be offered for dedication at the time the plat is filed.
  - (2) All streets, bicycle paths, pedestrian ways, drainage channels, detention/retention basins, utility easements and other rights-of-way shown on the final plat intended for general public use shall be offered for dedication for public use at the time the final plat is filed.
  - (3) All rights of access to and from streets, lots and parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
  - (4) The Town shall have the right to require the subdivider to provide a one-foot reserve strip across the end of any stubbed street that adjoins unsubdivided land or along half streets adjoining unsubdivided land. The reserve strip shall be included in the dedication granting to the Town the right to control access over the reserve strip to assure the continuation or completion of the streets.

(Ord. No. 15-04, § 1, 3-17-2015)

**Sec. 17-2-80. Plat certificates.**

The following certificates and notices, properly executed and in substantially the following form, shall be shown on the face of each final subdivision plat before it is recorded with the Summit County clerk and recorder. Any substantive variation from the text of the certificates as shown must be approved by the Town Attorney. Any other certificates or notices that are deemed necessary for the purposes of the particular plat shall also be included at the time of its submission. Note: The following plat notes must be customized to fit the facts of the particular plat (i.e., if the owner is not an entity, but are two (2) individuals, the reference to the type of the business entity must be deleted; "has laid out" must be changed to "have laid out"; and so forth).

- (a) The title format as required on all plats is as follows:

Type of Plat

SUBDIVISION NAME, FILING OR PHASE NUMBER LOT, BLOCK, TRACT

Town of Blue River, County of Summit, State of Colorado

The type of plat should appear first in the Title; Final or Amended Final, Duplex, Condominium Map.

- (b) Certificates shall be as follows:

**CERTIFICATION OF DEDICATION AND OWNERSHIP**

KNOW ALL MEN BY THESE PRESENTS that being sole owner(s) in fee simple of all that real property situated at (insert property location) in the Town of Blue River, Summit County, Colorado, described as follows: containing (insert number here) acres, more or less: have by these presents laid out, platted and subdivided the same into (insert number here) lots and (insert number here) blocks as shown on this final plat under the name and style of a subdivision in the Town of Blue River, Summit County, Colorado; and does hereby accept the responsibility for the completion of required improvements; and does hereby dedicate and set apart all of the public roads and other public improvements and places as shown on the accompanying plat to the use of the public forever; and does hereby dedicate those portions of said real property which are indicated as easement on the accompanying plat as easements for the purpose

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shown hereon; and does hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

Executed this day of (insert date here), 20\_\_\_\_\_.

Owner: (If corporation)

Corporation name

Address

by (signature)

(type individual's name)

Title

(If individual)

(signature)

(type name)

Address

State of (Insert State name)

County of (Insert county name)

The foregoing Certificate of Dedication and Ownership was acknowledged before me this day of (insert date here), 20\_\_\_\_\_ by (insert name here).

My commission expires:

Witness my hand and seal.

Notary Public

Address:

\_\_\_\_\_

CERTIFICATION OF DEDICATION FOR MORTGAGE HOLDER OR DEED OF TRUST HOLDER

KNOW ALL MEN BY THESE PRESENTS that being the holder of a mortgage or deed of trust on the real property situated at (insert property location) in the Town of Blue River, Summit County, Colorado, described as follows: containing (insert number here) acres, more or less; as shown on this final plat under the name and style of a subdivision in the Town of Blue River, Summit County, Colorado; agrees to the dedication and setting apart all of the public roads and other public improvements and places as shown on the accompanying plat to the use of the public forever; and does hereby agree to the dedication of these portions of said real property which are indicated as easement on the accompanying plat as easements for the purpose shown hereon; and does hereby agree to the granting of the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

Executed this day of (insert date here), 20\_\_\_\_\_.

Owner: (If corporation)

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Corporation name

Address

by (signature)

(type individual's name)

Title

(If individual)

(signature)

(type name)

Address

State of (Insert State name)

County of (Insert county name)

The foregoing Certificate of Dedication and Ownership was acknowledged before me this day of (insert date here), 20\_\_\_\_\_ by (insert name here).

My commission expires:

Witness my hand and seal.

Notary Public

Address:

\_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

(For all plats except condominium maps)

I do hereby certify that I am a registered Land Surveyor licensed under the laws of the State of Colorado, that this plat is true, correct and complete as laid out, platted, dedicated and shown hereon, 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.

In witness thereof I have set my hand and seal this day of (insert date here), 20\_\_\_\_\_.

(NAME)

COLORADO LAND SURVEYOR NO.

(For condominium maps)

I do hereby certify that I am a registered Land Surveyor licensed under the laws of the State of Colorado, that this condominium map is true, correct and complete as laid out, platted, dedicated and shown hereon, that such condominium map was made from an accurate survey of said property by me and under my supervision and correctly shows the horizontal and vertical location and dimensions of the condominiums, parcels, easements and streets of said condominium map as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.

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In witness thereof I have set my hand and seal this day of (insert date here), 20\_\_\_\_\_.

COLORADO LAND SURVEYOR NO. (Name)

\_\_\_\_\_

TITLE CERTIFICATE

(Name of title company) does hereby certify that the title to all lands shown upon this plat have been examined and is vested in

and that title to such lands is free and clear of all liens and encumbrances, except as follows: (Insert text here)

Dated this day of (insert date here), 20\_\_\_\_\_.

Title Company or Attorney's Name Address

By (Signature)

(printed name and title of officer or attorney)

\_\_\_\_\_

CLERK AND RECORDER CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder on this day of (insert date), 20\_\_\_\_\_, at (insert number) o'clock (insert A.M or P.M). Recorded under Reception No. (insert number) in Book (insert text) at Page (insert number).

Clerk and Recorder

Summit County, Colorado

By

Deputy

\_\_\_\_\_

BOARD OF TRUSTEES CERTIFICATE

This plat approved by the Board of Trustees of the Town of Blue River, Colorado this day of (insert date here), 20\_\_\_\_\_, for filing with the Clerk and Recorder of Summit County, Colorado and for the conveyance to the Town of Blue River of the public dedications shown hereon; subject to the provision that approval in no way obligates the Town of Blue River for maintenance of roads dedicated to the public until construction of improvements thereon shall have been completed in accordance with Town of Blue River specifications, and the Board of Trustees of the Town of Blue River has by a subsequent resolution agreed to undertake maintenance of the same. This approval does not guarantee that soil conditions, subsurface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit or any other required permit will be issued. This approval is with the understanding that all expenses involving all improvements required shall be the responsibility of the subdivider and not the Town of Blue River.

ATTEST:

Town Clerk

Mayor

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Town of Blue River, Colorado, Board of Trustees

\_\_\_\_\_

PLANNING AND ZONING COMMISSION CERTIFICATE

This final plat was approved by the Town of Blue River Planning and Zoning Commission this day of (insert date here), 20\_\_\_\_\_.

ATTEST:

Town Clerk

Chairperson

Town of Blue River, Colorado, Planning and Zoning Commission

\_\_\_\_\_

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes due and payable as of the day of \_\_\_\_\_, 20\_\_\_\_\_ upon all parcels of real estate described on this plat are paid in full.

Dated this day of (insert date here), 20\_\_\_\_\_.

Treasurer of Summit County

\_\_\_\_\_

CERTIFICATION OF OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that being sole owner(s) in fee simple of all that real property situated in the Town of Blue River, Summit County, Colorado, described as follows: containing (insert number) acres, more or less: have by these presents laid out, platted and subdivided the same into lots and blocks as shown on this final plat under the name and style of a subdivision in the Town of Blue River, Summit County, Colorado; and does hereby accept the responsibility for the completion of required improvements.

Executed this day of (insert date here), 20\_\_\_\_\_.

Owner: (If corporation)

Corporation name

Address

by (signature)

(type individual's name)

Title

(If individual)

(signature)

(type name)

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Address

State of (Insert State name)

County of) ss (Insert county name)

The foregoing Certificate of Ownership was acknowledged before me this day of (insert date here), 20\_\_\_\_\_ by (insert name here).

My commission expires:

Witness my hand and seal.

Notary Public

Address:

(Ord. No. 15-04, § 1, 3-17-2015)

\_\_\_\_\_

**Sec. 17-2-90. Final plat review.**

- (a) Final plat review. Upon receipt by the Town, the plat and other data shall be reviewed by the Town Engineer and Town Attorney to determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plan and that there has been compliance with provisions of this Chapter, all applicable Town standards and any additional conditions imposed by the Board. The Town may make such checks in the field as are necessary to verify the accuracy of the plat and Town representatives may enter the property for this purpose.

The final plat may be circulated to and reviewed by the following agencies:

- (1) Town Attorney.
  - (2) Fire District.
  - (3) Town Police Department.
  - (4) Town Engineer.
  - (5) Any applicable water and sewer district.
  - (6) Electricity provider to the area.
  - (7) Any other agency the Town believes necessary.
- (b) Conformance with preliminary plan. If it is determined that the plat and all documents as submitted are not substantially the same as the approved final plan, the Director shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.
- (c) Hearing and notice. If it is determined that full conformity has been made, the Town Engineer or Administrator shall schedule the final plat for approval by the Planning and Zoning Commission. The Planning and Zoning Commission shall take action within thirty (30) days of the plat being presented to it or otherwise the plat shall be deemed approved unless the applicant waives this requirement and consents to an extension of such period. Approval shall be indicated by the signature of the Chairperson of the Planning Commission on the plat. A notice shall be mailed to all property owners within three hundred (300) feet of the area being subdivided, by regular mail, at least fifteen (15) days prior to the hearing, and a certificate of such mailing shall be filed with the Administrator.

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- (d) Board acceptance. If there are dedications as part of the plat, the Board shall review and accept the proposed dedications if they are consistent with the approved preliminary plan by majority vote within thirty (30) days of the Planning and Zoning Commission's approval unless the applicant waives this requirement and consents to an extension of such period. Acceptance shall be indicated by the signature of the Mayor on the final plat.
- (e) Appeals. Any action by the Planning and Zoning Commission of the final plat may be appealed in accordance to Section 2-6-100, Appeal to Board of trustees.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-2-100. Filing and recording.**

A subdivider shall submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within one hundred and eighty (180) days of final signature by the Mayor or Planning and Zoning Chairperson.

A subdivider shall furnish to the Town a copy (paper and digital) of the recorded subdivision plat within fourteen (14) days after the plat has been recorded with the County.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-2-110. Condominium maps; duplex plats; lot line adjustments and vacations; correction plats.**

- (a) Condominium and townhouse maps/plats. Condominium maps and townhouse plats shall follow the procedures and submittal requirements for a final plat pursuant to Section 17-2-70 and Section 17-2-90. Certain submittal requirements that are not applicable to a condominium map or townhouse plat may be waived by the Administrator.
- (b) Duplex plats. A resubdivision of an improved duplex lot and structure will require town approval through the final plat process pursuant to Section 17-2-70 and Section 17-2-90. No duplex subdivision shall be approved unless the lots are improved with at least foundations for both units existing at the time of submittal. Certain submittal requirements that are not applicable to a duplex plat may be waived by the Administrator. The following statement shall be included on the duplex plat: "For zoning purposes, the two lots created by this subdivision are to be treated as one entity with no more than one two-family residence allowed on the combined area of the two lots." In the case where an existing single-family lot was originally approved to be a duplex lot but not subdivided as such, such change shall follow the requirements of this Section for review and approval.
- (c) Lot line vacation. The vacation of a lot line will require Town approval through the final plat process pursuant to Section 17-2-70 and Section 17-2-90. Certain submittal requirements that are not applicable to a lot line vacation may be waived by the Administrator. Once a lot line is vacated, there shall be no future subdivision of the newly created lot.
- (d) Lot line adjustment or resubdivision of existing lots. The adjustment of a lot line or resubdivision of existing lots will require Town approval through the final plat process pursuant to Section 17-2-70 and Section 17-2-90. Certain submittal requirements that are not applicable to a lot line adjustment or resubdivision of existing lots may be waived by the Administrator. The lot line adjustment shall not negatively affect adjacent properties or existing utilities, easements, or rights-of-way. No additional lots shall be created as part of a lot line adjustment or resubdivision of existing lots. All parties to such applications shall provide authorization for filing of the application.
- (e) Correction plats. The correction plat is used to review corrections to previously approved plats where the character and intent of the original plat is not altered. Examples include address changes, plat note amendments, plat title corrections, easement vacations, and other minor corrections. This

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process is intended to allow for the correction of plat errors and minor plat amendments where no "subdivision" occurs and conformance with applicable provisions of this Chapter has been demonstrated. Correction plats will require Town approval through the final plat process pursuant to Section 17-2-70 and Section 17-2-90. Certain submittal requirements that are not applicable to a correction plat may be waived by the Administrator. Correction plats must contain the following statement: "The sole purpose of this plat is to correct an error (or amend a plat note or an easement) filed with an approved plat. This plat correction does not alter the character, intent or development standards imposed under previous plat approvals."

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-2-120. Assurance of completion and maintenance of improvements.**

(a) Improvements and performance guarantees:

- (1) Completion of improvements. All subdividers shall be required to complete all the street and other improvements as specified in the subdivision plan or as required in this Chapter, and to dedicate public improvements to the Town or other applicable public agencies, free and clear of all liens and encumbrances. The subdivider shall submit a certificate of title prior to conveying any land to the Town indicating all title restrictions.
- (2) Subdivision improvements agreement. Subsequent to preliminary plan approval, but prior to recording a final plat, the subdivider shall either install all required improvements or enter into an agreement with the Town which shall obligate the subdivider to install and construct all public (hereafter also includes quasi-public) improvements within and adjacent to the proposed subdivision as may be required under the provisions of this Chapter. If the subdivider chooses to enter into an agreement, it shall specify the following at a minimum:
  - a. A description of all public improvements required.
  - b. An estimate of the cost of installing all public improvements.
  - c. The timing of public improvements in relation to the development of individual sites.
  - d. A description of all private improvements required by this Chapter, conditions of approval, or other pertinent Town regulations.
  - e. A performance guarantee that the improvements will be installed in accordance with the approved plans.
- (3) Performance guarantees:
  - a. If the improvements are not installed prior to filing of the plat, the subdivider shall post a performance guarantee consisting of either a surety bond, cash bond or an acceptable irrevocable letter of credit drawn upon a Colorado bank. The performance guarantee shall be posted with the Town prior to the time of recording the plat, and shall be in an amount equal to one hundred and twenty (120) percent of the estimated costs of all remaining public improvements not already installed or paid for.
  - b. The performance guarantee described in Subsection (a)(3)a of this Section, shall be subject to review by and found satisfactory to the Town Attorney. The period within which required improvements must be completed shall be incorporated in the guarantee. Said guarantee shall remain in full force and effect until released by the Town.
  - c. The performance guarantee shall remain in effect and shall be renewed by the subdivider from time to time as necessary to assure continuous coverage until the performance guarantee is released by the Town.
- (4) Failure to complete subdivision. Where a performance guarantee has been posted and a subdivision improvements agreement signed, and all improvements required by the Town have

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not been installed as required by such agreement, the Town may thereupon declare the agreement to be in default and may utilize the funds available from the performance guarantee to complete the improvements within the subdivision.

- (5) Release or reduction of performance guarantees:
  - a. The Town will not accept the required improvements, nor release a performance guarantee until the Town Engineer has indicated that all required improvements have been satisfactorily completed and until the subdivider's Engineer has certified to the Town Engineer, through submission of detailed as built plans of the subdivision, that all improvements are in accordance with the approved construction plans for the subdivision and are ready for dedication to the Town.
  - b. A performance guarantee may be reduced by the Town upon actual completion of public improvements and then only in the ratio that the public improvements completed bears to the total public improvements of the plan. In no event shall a performance guarantee be reduced below twenty (20) percent of the principal amount until all improvements have been completed and accepted by the Town.
- (6) Maintenance of improvements and maintenance bonds.
  - a. The subdivider shall be required to maintain public improvements in the subdivision and to provide for snow removal, street cleaning, drainage, and general maintenance on streets and sidewalks prior to acceptance by the Town. In the event the subdivider fails to comply, the town is authorized, through the Town Engineer, to perform the necessary work, without incurring any liability, and charge such work to the subdivider. Any such charges shall become a first and prior lien on the subdivision.
  - b. The subdivider shall be required to file a maintenance bond with the Town in a form acceptable to the Town Attorney, prior to acceptance of any public improvements, in an amount equal to twenty (20) percent of the original cost of the public improvements, in order to assure the satisfactory maintenance of the required improvements for a period of two (2) years after the date of their acceptance by the Town. Such bond shall guarantee all public improvements constructed by the subdivider shall remain free from defect for the required two-year period.
- (7) Issuance of permits:
  - a. Prior to the issuance of a building permit for any lot within the subdivision, the extent of street improvements shall be adequate for vehicular access by the prospective occupant and by Police and Fire and any other emergency equipment. At a minimum, the street shall be improved with a base course up to that portion of the street that provides direct access onto the lot for which a building permit is requested.
  - b. Prior to the issuance of a certificate of occupancy for any structure all public improvements required by the subdivision plan shall be completed. The Town may waive the requirements of this Section if in the opinion of the Administrator and/or Town Engineer the issuance of a certificate of occupancy will not create significant adverse impacts to the community, and the improvements remaining are satisfactorily guaranteed to be completed in a timely manner.

(Ord. No. 15-04, § 1, 3-17-2015)

### **Sec. 17-2-130. As built plans.**

Finished plans of all public improvements as installed will be required before the Town will accept the improvements.

(Ord. No. 15-04, § 1, 3-17-2015)

**Sec. 17-2-140. Failure to install improvements; rights relinquished.**

If no improvements as outlined in this Chapter are installed within three (3) years of the date of Board or Planning and Zoning Commission approval, the plat shall become instantly nonexistent. All right to improve or develop the property on the part of the owner or subdivider shall thereby be relinquished.

(Ord. No. 15-04, § 1, 3-17-2015)

**Sec. 17-2-150. Plans and specifications.**

Plans and specifications are to be prepared based on appropriate traffic studies, soils reports, planning criteria, applicable standards, and requirements. All design work is to be prepared and signed by a professional engineer registered in the State. Plans are to be completed in sufficient detail to facilitate review.

All preliminary plans and final plats, where applicable, shall be designed in accordance with Chapter 11, Streets, Sidewalks and Public Property.

Where no standard exists, the Town Engineer may require adherence to professionally accepted standards such as standards and guidance provided by the American Association of State Highway and Transportation Officials (AASHTO).

(Ord. No. 15-04, § 1, 3-17-2015)

**Sec. 17-2-160. Open space, trails, and other requirements.**

New subdivisions may be required to provide open space areas, parks, trails, sidewalks, roadway improvements, and other improvements, which are related to the impacts of the proposed subdivision and necessary to mitigate those impacts. It is anticipated that such requirements will be included or previously negotiated during the zoning or rezoning process for the property such as is the case with regard to a Planned Residential Development (PRD). The Town may require and rely upon studies and reports to determine the extent of the mitigation necessary to address the impacts.

(Ord. No. 15-04, § 1, 3-17-2015)

**Sec. 17-2-170. Transferable development rights.**

- (a) The Town hereby requires any property owner that desires to upzone or increase density over that which is already approved or allowed by the Town pursuant to its land use and zoning regulations and prior valid development approvals to first apply for a land use or zoning density change with the Town, obtain approval and then either:
- (1) Obtain a transfer of a unit of density from the Town for each and every unit of increased density approved; or
  - (2) Obtain a transferable development right from Summit County as is defined in the Summit County Development Code, Chapter 3, Sections 3506(B)(5) and (6), and Chapter 15, Definitions, for each and every unit of increased density approved; or
  - (3) Dedicate an existing legally platted lot located within the Town (consistent with Section 31-23-101 et seq., C.R.S.) to the Town for use by the Town as open space per every unit of increase in density or alternately, voluntarily relinquish a legally approved unit of density located within the Town and evidence such relinquishment in writing; or

- (4) Provide a public benefit to the Town deemed by the Board of Trustees to be of equal or greater value than the cost, as of the date of approval of the application, of a transferable development right.
- (b) For this purpose, a unit of increased density is any increase in density over that which is already legally permitted and allowed by the Town, such as when a property owner seeks to increase density by rezoning or subdividing a lot within the Town that is already approved for single-family residential use to duplex use or other multi-family uses, etc.
- (c) Any property owner who desires such density increase must comply with the conditions set forth above, before such land use or zoning approval and prior to any upzoning or increased density becoming effective.

(Ord. No. 15-04, § 1, 3-17-2015)

**Sec. 17-2-180. Town not providing utility services.**

The Town does not provide any utility service to subdivisions. Services offered by the Town include general municipal services such as Police, Town administration, development review and building permit administration, and Code Enforcement.

(Ord. No. 15-04, § 1, 3-17-2015)

**Sec. 17-2-190. Notification of surface development.**

It shall be the sole responsibility of the applicant to provide notice of any application for development to any mineral estate owners and the Town of Blue River in accordance with the provisions of Title 24, Article 65.5, Notification of surface development, Colorado Revised Statutes. It shall also be the sole responsibility of the applicant to certify that said notice was provided to the mineral estate owner pursuant to Subsection 24-65.5-103(1), C.R.S. If the real property that is the subject of the application is subject to a mineral estate as defined in Section 24-65.5-102(4), C.R.S., and if the application has been determined by the administrator to be subject to the requirements of Article 65.5 of Title 24, C.R.S., the initial hearing on the application shall not be convened unless the applicant certifies to the Administrator that notice has been provided to any mineral estate owner and to the Town not less than thirty (30) days before the date first scheduled for the preliminary hearing as required by Section 24-65.5-103, C.R.S.

(Ord. No. 15-04, § 1, 3-17-2015)

**Sec. 17-2-200. Applications, fees, and reimbursement.**

- (a) An application on forms prescribed by the Town and signed by the owner or owners of the property or properties, shall be provided to the Town along with all of the materials required by this Chapter.
- (b) The Town will maintain a fee schedule adopted by motion for applications included in this Chapter. The application fee will be considered a deposit, which deposit will be used to pay actual review costs, including attorney, engineering, and other consultant costs and any recording, publication or other miscellaneous fees and costs. If such costs are less than the deposit, the difference shall be refunded to the applicant. If the costs are more than the deposit, the applicant shall pay all amounts due in full before approval.

(Ord. No. 15-04, § 1, 3-17-2015)