

ARTICLE 8: SUBDIVISION APPLICATION REQUIREMENTS & PROCEDURES

Section 16-8-10: General Provisions

A. Purpose

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

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

1. Establish reasonable and equitable procedures and standards for the subdivision of land.
2. Require the provision of safe and convenient vehicular and pedestrian traffic circulation.
3. Ensure that public facilities are available to serve development.
4. Conserve and manage natural resources.
5. Minimize the impacts of air and water pollution and the degradation of land.
6. Provide for open space and recreational land through efficient and appropriate subdivision design.
7. Guide future growth and development consistent with the Master Plan and the Land Use Regulations.
8. Maintain or improve safety from fire, flood and other potential disasters.
9. Provide adequate light, air and privacy for land uses.
10. Ensure that the subdivision of lands is recorded with proper legal descriptions and monuments.

B. Authority

The provisions of this Article are enacted and adopted pursuant to Article XX of the State Constitution and the Town Charter.

C. Applicability

1. As of the effective date of this Article, or amendment thereto, all subdivisions of land and any change to, or modification or alteration of, any platted lot, existing subdivision, public easement or right-of-way within the legal boundaries of the Town of Minturn shall comply with the provisions of this Article.

Commented [MF1]: This language comes from the existing Code. It is subject to further refinement.

2. **Exemptions.**

- a. The following types of subdivisions are exempt from the provisions of this Article:
- i. Division of land created by a lien, mortgage, deed of trust, or any other security instrument.
 - ii. Division of land created by an interest in an investment entity.
 - iii. Division of land that creates cemetery lots within a lawfully existing cemetery.
 - iv. Division of land that creates an interest in oil, gas, minerals, or water which is now or hereafter severed from the surface ownership of real property.
 - v. Division of land created by the acquisition of an interest in land in the name of a spouse or other persons in joint tenancy or as tenants in common of such interest. For this specific exemption, any interest in common owned in joint tenancy shall be considered a single interest.
 - vi. Division of land that creates a leasehold interest of less than three (3) years in term and involves no change in use or degree of use of the leasehold estate or will devote the leasehold estate solely to the growing of crops or livestock.
 - vii. Division of land created by any court in the State of Colorado pursuant to the law of eminent domain or by operation of law, or by order of such court if the Town is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion prior to entry of the court order.
 - viii. Division of land that would be redundant, where the case involved a clerical error in a previously approved plat.
 - ix. Division of land that would result in a property division for the purpose of perpetual open space.
- b. Town Council may exempt any division of land from the provisions of this Article if they determine:
- i. Such division is not within the purposes of this Chapter; AND
 - ii. The method of disposition adopted is not for the purpose of evading the provisions of this Article.

Section 16-8-20: Subdivision Types & Review Procedures

A. Overview

Table ## provides an overview of the types of subdivision applications permitted in the Town and their review procedures.

Table ##: Summary of Subdivision Application Types & Review Procedures

Application Type	Pre-Application Conference	Town Staff	Planning Commission	Town Council
Administrative Replat (refer to Section 16-8-##)	Required	D	-	-
Correction Plat (refer to Section 16-8-##)	Required	D	-	-
Duplex, Condominium, or Townhome Subdivision (refer to Section 16-8-##)	Required	D	-	-
Exemption Plat (refer to Section 16-8-##)	Required	#	#	#
Minor Subdivision (refer to Section 16-8-##)	Required	#	#	#
Mountaintop Estate Lots (refer to Section 16-8-##)	Required	D	-	-
Mountaintop Ranch Lots (refer to Section 16-8-##)	Required	R	D	D ¹
Vacation of Public Easement or Right-of-Way (refer to Section 16-8-##)	Required	R	R	D
Major Subdivision Applications				
Sketch Plan (Optional) (refer to Section 16-8-##)	Required	R	#	#
Preliminary Plat (refer to Section 16-8-##)	Required	R	R	D
Final Plat (refer to Section 16-8-##)	Required	R	-	D

LEGEND:

R = Reviews and Provides Recommendation(s); D = Reviews and Makes Final Decision

NOTES:

¹ If called-up by Town Council.

Section 16-8-30: Public Notice Requirements

A. Overview

Table ## provides an overview of the public notice requirements for the Town’s subdivision applications.

Table ##: Summary of Public Notice Requirements

Application Type	Type of Notice Required				
	Published	Mailed	Posted	Major Activity	Mineral Estate
Administrative Replat	X	X	X	X ¹	X ¹
Correction Plat	-	-	-	-	-
Duplex, Condominium, or Townhome Subdivision	#	#	#	X ¹	X ¹
Exemption Plat	#	#	#	#	#
Minor Subdivision	#	#	#	X ¹	X ¹
Mountaintop Estate Lots	-	-	-	X ¹	X ¹
Mountaintop Ranch Lots	X	X	X	X ¹	X ¹
Vacation of Public Easement or Right-of-Way	X	X	-	-	-
Major Subdivision Applications					
Sketch Plan	-	-	-	X ¹	X ¹
Preliminary Plat	X	X	X	X ¹	X ¹
Final Plat	X	X	X	X ¹	X ¹

LEGEND:

X = Required; - = Not required/not applicable

NOTES:

¹ Refer to Colorado Revised Statutes for mineral estate owner and major activity notice requirements and procedures.

Section 16-8-40: Waiver from Subdivision Standards

A. Applicability

As part of an application for a Minor Subdivision or Preliminary Plan for a Major Subdivision, an applicant may request a waiver from the Subdivision Standards set forth in [Article ##](#).

Commented [MF2]: Are there other types of subdivisions where a waiver from Subdivision Standards might be applicable?

B. Waiver Request

1. An applicant must submit a waiver request as part of their application. If a waiver request is not included as part of an application, it will not be considered by the Town.
2. A request for a waiver must address each of the following:
 - a. Identify the standard(s) that an applicant is seeking a waiver from.
 - b. Explain the justification for such a waiver.
 - c. Demonstrate how the request complies with the applicable review criteria.
3. An applicant shall supplement their request with maps and/or other additional data, as deemed necessary by the Planning Director.

Commented [MF3]: Is this language appropriate? Is it too restrictive?

C. Waiver Review Criteria.

The Town Council may grant a waiver from the Subdivision Design Standards (refer to [Article ##](#)) if they find that the applicant has proposed an alternative that satisfies each of the following criteria:

1. The alternative achieves the intent of the subject standard or standards to the same degree or better.
2. The alternative imposes no greater impacts on the health, safety, or general welfare of the public, or on adjacent properties, than would occur through compliance with the specific standard(s).

D. Waiver Procedure.

1. A waiver request will be considered by the Planning Commission as part of the review process for a Minor Subdivision or a Preliminary Plan for a Major Subdivision. At the public hearing for the application, the Planning Commission will take one of the following actions:
 - a. Recommend that the Town Council approve the requested waiver.
 - b. Recommend that the Town Council deny the requested waiver.
2. The Town Council shall make the final determination of a waiver request as part of the review process for a Minor Subdivision or a Preliminary Plan for a Major Subdivision. At the public hearing for the application, the Town Council will take one of the following actions:
 - a. Approve the requested waiver.
 - b. Deny the requested waiver.

In making a decision, the Town Council shall take into consideration the Planning Commission's recommendation.

3. Any approval of a waiver shall apply only to the specific subdivision for which it is requested. The approval of a waiver shall not establish a precedent for subsequent requests.

DRAFT

Section 16-8-50: Administrative Replat

A. Applicability

1. The following must comply with the requirements and procedures set forth in this Section:
 - a. Any substantive changes (e.g., removal of a Plat note(s)) to a previously approved Final Plat.
 - b. The modification or elimination of one (1) or more lot lines
2. No more than four (4) lots, tracts, or parcels can be included in a request for an Administrative Replat.
3. If the subject property, or properties, is in a Planned Unit Development (PUD), no property outside the boundaries of the PUD may be included as part of a request for an Administrative Replat.
4. A public easement or right-of-way cannot be modified by an Administrative Replat. Lots, tracts, or parcels separated by a public right-of-way cannot be replatted administratively. If a vacation of a public easement or right-of-way is required as part of an Administrative Replat, such a request will be reviewed and processed in accordance with Section 16-8-###. An application for an Administrative Replat and an application for a vacation of a public easement or right-of-way may be reviewed concurrently.
5. The Administrative Replat process is not applicable if any of the following are required:
 - a. Dedication of right-of-way.
 - b. Public improvements.
 - c. A traffic and/or drainage study.
 - d. A subdivision improvement agreement.

Commented [MF4]: These requirements come from the existing Code. Should they be carried forward?

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for making substantive changes to a previously approved Final Plat and/or modifying or eliminating one (1) or more lot lines.

C. Application Submittal Requirements

An application for an Administrative Replat shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-8-###-#.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that includes an explanation of the following:

- a. The proposed change(s) and the reason for such change(s).
- b. How the proposed change(s) complies with each of the review criteria set forth in this Section.

4. **Approved Final Plat.** A copy of the approved Final Plat that is to be modified.

5. **Amended Final Plat.** A Final Plat, prepared in accordance with Section 16-#-##, that depicts the proposed change(s).

6. **Traverse Closure Computations.** One (1) set of traverse closure computations corresponding to the proposed Final Plat.

7. **Monument Records.** One (1) set of monument records, if applicable.

8. **Plans, Reports, and Agreements.**

- a. Evidence that an overall final drainage report, street construction plans, and/or other site infrastructure plans have been approved for the Final Plat governing the Administrative Replat proposal and a subdivision improvement agreement is in place to guarantee all required public improvements.
- b. For subdivisions or lots created prior to Town regulations requiring drainage reports, street construction plans, and subdivision improvement agreements, evidence must be provided that demonstrates:
 - i. All public streets and sidewalks required to serve the lots have been constructed.
 - ii. The Administrative Replat will not impact existing drainage conditions.
 - iii. The subject property, or properties, are served by utilities that would otherwise be covered by a subdivision improvement agreement (e.g., water, wastewater, electric, gas, telephone, etc.).

9. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The waiver will not compromise a proper and complete review of the application.
 - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will:

Commented [MF5]: The existing Code requires a "Plat Exhibit" (refer to Section 17-4-70). It is recommended that this be changed to the submittal of a Final Plat. It is unclear why a different type of document (i.e., a Plat Exhibit) would be required.

Commented [MF6]: These requirements come from the existing Code. Should they be carried forward?

- a. Provide the applicant with written notice of their decision.
- b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

The Planning Director may approve a request for an Administrative Replat upon a positive finding of each of the following criteria:

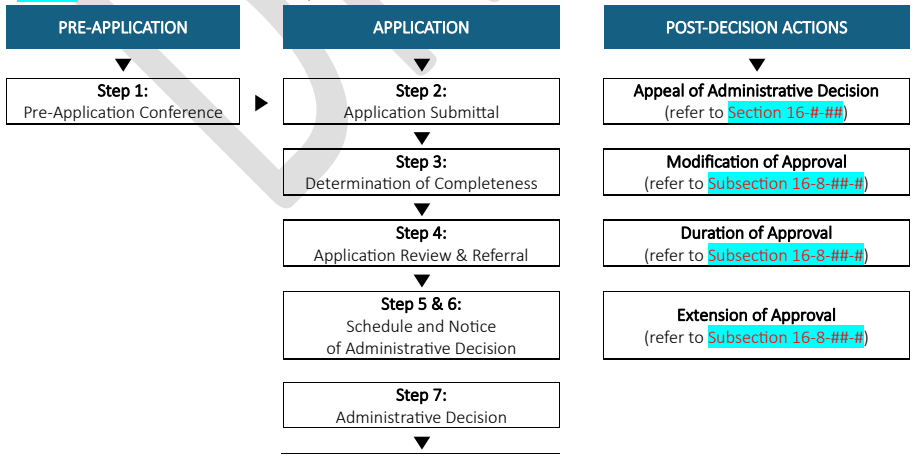
- 1. Does not create any additional lots, tracts, or parcels.
- 2. Will not result in a lot, tract, or parcel that does not conform to the applicable standards of this Code and/or the applicable PUD.
- 3. Does not require the extension of, or new, public infrastructure.
- 4. Will not reduce the overall amount of open space within a neighborhood or a PUD.
- 5. Will not affect a recorded easement, without the written consent of the holder(s) of said easement.
- 6. Does not require changes to rights-of-way, street alignments, street locations, or intersection improvements.
- 7. The Final Plat complies with the applicable requirements of the Colorado Revised Statutes.

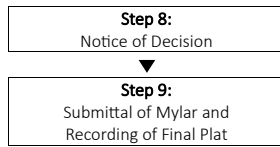
Commented [MF7]: These are new review criteria and are different from those in the existing Code.

F. Application Review Process

A request for an Administrative Replat will be reviewed and decided upon in accordance with the following process.

Table ##: Overview of Administrative Replat Review Process





1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for an Administrative Replat. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

- e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for an Administrative Replat shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).
 - c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.
4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
 - b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
 - c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
 - d. Town departments and town consultants may provide comments on an application at any time during the review process.
5. **Step 5: Schedule Administrative Decision.**
- a. Upon conclusion of the referral process, the Planning Director shall schedule the application for an Administrative Decision and notify the applicant, in writing, of the date of the Administrative Decision.
 - b. The Administrative Decision shall be scheduled no later than thirty (30) business days from the conclusion of the referral process.
6. **Step 6: Notice of Administrative Decision.**
- a. Prior to the date of the Administrative Decision, the applicant shall:
 - i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property or properties, in accordance with Section 16-#-##.
 - ii. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-#-##.
 - iii. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.
 - iv. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-5-##.
 - v. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.
 - b. If required by the Colorado Revised Statutes, the Town Planner shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.
7. **Step 7: Administrative Decision.**

Commented [MF8]: Town staff needs to weigh in on these public notice requirements. The existing Code doesn't appear to have any public notice requirements for an Administrative Replat.

Commented [MF9]: I believe that "Major Activity Notice" is a statutory requirement for subdivisions that cover five or more acres. The Town Attorney needs to weigh in on this to determine if this requirement is applicable.

- a. On the date scheduled for the Administrative Decision, the Planning Director will review and render a decision on a request for an Administrative Replat.
 - b. The Planning Director shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for an Administrative Replat, and shall take one of the following actions:
 - i. Approve the Administrative Replat, subject to any changes that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Administrative Replat and state the specific reason(s) for denial.
8. **Step 8: Notice of Decision.** Within ten (10) business days of a final action by the Planning Director, the following will occur:
- a. The Planning Director will send written notice of the decision to the applicant.
 - b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
9. **Step 9: Submittal of Mylar and Recording of Final Plat.**
- a. Within ninety (90) business days of an approval by the Planning Director, the applicant shall submit a copy of the approved Final Plat on Mylar (as specified in Section 38-50-101(3)(a)(II), C.R.S.) to the Planning Director.
 - b. Upon the approval of an Administrative Replat, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
 - c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Final Plat with the office of the Eagle County Clerk and Recorder.
 - i. All signatures required on the Final Plat have been obtained.
 - ii. All conditions of approval and technical corrections have been addressed.
 - c. The applicant is responsible for all costs associated with recording a Final Plat.

Commented [MF10]: Should this just refer to the "Colorado Revised Statutes"?

G. Modification of Approval

Any modification to an approved Administrative Replat shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

- 1. The approval of an Administrative Replat shall expire and become null and void ninety (90) business days from the date of approval unless one of the following has occurred:
 - a. A Mylar version of the approved Final Plat has been submitted to the Town.

- b. A request for an extension has been submitted and approved in accordance with **Subsection 16-8-##-#**.
2. If the approval of an Administrative Replat expires, the applicant will be required to submit a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

I. Extension of Approval

1. The applicant for an approved Administrative Replat may submit a written request for an extension of their approval to the Town. Such a request must be received by the Town a minimum of five (5) business days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
2. A request to extend the approval of an Administrative Replat must demonstrate the following:
 - a. A showing of good cause, which may include, but is not limited to, signatories being located out of state or out of the country or significant changes to the Final Plat are required.
 - b. The Administrative Replat remains in compliance with this Code and the Community Plan.
3. The Planning Director may authorize an extension of an approved Administrative Replat for a period of up to twelve (12) months.
4. If a request for an extension is denied by the Planning Director, the applicant may submit a written request to appeal such a decision to the Town Council. Such a request must be received by the Town within ten (10) business days of the date of the decision by the Planning Director. Any request received later than this will not be considered. An appeal to the Town Council will be reviewed in accordance with **Section ##-#-##**.

Commented [MF11]: These criteria have been modified from those in the existing Code. The existing Code requires an applicant to submit a narrative explaining why they were unable to comply with the specified deadlines.

It seems that the requirement to show good cause will likely address the reasons why an applicant was unable to meet the required deadlines.

The existing Code offers examples of what constitutes “good cause,” which have been included. Note, examples of “good cause” were not included in Article 5.

It is recommended that a definition of “good cause” be included in the updated Code, rather than trying to include examples here and/or elsewhere in the Code.

Commented [MF12]: This provision comes from the existing Code. The language has been modified. Should this provision be carried forward?

Section 16-8-60: Correction Plat

A. Applicability

The correction of one (1) or more technical errors on a previously approved Final Plat must comply with the requirements and procedures set forth in this Section.

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for correcting one (1) or more technical errors on a previously approved Final Plat.

C. Application Submittal Requirements

An application for a Correction Plat shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in **Subsection 16-8-###-#**.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application
3. **Approved Final Plat.** A copy of the approved Final Plat that is to be corrected.
4. **Correction Plat.** A Final Plat, prepared in accordance with **Section 16-8-##**, that is titled "Correction Plat" and includes the following:
 - a. The changes to be made to correct the technical errors on the approved Final Plat.
 - b. A purpose statement, the name of the Final Plat that the correction supersedes, and any other notes that are pertinent to the Correction Plat. These items are to be listed under the "General Notes" on the Correction Plat.
5. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

Commented [MF13]: Should these requirements from the existing Code be carried forward?

Commented [MF14]: Should these requirements from the existing Code be carried forward?

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The waiver will not compromise a proper and complete review of the application.
 - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

E. Application Review Criteria

Commented [MF15]: These are new review criteria. The existing Code has no review criteria for a Correction Plat.

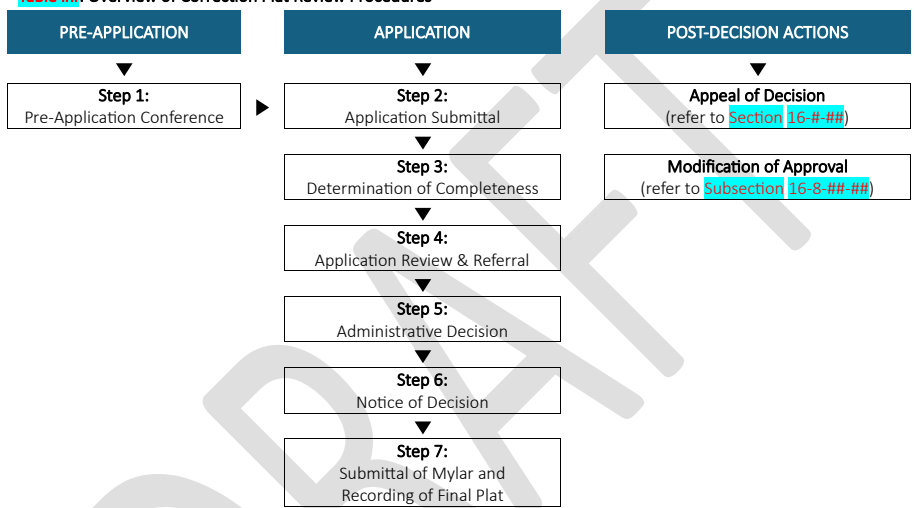
The Planning Director may approve a request for a Correction Plat upon a positive finding of each of the following criteria:

1. Compliance with the applicable requirements of this Code.
2. The Final Plat complies with requirements of the Colorado Revised Statutes

F. Application Review Procedures

A request for a Correction Plat will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Correction Plat Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Correction Plat. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
- 2. **Step 2: Submittal of Application.** The applicant for a Correction Plat shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
 - 3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
 - a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

- 5. **Step 5: Administrative Decision.** Upon the conclusion of the review and referral process, the Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

- a. Approve the Correction Plat, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code.
 - b. Deny the Correction Plat and state the specific reason(s) for denial.
6. **Step 6: Notice of Decision.** Within ten (10) business days of a final action by the Planning Director, the following will occur:
- a. The Planning Director will send written notice of the decision to the applicant.
 - b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
7. **Step 7: Submittal of Mylar and Recording of Final Plat.**
- a. Within ninety (90) business days of an approval by the Planning Director, the applicant shall submit a copy of the approved Final Plat on Mylar (as specified in Section 38-50-101(3)(a)(II), C.R.S.) to the Planning Director.
 - b. Upon the approval of a Correction Plat, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
 - c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Final Plat with the office of the Eagle County Clerk and Recorder.
 - i. All signatures required on the Final Plat have been obtained.
 - ii. All conditions of approval and technical corrections have been addressed.
 - d. The applicant is responsible for all costs associated with recording a Final Plat.

Commented [MF16]: Should this just refer to the "Colorado Revised Statutes"?

G. Modification of Approval

Any modification to an approved Correction Plat shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

Commented [MF17]: This is a new Subsection.

H. Duration of Approval

1. The approval of a Correction Plat shall expire and become null and void ninety (90) business days from the date of approval unless one of the following has occurred:
 - a. A Mylar version of the approved Final Plat has been submitted to the Town.
 - b. A request for an extension has been submitted and approved in accordance with Subsection 16-8-##-#.
2. If the approval of a Correction Plat expires, the applicant will be required to submit a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

Commented [MF18]: This is a new Subsection. This language mirrors the language for an Administrative Replat. The existing Code doesn't include any language that addresses the duration of an approval for a Correction Plat.

I. **Extension of Approval**

1. The applicant for an approved Correction Plat may submit a written request for an extension of their approval to the Town. Such a request must be received by the Town a minimum of five (5) business days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
2. A request to extend the approval of a Correction Plat must demonstrate the following:
 - a. A showing of good cause, which may include, but is not limited to, signatories being located out of state or out of the country or significant changes to the Final Plat are required.
 - b. The Correction Plat remains in compliance with this Code.
- b. The Planning Director may authorize an extension of an approved Correction Plat for a period of up to twelve (12) months.
- c. If a request for an extension is denied by the Planning Director, the applicant may submit a written request to appeal such a decision to the Town Council. Such a request must be received by the Town within ten (10) business days of the date of the decision by the Planning Director. Any request received later than this will not be considered. An appeal to the Town Council will be reviewed in accordance with **Section ##-#-##**.

Commented [MF19]: This is a new Subsection. This language mirrors the language for an Administrative Replat.
The existing Code doesn't include any language that addresses the extension of an approval for a Correction Plat.

DRAFT

Section 16-8-70: Duplex, Condominium, or Townhome Subdivision

A. Applicability

Any subdivision of an existing building(s) into separate ownerships (e.g., duplexes, condominiums, townhomes, rowhomes, etc.) must comply with the requirements and procedures set forth in this Section.

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for the subdivision of an existing building(s) into separate ownerships.

C. Application Submittal Requirements

An application for a Duplex, Condominium, or Townhome Subdivision shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-8-70-1](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that provides evidence of the following:
 - a. Conformance with the zoning of the subject property.
 - b. Legal and physical access to a public street or right-of-way.
 - c. A legal, physical, adequate and dependable water supply for each proposed unit.
 - d. A sewer system, or other lawful means of disposing of human waste, for each proposed unit that complies with all applicable public health laws
 - e. Adequate fire protection for each proposed unit.
 - f. Site conditions (e.g., geology, soil, topography, drainage, etc.) will not create hazards.
 - g. All applicable school land dedication or cash-in-lieu requirements have been satisfied.
4. **Site Plan.** A site plan depicting the following:
 - c. Existing and proposed building locations.
 - d. Access drives.
 - e. Parking areas.
 - f. Landscaping.
 - g. Fences.

Commented [MF20]: Should language be added that states an application cannot be submitted until all shared/party walls have been framed?

h. Signs.

i. Any other pertinent site data.

5. **Final Plat.** A Final Plat, prepared in accordance with Section 16-8-##, that depicts the following:

a. All common areas (general and limited common elements).

b. Usages of the building and grounds.

c. The interior division of the building showing horizontal and/or vertical boundaries of all units, including a distance from a building corner to a property corner or other survey reference.

d. If the land where a condominium building exists, or is to be built on, is not an existing platted lot, all provisions, requirements, standards, and procedures of this Code shall be met for the land as well as the building, and the land shall be shown as a "lot" on the Final Plat and recorded in accordance with this Chapter.

6. **Covenants, Declarations, Agreements, and/or Other Restrictions.** Any protective covenants, declarations, party wall agreements, and/or other restrictions to be placed on the subdivision that include, but are not limited to, the following:

a. The declaration for the condominium project, as defined in the Colorado Revised Statutes and/or as may be required pursuant to the State of Colorado's Common Interest Ownership Act.

b. The condominium association Articles of Incorporation, bylaws, and covenants. The bylaws and declaration of covenants shall contain the information required by the State of Colorado's Condominium Ownership Act and Common Interest Ownership Act, if applicable.

c. Any restrictive covenants, conditions, or restrictions, other than those specified in the declaration for the condominium project.

7. **Agreements.** A subdivision improvements agreement, off-site road improvements agreement or other agreement if required by the Town.

8. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

a. The waiver will not compromise a proper and complete review of the application.

Commented [MF21]: This is a requirement for a Minor Subdivision application from the existing Code (refer to Section 17-8-30). It may not be applicable to a Duplex, Condominium, or Townhome Subdivision application.

Commented [MF22]: These requirements need to be reviewed by the Town Attorney.

Commented [MF23]: This is a requirement for all Minor Subdivision applications from the existing Code (refer to Section 17-8-40). It may not be applicable to a Duplex, Condominium, or Townhome Subdivision application.

- b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

E. Application Review Criteria

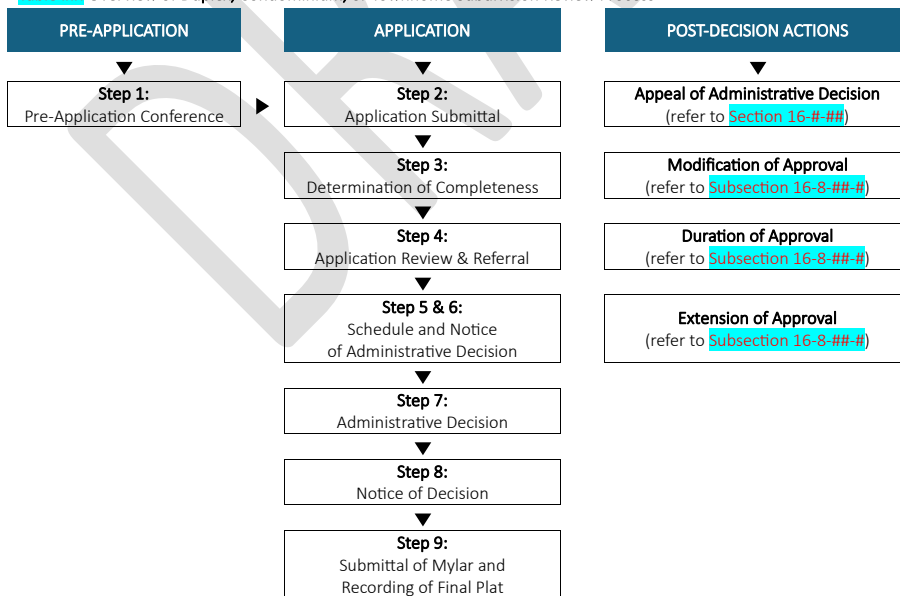
The Planning Director may approve a request for a Duplex, Condominium, or Townhome Subdivision upon a positive finding of each of the following criteria:

- 1. There is adequate access, potable water, and sewage disposal to serve each unit to be created by the subdivision.
- 2. The proposed subdivision complies with the requirements of this Code and, if applicable, the requirements of an approved Development Plan or Subdivision Final Plat.
- 3. The declaration and bylaws make adequate provision for the maintenance of common area elements that may include but are not limited to utilities, access, parking areas, sidewalks, building exterior(s), and open space areas.
- 4. The Final Plat complies with requirements of the Colorado Revised Statutes.

F. Application Review Process

A request for a Duplex, Condominium, or Townhome Subdivision will be reviewed and decided upon in accordance with the following process.

Table ##: Overview of Duplex, Condominium, or Townhome Subdivision Review Process



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Duplex, Condominium, or Townhome Subdivision. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Duplex, Condominium, or Townhome Subdivision shall submit a complete application to the Town. Prior to the application submittal,

the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
 - a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**
 - a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
 - c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
 - d. Town departments and town consultants may provide comments on an application at any time during the review process.
5. **Step 5: Schedule Administrative Decision.**
- a. Upon conclusion of the referral process, the Planning Director shall schedule the application for an Administrative Decision and notify the applicant, in writing, of the date of the Administrative Decision.
 - b. The Administrative Decision shall be scheduled no later than thirty (30) business days from the conclusion of the referral process.
6. **Step 6: Notice of Administrative Decision.**
- a. Prior to the date of the Administrative Decision, the applicant shall:
 - i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property or properties, in accordance with Section 16-#-##.
 - ii. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-#-##.
 - iii. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.
 - iv. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-5-##.
 - v. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.
 - b. If required by the Colorado Revised Statutes, the Town Planner shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.
7. **Step 7: Administrative Decision.**
- a. On the date scheduled for the Administrative Decision, the Planning Director will review and render a decision on a request for a Duplex, Condominium, or Townhome Subdivision.
 - b. The Planning Director shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Duplex, Condominium, or Townhome Subdivision, and shall take one of the following actions:

Commented [MF24]: Town staff needs to weigh in on these public notice requirements. The existing Code exempts Type B Minor Subdivisions from public notice requirements.

Commented [MF25]: I believe that "Major Activity Notice" is a statutory requirement for subdivisions that cover five or more acres. The Town Attorney needs to weigh in on this to determine if this requirement is applicable.

- i. Approve the subdivision, subject to any changes that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
- ii. Deny the subdivision and state the specific reason(s) for denial.

8. **Step 8: Notice of Decision.** Within ten (10) business days of a final action by the Planning Director, the following will occur:

- a. The Planning Director will send written notice of the decision to the applicant.
- b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

9. **Step 9: Submittal of Mylar and Recording of Final Plat.**

- a. Within ninety (90) business days of an approval by the Planning Director, the applicant shall submit a copy of the approved Final Plat on Mylar (as specified in Section 38-50-101(3)(a)(II), C.R.S.) to the Planning Director.
- b. Upon the approval of a request for Condominiumization, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
- c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Final Plat with the office of the Eagle County Clerk and Recorder.
 - i. All signatures required on the Final Plat have been obtained.
 - ii. All conditions of approval and technical corrections have been addressed.
- c. The applicant is responsible for all costs associated with recording a Final Plat.

Commented [MF26]: Should this just refer to the "Colorado Revised Statutes"?

G. Modification of Approval

Any modification to an approved Duplex, Condominium, or Townhome Subdivision shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

Commented [MF27]: This is a new Subsection. It may not be appropriate and if so, will be removed.

H. Duration of Approval

- 1. The approval of a Duplex, Condominium, or Townhome Subdivision shall expire and become null and void ninety (90) business days from the date of approval unless one of the following has occurred:
 - a. A Mylar version of the approved Final Plat has been submitted to the Town.
 - b. A request for an extension has been submitted and approved in accordance with Subsection 16-8-##-#.

Commented [MF28]: This is a new Subsection. This language mirrors the language for an Administrative Replat. The existing Code doesn't include any language that addresses the duration of an approval for Type B Minor Subdivisions.

2. If the approval of a Duplex, Condominium, or Townhome Subdivision expires, the applicant will be required to submit a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

I. **Extension of Approval**

1. The applicant for an approved Duplex, Condominium, or Townhome Subdivision may submit a written request for an extension of their approval to the Town. Such a request must be received by the Town a minimum of five (5) business days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
2. A request to extend the approval of a Duplex, Condominium, or Townhome Subdivision must demonstrate the following:
 - a. A showing of good cause, which may include, but is not limited to, signatories being located out of state or out of the country or significant changes to the Final Plat are required.
 - b. The subdivision remains in compliance with this Code and the Community Plan.
4. The Planning Director may authorize an extension of an approved Duplex, Condominium, or Townhome Subdivision for a period of up to twelve (12) months.
5. If a request for an extension is denied by the Planning Director, the applicant may submit a written request to appeal such a decision to the Town Council. Such a request must be received by the Town within ten (10) business days of the date of the decision by the Planning Director. Any request received later than this will not be considered. An appeal to the Town Council will be reviewed in accordance with **Section ##-##-##**.

Commented [MF29]: This is a new Subsection. This language mirrors the language for an Administrative Replat.

The existing Code doesn't include any language that addresses the extension of an approval for Type B Minor Subdivisions.

DRAFT

Section 16-8-90: Minor Subdivision

This Section is in progress.

DRAFT

Section 16-8-100: Mountaintop Estate Lots

Notwithstanding anything in the subdivision regulations to the contrary, which regulations will not apply to the estate lot process unless expressly set forth in this Section, the creation of lots within the mountaintop area pursuant to the estate lot process will be accomplished by Administrative Review and approval by the Planning Director, and recording of the estate lot plat, in accordance with the following requirements and procedures:

1. An application pursuant to the estate lot process may only be submitted by a party permitted under [Section 16-8-###](#).
2. Not more than a total of ten (10) estate lots may be created within the mountaintop area pursuant to the estate lot process.
3. The application must contain the following materials:
 - a. A completed application form in the format provided by the Planning Director and executed by the landowner or the landowner's authorized agent.
 - b. A check for the then-current estate lot processing fee in an amount to be established by resolution of the Town Council.
 - c. One (1) electronic copy and three (3) paper copies measuring twenty-four (24) by thirty-six (36) inches of the proposed estate lot plat prepared in accordance with the requirements set forth in [Subsection 16-8-##\(##\)](#).
 - d. One (1) electronic copy and three (3) paper copies of the master map.
 - e. One (1) electronic copy and three (3) paper copies of the proposed form of access easement agreement that will, upon recording:
 - i. Establish legal access from a public road to the boundary of each estate lot (to the extent such easement(s) are not created by recording of the estate lot plat); AND
 - ii. Address the terms of, and otherwise provide for, construction and ongoing maintenance of the private roadways serving the estate lots.
 - f. A copy of a title commitment issued by a title company doing business in Eagle County with an effective date no earlier than sixty (60) days prior to the submission of the application.
4. Within fifteen (15) days of receiving the application, the Planning Director will confirm and advise the applicant in writing whether the application is complete. If the application is not complete, the applicant may supplement the application and the Planning Director will provide an updated written determination of completeness as otherwise provided herein.
5. Within thirty (30) days after the date on which the application is determined complete, the Planning Director, after consultation with appropriate staff and referral agencies, if any, will complete review of the proposed estate lot plat to confirm whether it complies with the following requirements:

- i. It adheres to the format for final plats as described in [Subsection 16-8-##\(##\)](#), excluding subparagraphs (3), (4) and (9). With respect to subparagraph (8)d., the certificate of ownership will not include any language of dedication. With respect to subparagraph (8)e., the certificate of title will be executed by a title company and will reference exceptions to title as reflected in a specifically identified title commitment.
- ii. It contains a certificate to be executed by a professional land surveyor, as defined in Section 38-51-102(16), C.R.S., that the proposed estate lot plat was prepared in accordance with Section 38-51-106, C.R.S., which certificate will be deemed to satisfy the requirement of [Subsection 16-##-##\(##\)\(##\)](#).
- iii. It depicts rights-of-way and easements pursuant to Section 38-51-106 (1)(B)(I), C.R.S.
- iv. It contains a certificate to be executed by the landowner(s) that, to the extent not previously monumented in the manner described in Section 38-51-105, C.R.S., the landowner will cause the external boundaries of the estate lot plat and the boundaries/corners of each estate lot to be so monumented within twelve (12) months after the effective date of the planning director's approval of the estate lot plat.
- v. Each estate lot depicted on the proposed estate lot plat has a minimum land area of three hundred fifty (350) acres.
- vi. Each estate lot depicted on the proposed estate lot plat designates one (1) or more designated buildable areas having a minimum aggregate land area of forty-three thousand five hundred sixty (43,560) square feet and a maximum aggregate land area of not more than thirty-three percent (33%) of the total acreage of the estate lot, and all such designated buildable areas are located outside of and do not overlap with any areas that the master map referenced in Subparagraph (3)d. above designates as non-buildable.
- vii. Each estate lot depicted on the proposed estate lot plat depicts the boundaries of lynx denning areas and peregrine falcon nesting areas as shown in the master map, if any, located within such estate lot.
- viii. It complies with [Section 16-##-##](#) of the subdivision regulations by demonstrating legal access. Such compliance will be demonstrated by the estate lot plat depicting an existing or proposed road that would physically connect each proposed estate lot to a public road, identifies whether legal access to the estate lots is (or will be) granted by the estate lot plat or by a separate instrument, and describes by reference to a recorded, or to be recorded, the access easement agreement required pursuant to Subparagraph (3)e. above. Application for issuance of required permits for access to a public highway, if any, pursuant to Section 43-2-147, C.R.S., will be a condition precedent to issuance of building permits within estate lots created by the estate lot plat.
- ix. It contains the following statements and acknowledgements:
 - i. *Municipal Services*. The landowner(s) of the lots created pursuant to this plat and other parties having an interest in such lots hereby acknowledge that the Town will not

provide, and will have no obligation to provide: municipal water services and municipal sanitary sewer services to the lots or any improvements located within the lots; or snow plowing, road maintenance, street lighting and similar services for private or public roadways (if any) located within this plat; or provision of emergency services with similar response times as may be available within other areas of the Town. In consideration of the Town's approval of this plat, the landowner(s) and other parties having an interest in the property that have executed this plat, by so executing this plat, and all successor owners of the lots created pursuant to this plat or other parties having an interest therein, by taking title to or acquiring an interest in such lots, knowingly and intentionally waive any and all right to disconnection of the property arising under Section 31-12-119, C.R.S., and based on failure to provide municipal services on the same general terms and conditions as the rest of the Town receives, to the extent based on the Town not providing the lots with municipal water services, municipal sewer services, municipal road services and emergency services as described herein.

- ii. *Peregrine Falcon Nesting Areas and Lynx Denning Areas.* The landowner(s) of the lots created pursuant to this plat and other parties having an interest in such lots hereby acknowledge that no permanent or temporary roads or trails to provide vehicular access to and between the designated buildable areas depicted on this plat (including construction roads) may cross through areas, and no motorized vehicular activities may be undertaken within such areas, that the master map set forth in Section 16-10-35 of the Town Code designates as peregrine falcon nesting area or as lynx denning area (as such areas are depicted on this plat, if applicable) without prior Town approval pursuant to applicable limited use or conditional use procedures and requirements pursuant to [Section 16-#-##](#) of this Code.
6. Upon completion of the foregoing review of the proposed estate lot plat, the Planning Director will either approve, approve with conditions, or deny the proposed estate lot plat, and will provide written notice of such determination to the applicant.
 - a. If the proposed estate lot plat is approved, the applicant will prepare and cause to be executed a mylar in form suitable for recording and, upon execution by appropriate parties, including the Town, the same will be recorded.
 - b. If approved with conditions, the notice letter will specifically describe the conditions required to be satisfied prior to preparation of mylars for execution and recording as described in Clause a. above. The applicant will have a period of three (3) months to revise the proposed estate lot plat to accomplish satisfaction of the stated conditions and resubmit to the planning director for review and confirmation in accordance with Subparagraphs (5) and (6) of this Section.
 - c. If the application is denied, the notice letter will specifically describe the deficiencies in the application and/or proposed estate lot plat. At any time after receipt of a notice of denial, an applicant may resubmit such application, with such modifications as may be appropriate to address the specified deficiencies, for reconsideration as a new application in accordance with the requirements set forth in this Section.

7. The roads depicted on the estate lot plat that will provide physical access to the estate lots will be designed and constructed in accordance with the mountaintop road standards. Construction of or security to assure completion of construction of such roads is not required before approval or recording of the estate lot plat. Construction of such roads may be accomplished in phases at such time as the subdivider determines appropriate.
8. The Planning Director's processing, review and final action with respect to estate lot plat applications will be exempt from any posting and public notice requirements under this Code, including, but not limited to, [Section 16-#-##](#) of the Zoning Code.
9. Estate lots created by recording of an approved estate lot plat may be subsequently replatted into ranch lots pursuant to [Section 16-8-##](#).
10. The following provisions of [Articles #](#) through <#> of this [Chapter ##](#) are incorporated in this Section by reference:
 - a. [Section 16-#-##](#): Save Harmless Clause.
 - b. [Section 16-#-##](#): Disclaimer of Liability.
 - c. [Section 16-#-##](#): Compliance Required.
 - d. [Section 16-#-##](#): Remedies for Violation.
 - e. [Section 16-#-##](#): Definitions.
 - f. [Subsection 16-#-##\(##\)](#): Permits for Development; Changes on Final Plat.

Section 16-8-110: Mountaintop Ranch Lots

Notwithstanding anything in the subdivision regulations to the contrary, which regulations will not apply to the ranch lot process unless expressly set forth in this Section, the creation of ranch lots within the mountaintop area pursuant to the ranch lot process will be accomplished by Planning Commission review and approval, and recording of a ranch lot plat, in accordance with the following requirements and procedures:

1. An application pursuant to the ranch lot process may only be submitted by a party permitted under [Section 16-8-###](#). All or any portion of the area within a proposed ranch lot plat may, but is not required to, be located within a portion of the mountaintop area that is subject to a previously approved and recorded estate lot plat.
2. The application must contain the following materials:
 - i. A completed application form in the format provided by the Planning Director and executed by the landowner or the landowner's authorized agent.
 - ii. A check for the then-current ranch lot plat processing fee in an amount to be established by resolution of the Town Council.
 - iii. One electronic copy and three (3) paper copies measuring twenty-four (24) by thirty-six (36) inches of the proposed ranch lot plat prepared in accordance with the requirements set forth in Subparagraph (7) below.
 - iv. One (1) electronic copy and three (3) paper copies of a master map. The master map additionally will, for purposes of the ranch lot process, conceptually depict potential locations of mountaintop area roads and those specific segments of such roads and non-motorized trails that will be restricted to private use and emergency services and those specific segments that may be open to public access.
 - v. One (1) electronic copy and three (3) paper copies of the proposed form of access easement agreement that will, upon recording:
 - i. Establish legal access from a public road to the boundary of each ranch lot (to the extent such easement(s) are not created by recording of the estate lot plat); AND
 - ii. Address the terms of, and otherwise provide for, construction and ongoing maintenance of the private roadways serving the estate lots.
 - vi. A copy of a title commitment issued by a title company doing business in Eagle County with an effective date no earlier than sixty (60) days prior to the submission of the application.
 - vii. Construction drawings and/or as-built drawings of all access roads described in Subparagraph e. prepared by a licensed Colorado professional engineer that demonstrate that such access roads can be constructed at the depicted locations or have been constructed in accordance with the mountaintop road standards.

- viii. An access permit issued by the state department of transportation or a letter from said agency stating that an access permit is not required for the development depicted on the ranch lot plat.
3. The proposed ranch lot plat must be prepared in accordance with the following format:
- a. It must adhere to the format for final plats as described in **Subsection 16-#-##(#)**, excluding Subparagraphs (3), (4) and (9). With respect to Subparagraph (8)d., the certificate of ownership will not include any language of dedication. With respect to subparagraph (8)e., the certificate of title will be executed by a title company and will reference exceptions to title as reflected in a specifically identified title commitment.
 - b. It must contain a certificate to be executed by a professional land surveyor, as defined in Section 38-51-102(16), C.R.S., that the proposed ranch lot plat was prepared in accordance with Section 38-51-106, C.R.S., which certificate will be deemed to satisfy the requirement of **Subsection 16-#-##(#)(#)**.
 - c. It must depict rights-of-way and easements pursuant to Section 38-51-106 (1)(B)(I), C.R.S.
 - d. It must contain a certificate to be executed by the landowner(s) that, to the extent not previously monumented in the manner described in Section 38-51-105, C.R.S., the landowner will cause the external boundaries of the ranch lot plat and the boundaries/corners of each ranch lot to be so monumented within twelve (12) months after the effective date of Planning Commission's approval of the ranch lot plat.
 - e. It must contain the following statement and acknowledgement:
 - i. *Municipal Services.* The landowner(s) of the lots created pursuant to this plat and other parties having an interest in such lots hereby acknowledge that the Town will not provide, and will have no obligation to provide: municipal water services and municipal sanitary sewer services to the lots or any improvements located within the lots; or snow plowing, road maintenance, street lighting and similar services for private or public roadways (if any) located within this plat; or provision of emergency services with similar response times as may be available within other areas of the Town. In consideration of the Town's approval of this plat, the landowner(s) and other parties having an interest in the property that have executed this plat, by so executing this plat, and all successor owners of the lots created pursuant to this plat or other parties having an interest therein, by taking title to or acquiring an interest in such lots, knowingly and intentionally waive any and all right to disconnection of the property arising under Section 31-12-119, C.R.S., and based on failure to provide municipal services on the same general terms and conditions as the rest of the Town receives, to the extent based on the Town not providing the lots with municipal water services, municipal sewer services, municipal road services and emergency services as described herein.
 - ii. *Peregrine Falcon Nesting Areas and Lynx Denning Areas.* The landowner(s) of the lots created pursuant to this plat and other parties having an interest in such lots hereby acknowledge that no permanent or temporary roads or trails to provide vehicular access to and between the designated buildable areas depicted on this plat (including

construction roads) may cross through areas, and no motorized vehicular activities may be undertaken within such areas, that the master map set forth in [Section 16-#-##](#) of the Town Code designates as peregrine falcon nesting area or as lynx denning area (as such areas are depicted on this plat, if applicable) without prior Town approval pursuant to applicable limited use or conditional use procedures and requirements pursuant to [Section 16-#-##](#) of this Code.

4. Within fifteen (15) days of receiving the application, the Planning Director will confirm and advise the applicant in writing whether the application is complete and has been prepared in the required format. If the application is not complete or in the required format, the applicant may supplement the application and the planning director will provide an updated written determination of completeness as otherwise provided herein.
5. Within thirty (30) days after the date on which the application is determined complete, the Planning Director, after consultation with appropriate staff and referral agencies, if any, will review the proposed ranch lot plat for conformance with the criteria and requirements set forth in Subparagraph (7) below, and will deliver a written report to the applicant setting forth the planning director's findings and comments. The applicant may revise and resubmit the application for further review as provided in subparagraph (4) above or, either at such time or after further review following resubmittal, may advise the Planning Director of the applicant's determination to proceed with notice for public hearing by Planning Commission pursuant to subparagraphs (6), (7) and (8) below.
6. Public notice of Planning Commission action regarding the application, to be held at a public meeting promptly after applicant's determination to proceed pursuant to Subparagraph (5) above will be provided in compliance with [Section 16-#-##](#).
7. At a regular or special meeting to be held on the date set forth in the public notice provided pursuant to subparagraph (6) above Planning Commission will hold a public hearing to determine whether the proposed ranch lot plat complies with the following requirements:
 - a. Each ranch lot depicted on the proposed ranch lot plat has a minimum land area of thirty-five (35) acres.
 - b. Each ranch lot depicted on the proposed ranch lot plat designates one (1) or more designated buildable areas having a minimum aggregate land area of twenty thousand (20,000) square feet and a maximum aggregate land area of not more than thirty-three percent (33%) of the total acreage of the ranch lot, and all such designated buildable areas are located outside of and do not overlap with any areas that the master map referenced in subparagraph (2)d. above designates as non-buildable.
 - c. Each ranch lot depicted on the proposed ranch lot plat depicts the boundaries of lynx denning areas and peregrine falcon nesting areas as shown in the master map, if any, located within such ranch lot.
 - d. It depicts, in a manner generally consistent with the master map referenced in subparagraph (2)d. above, specific segments of proposed mountaintop area roads and non-motorized trails located within the proposed ranch lot plat that will be restricted to private

use and emergency services and those specific segments, if any, that will be open to and accessible by the public (including, if applicable, depiction of public easement areas, to be dedicated by separate instrument, for such purposes).

- e. It complies with **Section 16-#-##** of the subdivision regulations. Compliance will be demonstrated by addressing legal and physical access as follows:
 - i. Depicting an existing or proposed road that physically connects each proposed ranch lot to a public road; AND
 - ii. Stating whether legal access to the ranch lots is (or will be) granted by the ranch lot plat or by a separate instrument, and describes by reference to a recorded, or to be recorded, form of access easement agreement as required pursuant to subparagraph (2)e. above.
8. Planning Commission will either approve, approve with conditions, or deny the proposed ranch lot plat.
9. The roads depicted on the ranch lot plat that will provide physical access to the ranch lots will be designed and constructed in accordance with the Mountaintop Road Standards. Prior to recording of the approved ranch lot plat, such roads must be constructed, or assurance of completion provided in accordance with the requirements of **Subsection 16-#-##(#)**, the scope of which will be limited to the roads depicted on the approved ranch lot plat. The amount of security or collateral for assurance of completion shall be based upon construction cost estimates, stamped by a Colorado licensed professional engineer, and approved by the Town Engineer. Construction of such roads may be accomplished in phases at such time as the subdivider determines appropriate.
10. The following provisions of **Articles #** through **#** of this **Chapter ##** are incorporated in this Section by reference:
 - a. **Section 16-#-##**: Save Harmless Clause.
 - b. **Section 16-#-##**: Disclaimer of Liability.
 - c. **Section 16-#-##**: Compliance Required.
 - d. **Section 16-#-##**: Remedies for Violation.
 - e. **Section 16-#-##**: Definitions.
 - f. **Subsection 16-#-##(#)**: Permits for Development; Changes on Final Plat.

Section 16-8-120: Vacation of Public Right-of-Way or Easement

A. Applicability

1. Any vacation of a public right-of-way or easement must comply with the requirements and procedures set forth in this Section and be in accordance with the Colorado Revised Statutes.
2. As used herein, the terms ~~road~~ “right-of-way” and “easement” shall be deemed to include any and all parcels upon which there has been legally sufficient acceptance of dedication by the public or its authorized agents, representatives, or officials.
3. No vacation of public right-of-way or easement shall become effective unless quit claim deeds have been duly recorded with the Eagle County Clerk and Recorder that cumulatively relinquish all rights, claims, and interests that all interested parties, including public and private utility companies, may have in the subject right-of-way or easement.

Commented [MF30]: “Road” has been replaced with “right-of-way.”

Commented [MF31]: This provision comes from the existing Code (refer to Subsection 17-9-20(a)). Any definition of “road,” “right-of-way,” or “easement” should be moved to the new Definitions Article.

Commented [MF32]: This is an existing Code provision (refer to Subsection 17-9-20(i)). This needs to be reviewed by the Town Attorney to ensure the language is appropriate.

2. Purpose

The purpose of this Section is to provide a process for the Town Council to review and render a decision on a request to vacate rights, interests, or title of the Town in, and to, any public right-of-way or easement or right-of-way.

3. Application Submittal Requirements

An application for a vacation of public right-of-way or easement shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-#-##-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application.
3. **Petition.** A petition requesting the vacation of a public right-of-way or easement that includes the following:
 - a. The reason(s) for the requested vacation.
 - b. Signatures of all owners of record of properties abutting the right-of-way or easement and whose means of ingress and egress would be affected by the requested vacation.
 - c. The names, mailing and legal addresses, and legal addresses of all abutting or adjacent landowners and/or other landowners whose interests might be adversely affected by or who may be interested in such vacation.
4. **Map or Plat.** A map or plat, drawn to scale, that depicts the following:
 - a. The location and dimensions of the right-of-way or easement to be vacated.
 - b. Any property affected by the proposed vacation.
 - c. A legal description for the proposed vacation.

Commented [MF33]: Should this be changed to physical address?

Commented [MF34]: This language seems subjective and should be clarified.

5. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

4. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The waiver will not compromise a proper and complete review of the application.
 - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:
 - a. Provide the applicant with written notice of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

5. Application Review Criteria

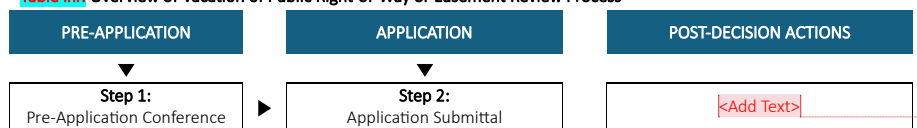
The Planning Commission may recommend approval of, and the Town Council may approve, a request to vacate a public right-of-way or easement upon a positive finding of each of the following criteria:

1. The vacation is consistent with the Community Plan and complies with the requirements of this Code.
2. The right-of-way or easement is no longer needed for a public purpose.
3. All portions of the right-of-way or easement are within the Town.
4. No portion of the easement or right-of-way constitutes a boundary line between two (2) counties or the boundary of the Town.
5. No land adjoining the right-of-way or easement will be left, as a result of the vacation, without adequate access to a public road or public services.

6. Application Review Process

A request to vacate a public right-of-way or easement will be reviewed and decided upon in accordance with the following process.

Table ##: Overview of Vacation of Public Right-of-Way or Easement Review Process



Commented [MF35]: Need input from Town Attorney on what, if any, actions can be taken following a final action by the Town Council.



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a vacation of public right-of-way or easement. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.

- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a vacation of public right-of-way or easement shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director’s workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

Commented [MF36]: The existing Code (refer to Subsection 17-9-20(d)) provides referral agencies thirty (30) days to submit comments.

5. **Step 5: Schedule Public Hearings.** Upon the conclusion of the referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

- a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.
- b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the referral process.
- c. A public hearing before the Town Council shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to the Town Council. In accordance with the Home Rule Charter, the public hearing with the Town

Council is to be held at the second meeting that the ordinance for the vacation or right-of-way or easement is introduced a second time.

6. **Step 6: Notice of Public Hearings.** Prior to the date of the first public hearing with the Planning Commission, the applicant shall:
 - a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record affected by the proposed vacation. Mailed notice must comply with the applicable requirements set forth in **Section 16-#-##**.
 - b. *Submit Proof of Notice.* Submit proof of notice in accordance with **Section 16-#-##**.
7. **Step 7: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:
 - a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
8. **Step 8: Public Hearing with Planning Commission.**
 - a. The Planning Commission will hold a public hearing, in accordance with **Section 16-#-##**, to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a vacation of public right-of-way or easement, and shall take one of the following actions:
 - i. Recommend that the Town Council approve the vacation, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

Commented [MF37]: The existing Code (refer to Subsection 17-9-20(c)) just requires a vacation of public right-of-way or easement to be reviewed at a regular meeting of the Planning Commission.

- ii. Recommend that Town Council deny the vacation and state the specific reason(s) for denial.
9. **Step 9: Publish Notice.** Following the public hearing with the Planning Commission and at least thirty (30) calendar days prior to the public hearing with the Town Council, the Town Clerk will publish notice, one (1) time, in a local newspaper, having general circulation within the Town. The notice must include the following:
- a. A description of the right-of-way or easement to be vacated.
 - b. The recommendation of the Planning Commission.
 - c. The date, time, and location of the hearing with the Town Council.
10. **Step 10: Public Hearing with Town Council.**
- a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with Section 16-#-##, to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. The Planning Commission's recommendation.
 - iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a vacation of public right-of-way or easement, and shall take one of the following actions:
 - i. Approve the vacation, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the vacation and state the specific reason(s) for denial.
 - d. If the Town Council approves a vacation of public right-of-way or easement, it shall enact an ordinance to such effect.
11. **Step 11: Notice and Recording of Decision.**
- a. Within ten (10) business days of a final action by the Town Council, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.

Commented [MF38]: This requirement comes from the existing Code (refer to Subsection 17-9-20(g)). This needs to be reviewed by the Town Attorney to determine if:

- 1.This requirement needs to be completed at this stage of the review process.
- 2.The Town Clerk or the applicant should be responsible for this.

- ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If the Town Council approves a vacation of public right-of-way or easement, the Town Clerk will do the following:
 - i. Enter a copy of the ordinance approving the vacation into the town's records.
 - ii. Record the approved vacation with the Eagle County Clerk and Recorder.

DRAFT

Section 16-8-130: Major Subdivisions

A. Applicability

Any subdivision of land that is not eligible to be reviewed and processed via the other procedures set forth in this Article is considered a Major Subdivision. All Major Subdivisions must comply with this Section and Sections 16-8-140 through 16-8-160.

Commented [MF39]: This is new language and may need further refinement.

B. Overview of Major Subdivision Process

The process for a Major Subdivision has one (1) optional step and two (2) required steps:

1. *Step 1: Sketch Plan (refer to Section 16-8-140).* The purpose of the Sketch Plan is to allow the applicant to present and discuss the concept for the proposed subdivision and obtain feedback from Town staff, the Planning Commission, and the Town Council. This is an optional step in the Major Subdivision process and is intended to assist the applicant with developing a subdivision that complies with this Code and is substantial conformance with the Community Plan.
2. *Step 2: Preliminary Plat (refer to Section 16-8-150).* The purpose of the Preliminary Plat is to allow the Town to review and evaluate the details of a proposed subdivision and ensure the following:
 - a. Compliance with the requirements of this Code.
 - b. Substantial conformance with the Community Plan.
 - c. The provision of infrastructure and services necessary to serve future residents and/or occupants of the subdivided land.

This is a required step in the Major Subdivision process.

3. *Step 3: Final Plat (refer to Section 16-8-160).* The purpose of the Final Plat is to ensure compliance with an approved Preliminary Plat and the requirements of this Code. This is the final required step in the Major Subdivision process.

Section 16-8-140: Sketch Plan (Optional)

This Section is in progress.

DRAFT

Section 16-8-150: Preliminary Plat

A. Purpose

The purpose of this Section is to establish a process for reviewing the details of a proposed Major Subdivision. The Preliminary Plat is the second step in the Major Subdivision process and is required. Refer to [Subsection 16-8-###-#](#) for further information.

B. General Provisions

1. All maps, construction plans, and other drawings required as part of a Preliminary Plat must be scaled as follows:

Table ##: Required Drawing Scale

Total Area of Subdivision	Maximum Scale Permitted
Less than 10,000 sq. ft.	1" = 50 feet
10,000 sq. ft.- 2 acres	1" = 100 feet
2.01 - 5 acres	1" = 200 feet
More than 5 acres	Scale must provide for the clear depiction of all required information on a sheet size of 24"x36".

2. Construction plans for streets, utilities, erosion control facilities, and other public improvements should be drawn in sufficient detail to fully represent the intentions of the subdivider with regard to the type, materials and location of the proposed improvements.
3. Legal descriptions and plats must be prepared, dated, and signed by a professional land surveyor licensed in the State of Colorado.
4. Utility, road, grading, drainage, erosion control, and water quality plans must be prepared, dated, and signed by a professional engineer licensed in the State of Colorado.
5. Soils reports must be prepared, dated, and signed by a professional engineer licensed in the State of Colorado and actively engaged in the practice of soils engineering.
6. Geologic reports must be prepared, dated, and signed by a professional geologist as defined in the Colorado Revised Statutes.

C. Application Submittal Requirements

An application for a Preliminary Plat shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-8-###-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A petition requesting the vacation of a public right-of-way or easement that includes the following:
4. **Preliminary Plat Map.** A map drawn to scale, dimensioned to the nearest foot, and that includes the following:

Commented [MF40]: The application submittal requirements are subject to further review and refinement by town staff.

- a. Information sufficient to demonstrate that the Final Plat will comply with the requirements the Colorado Revised Statutes.
- b. North arrow, graphic scale, date of preparation and any revisions thereto, and contour interval.
- c. Boundary lines with bearings and distances, plus a property description of the tract proposed for subdivisions; said property description shall be a metes-and-bounds survey.
- d. 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.
- e. Existing contours at two-foot intervals on all portions of the land proposed for development for either public or private use, and at ten-foot intervals for all areas to remain in their natural state. All contour lines shall be accurate to within fifty percent (50%) of the interval. Areas sloping less than two percent (2%) shall have two-foot contour intervals.
- f. Street names and a block and lot numbering system shall be shown.
- g. Approximate area of each lot and its proposed use.
- h. Site or facilities to be reserved or dedicated for public parks, schools or other public uses, if any, and the proposed terms and managing agencies for such reservations and dedications.
- i. The site's geological, mineral resource, drainage and floodways, soil, vegetation, wildfire and other natural or man-made characteristics, including hazards and pollution which will affect the proposed land use, shall be investigated and shown on a map supplemental to and at the same scale as the preliminary plat, accompanied by such reports as necessary to complete the description of the existing conditions to show the following:
 - j. Soil types and their boundaries based on the National Cooperative Soil Survey, U.S.D.A. Soil Conservation Service, and a table of interpretations for included soil types shall be included.
 - k. Plant associations, including a description of materials, shall be mapped and described and major tree masses shall be shown on the plat.
 - l. The wildlife species inhabitation inventory, including wildlife habitats which will be affected by the proposed subdivision, shall be mapped and described following the practices of the State Division of Wildlife.
- m. The relationship of vegetation types, aspect, slope and weather in the area of the proposed subdivision shall be inventoried and mapped, following practices of the State Forest Service, to determine wildfire hazard conditions.
- n. The slopes of each proposed lot shall be shown.

- o. The distance from the natural identifiable high-water mark of live or intermittent streams to any proposed development within the subdivision.
 - p. Potential pollution hazards that might affect the property.
 - q. Any hazardous or abandoned buildings on the property.
5. **Grading and Drainage Plan.** A Grading and Drainage Plan that includes the following:
- a. *Grading Plan.* Generalized grading plan for the areas to be developed for public or private use, showing existing and revised contours and any proposed retaining structures.
 - b. *Cross Sections.* Cross sections to illustrate potentially difficult grade relationships between proposed roads, building sites and parking areas, and the recommended solutions to these problem areas.
 - c. *Street Plan and Profiles.* Plan views and centerline profiles shall be plotted at a horizontal scale of one (1") inch to five (5') feet on sheets supplemental to the drainage plan. These plans and profiles shall show all intersections with existing streets and all existing and proposed drainage areas and easements crossing, or parallel to, the roads. Also shown will be any known areas of high-water table, unsuitable soils and geological hazards. These plans shall include typical cross-section showing road widths, including driving surface, shoulders, curbs and gutters, barrow ditches, cut-and-fill slopes to the point of intersection with natural ground and the pavement structure details. The plan shall include the extremities of all cut-and-fill areas. A supplemental sheet shall be included to detail all drainage, retaining and bridge structures to be constructed as part of the roadway.
 - d. *Drainage Study.* A drainage study shall be prepared in accordance with this Chapter. This study shall include a contour map showing all existing and proposed water courses, including the seasonal course limits of tributaries, indicating the surface conditions and location of point of departure from the development. This study shall include computations of ten-year flow and one-hundred-year floodplain plotted on the contour maps. The drainage study shall also include computation of the increase or decrease in flows anticipated as a result of the development, and the capacity and velocity through all drainage structures, including open channels. In no case shall the area within the one-hundred-year floodplain be used for structural development without specific approval of the Town. In no case will a development be allowed to affect the location of discharge, the magnitude, depth and slope of stream bed, velocity of drainage flows upstream or downstream from the development, or the stream channel slope within the development, unless part of a floodplain management plan approved by the Town.
6. **Utility Plans.** Utility plans that include the following:
- a. *Central Water Supply and Distribution System.* If a central water supply and distribution system is to be provided, the details of the system shall be shown and shall include the following:

- i. Adequate evidence prepared by a registered engineer that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed, including requirements for fire protection. For preliminary plat applications affecting Battle Retained Parcels, a letter from ERWSD confirming its ability and commitment to meet the physical and legal water service needs for the proposed land use including fire flows. The ERWSD letter will be deemed to fully satisfy the foregoing requirement. Per Section 13-8-60, engineering and technical requirements of the Bolts Water Distribution System will be subject to ERWSD regulations (including, but not limited to, applicable fire flow requirements).
- ii. If connection is to be made to the existing Town system, the following information shall be provided:
 - 1. Evidence that the Town is willing to service the proposed subdivision.
 - 2. Information regarding present service requirements, future commitments and present and future water supply capabilities of the Town.
 - 3. Information regarding the water rights owned or used by the applicant, and an analysis of the potential for transfer to the Town for the purpose of supplying the development.
 - 4. Evidence of compliance with all applicable water system construction and operation specifications of the Town, to include demonstrated adequacy for fire protection.
- b. *Individual Water Supply and Systems.* If it is intended that individual water systems will be provided by lot owners, a report indicating the availability of ample potable groundwater at estimated depths throughout the subdivision and expected quality and long-term yield of such wells shall be provided by a registered engineer or geologist qualified to perform such work. The cumulative effect of on-lot domestic wells shall be considered on existing water rights.
- c. *Water Supply Options.* A review and analysis of all viable options for water supply, indicating the relative benefits of each, shall be submitted. For preliminary plat applications affecting Battle Retained Parcels, the foregoing requirement shall be satisfied by the ERWSD letter required by **Subsection 16-#-##(##)(#)(#)**.
- d. *Electrical Service.* Underground distribution of electrical power or communication lines is required, and a description of the system shall be shown. The subdivider shall present written evidence that the utility companies involved have been advised of the proposed system and that an agreement on design has been reached.
- e. *Sewer Service.* A central sewer collection system is to be provided; the details of the system shall be shown and include the following:
 - i. Evidence that the Town or sewer district is willing to service the proposed subdivision.

- ii. Information regarding present and future requirements and future commitments and capabilities of the provider of service.
 - iii. Adequate evidence provided by a registered engineer that the proposed sewer collection system is capable of serving the proposed subdivision.
 - f. *Fire Protection System.* The systems proposed to carry an adequate supply of water, and the related systems, shall be shown to comply with the Town ordinances and/or regulations regarding fire control and protection.
7. **Erosion Control and Revegetation Plans.** Erosion control and revegetation plans that include the following:
- a. Plan for saving and/or protecting topsoil from erosion during construction and using topsoil for revegetation of disturbed areas.
 - b. Timing of disturbance.
 - c. Disturbed area controls.
 - d. Stabilization during disturbance.
 - e. Monitoring during disturbance.
 - f. Water quality impact report.
 - g. The temporary and permanent erosion control and revegetation measures required by this Subsection shall, as public improvements, be covered by the subdivision public improvements agreement or other security arrangements. The portion of such security allocated to permanent erosion control and revegetation measures shall not be released until those measures have been constructed and demonstrated effective over a period of two (2) growing seasons. The security or plat restriction imposed to guarantee temporary erosion control and revegetation measures may be released upon inspection and approval of such measures by the representatives of the Planning Commission.
 - h. The effects of increased impervious cover due to development (roofs, parking lots, streets, driveways, sidewalks, etc.) shall be mitigated in the following manner:
 - i. The developer shall attempt to minimize increases in impervious cover; an example is underground parking; AND
 - ii. Maximum use of open space shall be encouraged to mitigate the impact of increased impervious cover. The developer shall present information indicating the percentage increase in impervious cover projected as a result of development.
 - i. All applications for subdivision shall include a nonpoint source pollution control program. This program shall include both temporary and permanent control devices. Applicants should make proposals which meet any anticipated pollution source, including, but not limited to,

parking lot and street runoff, sedimentation from disturbed areas, etc. The best current control devices must be proposed and included in any improvements agreement.

8. **Phasing Plan.** If development of a Major Subdivision is to occur in phases, a phasing plan must be provided. The phasing plan must demonstrate that the Major Subdivision can be completed within a reasonable time frame and include the following information:
 - a. The approximate date when development, and subsequent phases or stages of development, will begin and be completed.
 - b. The improvements to be included in each phase or stage of development.
 - c. The financial guarantee(s) to be provided to ensure that improvements and amenities are constructed in accordance with the phasing plan.
9. **Environmental Impact Report.** An environmental impact report performed by independent, qualified professionals.
10. **U.S. Army Corps of Engineers 404 Permit.** If a subdivision proposes to modify the existing channel of a navigable stream, a completed Section 404- U.S. Army Corps of Engineers dredge-and-fill permit application must be submitted.
11. **Information for Battle Retained Parcels.** Any subdivision within the Battle Retained Parcels must include the following statement and acknowledgement:
 - a. *Municipal Water Service.* The landowner(s) of the lots, tracts, blocks or parcels created pursuant to this plat and other parties having an interest in such hereby acknowledge that the Town will not provide, and will have no obligation to provide, municipal water service to the lots, tracts, blocks or parcels or any improvements located within the lots, tracts, blocks or parcels. In consideration of the Town's approval of this plat, the landowner(s) and other parties having an interest in the property that have executed this plat, by so executing this plat, and all successor owners of the lots, tracts, blocks or parcels created pursuant to this plat or other parties having an interest therein, by taking title to or acquiring an interest in such, knowingly and intentionally waive any and all right to disconnection of the property arising under Section 31-12-119, C.R.S., and based on failure to provide municipal services on the same general terms and conditions as the rest of the Town receives, to the extent based on the Town not providing the lots with municipal water service as described herein.
12. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The waiver will not compromise a proper and complete review of the application.

- b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:
- a. Provide the applicant with written notice of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Preliminary Plat upon a positive finding of each of the following criteria:

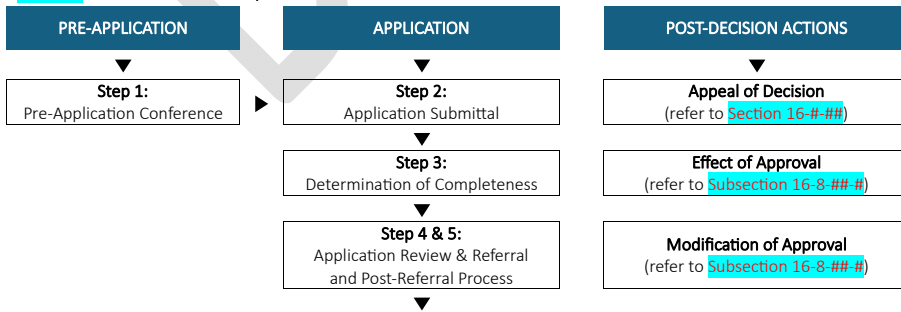
1. Complies with the requirements of this Code.
2. Is in substantial conformance with the community plan.
3. There is a legal, physical, adequate, and dependable water supply for each lot.
4. There is, or will be, adequate infrastructure (e.g., roads, sidewalks, etc.) and utilities (e.g., water, sewer, electricity, gas, internet, etc.) to serve each lot to be created by the subdivision.
5. Natural and/or human-made hazards will be mitigated, to the extent practicable.
6. If applicable, proposes reasonable project phasing in terms of infrastructure capacity, utility and transportation network connections, provision of open space and trails, and other aspects of the subdivision to be developed in phases.

Commented [MF41]: These are new review criteria. The existing Code (refer to Section 17-5-80) simply states that following will be considered in the review of a Preliminary Plat:

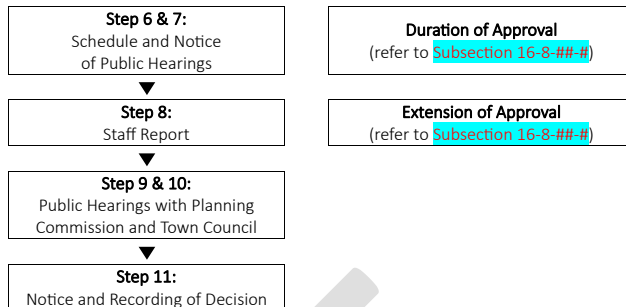
F. Application Review Process

A request for a Preliminary Plat will be reviewed and decided upon in accordance with the following process.

Table ##: Overview of Preliminary Plat Review Process



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



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Preliminary Plat. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Preliminary Plat shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).
 - c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Post-Referral Process.**

- a. *Schedule Post-Referral Meeting with Applicant.* If the review comments from town departments, town consultants, and/or referral agencies identify deficiencies in and/or concerns with an application, the Planning Director will provide the applicant with written notice of such comments and schedule a post-referral meeting with the applicant within ten (10) business days of the conclusion of the referral period (i.e., Step 4). The Planning Director may invite other town staff, town consultants, and/or referral agency representatives to participate in the post-referral meeting if they deem it appropriate.

The purpose of the post-referral meeting is to:

- i. Discuss the review comments from the town departments, town consultants, and/or referral agencies.
 - ii. Determine what actions the applicant needs to take to adequately address the review comments, prior to the scheduling of the first public hearing for the application.
- b. *Applicant Response to Review Comments.* Within ninety (90) business days of a post-referral meeting, the applicant shall submit a detailed written response to the Planning Director that addresses all review comments from town departments, town consultants and/or referral agencies.

If the applicant fails to submit such a response within ninety (90) business days, the application may be deemed withdrawn in accordance with [Subsection 16-#-##\(#\)\(#\)](#).

The applicant may submit a written request to the Planning Director for additional time to submit the required response to review comments from town departments, town consultants and/or referral agencies. Upon a showing of good cause by the applicant, the Planning Director may authorize an extension of the response period.

- c. *Review of Applicant's Response.* Following receipt of the applicant's response, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments.

The town departments, town consultants, and/or referral agencies shall have twenty (20) business days to review the applicant's response and provide written comments that clearly delineate review comments have been adequately addressed or remedied by the applicant, and those that have not. Upon request by a town department, town consultant, or referral agency, an extension of this comment period may be granted by the Planning Director.

- d. *Inadequate Response to Review Comments.*
 - i. If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's response, the Planning Director will provide the applicant with written notice of such and request that the applicant submit an additional response that addresses all outstanding review comments.
 - ii. The applicant shall submit an additional response that addresses all outstanding review comments, in accordance with **Subsection 16-8-##(b)**.
 - iii. Upon receipt of the applicant's response to all outstanding review comments, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments. Such town departments, town consultants, and/or referral agencies shall have the opportunity to review and comment on the applicant's response in accordance with **Subsection 16-8-##(c)**.

Commented [MF42]: This refers to the *Applicant Response to Review Comments* Subsection above.

Commented [MF43]: This refers to the *Review of Applicant's Response* Subsection above.

If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's additional response, the process set forth in this Subsection shall be repeated until all review comments have been adequately addressed or remedied by the applicant.

- e. *Applicant Request for a Public Hearing.* If the applicant is unable to address or remedy all review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies, the applicant may submit a written request to the Planning Director that the application be scheduled for a public hearing.

As part of their request, the applicant shall submit a written response detailing the following:

- i. How referral comments have been addressed.

- ii. Why it was not possible to address or remedy the outstanding review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies.
- f. *Schedule Public Hearings.* Planning Director shall schedule a public hearing, in accordance with **Subsection 16-#-##(#)**, upon one of the following:
 - i. The Planning Director determines that the applicant has successfully and adequately addressed or remedied all comments set forth in the referral responses.
 - ii. The Planning Director receives a written request from the applicant that a public hearing be scheduled for their application, in accordance with **Subsection 16-5-##(#)(e)**.
- 6. **Step 6: Schedule Public Hearings.** Upon the conclusion of the post-referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.
 - a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.
 - b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the referral process.
 - c. A public hearing before the Town Council shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to the Town Council. In accordance with the Home Rule Charter, the public hearing with the Town Council is to be held at the second meeting that the ordinance for the vacation or right-of-way or easement is introduced a second time.
- 7. **Step 7: Notice of Public Hearings.** Prior to the date of the first public hearing with the Planning Commission, the applicant shall:
 - a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred (200) feet of the subject property or properties, in accordance with **Section 16-#-##**.
 - b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with **Section 16-#-##**.
 - c. *Post Notice.* Post notice on a sign on the subject property in accordance with **Section 16-#-##**.
 - d. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with **Section 16-#-##**.
 - e. *Submit Proof of Notice.* Submit proof of notice in accordance with **Section 16-#-##**.

Commented [MF44]: This refers to the *Applicant Request for a Public Hearing* Subsection above.

- f. If required by the Colorado Revised Statutes, the Town Planner shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.
8. **Step 8: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:
- a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
9. **Step 9: Public Hearing with Planning Commission.**
- a. The Planning Commission will hold a public hearing, in accordance with [Section 16-#-##](#), to review the application. The applicant, or their agent, must be present at the hearing.
 - b. Prior to the public hearing, at least three (3) members of the Planning Commission shall review the proposal on site. Members of the Planning Commission that participate in the site review may make written recommendations to the full Planning Commission at its regular meeting regarding compliance of the proposal with the Town's regulations, goals, policies and plans.
 - c. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Preliminary Plat, and shall take one of the following actions:
 - i. Recommend that the Town Council approve the Preliminary Plat, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Recommend that Town Council deny the Preliminary Plat and state the specific reason(s) for denial.

Commented [MF45]: The existing Code (refer to Section 17-5-30) requires a site review. This needs further review and discussion with town staff and the Planning Commission. It may be more appropriate for this to be optional.

10. Step 10: Public Hearing with Town Council.

- a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with **Section 16-#-##**, to review the application. The applicant, or their agent, must be present at the hearing.
- b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. The Planning Commission's recommendation.
 - iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Preliminary Plat, and shall take one of the following actions:
 - i. Approve the Preliminary Plat, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Preliminary Plat and state the specific reason(s) for denial.
- d. If the Town Council approves a Preliminary Plat, it shall enact a **resolution** to such effect.
- e. If the approved subdivision is to be developed in phases, the Town Council may include time frames for the approval of Final Plats for each phase of the subdivision.

Commented [MF46]: This needs to be confirmed by town staff.

11. Step 11: Notice and Recording of Decision.

- a. Within ten (10) business days of a final action by the Town Council, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If the Town Council approves a Preliminary Plat, the Town Clerk will enter a copy of the resolution approving the Preliminary Plat into the town's records.

G. Effect of Approval

Approval of a Preliminary Plat constitutes authorization for an applicant to prepare and submit an application for a Final Plat.

H. Modification of Approval

Any modification to an approved Preliminary Plat shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section. This shall not apply to any modifications that an applicant must make to address conditions of approval placed on a Preliminary Plat by the Town Council.

I. Duration of Approval

All Preliminary Plats shall expire and become null and void **three (3) years** from the date of approval unless one of the following has occurred:

Commented [MF47]: This time frame may be a bit long. One (1) or two (2) years may be more appropriate.

1. If the subdivision is to be developed in a single phase, a Final Plat application has been submitted to and deemed complete by the Town.
2. If the subdivision is to be developed in multiple phases, Final Plat applications have been submitted to and deemed complete by the Town in accordance with the phasing plan approved by the Town Council.
3. A request for an extension has been submitted and approved in accordance with **Subsection 16-8-##-#**.

J. Extension of Approval

1. The applicant for an approved Preliminary Plat may submit a written request for an extension of their approval to the Town. Such a request must be received a minimum of **sixty (60) calendar days** prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
2. **A request to extend the approval of a Preliminary Development Plan must demonstrate the following:**
 - a. **Failure to proceed with the submittal of a Final Plat was beyond the applicant's control.**
 - b. **The Preliminary Plat remains in compliance with this Code and in substantial conformance with the Community Plan.**
3. A request to extend the approval of a Preliminary Plat will be reviewed by the Town Council at a public hearing. Following the public hearing, the Town Council may authorize an extension of an approval for a period of up to two (2) years.

Commented [MF48]: The existing Code requires a request for an extension to be submitted at least sixty (60) days prior to the expiration date. This could be reduced to thirty (30) calendar days.

Commented [MF49]: These are new criteria that have been modeled off of the criteria for the extension of an approval for a Preliminary PUD Development Plan. The existing Code (refer to Subsection 17-5-90(b)) only requires a showing of good cause.

Section 16-8-160: Final Plat

A. Purpose

The purpose of this Section is to establish a process for ensuring that the Final Plat for a Major Subdivision complies with an approved Preliminary Plat and the requirements of this Code. The Final Plat is the third and final step in the Major Subdivision process and is required. Refer to [Subsection 16-8-###-#](#) for further information.

B. Application Submittal Requirements

An application for a Final Plat shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-###-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Final Plat.** A Final Plat drawn to scale and that includes the following:
 - a. The name of the subdivision, date of preparation, date of survey, north arrow, graphic scale, and a vicinity map. If multiple sheets are necessary to depict the total filing, the title or cover sheet of the Final Plat must include the following:
 - i. The vicinity map.
 - ii. The legal description of the tract boundary.
 - iii. A key map to sheet location.
 - iv. All certifications and dedications.
The vicinity map must be at a scale of 1" = 1,000 feet and include section lines and township and range lines, where practical.
 - b. A legal description of the property.
 - c. The basis of bearings.
 - d. Name and address of the property owner(s) and mineral estate owner(s) of record of the land being platted.
 - e. Name, address, and seal of the certifying registered land surveyor preparing the Final Plat.
 - f. Boundary lines, corner pins, and dimensions of the subject property or properties, including land survey data to identify the subject property or properties by section corners, distance and bearing to these corners, quarter corner, township, and range. All surveying data shall be tied to primary control points, the locations and descriptions of these control points being indicated.

Commented [MF50]: The application submittal requirements are subject to further review and refinement by town staff.

- g. Location and full description of all property monuments required by this Code and the Colorado Revised Statutes including, but not limited to, the following. Information adequate to locate all monuments must be noted on the Final Plat.
 - i. Two (2) concrete monuments, at least thirty-six (36") inches in length and four (4") inches square with a suitable center point, shall be set at each street intersection on the street right-of-way line, or on offset lines therefrom, designated on the record plat.
 - ii. Iron monuments one-half (½") inch in diameter and eighteen (18") inches long shall be placed on all points on boundary lines where there is a change of direction.
- h. Bearings, deflection angles, arc lengths, chord bearings, chord lengths, tangent distances and central angles of all curves shall be shown. If multiple sheets are necessary to depict the total filing, curve tables shall be provided on each sheet and include only those curves shown on the sheet.
- i. Location and dimensions of rights-of-way. Right-of-way lines must be depicted as dashed lines.
- j. Location, dimensions and names of all streets and/or roads. Street and road lines must be depicted as solid black lines.
- k. Lot and block location and information including the following:
 - i. Blocks letters or numbers in consecutive order.
 - ii. Lot numbers in consecutive order.
 - iii. Street addresses for each lot.
 - iv. Lot boundaries shown with accurate dimensions to the nearest one-hundredth (0.01) foot. Lot boundaries must be depicted as solid black lines.
 - v. Area of each lot shown to two (2) decimal places.
- l. Location, width, purpose, and owners of all easements. A Plat note(s) may be necessary to provide complete information regarding the purpose of an easement. Easement lines must be depicted as dashed lines.
- m. The location of all major drainage channels and areas showing the boundaries of land subject to inundation by a one-hundred-year flood.
- n. Reference to any protective covenants, declarations, and/or other restrictions to be filed with the Final Plat and an indication of the purpose for which sites other than residential lots are dedicated or reserved.
- o. Certificates and signature blocks that include, but are not limited to, the following:

- i. *Certificate of Dedication and Ownership.* A certificate of dedication and ownership executed by the owner(s) of record and any other person(s) or entity(ies) having an interest in the land being platted, including any security interest.
 - ii. *Title Certificate.* A certificate of a title company or attorney showing marketable title in the owners, subject only to the liens or encumbrances of persons executing the certificate of dedication and ownership.
 - iii. *Surveyor's Certificate.* A surveyor's certificate signed by a land surveyor licensed in the State of Colorado and who is responsible for the survey and Final Plat.
 - iv. *Clerk and Recorder's Certificate.* A recorder's certificate to be completed upon recording of the Final Plat.
 - v. An approval block for the Town Council.
- p. In addition to requirements described herein, the Final Plat shall comply with all requirements of the Colorado Revised Statutes.
4. **Supplemental Documents.** Supplemental documents required to be filed with the Final Plat that include, but are not limited to, the following:
- a. *Governing Documents.* Any protective covenants, declarations, party wall agreements, and/or other restrictions placed on the subdivision.
 - b. *Engineering Documents.* Complete engineering plans and specifications, time schedules and cost estimates for all public improvements, including erosion control and revegetation measures, "no discharge" measures to eliminate stormwater discharges, streets, access roads, drainage facilities, utility systems, bridges, landscaping and other improvements proposed or required to be installed by the developer, and a statement of proof that the subdivider has the ability to pay for such improvements. The above-referenced drawings shall be labeled as final public improvement drawings.
 - c. *Agreements.* An executed subdivision improvements agreement, off-site improvements agreement, and/or other agreement required by the Town as a condition of Final Plat approval.
 - d. *Evidence of Water Supply.* Adequate evidence of water in sufficient quantity for both domestic and irrigation use which shall be transferred to a legal entity which shall be established to operate a system to provide such quantity of water. For final plat applications affecting Battle Retained Parcels, a letter from ERWSD confirming its ability and commitment to meet the physical and legal water service needs for the proposed land use including fire flows. The ERWSD letter will be deemed to fully satisfy the foregoing requirement. Per Section 13-8-60, engineering and technical requirements of the Bolts Water Distribution System will be subject to ERWSD regulations and **Chapter ##** (including, but not limited to, applicable fire flow requirements).

5. **Information for Battle Retained Parcels.** Any final plat within the Battle Retained Parcels must include the following statement and acknowledgement:
 - a. *Municipal Water Service.* The landowner(s) of the lots, tracts, blocks or parcels created pursuant to this plat and other parties having an interest in such hereby acknowledge that the Town will not provide, and will have no obligation to provide municipal water service to the lots, tracts, blocks or parcels or any improvements located within the lots, tracts, blocks or parcels. In consideration of the Town's approval of this plat, the landowner(s) and other parties having an interest in the property that have executed this plat, by so executing this plat, and all successor owners of the lots, tracts, blocks or parcels created pursuant to this plat or other parties having an interest therein, by taking title to or acquiring an interest in such, knowingly and intentionally waive any and all right to disconnection of the property arising under Section 31-12-119, C.R.S., and based on failure to provide municipal services on the same general terms and conditions as the rest of the Town receives, to the extent based on the Town not providing the lots with municipal water service as described herein.
6. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

C. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The waiver will not compromise a proper and complete review of the application.
 - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:
 - a. Provide the applicant with written notice of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

D. Application Review Criteria

The Town Council may approve a request for a Final Plat upon a positive finding of each of the following criteria:

1. The Final Plat is in substantial conformance with the approved Preliminary Plat.
2. The Final Plat complies with the requirements of this Code.
3. All conditions of approval for the Preliminary Plat have been addressed satisfactorily.
4. The Final Plat complies with the applicable requirements of the Colorado Revised Statutes.

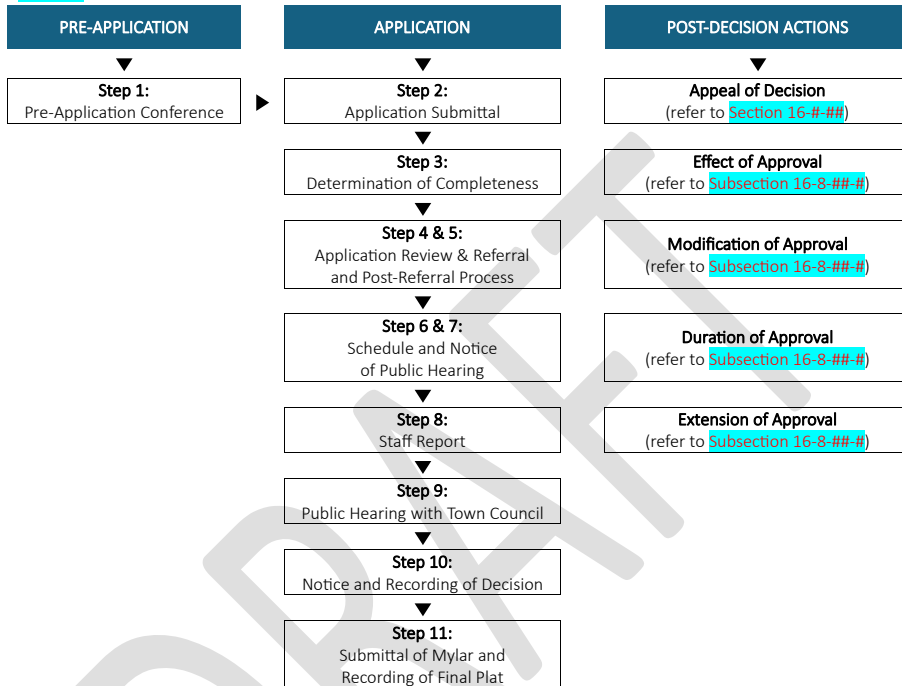
Commented [MF51]: Minor modifications have been made to the review criteria in the existing Code (refer to Section 17-6-20):

"...the plat is in conformance with the approved preliminary subdivision plat and meets the requirements for final subdivision plat..."

E. Application Review Process

A request for a Final Plat will be reviewed and decided upon in accordance with the following process.

Table ##: Overview of Final Plat Review Process



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Final Plat. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Final Plat shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Post-Referral Process.**

- a. *Schedule Post-Referral Meeting with Applicant.* If the review comments from town departments, town consultants, and/or referral agencies identify deficiencies in and/or concerns with an application, the Planning Director will provide the applicant with written notice of such comments and schedule a post-referral meeting with the applicant within ten (10) business days of the conclusion of the referral period (i.e., Step 4). The Planning Director

may invite other town staff, town consultants, and/or referral agency representatives to participate in the post-referral meeting if they deem it appropriate.

The purpose of the post-referral meeting is to:

- i. Discuss the review comments from the town departments, town consultants, and/or referral agencies.
 - ii. Determine what actions the applicant needs to take to adequately address the review comments, prior to the scheduling of the first public hearing for the application.
- b. *Applicant Response to Review Comments.* Within ninety (90) business days of a post-referral meeting, the applicant shall submit a detailed written response to the Planning Director that addresses all review comments from town departments, town consultants and/or referral agencies.

If the applicant fails to submit such a response within ninety (90) business days, the application may be deemed withdrawn in accordance with [Subsection 16-8-##\(##\)\(#\)](#).

The applicant may submit a written request to the Planning Director for additional time to submit the required response to review comments from town departments, town consultants and/or referral agencies. Upon a showing of good cause by the applicant, the Planning Director may authorize an extension of the response period.

- c. *Review of Applicant's Response.* Following receipt of the applicant's response, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments.

The town departments, town consultants, and/or referral agencies shall have twenty (20) business days to review the applicant's response and provide written comments that clearly delineate review comments have been adequately addressed or remedied by the applicant, and those that have not. Upon request by a town department, town consultant, or referral agency, an extension of this comment period may be granted by the Planning Director.

- d. *Inadequate Response to Review Comments.*
- i. If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's response, the Planning Director will provide the applicant with written notice of such and request that the applicant submit an additional response that addresses all outstanding review comments.
 - ii. The applicant shall submit an additional response that addresses all outstanding review comments, in accordance with [Subsection 16-8-##\(##\)\(b\)](#).
 - iii. Upon receipt of the applicant's response to all outstanding review comments, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments. Such town departments, town consultants, and/or referral agencies shall have the opportunity to

review and comment on the applicant's response in accordance with [Subsection 16-8-##\(c\)](#).

If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's additional response, the process set forth in this Subsection shall be repeated until all review comments have been adequately addressed or remedied by the applicant.

- e. *Applicant Request for a Public Hearing.* If the applicant is unable to address or remedy all review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies, the applicant may submit a written request to the Planning Director that the application be scheduled for a public hearing.

As part of their request, the applicant shall submit a written response detailing the following:

- i. How referral comments have been addressed.
 - ii. Why it was not possible to address or remedy the outstanding review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies.
- f. *Schedule Public Hearings.* The Planning Director shall schedule a public hearing, in accordance with [Subsection 16-##-##\(f\)](#), upon one of the following:
 - i. The Planning Director determines that the applicant has successfully and adequately addressed or remedied all comments set forth in the referral responses.
 - ii. The Planning Director receives a written request from the applicant that a public hearing be scheduled for their application, in accordance with [Subsection 16-5-##\(e\)](#).
6. **Step 6: Schedule Public Hearing.** Upon the conclusion of the post-referral process, the Planning Director shall schedule the application for a public hearing before the Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.
- a. The public hearing shall be scheduled for a regularly scheduled meeting or a special meeting of the Town Council.
 - b. The first public hearing before the Town Council shall be scheduled no later than forty (40) business days after the conclusion of the referral process.
7. **Step 7: Notice of Public Hearings.** Prior to the date of the first public hearing with the Town Council, the applicant shall:
- a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred (200) feet of the subject property or properties, in accordance with [Section 16-##-##](#).

- b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with [Section 16-#-##](#).
 - c. *Post Notice.* Post notice on a sign on the subject property in accordance with [Section 16-#-##](#).
 - d. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with [Section 16-#-##](#).
 - e. *Submit Proof of Notice.* Submit proof of notice in accordance with [Section 16-#-##](#).
 - f. If required by the Colorado Revised Statutes, the Town Planner shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.
8. **Step 8: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:
- a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
9. **Step 9: Public Hearing with Town Council.**
- a. The Town Council will hold a public hearing, in accordance with [Section 16-#-##](#), to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Final Plat, and shall take one of the following actions:
 - i. Approve the Final Plat, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Final Plat and state the specific reason(s) for denial.

d. If the Town Council approves a Final Plat, it shall enact an ordinance to such effect.

Commented [MF52]: To be confirmed by town staff.

10. Step 10: Notice and Recording of Decision.

- a. Within ten (10) business days of a final action by the Town Council, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If the Town Council approves a Final Plat, the Town Clerk will enter a copy of the ordinance approving the Final Plat into the town's records.

11. Step 11: Submittal of Mylar and Recording of Final Plat.

- a. Within ninety (90) business days of an approval by the Town Council, the applicant shall submit a copy of the approved Final Plat on Mylar (as specified in Section 38-50-101(3)(a)(II), C.R.S.) to the Planning Director.
- b. Upon the approval of a Final Plat, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
- c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Final Plat with the office of the Eagle County Clerk and Recorder.
 - i. All signatures required on the Final Plat have been obtained.
 - ii. All conditions of approval and technical corrections have been addressed.
- d. The applicant is responsible for all costs associated with recording a Final Plat.

Commented [MF53]: The existing Code (refer to Section 17-6-30) requires:

"The plat and subdivision agreement shall be recorded with the County Clerk and Recorder within thirty (30) days of Town Council certification."

Commented [MF54]: Should this just refer to the "Colorado Revised Statutes"?

F. Effect of Approval

<Add Text>

G. Modification of Approval

<Add Text>

H. Duration of Approval

<Add Text>

I. Extension of Approval

<Add Text>

Commented [MF55]: These are new Subsections to be prepared in collaboration with Town staff and the Town Attorney.