



## Minturn Forward Memo

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TO: Minturn Planning Commission

FROM: Matt Farrar, Western Slope Consulting

DATE: February 21, 2025

ATTACHMENTS: Draft\_v2 Section 16-5-180: Minor PUD Amendment; Draft\_v4 Article 8: Subdivision Application Requirements & Procedures

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### 1. Revisions to Section 16-5-180: Minor PUD Amendments

The following changes have been made to Section 16-5-180: Minor PUD Amendments based on the direction provided by the Planning Commission. These changes are highlighted in yellow in the attached draft of Section 16-5-180.

- Language has been added to clarify that any re-location of a building(s) or structure(s) must comply with the applicable dimensional requirements (e.g., minimum setbacks, maximum building height, etc.).
- Additional submittal requirements have been included to ensure that an applicant provides information about access, parking, utilities, infrastructure, water, and other improvements required to serve any additional residential units or square footage of non-residential buildings.
- An additional review criterion has been included to ensure that no Minor PUD Amendment results in a reduction of park and/or open space within a PUD.
- Public notice (i.e., mailed, posted, and published notice) requirements have been added.
- Language has been added that allows the Town Council to call up an administrative decision on a Minor PUD Amendment.

### 2. Revisions to Article 8: Subdivision Application Requirements & Procedures

Below is a list of the key changes that have been made to Article 8 since it was last presented to the Planning Commission. Staff has done its best to highlight specific changes in yellow in the attached draft of Article 8. Please note that there are a few items that staff is still working with the Town Attorney and Town Engineer on. These items are identified in the attached draft of Article 8.

- The overall purpose language for Article 8 has been revised to enhance its legibility and applicability to subdivisions in Minturn.

- Public notice requirements for Duplex, Condominium, or Townhome Subdivisions, Exemption Plats, and Minor Subdivisions have been added.
- A purpose statement, submittal requirements, review criteria, and review process for Exemption Plats have been included. Staff is continuing to work with the Town Attorney to clarify the applicability language for the Exemption Plat process.
- The following requirements have been added for Duplex, Condominium, or Townhome Subdivisions:
  - An application cannot be submitted until the framing of all party walls is complete.
  - Any building(s) to be subdivided must comply with all other applicable requirements of Minturn's Municipal Code, including but not limited to, building and electrical codes.
- Applicability criteria, submittal requirements, review criteria, and a detailed review process for Minor Subdivisions have been incorporated.

In the existing Code, Minor Subdivisions are reviewed and decided on via an administrative process. Staff is proposing that Minor Subdivisions continued to be reviewed and decided on via an administrative process.

- A purpose statement, submittal requirements, review criteria, and a review process for Major Subdivision Sketch Plans have been incorporated.
- Lists of Construction Plans and Studies & Reports required as part of a Preliminary Plat and Final Plat application have been developed based on input from the Town Engineer and incorporated.

As noted in the attached draft of Article 8, staff is recommending that a new Section be developed that details the specific requirements/standards for plans, studies, and/or reports required for Subdivision applications, as well as for Land Use applications. A cross-reference to this new Section will be included anywhere in the Land Use Code where these plans, studies, and/or reports are listed as a submittal requirement.

The intent of this new Section is to have one place in the Land Use Code for all the detailed requirements/standards for plans, studies, and/or reports.

- The review criteria for Major Subdivision Preliminary Plats have been modified to ensure that all key components of a proposed subdivision are considered in the review process.

**Note:** Staff is proposing to include new criteria that work to address the siting of residential lots and diversifying housing opportunities in Minturn. Staff welcomes any input that the Planning Commission may have on these proposed criteria.

- Staff has worked with the Town Attorney to clarify the duration of an approval on a Preliminary Plat and Final Plat, as well as the requirements for the extension of an approval for either type of Plat. The approval of a Preliminary Plat and an approval of a Final Plat constitute vested rights, which is governed by State Statute.

## Section 16-5-180: Minor PUD Amendment

### A. Applicability

1. All Minor Amendments to an approved PUD must comply with the requirements and procedures set forth in this Section, unless a different amendment process has been specifically authorized as part of the approval of the PUD by Town Council.
2. Minor Amendments to an approved PUD are limited to the following:
  - a. Changes that are necessary to address technical or engineering considerations discovered during the development of the PUD that could not have been reasonably anticipated during the initial approval process.
  - b. Any change to the location of a building(s) or structure(s) of no more than two feet (2') in any direction and that complies with the applicable dimensional requirements (e.g., minimum setbacks, maximum building height, etc.).
  - c. Any increase to the impervious surface area in a planning area within a PUD of no more than three percent (3%).
  - d. Any increase in the total number of residential units of no more than five percent (5%). The total number of residential units may be increased by no more than ten percent (10%) if the additional units are all deed-restricted for resident occupied community housing, in accordance with Article ##.
  - e. Any increase in the total square footage of non-residential buildings of no more than five percent (5%).
  - f. Any change to the number or location of vehicular and/or non-motorized access points within the PUD as long as the change(s) does not negatively impact public safety and/or the flow of traffic onto public streets.
  - g. Any changes to landscaping that enhance water conservation and/or wildfire mitigation that do not change the overall character of the approved landscape plan.
3. Any amendments, which are not a Minor Amendment, shall be considered a Major Amendment and will be reviewed in accordance with Section 16-5-##.
4. The Planning Director is responsible for determining if an amendment to an approved PUD constitutes a Minor or Major Amendment.

### B. Purpose

The purpose of this Section is to establish an efficient administrative process for reviewing minor changes to an approved PUD.

### C. Application Submittal Requirements

An application for a Minor Amendment 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. **Narrative.** A written statement that provides an explanation of the following:
  - a. The amendment(s) being requested.
  - b. How the proposed amendment(s) constitutes a Minor Amendment and complies with the applicable requirements of this Code and the review criteria set forth in this Section.
  - c. Access, parking, utilities, infrastructure, and other improvements required to serve any increase in residential units and/or square footage of non-residential buildings.
  - d. The legal, physical, adequate, and dependable potable water supply required to serve any increase in residential units and/or square footage of non-residential buildings.
4. **Redlined PUD Document(s).** A redlined version of the PUD document(s) to be amended. The redlined document(s) must show all proposed amendments.
5. **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 provide the applicant with written notice of their decision.

#### **E. Application Review Criteria**

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

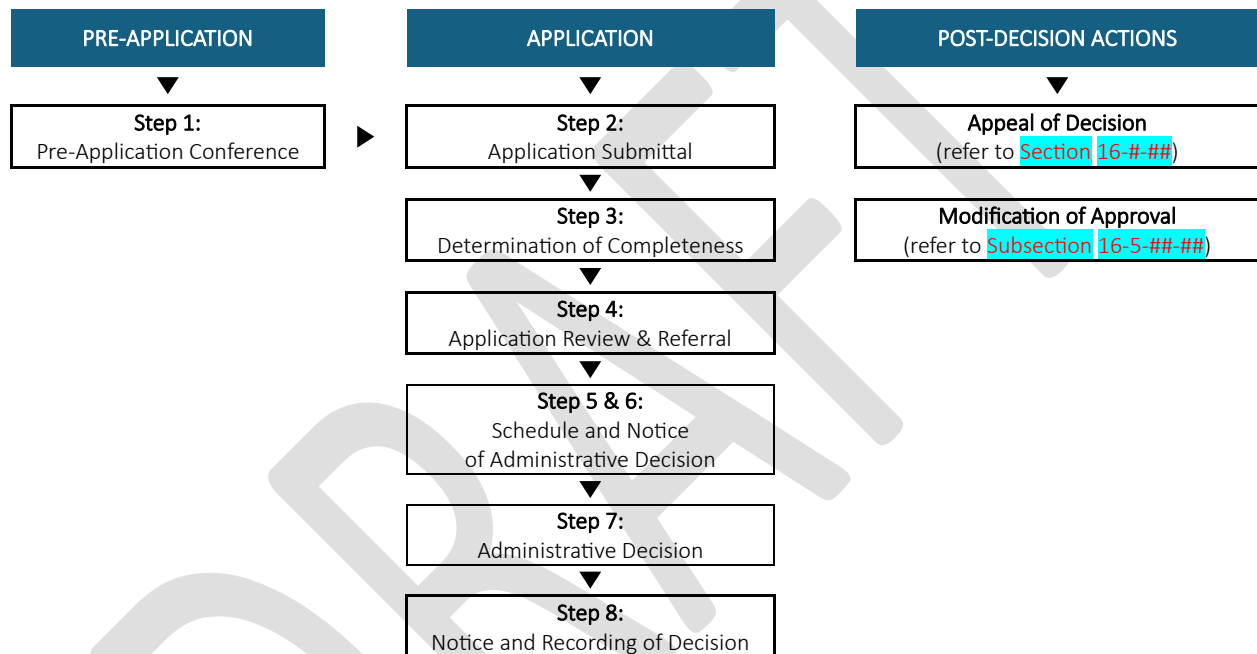
1. The amendment(s) does not substantially alter the intent or character of the approved PUD.
2. The amendment(s) supports the efficient development of the PUD.

3. The amendment(s) is consistent with the Community Plan and complies with the applicable requirements of this Code.
4. The amendment(s) does not result in a reduction of park and/or open space in the PUD.
5. The amendment(s) will not solely confer a special benefit upon any person.

#### F. Application Review Procedures

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

**Table ##:** Overview of Minor Amendment Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Minor Amendment. 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 Minor Amendment 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 16-5-###-#**.

- 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.** Prior to the date of the Administrative Decision, 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-#-##.

**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 Minor PUD Amendment.
- b. The Planning Director shall consider the application and any supporting materials, public testimony, and the review criteria for a Minor PUD Amendment, and shall take one of the following actions:
  - i. Approve the Minor Amendment, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
  - ii. Deny the Minor Amendment and state the specific reason(s) for denial.
- c. The decision by the Planning Director will be added to the consent agenda for the next available Town Council meeting. At this meeting, the Town Council may, by a majority vote, call up the Planning Director's decision for review. Should the Town Council decide to call up the Planning Director's decision, the Town Council shall review said decision in accordance with the requirements of this Section and take one of the following actions:
  - i. Affirm the Planning Director's decision.
  - ii. Affirm the Planning Director's decision with any conditions of approval that the Town Council deems necessary to ensure compliance with this Code and/or the Community Plan.
  - iii. Reverse the Planning Director's decision.

If no call up is initiated by the Town Council and the consent agenda is approved, the decision by the Planning Director shall be final.

- d. At the discretion of the Planning Director, a novel, complex, or contested application may be referred to the Town Council for review and a decision. If an application is referred to the Town Council, the Planning Director will provide the applicant with written notice of such.

8. **Step 8: Notice and Recording of Decision.**

- a. Within ten (10) business days of a final action by the Planning Director, 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 a Minor Amendment is approved, within ninety (90) calendar days of the Planning Director's decision, the Town Clerk will enter a copy of the amended PUD document(s) into the town's records and record the document(s) in the office of the Eagle County Clerk and Recorder.

**G. Modification of Approval**

Any modification to an approved Minor Amendment 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.

## ARTICLE 8: SUBDIVISION APPLICATION REQUIREMENTS & PROCEDURES

### Section 16-8-10: General Provisions

#### A. Purpose

This Article establishes regulations and standards that govern the subdivision of land and buildings, re-subdivision of platted lots, and any change to, or modification or alteration of, any platted lot, existing subdivision, and/or public right-of-way or easement. The regulations and standards set forth in this Article are designed and enacted to protect the health, safety, and general welfare of the citizens of the Town by:

1. Establishing reasonable and equitable procedures for administering and ensuring compliance with these regulations and standards.
2. Providing for logical, orderly, and controlled development.
3. Requiring disclosure to purchasers of subdivided land and buildings of potential and/or known risks or hazards.
4. Establishing minimum standards for subdivisions that work to ensure:
  - a. Future growth and development are consistent with the Community Plan, conform with all applicable Town, State, and/or Federal requirements, and are generally compatible with the character and layout of existing development patterns.
  - b. All public and private facilities necessary to serve the future residents and/or occupants of a subdivision are provided in a safe, efficient, and adequate manner.
  - c. There is a legal, physical, adequate, and dependable potable water supply.
  - d. Streets, sidewalks, trails, and other access improvements provide for logical, safe, and convenient vehicular and non-motorized circulation.
  - e. Natural resources are managed, protected, and conserved.
  - f. Impacts on the natural environment are minimized.
  - g. Adequate open space and recreational land and/or facilities are provided.
  - h. Potential risks from fire, flood, poor soils, rockfall, landslides, and other human-made and/or natural hazards are mitigated and minimized.
  - i. Adequate light, air, and privacy are provided.
  - j. All subdivisions are recorded with proper legal descriptions and monuments.
  - k. The Planning Commission and the Town Council can regulate other matters that they may deem necessary to best protect the interests of the Town.

## 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 buildings, re-subdivision of platted lots, and any change to, or modification or alteration of, any platted lot, existing subdivision, public right-of-way or easement within the legal boundaries of the Town of Minturn shall comply with the provisions of this Article.
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

**Commented [MF1]:** Staff is working with the Town Attorney to verify this list of exemptions.

- ii. The method of disposition adopted is not for the purpose of evading the provisions of this Article.

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## 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. The following categories of subdivisions are established and defined as follows for the purpose of determining the appropriate subdivision review procedure:

1. **Administrative Subdivisions.** The following types of subdivisions are considered Administrative Subdivisions as they are subject to an administrative review process.
  - a. *Administrative Replat.* An Administrative Replat allows for substantive changes (e.g., removal of a Plat note(s)) to a previously approved Final Plat or the modification or elimination of one (1) or more lot lines.
  - b. *Correction Plat.* A Correction Plat allows for the correction of one (1) or more technical errors on a previously approved Final Plat.
  - c. *Duplex, Condominium, or Townhome Subdivision.* A Duplex, Condominium, or Townhome Subdivision allows for 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.
  - d. *Minor Subdivision.* A Minor Subdivision allows for a subdivision of land that creates no more than six (6) lots and does not require the dedication of public right-of-way for new streets or alleys or the construction, extension, and/or dedication of public improvements except for curb, gutter, and/or sidewalks.
  - e. *Mountaintop Estate Lots.* A Mountaintop Estate Lot Subdivision allows for a subdivision of land within the Mountaintop area that creates no more than ten (10) lots, each with a minimum area of three hundred fifty (350) acres.
2. **Major Subdivisions.** Major Subdivisions are subdivisions of land that are not eligible to be reviewed and processed via the other procedures set forth in this Article. These types of subdivisions typically include those that create more than six (6) lots, require the dedication of public rights-of-way, and/or require the construction, extension, and/or dedication of public improvements.

Major Subdivisions are subject to a three (3) step review process. The first step of the process, a Sketch Plan is optional. Step 2 (Preliminary Plat) and Step 3 (Final Plat) are required.

3. **Other Subdivisions.** There are several types of subdivisions that are not categorized as Administrative Subdivisions or Major Subdivisions. These are as follows:
  - a. *Exemption Plat.* <Add brief description>
  - b. *Mountaintop Ranch Lots.* A Mountaintop Ranch Lot Subdivision allows for a subdivision of land within the Mountaintop area that creates one or more ranch lots, each with a minimum area of thirty-five (35) acres.

**Commented [MF2]:** Staff is working with the Town Attorney to clarify the applicability and purpose of the Exemption Plat process.

- c. *Vacation of Public Right-of-Way or Easement.* A Vacation of Public Right-of-Way or Easement allows for the Town Council to vacate rights, interests, or title of the Town in, and to, any public right-of-way or easement.

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

| Application Type                                                                            | Pre-Application Conference | Town Staff | Planning Commission | Town Council   |
|---------------------------------------------------------------------------------------------|----------------------------|------------|---------------------|----------------|
| <b>Administrative Subdivision Applications</b>                                              |                            |            |                     |                |
| Administrative Replat<br>(refer to <a href="#">Section 16-8-##</a> )                        | Required                   | D          | -                   | -              |
| Correction Plat<br>(refer to <a href="#">Section 16-8-##</a> )                              | Required                   | D          | -                   | -              |
| Duplex, Condominium, or Townhome Subdivision<br>(refer to <a href="#">Section 16-8-##</a> ) | Required                   | D          | -                   | -              |
| Minor Subdivision<br>(refer to <a href="#">Section 16-8-##</a> )                            | Required                   | D          | -                   | -              |
| Mountaintop Estate Lots<br>(refer to <a href="#">Section 16-8-##</a> )                      | Required                   | D          | -                   | -              |
| <b>Major Subdivision Applications</b>                                                       |                            |            |                     |                |
| Sketch Plan (Optional)<br>(refer to <a href="#">Section 16-8-##</a> )                       | Required                   | R          | R <sup>1</sup>      | R <sup>1</sup> |
| Preliminary Plat<br>(refer to <a href="#">Section 16-8-##</a> )                             | Required                   | R          | R                   | D              |
| Final Plat<br>(refer to <a href="#">Section 16-8-##</a> )                                   | Required                   | R          | -                   | D              |
| <b>Other Subdivision Applications</b>                                                       |                            |            |                     |                |
| Exemption Plat<br>(refer to <a href="#">Section 16-8-##</a> )                               | Required                   | R          | -                   | D              |
| Mountaintop Ranch Lots<br>(refer to <a href="#">Section 16-8-##</a> )                       | Required                   | R          | D                   | D <sup>2</sup> |
| Vacation of Public Right-of-Way or Easement<br>(refer to <a href="#">Section 16-8-##</a> )  | Required                   | R          | R                   | D              |

**LEGEND:**

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

**NOTES:**

<sup>1</sup> No formal action is taken by the Planning Commission or the Town Council. Refer to [Section 16-8-##](#) for further detail regarding the review process for a Sketch Plan.

<sup>2</sup> 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 |
| <b>Administrative Subdivision Applications</b> |                         |        |        |                |                |
| Administrative Replat                          | -                       | -      | -      | X <sup>1</sup> | X <sup>1</sup> |
| Correction Plat                                | -                       | -      | -      | -              | -              |
| Duplex, Condominium, or Townhome Subdivision   | -                       | -      | -      | X <sup>1</sup> | X <sup>1</sup> |
| Minor Subdivision                              | X                       | X      | X      | X <sup>1</sup> | X <sup>1</sup> |
| Mountaintop Estate Lots                        | -                       | -      | -      | X <sup>1</sup> | X <sup>1</sup> |
| <b>Major Subdivision Applications</b>          |                         |        |        |                |                |
| Sketch Plan                                    | -                       | -      | -      | -              | -              |
| Preliminary Plat                               | X                       | X      | X      | X <sup>1</sup> | X <sup>1</sup> |
| Final Plat                                     | X                       | X      | X      | X <sup>1</sup> | X <sup>1</sup> |
| <b>Other Subdivision Applications</b>          |                         |        |        |                |                |
| Exemption Plat                                 | X                       | X      | X      | X <sup>1</sup> | X <sup>1</sup> |
| Mountaintop Ranch Lots                         | X                       | X      | X      | X <sup>1</sup> | X <sup>1</sup> |
| Vacation of Public Easement or Right-of-Way    | X                       | X      | -      | -              | -              |

#### LEGEND:

X = Required; - = Not required/not applicable

#### NOTES:

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

**Commented [MF3]:** Staff is working with the Town Attorney to confirm the applicability of the "Major Activity Notice" requirement set forth in the Colorado Revised Statutes.

## Section 16-8-40: Waiver from Subdivision Standards

### A. Applicability

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

### 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.

### C. Waiver Review Criteria

The Planning Director or the Town Council may grant a waiver from the Subdivision Standards (refer to [Article ##](#)), in accordance with this Section, 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. *Minor Subdivision.* The Planning Director will make the final determination of a waiver request as part of the review process for a Minor Subdivision. As part of their decision on a Minor Subdivision, the Planning Director will take one of the following actions:
  - a. Approve the requested waiver.
  - b. Deny the requested waiver.
2. *Preliminary Plat.*
  - a. A waiver request will be considered by the Planning Commission as part of the review process for a Preliminary Plat for a Major Subdivision. At the public hearing for the application, the Planning Commission will take one of the following actions:
    - i. Recommend that the Town Council approve the requested waiver.
    - ii. Recommend that the Town Council deny the requested waiver.

b. The Town Council shall make the final determination of a waiver request as part of the review process for a Preliminary Plat for a Major Subdivision. At the public hearing for the application, the Town Council will take one of the following actions as part of their decision on the Preliminary Plat:

i. Approve the requested waiver.

ii. Deny the requested waiver.

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

#### **E. Effect of Approval**

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.

## Section 16-8-50: Administrative Replat

### A. Applicability

1. The requirements and procedures set forth in this Section apply to the following:
  - 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 right-of-way or easement 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 right-of-way or easement is required as part of an Administrative Replat, such a request requires a separate application that 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 right-of-way or easement 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.

### 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 document 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, sewer, electric, gas, internet, telephone, etc.).
9. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**Commented [MF4]:** Staff is working with the Town Engineer to confirm this requirement.

**Commented [MF5]:** Staff is working with the Town Engineer to confirm this requirement.

**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

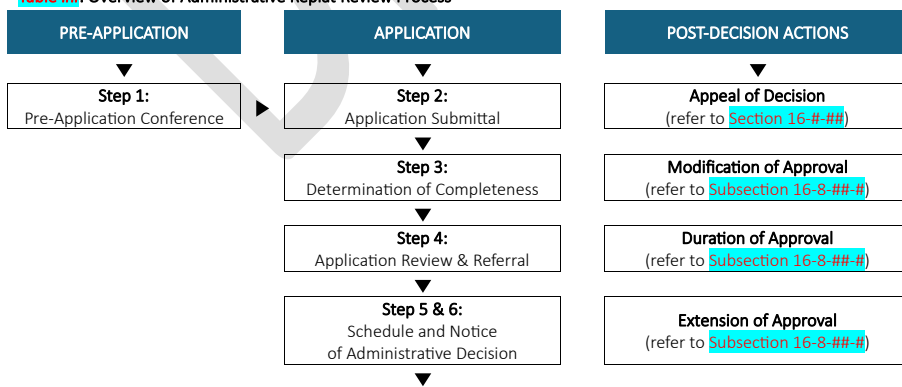
The Planning Director may approve a request for an Administrative Replat upon a positive finding of each of the following criteria:

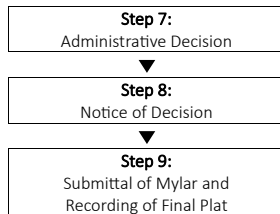
1. Does not create any additional lots, tracts, or parcels.
2. Will not result in a lot, tract, or parcel that does not conform to the applicable standards of this Code and/or the applicable PUD.
3. Does not require the construction, extension, and/or dedication of public infrastructure.
4. Will not 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.

#### 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 to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with **Section 16-#-##**.
  - ii. *Submit Proof of Notice.* Submit proof of notice in accordance with **Section 16-#-##**.
- b. If required by the Colorado Revised Statutes, the Planning Director 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 an Administrative Replat.
- b. At least five (5) calendar days prior to the public hearing, Town staff shall make available the following materials to the Planning Director, 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. 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 the Colorado Revised Statutes) 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.
  - d. The applicant is responsible for all costs associated with recording a Final Plat.

#### **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 ninety (90) business days.
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 [MF6]:** This timeframe has been reduced from twelve (12) months to ninety (90) business days based on input from Town Staff and the Town Attorney.

## 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. **Narrative.** A written document that describes the technical error(s) to be corrected and the reason why the correction(s) is needed.
4. **Approved Final Plat.** A copy of the approved Final Plat that is to be corrected.
5. **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.
6. **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 provide the applicant with written notice of their decision.

### E. Application Review Criteria

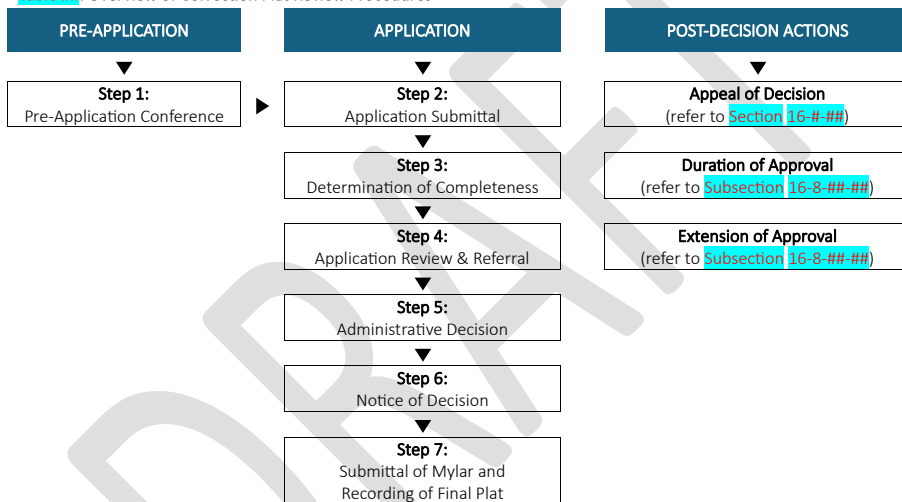
The Planning Director may approve a request for a Correction Plat upon a positive finding of each of the following criteria:

1. Complies 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 the Colorado Revised Statutes) 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.

**G. 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.

#### H. 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.
3. The Planning Director may authorize an extension of an approved Correction Plat for a period of up to ninety (90) business days.
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 [MF7]:** This timeframe has been reduced from twelve (12) months to ninety (90) business days based on input from Town Staff and the Town Attorney.

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

### A. Applicability

1. 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.
2. An application for a Duplex, Condominium, or Townhome Subdivision cannot be submitted until the framing of all party walls is complete.

### 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. Compliance with Other Applicable Requirements

Any building(s) to be subdivided pursuant to this Section must comply with all other applicable requirements of Minturn's Municipal Code, including but not limited to, building and electrical codes.

### D. 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-###-#](#).
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 document 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 potable 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 utilities (e.g., electric, gas, internet, telephone, etc.) for each proposed unit.
  - f. Adequate fire protection for each proposed unit.
  - g. Site conditions (e.g., geology, soil, topography, drainage, etc.) will not create hazards.
  - h. 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.
  - 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.** An improvements agreement and/or other agreement if required by the Town.
8. **Building Code Compliance.** If an existing building(s) is to be subdivided, evidence must be provided to demonstrate that the subdivision of the building(s) will comply with all applicable Building Code requirements.

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

#### E. 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.

#### F. Application Review Criteria

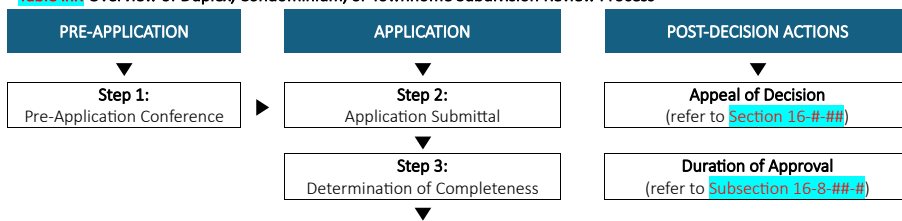
The Planning Director may approve a request for a Duplex, Condominium, or Townhome Subdivision upon a positive finding of each of the following criteria:

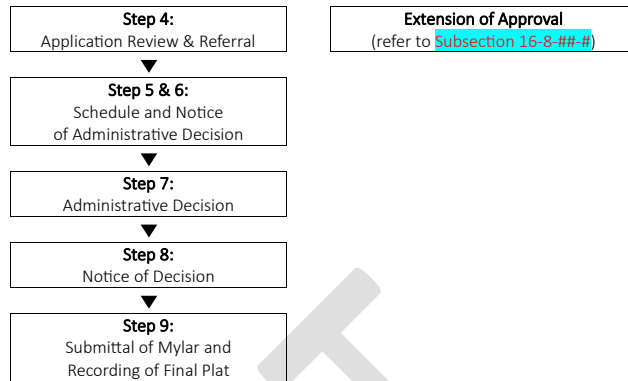
1. There is adequate access, potable water, and sewage disposal to serve each unit to be created by the subdivision.
2. The proposed subdivision complies with the requirements of this Code and, if applicable, the requirements of an approved Development Plan or Subdivision Final Plat.
3. The declaration 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.

#### G. 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 to Mineral Estate Owners (As Required)*. If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with [Section 16-#-###](#).
  - ii. *Submit Proof of Notice*. Submit proof of notice in accordance with [Section 16-#-###](#).
- b. If required by the Colorado Revised Statutes, the Planning Director 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:

- 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 the Colorado Revised Statutes) 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.

#### 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-##-#](#).

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 ##-##-##](#).

## Section 16-8-80: Exemption Plat

### A. Applicability

<Add Text>

**Commented [MF8]:** Staff is working with the Town Attorney to clarify the applicability of the Exemption Plat process.

### B. Purpose

The purpose of this Section is to provide a process for addressing extenuating and extraordinary circumstances associated with lots, tracts, or parcels:

1. That were created without the benefit of an appropriate review by the Town; OR,
2. For which adequate documentation is not verifiable due to the passage of time or extenuating and extraordinary circumstances; OR,
3. For which lot line adjustments are necessary to address ownership and legal description discrepancies.

### C. Application Submittal Requirements

An application for an Exemption 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 16-8-80-1.
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 document that provides evidence of the following:
  - a. Legal and physical access to a public street or right-of-way.
  - b. A legal, physical, adequate, and dependable potable water supply.
  - c. A sewer system, or other lawful means of disposing of human waste, that complies with all applicable public health laws.
  - d. Adequate utilities (e.g., electric, gas, internet, telephone, etc.).
  - e. Adequate fire protection.
  - f. The exemption will not create hazards.
  - g. The subject property will contain a safe and adequate building site(s).
4. **Survey.** A scaled survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that includes the following:
  - a. A legal description that meets the minimum requirements of a Land Survey Plat pursuant to the Colorado Revised Statutes.

- b. All record and apparent rights-of-way and easements.
  - c. Monumentation shown pursuant to the Colorado Revised Statutes.
  - d. A computer printout, in text format, of Parcel Summaries shall be provided, including lot closure analyses, block closure analyses, and other appurtenant information.
5. **Exemption Plat.** A Final Plat, prepared in accordance with **Section 16-8-##**, that is titled "Exemption Plat."
6. **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**

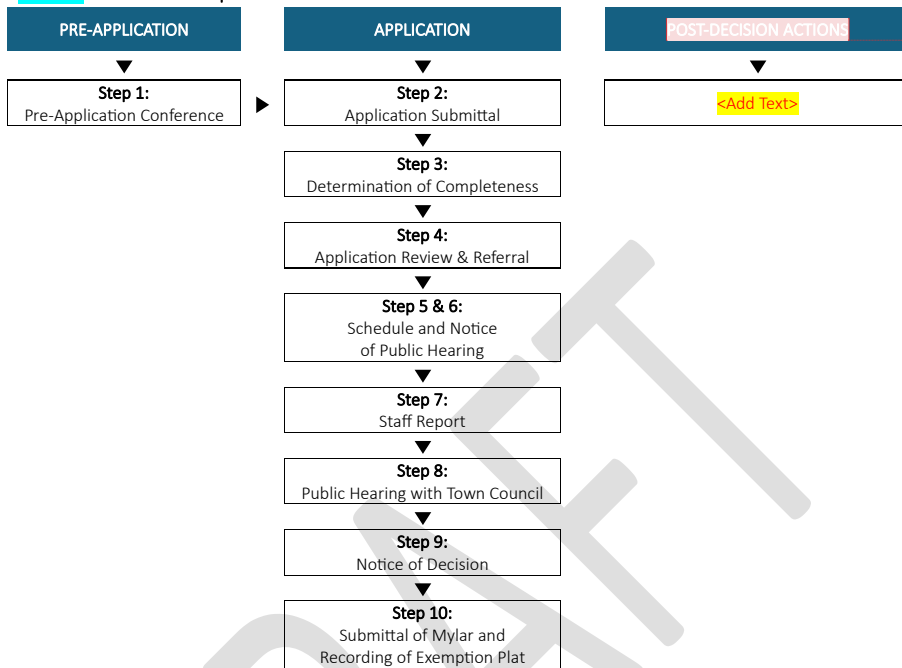
The Town Council may approve a request for an Exemption Plat upon a positive finding of each of the following criteria:

- 1. Complies with the applicable requirements of this Code.
- 2. The subject property is, or will be, adequately served by legal, physical access, potable water, and sewer facilities and improvements.
- 3. The exemption will not create hazards or be subject to hazards that cannot be satisfactorily mitigated.
- 4. The subject property will contain a safe and adequate building site.

#### **F. Application Review Process**

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

**Table ##:** Overview of Exemption Plat Review Process



**Commented [MF9]:** Staff is working with the Town Attorney to clarify what, if any, actions can be taken after a decision by the Town Council on an Exemption Plat.

1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for an Exemption 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 an Exemption 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 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 Public Hearings.** Upon the conclusion of the 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 hearings 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.

6. **Step 6: Notice of Public Hearing.**
- a. Prior to the date of the first public hearing with the Town Council, the applicant shall:
    - i. *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-###](#).
    - ii. *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-###](#).
    - iii. *Submit Proof of Notice.* Submit proof of notice in accordance with [Section 16-###](#).
  - b. If required by the Colorado Revised Statutes, the Planning Director shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.
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 Town Council.**
- a. The Town Council will hold a public hearing, in accordance with [Section 16-8-###](#), 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 Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for an Exemption Plat, and shall take one of the following actions:
    - i. Approve the request, subject to any changes that the Town Council deems necessary to ensure compliance with this Code.

- ii. Deny the request and state the specific reason(s) for denial.
  - d. If the Town Council approves an Exemption Plat, it shall enact a resolution to such effect.
9. **Step 9: Notice and Recording of Decision.**
- a. Within ten (10) business days of a final action by 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 Town Council approves an Exemption Plat, the Town Clerk will enter a copy of the resolution into the town's records.
10. **Step 10: 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 Exemption Plat on Mylar (as specified in the Colorado Revised Statutes) to the Planning Director.
  - b. Upon the approval of an Exemption 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 Exemption Plat with the office of the Eagle County Clerk and Recorder.
    - i. All signatures required on the Exemption 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 an Exemption Plat.

## Section 16-8-90: Minor Subdivision

### A. Applicability

1. The requirements and procedures set forth in the Section apply to any subdivision of land that meets the following criteria:
  - a. Will create no more than six (6) lots.
  - b. Does not require the dedication of public right-of-way for new streets or alleys.
  - c. Does not require the construction, extension, and/or dedication of public improvements except for curb, gutter, and/or sidewalks.
  - d. The tract, parcel, or lot to be subdivided was not created by an approved Minor Subdivision.
2. Unless otherwise stated, this Section applies to the subdivision of land within a legally created subdivision, as well as to land that has not previously been platted.
3. Further division of a tract, parcel, or lot created through the Minor Subdivision process shall be processed as a Major Subdivision (refer to [Sections 16-8-##- 16-8-##](#)).

### B. Purpose

The purpose of this Section is to provide an efficient administrative review process to evaluate small-scale, non-complex subdivisions of land to ensure that:

1. The design and development of the subdivision complies with all applicable town requirements, specifically zoning regulations and design and engineering standards; AND
2. Future residents and/or occupants of the subdivision can be safely, efficiently, and adequately served by public infrastructure and services.

### C. Application Submittal Requirements

An application for a Minor 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-##-#](#).
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 document 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 potable water supply for each proposed lot.

- d. A sewer system, or other lawful means of disposing of human waste, for each proposed lot that complies with all applicable public health laws.
  - e. Adequate utilities (e.g., electric, gas, internet, telephone, etc.) for each proposed lot.
  - f. Adequate fire protection for each proposed lot.
  - g. Site conditions (e.g., geology, soil, topography, drainage, etc.) will not create hazards.
  - h. All lots will contain safe and adequate building sites.
  - i. All applicable school land dedication or cash-in-lieu requirements have been satisfied.
4. **Site Plan.** A site plan depicting the following:
- a. Existing and proposed building locations.
  - b. Access drives.
  - c. Parking areas.
  - d. Landscaping.
  - e. Fences.
  - f. Signs.
  - g. Any other pertinent site data.
5. **Final Plat.** A Final Plat, prepared in accordance with [Section 16-8-###](#).
6. **Governing Documents.** Any protective covenants, declarations, and/or other restrictions to be placed on the subdivision.
7. **Engineering Documents.** Complete engineering plans and specifications, time schedules and cost estimates for all utility and infrastructure improvements, including, but not limited to, the following:
- a. Topographic survey.
  - b. Demolition plan.
  - c. Curb and gutter.
  - d. Sidewalks.
  - e. Erosion control and revegetation measures.

- f. "No discharge" measures to eliminate stormwater discharges.
- g. Private streets, access roads, driveways, and/or bridges.
- h. Drainage facilities.
- i. Utility systems.
- j. Landscaping and other improvements proposed or required to be installed by the developer.
- k. 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.

**Commented [MF10]:** Staff is working with the Town Engineer to further refine these requirements.

- D. **Agreements.** An improvements agreement and/or other agreement if required by the Town.
- E. **Waiver Request.** If applicable, a waiver request pursuant to [Section 16-8-###](#).
- F. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

#### G. 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.

#### H. Application Review Criteria

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

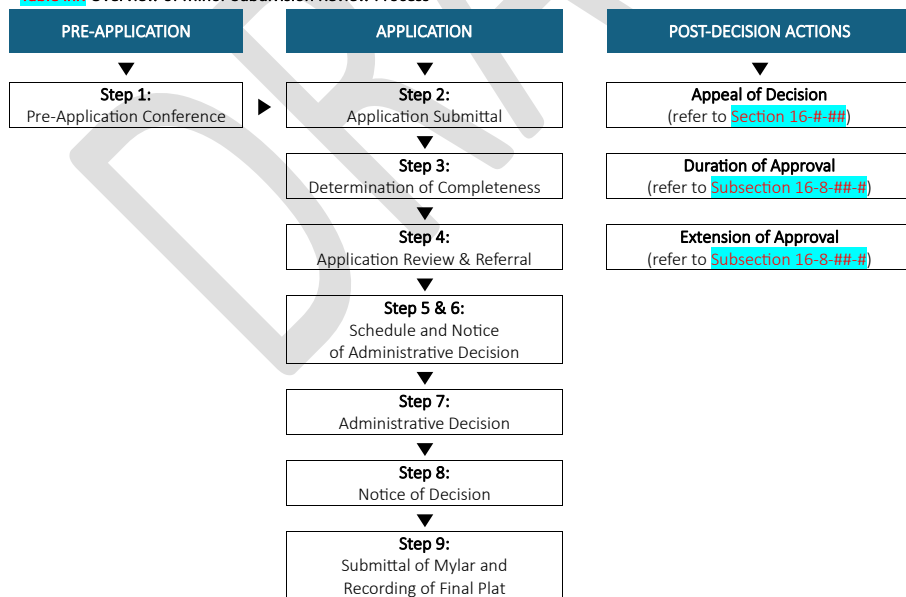
- 1. The subdivision is in substantial conformance with the Community Plan.
- 2. The subdivision complies with the requirements of this Code and, if applicable, the requirements of an approved PUD Development Plan or Subdivision Final Plat.
- 3. The subdivision is generally compatible with the character and layout of existing development patterns in the surrounding area.

4. There is a legal, physical, adequate, and dependable water supply for each lot to be created by the subdivision.
5. There is, or will be, adequate infrastructure (e.g., vehicular access, sidewalks, etc.) and utilities (e.g., water, sewer, electricity, gas, internet, etc.) to serve each lot to be created by the subdivision.
6. Utilities have been sized appropriately to avoid future land disruption and the need to upgrade under-sized lines.
7. Adequate evidence has been provided that the subject property is free of natural and/or human-made hazards or that any identified hazards have been, or will be, mitigated to the extent necessary for the property to be suitable for development.
8. If applicable, 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.
9. The Final Plat complies with requirements of the Colorado Revised Statutes.

#### I. Application Review Process

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

**Table ##:** Overview of Minor Subdivision Review Process



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Minor 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 Minor 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 two hundred (200) 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-#-##](#).
    - 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-#-##](#).
    - v. *Submit Proof of Notice.* Submit proof of notice in accordance with [Section 16-#-##](#).
  - b. If required by the Colorado Revised Statutes, the Planning Director 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 Minor Subdivision.
  - b. At least five (5) calendar days prior to the public hearing, Town staff shall make available the following materials to the Planning Director, the applicant, and the public:
    - i. The application and any supporting materials.

- ii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
- b. The Planning Director shall consider the application and any supporting materials, public testimony, and the review criteria for a Minor Subdivision, and shall take one of the following actions:
  - i. Approve the Minor Subdivision, subject to any changes that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
  - ii. Deny the Minor 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 the Colorado Revised Statutes) to the Planning Director.
  - b. Upon the approval of a Minor Subdivision, 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.

**J. Duration of Approval**

- 1. The approval of a Minor Subdivision shall expire and become null and void one (1) year 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-##-H.**

2. If the approval of a Minor 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.

**K. Extension of Approval**

1. The applicant for an approved Minor 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 thirty (30) 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 Minor Subdivision must demonstrate the following:
  - a. Failure to proceed with the submittal of a Final Plat was beyond the applicant's control.
  - b. The Minor Subdivision remains in compliance with this Code and in substantial conformance with the Community Plan.
3. The Planning Director may authorize the extension of an approval for a Minor Subdivision 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 ##-##-##](#).

#### 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:

**Commented [MF11]:** The provisions in this Section come from the existing Code (refer to Section 17-6-60). Staff may work with the Town Attorney and the property owner to explore options for improving the language and format.

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.
6. 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.
7. 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:

- a. 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.
- b. 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-##-##\(##\)\(##\)](#).
- c. It depicts rights-of-way and easements pursuant to Section 38-51-106 (1)(B)(i), C.R.S.
- d. 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.
- e. Each estate lot depicted on the proposed estate lot plat has a minimum land area of three hundred fifty (350) acres.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
8. 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.

9. 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.
10. 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.
11. Estate lots created by recording of an approved estate lot plat may be subsequently replatted into ranch lots pursuant to [Section 16-8-##](#).
12. 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:

**Commented [MF12]:** The provisions in this Section come from the existing Code (refer to Section 17-6-70). Staff may work with the Town Attorney and the property owner to explore options for improving the language and format.

1. An application pursuant to the ranch lot process may only be submitted by a party permitted under Section 16-8-110. 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:
  - 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 ranch lot plat processing fee in an amount to be established by resolution of the Town Council.
  - c. 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.
  - d. 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.
  - 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 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.
  - 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.
  - g. 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.

- h. 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.
4. 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-#-##(H)**, 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-#-##(H)(H)**.
  - 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.

5. 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.
6. 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.
7. 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-#-##](#).
8. 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.
- 9. Planning Commission will either approve, approve with conditions, or deny the proposed ranch lot plat.
- 10. 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-#-##(1)**, 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.
- 11. 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-#-##(1)**: 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 “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 [MF13]:** This is an existing Code provision (refer to Subsection 17-9-20(i)). Staff is working with 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.

### 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 16-8-110.
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.

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.

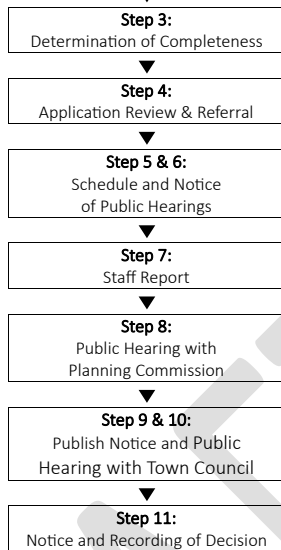
#### 6. Application Review Process

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 [MF14]:** Staff is working with the Town Attorney to clarify what, if any, actions can be taken after a decision by the Town Council on a vacation of public right-of-way or easement.



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.

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.

- 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 [MF15]:** This requirement comes from the existing Code (refer to Subsection 17-9-20(g)). Staff is working with 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.

### 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)

### A. Purpose

The purpose of this Section is to establish a process for reviewing the concept for a proposed Major Subdivision. The Sketch Plan is the first step in the Major Subdivision process and is optional. Refer to [Subsection 16-8-###-#](#) for further information.

### B. Application Submittal Requirements

An application for a Sketch Plan 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 provides a general explanation of the following:
  - a. The nature and extent of the development within the proposed subdivision, including information about proposed land uses, residential densities, and contemplated ownership patterns.
  - b. How the subdivision conforms to the Community Plan and the review criteria set forth in this Section.
  - c. The availability of water, sewer, and other utilities necessary to serve development in the subdivision; or, a statement describing any major extensions necessary to serve development.
  - d. The availability of public infrastructure (e.g., streets, sidewalks, trails, etc.) and public services (e.g., police, fire protection, emergency medical services, etc.) to serve development in the subdivision.
4. **Survey.** A scaled survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that depicts the existing conditions of the subject property. The survey must be prepared within six (6) months of the date of the application submittal. The following information must be shown on the survey:
  - a. Date of survey.
  - b. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
  - c. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.
  - d. Rights-of-way including bearings, distances, and curve information.
  - e. Existing topography at two-foot (2') contour intervals.

- f. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.
  - g. Environmentally sensitive areas or areas of natural hazards, where applicable (rock fall areas, wetlands, one-hundred-year floodplain, etc.).
  - h. Existing improvements including, but not limited to, buildings, streets, sidewalks, and trails.
  - i. Other information that is necessary to accurately depict existing conditions.
5. **Sketch Plan.** A plan, drawn to scale, showing the following information. The purpose of this plan is to allow for an evaluation of the conceptual layout of the proposed subdivision.
- a. Property boundaries including bearings and dimensions.
  - b. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.
  - c. General location of the following:
    - i. Existing and proposed land uses (residential, non-residential, open space, parks, etc.).
    - ii. Existing and proposed buildings.
    - iii. Existing and proposed streets, parking areas, sidewalks, trails, and other access improvements.
    - iv. Existing and proposed utilities.
  - d. A table that includes an estimate or range of the following data, as applicable:
    - i. Total area within the subdivision.
    - ii. Area to be allocated to each type of land use (residential, non-residential, open space, parks, recreation, streets, etc.).
    - iii. Number of proposed lots and their sizes.
    - iv. Proposed number and type of dwelling units (single-family, duplex, townhomes, apartments, etc.).
    - v. Proposed maximum square footage for non-residential uses.
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 Evaluation Criteria

The Planning Commission and Town Council should consider the following criteria in their evaluation of a request for a Sketch Plan.

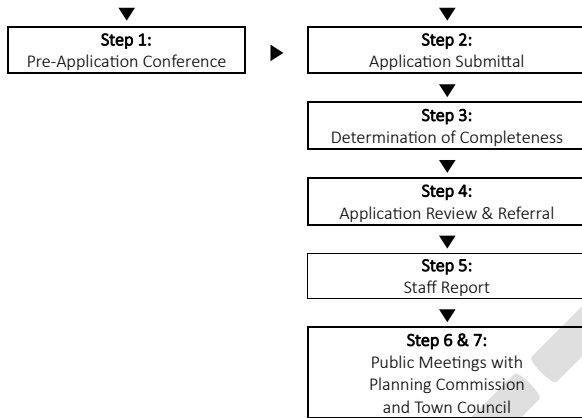
1. The subdivision is in general conformance with the Community Plan.
2. The subdivision complies with the requirements of this Code.
3. The subdivision will reflect, support, and/or enhance the character of the Town.
4. The subdivision is generally compatible with the character and layout of existing development patterns in the surrounding area.
5. Conceptual evidence has been provided demonstrating the following:
  - a. There is a legal, physical, adequate, and dependable potable water supply for each lot to be created by the subdivision.
  - b. Public infrastructure and services can be provided to the subdivision in a logical, efficient, and economical manner.
  - c. The subject property is free of natural and/or human-made hazards or any identified hazards have been, or will be, mitigated to the extent necessary for the property to be suitable for development.

#### E. Application Review Procedures

A request for a Sketch Plan will be reviewed in accordance with the following procedures.

**Table ##:** Overview of Sketch Plan Review Procedures

| PRE-APPLICATION | APPLICATION |
|-----------------|-------------|
|-----------------|-------------|



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Sketch Plan. 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 Sketch Plan 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.
- e. Upon the conclusion of the application review and referral process, the Planning Director will schedule the application for review by the Planning Commission and the Town Council at public meetings. The Planning Director will notify the applicant, in writing, of the date, time, and location of each public meeting.

5. **Step 5: 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.

6. **Step 6: Public Meeting with Planning Commission.**

- a. The Planning Commission will review the application at a public meeting. The applicant, or their agent, must be present at the meeting.

- b. At least five (5) calendar days prior to the public meeting, 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. The purpose of this public meeting is to provide the applicant with an opportunity to present and discuss the concept for the proposed subdivision with the Planning Commission. The Planning Commission may offer comments on the proposed subdivision. No formal action by the Planning Commission is taken.
7. **Step 8: Public Meeting with Town Council.**
- a. Following the public meeting with the Planning Commission, the Town Council will review the application at a public meeting. The applicant, or their agent, must be present at the meeting.
  - b. At least five (5) calendar days prior to the public meeting with the Town Council, 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. A summary of the Planning Commission's discussion regarding the proposed subdivision.
    - iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
  - c. The purpose of this public meeting is to provide the applicant with an opportunity to present and discuss the concept for the proposed subdivision with the Town Council. The Town Council may offer comments on the proposed subdivision. No formal action by the Town Council is required.

**F. Proceed to Preliminary Plat**

Following the conclusion of the Sketch Plan process, an applicant is authorized to proceed to the Preliminary Plat step of the Major Subdivision process. Application for a Preliminary Plat is at the sole discretion of the applicant.

## 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 written document that includes the following:
  - a. If applicable, an explanation of any modifications made to the subdivision, following the Sketch Plan step, and the reasons for those changes.

**Commented [MF16]:** The application submittal requirements are subject to further review and refinement by Town Staff, the Town Attorney, and Town Engineer.

- b. A detailed explanation of how the subdivision conforms to the Community Plan, including specific references to goals and policies.
  - c. A detailed explanation of how the subdivision addresses each of the review criteria set forth in this Section.
  - d. A statement explaining present and proposed ownership and tenancy (e.g., for sale or for rent) within the subdivision, including the ownership or leasing of land, dwelling units and non-residential buildings.
  - e. A detailed explanation of the plans for providing fire protection, law enforcement, and emergency medical services. Ability to serve letters from each emergency service provider must be submitted.
  - f. A description of how the subdivision satisfies the applicable school land dedication or cash-in-lieu requirements.
7. **Survey.** A scaled survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that depicts the existing conditions of the subject property. The survey must be prepared within six (6) months of the date of the application submittal. The following information must be shown on the survey:
- a. Date of survey.
  - b. Benchmark tied to USGS NAVD 88.
  - c. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
  - d. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.
  - e. Rights-of-way including bearings, distances, and curve information.
  - f. Existing topography shown at a maximum of two-foot (2') contour intervals.
  - g. Existing natural features including, but not limited to, vegetation (including trees), rock-outcroppings, watercourses, and ordinary high-water mark.
  - h. Environmentally sensitive areas and areas of natural hazards including, but not limited to, slopes exceeding 30%, rock fall areas, landslide areas, wetlands, one-hundred-year floodplain.
  - i. Existing improvements including, but not limited to, buildings, streets, sidewalks, trails, ditches, and utilities.
  - j. Other information that is necessary to accurately depict existing conditions.

4. **Site Plan.** A site plan, drawn to scale, showing the following information. This plan must contain sufficient detail to allow for an evaluation of the layout and development patterns of the proposed subdivision.

- a. Departing property lines, owners of record, existing land uses, zoning, and building locations for properties adjoining the proposed subdivision, including properties separated only by a public right-of-way.
- b. Property boundaries including bearings and dimensions.
- c. Existing natural features including, but not limited to, vegetation (including trees), rock-outcroppings, watercourses, and ordinary high-water mark.
- d. Distance from the ordinary high-water mark of live or intermittent streams to any proposed development within the subdivision.
- e. Existing contours at two-foot (2') intervals on all portions of the land proposed for development for either public or private use, and at ten-foot (10') 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 (2') contour intervals.
- f. Location of existing and proposed land uses (residential, non-residential, open space, parks, etc.).
- g. Street names and a block and lot numbering system for the proposed subdivision.
- h. Location, dimensions, and slopes of each proposed lot.
- i. Location of existing and proposed structures and buildings and their distance from property lines. Any hazardous or abandoned buildings must be identified.
- j. Location of sites and/or facilities to be reserved or dedicated for public parks, schools or other public uses.
- k. Location of existing and proposed streets, parking areas, sidewalks, trails, and other access improvements. Information about traffic circulation patterns and proposed ownership of streets must also be provided.
- l. Location of existing and proposed utilities and irrigation ditches.
- m. Location and dimensions of existing and proposed easements and rights-of-way.
- n. Proposed snow removal patterns and location of proposed snow storage areas.
- o. A table with that includes the following data:
  - i. Total area within the subdivision.

- ii. Totals and breakdowns of the areas dedicated to each type of existing and proposed land use, including rights-of-way and common open space, park, and recreation areas.
  - iii. Number of proposed lots and their sizes.
  - vi. Proposed number and type of dwelling units (single-family, duplex, townhomes, apartments, etc.).
  - vii. Proposed maximum square footage for non-residential uses.
  - iv. Number of on-street and/or off-street parking spaces to be provided for each land use.
5. **Preliminary Plat.** A Final Plat, prepared in accordance with [Section 16-8-###](#), that is titled "Preliminary Plat."
6. **Construction Plans.** The following items must be submitted at 60% completion and prepared in accordance with the requirements set forth in [Section 16-#-###](#):
- a. A Cover Sheet that includes the following:
    - i. General notes.
    - ii. Technical specifications.
    - iii. Sheet index.
  - b. Existing Conditions Plan.
  - c. Demolition Plan.
  - d. Site Plan.
  - e. Parking and Snow Storage Plan.
  - f. Grading and Drainage Plan.
  - g. Stormwater Management Plan.
  - h. Stormsewer Plan and Profile.
  - i. Erosion and Sediment Control Plan.
  - j. Landscape/Revegetation Plan.
  - k. Street Plan and Profile.
  - l. Utility Plans.

**Commented [MF17]:** Staff is recommending that a new Section be created that details the specific requirements/standards from all plans, studies, and reports that may be required as part of a Land Use or Subdivision application.

Elsewhere in the Land Use Code where these plans, studies, and/or reports are listed as submittal requirements, language will be included that simply states that the required plans, studies, and/or reports must be prepared in accordance with the requirements/standards set forth in the new Section.

m. Construction Details.

2. **Studies & Reports.** The following studies and reports must be submitted and prepared in accordance with the requirements set forth in Article 12 and Section 16-#-##:

a. A Development Impact Report, if required pursuant to Article 12.

b. Drainage Report.

a. Geotechnical Report.

b. Geologic Hazard Report.

c. Utility Report.

d. Wetland Delineation.

e. Phase 1 Environmental Report.

f. Traffic Report.

g. Wildfire Study.

h. Engineer's Opinion of Probable Costs.

3. **Phasing Plan.** If development of the subdivision is to occur in phases, a phasing plan must be provided. The phasing plan must demonstrate that the 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.
4. **Governing Documents.** Any governing documents (covenants, conditions, and restrictions (CC&R's), design guidelines, housing deed restrictions, etc.) that address the following, as applicable:
- a. The type and structure of the entity responsible for, and an acceptable program for, the on-going maintenance of elements in the subdivision under common ownership (e.g., private open space areas, parks, recreation amenities, walkways, private streets, etc.).
  - b. Design review based on any design guidelines established for the subdivision.

**Commented [MF18]:** Staff is recommending that a new Section be created that details the specific requirements/standards from all plans, studies, and reports that may be required as part of a Land Use or Subdivision application.

Elsewhere in the Land Use Code where these plans, studies, and/or reports are listed as submittal requirements, language will be included that simply states that the required plans, studies, and/or reports must be prepared in accordance with the requirements/standards set forth in the new Section.

- c. Deed restrictions, or other covenants, related to a community housing plan for the subdivision.

5. **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.

6. **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.

7. **Waiver Request.** If applicable, a waiver request pursuant to [Section 16-8-##](#).

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.
  - 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](#)**

**Commented [MF19]:** 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:

- 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.

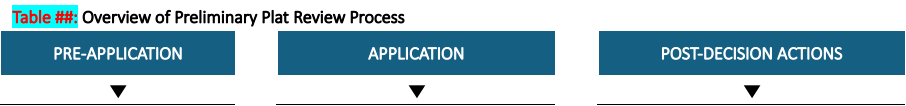
The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Preliminary Plat upon a positive finding of each of the following criteria:

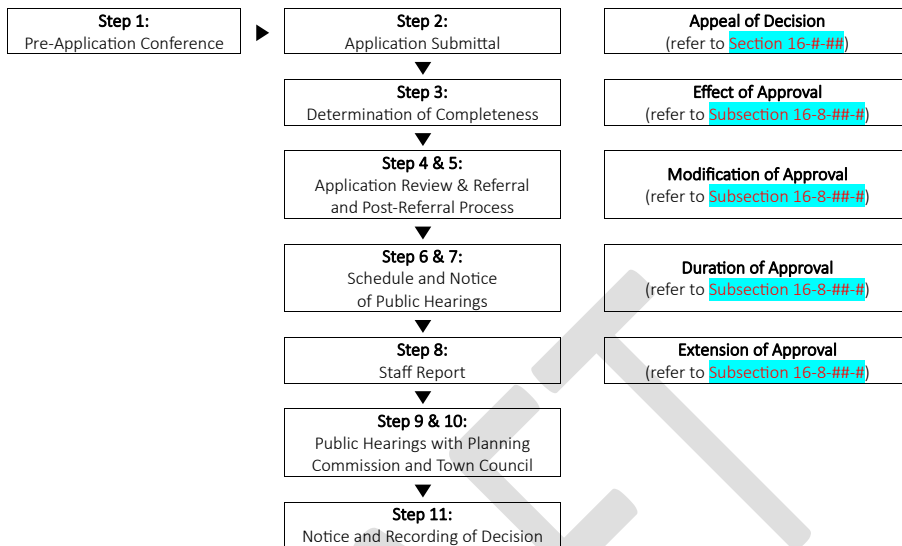
1. The subdivision is in substantial conformance with the Community Plan.
2. The subdivision complies with the requirements of this Code and, if applicable, any intergovernmental agreement and/or the requirements of an approved PUD Development Plan or subdivision Final Plat.
3. The subdivision will reflect, support, and/or enhance the character of the Town.
4. The subdivision is generally compatible with the character and layout of existing development patterns in the surrounding area.
5. Evidence has been provided demonstrating the following:
  - a. There is a legal, physical, adequate, and dependable potable water supply for each lot.
  - b. Public infrastructure and services can be provided to the subdivision in a logical, efficient, and economical manner.
  - c. 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.
  - d. The subject property is free of natural and/or human-made hazards or any identified hazards have been, or will be, mitigated to the extent necessary for the property to be suitable for development.
  - e. Phasing of the subdivision is reasonable 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.
6. Lots for residential uses are located in a manner that provide residents of the subdivision with convenient access to places of employment, places that provide goods and services, open space, parks, recreational facilities, educational facilities, and public transit.
7. Lots for residential uses provide a diversity of housing opportunities for people of varying income levels.

**Commented [MF20]:** Need input on whether these should be included as a criteria for a Preliminary Plat.

**8. Application Review Process**

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





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 16-8-##(b).

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.* Planning Director shall schedule a public hearing, in accordance with **Subsection 16-8-##(##)**, 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 16-8-##(##)(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.**
- a. Prior to the date of the first public hearing with the Planning Commission, the applicant shall:
    - i. *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 16-8-##**.

- 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-#-##.
  - 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-#-##.
  - v. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-#-##.
- b. If required by the Colorado Revised Statutes, the Planning Director 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. 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.

**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.

**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.

**9. Effect of Approval**

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

#### 10. 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.

#### 11. Duration of Approval

All Preliminary Plats shall expire and become null and void in accordance with Section 16-#-##.

**Commented [MF21]:** The approval of a Preliminary Plat constitutes vested rights so the duration and extension of an approval must adhere to the Town's vested rights provisions.

#### 12. Extension of Approval

An extension of a Preliminary Plat approval may be granted in accordance with Section 16-#-##.

**Commented [MF22]:** The approval of a Preliminary Plat constitutes vested rights so the duration and extension of an approval must adhere to the Town's vested rights provisions.

## 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:

9. **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-###-#](#).
10. **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.
11. **Narrative.** A written document that includes the following:
  - a. An explanation of how the Final Plat is consistent with the approved Preliminary Plat and a description of any modifications made to the subdivision, following the Preliminary Plat step, and the reasons for those changes.
  - b. An explanation of how the Final Plat complies with the review criteria set forth in this Section.
12. **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 subject property.
    - 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 subject 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.

**Commented [MF23]:** The application submittal requirements are subject to further review and refinement by Town Staff, the Town Attorney, and Town Engineer.

- 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.
- 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 ( $\frac{1}{2}$ ") 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.
13. **Construction Plans.** The following items must be submitted at 90% completion and prepared in accordance with the requirements set forth in [Section 16-#-##](#):
- a. A Cover Sheet that includes the following:
    - iv. General notes.
    - v. Technical specifications.
    - vi. Sheet index.
  - b. Construction Management Plan.
  - c. Existing Conditions Plan.
  - d. Demolition Plan.
  - e. Site Plan.
  - f. Parking and Snow Storage Plan.

**Commented [MF24]:** Staff is recommending that a new Section be created that details the specific requirements/standards from all plans, studies, and reports that may be required as part of a Land Use or Subdivision application.

Elsewhere in the Land Use Code where these plans, studies, and/or reports are listed as submittal requirements, language will be included that simply states that the required plans, studies, and/or reports must be prepared in accordance with the requirements/standards set forth in the new Section.

- g. Grading & Drainage Plan.
- h. Stormwater Management Plan.
- i. Stormsewer Plan & Profile.
- j. Erosion and Sediment Control Plan.
- k. Landscape/Revegetation Plan.
- l. Street Plan and Profile.
- m. Utility Plans.
- n. Construction Details.

14. **Studies & Reports.** The following studies and reports must be submitted and prepared in accordance with the requirements set forth in **Section 16-#-##**:

- a. Drainage Report.
- b. Geotechnical Report.
- c. Geologic Hazard Report.
- d. Utility Report.
- e. Wetland Delineation.
- f. Phase 1 and 2 Environmental Report.
- g. Traffic Report.
- h. Wildfire Study.
- i. Engineer's Opinion of Probable Costs.

15. **Stormwater Discharge Permit.** A Stormwater Discharge Permit issued by the Colorado Department of Public Health and Environment (CDPHE).

16. **Phasing Plan.** A final version of the phasing plan, if development of the subdivision is to occur in phases.

17. **Governing Documents.** A final version of any governing documents (covenants, conditions, and restrictions (CC&R's), design guidelines, housing deed restrictions, etc.) for the subdivision.

**Commented [MF25]:** Staff is recommending that a new Section be created that details the specific requirements/standards from all plans, studies, and reports that may be required as part of a Land Use or Subdivision application.

Elsewhere in the Land Use Code where these plans, studies, and/or reports are listed as submittal requirements, language will be included that simply states that the required plans, studies, and/or reports must be prepared in accordance with the requirements/standards set forth in the new Section.

**Commented [MF26]:** This requirement was added per the Town Engineer.

18. **Agreements.** An executed improvements agreement prepared in accordance with **Section 16-#-##** and/or other agreement required by the Town as a condition of Final Plat approval.
19. **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).
20. **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.
21. **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.

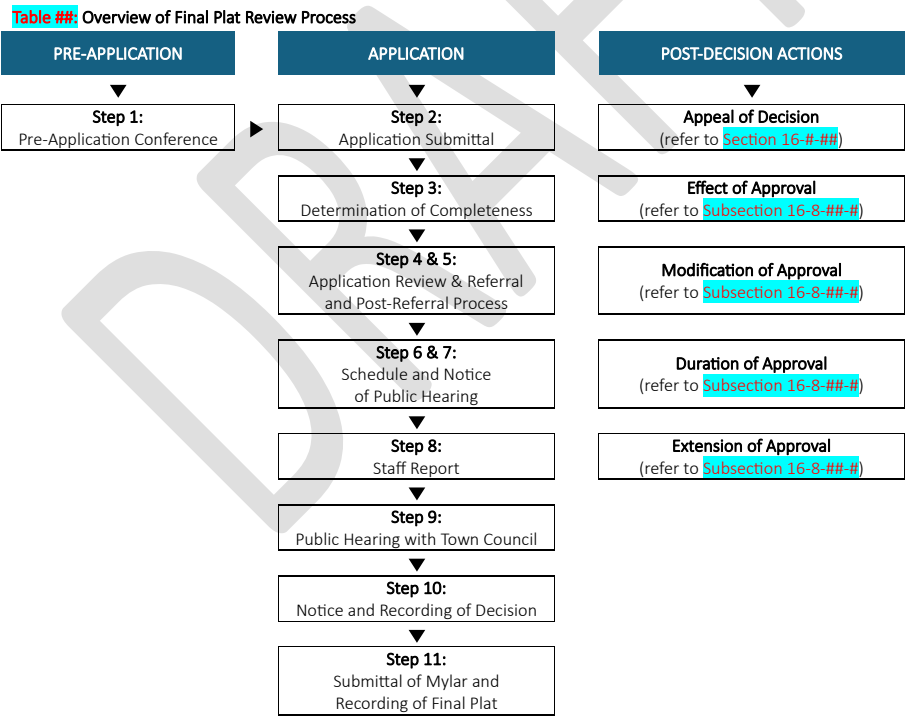
D. Application Review Criteria

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.
- 5. All taxes applicable to the subject property have been paid, as certified by the Eagle County Treasurer.

E. Application Review Process

A request for a Final Plat will be reviewed and decided upon in accordance with the following 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-#-##\(#\)\(#\)](#).

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 16-8-##(d), 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 16-8-##(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 Hearing.**

- a. Prior to the date of the first public hearing with the Town Council, the applicant shall:
  - i. *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-#-##](#).
  - 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-#-##](#).
  - 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-#-##](#).
  - v. *Submit Proof of Notice.* Submit proof of notice in accordance with [Section 16-#-##](#).
- b. If required by the Colorado Revised Statutes, the Planning Director 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 a resolution to such effect.
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 resolution 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 the Colorado Revised Statutes) 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.

#### F. Effect of Approval

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#### G. Modification of Approval

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#### H. Duration of Approval

All Final Plats shall expire and become null and void in accordance with Section 16-#-##.

#### I. Extension of Approval

An extension of a Preliminary Plat approval may be granted in accordance with Section 16-#-##.

**Commented [MF27]:** These are new Subsections to be prepared in collaboration with Town Staff and the Town Attorney.

**Commented [MF28]:** The approval of a Final Plat constitutes vested rights so the duration and extension of an approval must adhere to the Town's vested rights provisions.

**Commented [MF29]:** The approval of a Final Plat constitutes vested rights so the duration and extension of an approval must adhere to the Town's vested rights provisions.