

Town of Minturn
Development Review Process:
Guide To
Subdivisions
(Preliminary Plat)

*This guide describes the **Subdivision Process**. This guide should be utilized in conjunction with the Town of Minturn Zoning Regulations, Town of Minturn Comprehensive Plan and the guide to Pre-Application Review.*



PLANNING AND ZONING DEPARTMENT
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<http://www.minturn.org/government/zoning.html>



LAND DEVELOPMENT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 302 Pine Street

Minturn, Colorado 81645-0309

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Email: planner@minturn.org

APPLICANT:		ADDRESS:		SIGNATURE:	
				NAME:	
		PHONE:	FAX:		
		EMAIL:		TITLE:	
OWNER(S) OF RECORD:		ADDRESS:		SIGNATURE:	
				NAME:	
		PHONE:	FAX:		
		EMAIL:		TITLE:	
DEVELOPER:		ADDRESS:		CONTACT PERSON:	
		PHONE:	FAX:		
		EMAIL:			
ENGINEERING FIRM:		ADDRESS:		CONTACT PERSON:	
		PHONE:	FAX:		
		EMAIL:			
Presubmittal Date		Presubmittal Planner:			
Parcel ID Number		<i>(Example: 210326325001) from your full card printout</i>			
Address or Intersection					
Brief Legal Description					
Subdivision Name & Filing #					
Project Description					
	Existing			Proposed:	
Zoning:					
Land Use:					
Total Acres:					
F.A.R./Density:					
Project Name:					
Related Case #'s:					
CASE TYPE					
PUD CDP: Concept Dev. Plan	PP: Prelim. Subdivision Plat	DRB – P: Des. Rev. Bd. Prelim	A-FP: Fence Permit		
PUD PDP: Prelim. Dev. Plan	FP: Final Subdivision Plat	DRB – F: Des. Rev. Bd. Final	A-MOD: Modification/Add		
PUD FDP: Final Dev. Plan	MS: Minor Subdivision	ADM: Admin. Des. Review	A-MIN: Minor Ext. Mod.		
PUD ASP: Admin. Site Plan	ASR: Admin. Subdivision Replat	A-SIGN: Admin. Sign Review	ANNEX: Annexation		
PUD FDP A: Amendment	V: Vacation of Easement	A-DIG: Admin. Dig Permit	TU: Temporary Use		
LU-V: Land Use – Variance	R.O.W. Vacation	A-DEMO: Admin. Demo Per.	CU: Conditional Use		
NU –V: Non Use – Variance	REZ -Rezoning –Straight Zoned	A-LTD: Admin. Limited Use	APPLS: Appeals		
This section for OFFICE USE ONLY					
Case No:	Case Mgr.	Case Eng.			
Fees Paid	Y	N	\$	Dates Referred Out	
Dates to be Returned				Planning Comm Date:	
<p>This development application shall be accompanied with the applicable fee and shall not be considered valid until the <u>total application fee is received</u>. Submittal of this application does not mean you will receive automatic approval, nor does it establish a vested property right in accordance with C.R.S. 24-68-105(1). Further processing and review of this application may require additional information, and/or meetings, as outlined in the Town of Minturn Zoning and Development Code</p>					

ADMINISTRATIVE PROCEDURES FOR ALL SUBDIVISIONS **(Administrative Replat Procedure, Preliminary, Final and Minor Subdivisions)**

OWNER OR AGENT MAY SUBDIVIDE **(Section 17.3.1 Minturn Zoning Code)**

No person but the owner of land may subdivide or make application to subdivide such land without first having obtained a properly acknowledged power of attorney to subdivide such land from the owner or owners thereof or from the authorized agents of said owners.

VARIANCES **(Section 17.3.2 Minturn Zoning Code)**

1. Upon application by a subdivider, the Town Council may, at its discretion, grant variances from some or any requirements of this Chapter based upon the following criteria:
 - Whether a strict, literal interpretation of this Chapter would result in an undue hardship to the subdivider due to the purpose, size, shape, location and character of the proposed subdivision; and
 - Whether the provisions of this Chapter from which relief is requested are not materially important, in a planning sense, to the orderly controlled development of the tract in question.
2. A variance granted by the Town Council may contain limitations as to time or disposition or use of the tract in question in order to ensure that the stated purpose of the variance request is realized.

EXEMPTION **(Section 17.3.3 Minturn Zoning Code)**

The Town Council may, pursuant to a resolution duly adopted at a public meeting, exempt from the provisions of this Chapter any division of land if the Town determines that such division is not within the purposes of this Chapter and, in addition, the method of disposition adopted is not for the purpose of evading the provisions of this Chapter. Exempted divisions of land include those listed in Section 17-31(39).

ACCESS REQUIREMENT **(Section 17.3.4 Minturn Zoning Code)**

No person shall submit an application for subdivision approval to the Town Council unless the subdivision plat or plat ensures, pursuant to Section 43-2-147, C.R.S., that all lots and parcels created by the subdivision will have access to the state highway system in conformance with the State Highway Access Code.

FEEES **(Section 17.3.5 Minturn Zoning Code)**

Refer to Appendix A in Chapter 16 of the Minturn Zoning Code for the schedule of required fees.

ADEQUACY OF APPLICATIONS

(Section 17.3.6 Minturn Zoning Code)

1. All materials and information, as required by applicable sections of this Chapter, including applications, fees, sketches, maps, plans, plats and reports, must be submitted to the Planning Director, complete in every detail and by the times specified.
2. No item or application which is not in compliance with the standards and procedures of this Chapter may be placed on a meeting agenda of the Town Council. The Planning Director shall determine the compliance of each application and shall be the authority for placing any application or item on an agenda.
3. Appeals from a ruling of the Planning Director may be made to the Town Council in writing, specifying details of the appeal, at least ten (10) days prior to the regular meeting at which the appellant wishes to be heard.
4. The Town Council, at the specified meeting, shall hear facts and relevant information as presented by the Planning Director and by the appellant, and shall render a decision in writing on how to proceed with further action, within thirty-five (35) days of the meeting. (Ord. 6-1991 §2)
5. The Planning Director may wave certain application materials where such materials have been determined to be unnecessary.

SUSPENSION OF APPROVAL; SERVICE OF WRITTEN NOTICE

(Section 17.3.7 Minturn Zoning Code)

1. The Town Council may suspend or withdraw any approval of a plan or plat or may require certain corrective measures to be taken following a determination that the information provided by the subdivider upon which such approval was based is false or inaccurate or that new significant information has been brought to its attention. Suspension of approval may occur if construction of public improvements is not in accordance with the approved final plat and supplemental information.
2. A written notice from the Planning Director shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider to appear at a regular or special meeting of the Town Council not less than ten (10) days nor more than thirty (30) days after the date of service of notice. The Town Council shall determine at the meeting the nature and extent of alleged false or inaccurate information, shall consider any new significant information that has been brought to its attention, and shall have power, upon good cause being shown, to suspend or withdraw any approval or require certain corrective measures to be taken.

PERMITS FOR DEVELOPMENT; CHANGES, ERASURES, ETC. ON FINAL PLAN

(Section 17.3.8 Minturn Zoning Code)

1. No permits of any kind shall be issued by any Town official for the construction of any building or other improvements upon any land to which this Chapter applies unless and until the requirements in this Chapter have been met.
2. No changes, erasures, modifications or revisions shall be made on the final plat after the approval by the Town Council without specific approval in writing by the Town Council. Such approval shall be noted on the final plat and signed by the Mayor.

OVERVIEW OF PROCEDURES

(Section 17.3.8 Minturn Zoning Code)

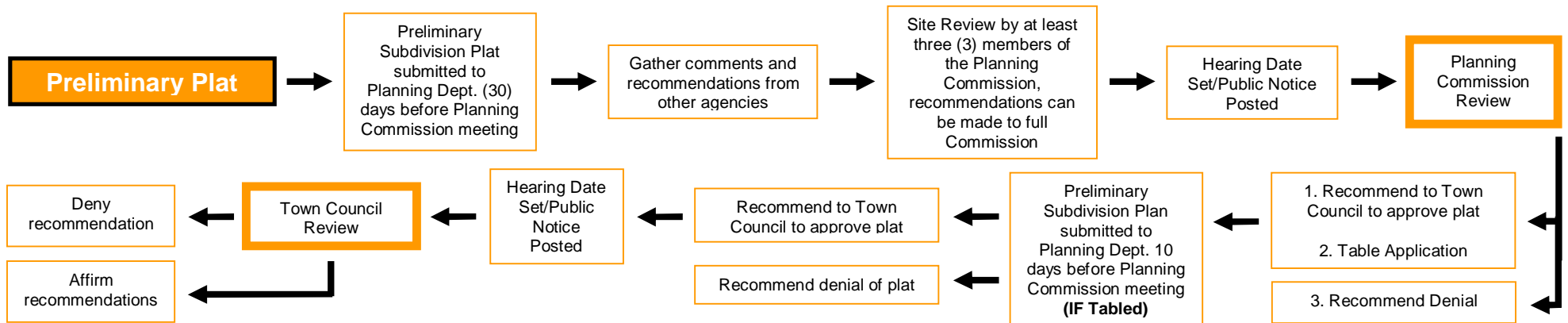
Unless exempted pursuant to Section 17.3.3, Exemptions, prior to the division or transfer of land within the Town of Minturn, an applicant shall obtain approval for a Preliminary Plat and Final Plat for Subdivision pursuant to the procedures and standards of this Section.

- 1. Preliminary Plat.** The purpose of preliminary plat review is for the applicant to respond to planning and development issues and concerns and to formulate detailed, properly engineered solutions to those issues and concerns. The preliminary plat stage is when the applicant is to provide detailed information and mitigation proposals to be evaluated by the Town.

- 2. Final Plat.** The purpose of final plat review is for the applicant to submit a permanent, comprehensive and accurate public record of the subdivision, including the precise size, shape and location of lots, blocks, streets, easements, open spaces and other parcels of land within the development, together with all applicable covenants, conditions, use restrictions and design and development standards. The final plat shall conform in all respects to the preliminary plat approved by the Town and shall incorporate all modifications and conditions imposed by the Town Council.



PRELIMINARY SUBDIVISION PLAT APPLICATION REVIEW FLOWCHART



PRELIMINARY PLAT

PRELIMINARY SUBDIVISION PLAT SUBMITTAL

(Section 17.6.1 Minturn Zoning Code)

Twenty (20) copies of the preliminary subdivision plat and supplemental information shall be submitted to the Planning Director at least thirty (30) days before the Planning Commission meeting at which it is to be reviewed. The submittal shall be accompanied by the appropriate review fee as set forth in Section 17-55. Plan requirements are detailed in Section 17-117.

STAFF REVIEW OF PRELIMINARY SUBDIVISION PLAT

(Section 17.6.2 Minturn Zoning Code)

The Planning Director shall distribute copies of the preliminary subdivision plat to Town staff and other agencies as he deems appropriate. They shall review the plat with site visits as needed to determine whether the proposal conforms with the Town's regulations, goals, policies and plans in their areas of responsibility. They shall submit their comments to the Project Planner at least seven (7) days before the appropriate Planning Commission meeting. The Project Planner shall compile their comments and prepare for the Planning Commission a summary of the issues which they should consider in reviewing the proposal.

SITE REVIEW

(Section 17.6.3 Minturn Zoning Code)

Before the Planning Commission hearing on a preliminary subdivision plat, the proposal shall be reviewed on site by at least three (3) members of the Planning Commission. They may make written recommendations to the full Planning Commission at its regular meeting regarding compliance of the proposal with the Town's regulations, goals, policies and plans.

PLANNING COMMISSION REVIEW OF PRELIMINARY SUBDIVISION PLAT

(Section 17.6.4 Minturn Zoning Code)

1. The Planning Department shall distribute copies of the preliminary subdivision plat to the Planning Commission members along with the summary of issues and comments. A copy of the summary of issues and comments shall also be furnished to the applicant.
2. The Planning Commission shall review the proposal at a regular meeting at which it shall hold a public hearing on the proposal. Public notice shall be given, with at least ten (10) days' advance notice. The applicant or a representative shall be present at the meeting to represent the proposal. The Planning Commission shall take one (1) of the following actions:
 - Recommend to the Town Council that the preliminary subdivision plat be approved, subject to such conditions as the Planning Commission finds necessary to ensure that the proposed subdivision complies with the Town's regulations, goals, policies and plans;
 - Continue the hearing to the next regular Planning Commission meeting with the requirement that the applicant submit changes or additional information which it finds necessary to determine whether the proposal complies with the Town's regulations, goals, policies and plans; or
 - Recommend denial of the preliminary subdivision plat, stating the specific reasons for denial.

FURTHER REVIEW BY PLANNING COMMISSION (Section 17.6.5 Minturn Zoning Code)

1. In the event the hearing is continued, the applicant shall submit twenty (20) copies of the required changes or information to the Planning Director at least ten (10) days prior to the Planning Commission meeting at which the proposal is to be reconsidered. The Planning Director shall review the additional submittal with appropriate staff and other agencies and shall distribute copies of the submittal to the Planning Commission members, along with comments from staff and agencies.
2. At the continued hearing, the applicant or a representative shall be present to represent the proposal. The Planning Commission shall take one (1) of the following actions:
 - Recommend to the Town Council that the preliminary subdivision plat be approved, subject to such conditions as the Planning Commission finds necessary to ensure that the proposed subdivision complies with the Town's regulations, goals, policies and plans; or
 - Recommend denial of the preliminary subdivision plat, stating the specific reasons for denial.

TOWN COUNCIL REVIEW OF PRELIMINARY SUBDIVISION PLAT (Section 17.6.6 Minturn Zoning Code)

1. Subsequent to the Planning Commission's recommendation, the Project Planner shall distribute copies of the preliminary subdivision plat and supplemental information to the Town Council, along with relevant excerpts from Planning Commission minutes and copies of staff or agency comments. The Town Council shall review the plat at a regular meeting at which it shall hold a public hearing on the proposal. The applicant shall be present to represent the proposal. The Town Council shall take one (1) of the following actions:
 - Affirm the recommendations of the Planning Commission after a finding that the proposal does or does not comply with the Town's regulations, goals, policies and plans; or
 - Reverse the recommendation of the Planning Commission after a finding that the proposal does or does not comply with the Town's regulations, goals, policies and plans.

PRELIMINARY PLAT APPLICATION (Section 17.6.7 Minturn Zoning Code)

Any person proposing to subdivide land shall submit a preliminary plat in the form and manner hereinafter described, together with required supplemental information, to the Planning Commission and Town Council. The required application shall also be submitted. Included with the application shall be a list, including mailing addresses, of the owners of subsurface mineral interests in the proposed land to be subdivided and their lessees, if any, the recorded owners of land contiguous to the proposed subdivision and any other party which has requested in writing to be notified of development proceedings.

1. Preliminary plat maps shall be drafted in a preliminary fashion scaled and dimensioned to the nearest foot; construction plans for street, 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.
2. Maps and plans submitted shall be to the following scale:

<u>Subdivision Lot Area</u>	<u>Scale</u>
Less than 10,000 sq. ft.	1" = 50 or less feet
10,000 sq. ft. - 2 acres	1" = 100 or less feet
2.01 acres - 5 acres	1" = 200 or less feet
More than 5 acres	Scale shall be consistent with clear depiction of information and final plat sheet size (24" x 36")

3. The following maps and information shall be required and shall conform to the format and inclusions which follow:

- Preliminary information sufficient to indicate that the final plat will meet requirements established under Section 38-51-101, *et seq.*, C.R.S., Land Survey Plat.
- North arrow, graphic scale, date of plat preparation (and revisions thereto) and contour interval.
- Boundary lines with bearings and distances, plus a property description of the tract proposed for subdivisions; said property description shall be a metes and bounds survey.
- Departing property lines and owners of record of all parcels adjoining the proposed subdivision, including parcels separated therefrom only by a public right-of-way.
- Existing contours at two-foot intervals on all portions of the land proposed for development for either public or private use, and at ten-foot intervals for all areas to remain in their natural state. All contour lines shall be accurate to within fifty percent (50%) of the interval. Areas sloping less than two percent (2%) shall have two-foot contour intervals.
- Street names and a block and lot numbering system shall be shown.
- Approximate area of each lot and its proposed use.
- Site or facilities to be reserved or dedicated for public parks, schools or other public uses, if any, and the proposed terms and managing agencies for such reservations and dedications.
- The site's geological, mineral resource, drainage and floodways, soil, vegetation, wildfire and other natural or manmade characteristics, including hazards and pollution which will affect the proposed land use, shall be investigated and shown on a map supplemental to and at the same scale as the preliminary plat, accompanied by such reports as necessary to complete description of the existing conditions to show the following:

Soils

Soil types and their boundaries based on the National Cooperative Soil Survey, U.S.D.A. Soil Conservation Service, and a table of interpretations for included soil types shall be included;

Vegetation

Plant associations, including a description of materials, shall be mapped and described and major tree masses shall be shown on the plat;

Wildlife

The wildlife species inhabitation inventory, including wildlife habitats which will be affected by the proposed subdivision, shall be mapped and described following the practices of the State Division of Wildlife;

Wildfire

The relationship of vegetation types, aspect, slope and weather in the area of the proposed subdivision shall be inventoried and mapped, following practices of the State Forest Service, to determine wildfire hazard conditions;

Slope

The slopes of each proposed lot shall be shown;

Proximity to water bodies

The distance from the natural identifiable high water mark of live or intermittent streams to any proposed development within the subdivision;

Pollution

Potential pollution hazards which might affect the property; and

Buildings

Hazardous or abandoned building on the property.

4. Grading and drainage plan, on a plan supplemental to and at the same scale as the preliminary plat, to include the following:
 - **Grading plan.** Generalized grading plan for the areas to be developed for public or private use, showing existing and revised contours and any proposed retaining structures;
 - **Cross-sections.** Cross-sections to illustrate potentially difficult grade relationships between proposed roads, building sites and parking areas, and the recommended solutions to these problem areas;
 - **Street plan and profiles.** Plan views and centerline profiles shall be plotted at a horizontal scale of one (1) inch to five (5) feet on sheets supplemental to the drainage plan. These plans and profiles shall show all intersections with existing streets and all existing and proposed drainage areas and easements crossing, or parallel to, the roads. Also shown will be any known areas of high water table, unsuitable soils and geological hazards. These plans shall include typical cross-section showing road widths, including driving surface, shoulders, curbs and gutters, barrow ditches, cut-and-fill slopes to the point of intersection with natural ground and the pavement structure details. The plan shall include the extremities of all cut-and-fill areas. A supplemental sheet shall be included to detail all drainage, retaining and bridge structures to be constructed as part of the roadway; and
 - **Drainage study.** A drainage study shall be prepared in accordance with this Chapter. This study shall include a contour map showing all existing and proposed water courses, including the seasonal course-limits of tributaries, indicating the surface conditions and location of point of departure from the development. This study shall include computations of ten-year flow and one-hundred-year floodplain plotted on the contour maps. The drainage study shall also include computation of the increase or decrease in flows anticipated as a result of the development, the capacity and velocity through all drainage structures, including open channels. In no case shall the area within the one-hundred-year floodplain be used for structural development without specific approval of the Town. In no case will a development be allowed to affect the location of discharge, the magnitude, depth and slope of stream bed, velocity of drainage flows upstream or downstream from the development, or the stream channel slope within the development, unless part of a floodplain management plan approved by the Town.

5. Utility plan, on a plan supplemental to and at the same scale as the preliminary plat, to include the following:
 - **Water supply.** If a central water supply and distribution system is to be provided, the details of the system shall be shown and shall include the following:
 - Adequate evidence prepared by a registered engineer that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed, including requirements for fire protection; and
 - If connection is to be made to the existing Town system, the following information shall be provided:
 - Evidence that the Town is willing to service the proposed subdivision;
 - Information regarding present service requirements, future commitments and present and future water supply capabilities of the Town;
 - Information regarding the water rights owned or used by the applicant, and an analysis of the potential for transfer to the Town for the purpose of supplying the development;

- Evidence of compliance with all applicable water system construction and operation specifications of the Town, to include demonstrated adequacy for fire protection.
- **Water supply.** If it is intended that individual water systems will be provided by lot owners, a report indicating the availability of ample potable groundwater at estimated depths throughout the subdivision and expected quality and long-term yield of such wells shall be provided by a registered engineer or geologist qualified to perform such work. The cumulative effect of on-lot domestic wells shall be considered on existing water rights.
- **Water supply options.** A review and analysis of all viable options for water supply, indicating the relative benefits of each, shall be submitted.
- **Electrical service.** Underground distribution of electrical power or communication lines is required, and a description of the system or systems shall be shown. The subdivider shall present written evidence that the utility companies involved have been advised of the proposed system and that an agreement on design has been reached.
- **Sewer service.** A central sewer collection system is to be provided; the details of the system shall be shown and include the following:
 - Evidence that the Town or sewer district is willing to service the proposed subdivision;
 - Information regarding present and future requirements and future commitments and capabilities of the provider of service; and
 - Adequate evidence provided by a registered engineer, that the proposed sewer collection system is capable of serving the proposed subdivision.
- **Fire protection.** The systems proposed to carry an adequate supply of water, and the related systems, shall be shown to comply with the Town ordinances and/or regulations regarding fire control and protection.

6. Erosion control and revegetation landscaping plans:

- **Plan.** An erosion control plan shall be required by the Town;
- **Revegetation.** Renegotiation shall be required. Topsoil shall be saved and/or protected from erosion during construction and used for revegetation for disturbed areas;
- **Revegetation landscaping.** Such plan shall be required of all applicants;
- **Additional requirements.** In addition to the previously listed requirements, the Town may require any or all of the following additional controls:
 - Timing of disturbance.
 - Disturbed area controls.
 - Stabilization during disturbance.
 - Monitoring during disturbance.
 - Water quality impact report.
 - The temporary and permanent erosion control and revegetation measures required by this subsection shall, as "public improvements," be covered by the subdivision public improvements agreement or other security arrangements. The portion of such security allocated to permanent erosion control and revegetation measures shall not be released until those measures have been constructed, and demonstrated effective, over a period of two (2) growing seasons. The security or plat restriction imposed to guarantee temporary

erosion control and revegetation measures may be released upon inspection and approval of such measures by the representatives of the Planning Commission.

- The effects of increased impervious cover due to development (roofs, parking lots, streets, driveways, sidewalks, etc.) shall be mitigated in the following manner:
 - The developer shall attempt to minimize increases in impervious cover; an example is underground parking; and;
 - Maximum use of open space shall be encouraged to mitigate the impact of increased impervious cover. The developer shall present information indicating the percentage increase in impervious cover projected as a result of development.
- All applications for subdivision shall include a nonpoint source pollution control program. This program shall include both temporary and permanent control devices. Applicants should make proposals which meet any anticipated pollution source including, but not limited to, parking lot and street run-off, sedimentation from disturbed areas, etc. The best current control devices must be proposed and included in any improvements agreement.

7. Plats and reports shall be prepared, dated and signed by professional persons as follows:

- Legal description and maps - by a professional land surveyor licensed in the State;
- Utility, road, grading, drainage, erosion control and water quality plans - by a professional engineer licensed in the State;
- Soil reports - by a professional engineer licensed in the State actively engaged in the practice of soils engineering; and
- Geologic reports - by a professional geologist as defined in Chapter 34, C.R.S.

8. The following information will be required when applicable:

- Environmental impact report performed by independent, qualified professional consultants or personnel.
- A completed Section 404 - U.S. Army Corps of Engineers' dredge and fill permit application for subdivisions which propose to modify the existing channel of navigable streams.

PRELIMINARY PLAT REVIEW

(Section 17.6.8 Minturn Zoning Code)

The Town shall consider the following in its review of the 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; and
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. (Ord. 6-1991 §2)

ADDITIONAL REQUIREMENTS

(Section 17.6.9 Minturn Zoning Code)

1. Approval of a preliminary plat shall be valid for a period of three (3) years from the date of approval.
2. Approval may be extended beyond the valid time of initial approval, for good cause shown, when such request is submitted by the subdivider in writing to the Town, at least sixty (60) days prior to the date of approval expiration.
3. For subdivisions of six (6) plots or less, the Town may waive the preliminary plat requirements if the necessary information showing that those requirements have been met.