



Town of Hot Sulphur Springs Development Process and Review Guide

The following information is provided to explain the expectations and process in the Town of Hot Sulphur Springs. This serves as a reference for residents and developers alike to manage projects through the Town's development processes.

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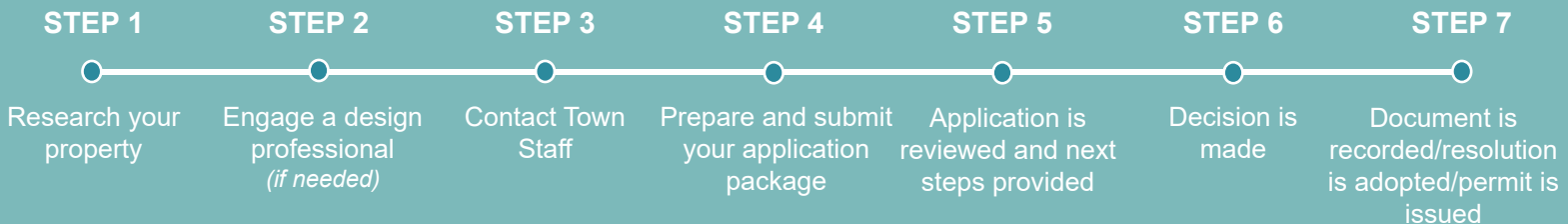
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ABOUT THIS GUIDE

This guide is intended to explain the development and review process for the Town of Hot Sulphur Springs. Whether you are a resident looking to apply for a lot variance, or a developer interested in subdividing land, better understanding the process will help with the success of your project. Researching and planning are essential, and this guide provides the most current information to enhance clarity and predictability.

Every project is unique and will have different requirements. We highly recommend you contact Town Staff to discuss your project well ahead of submitting your application. Staff can make you aware of any major issues or pitfalls, and will provide an overview of the planning process. Staff will also help determine whether a Pre-Application meeting is needed before you formally submit your development application.

APPLICANT'S STEPS



DEVELOPMENT CATEGORIES

The Town has four categories of Land Use/Development applications;

- 1) **Board of Adjustment**
- 2) **Land Use/Development Review**
- 3) **Subdivision**
- 4) **Annexation**

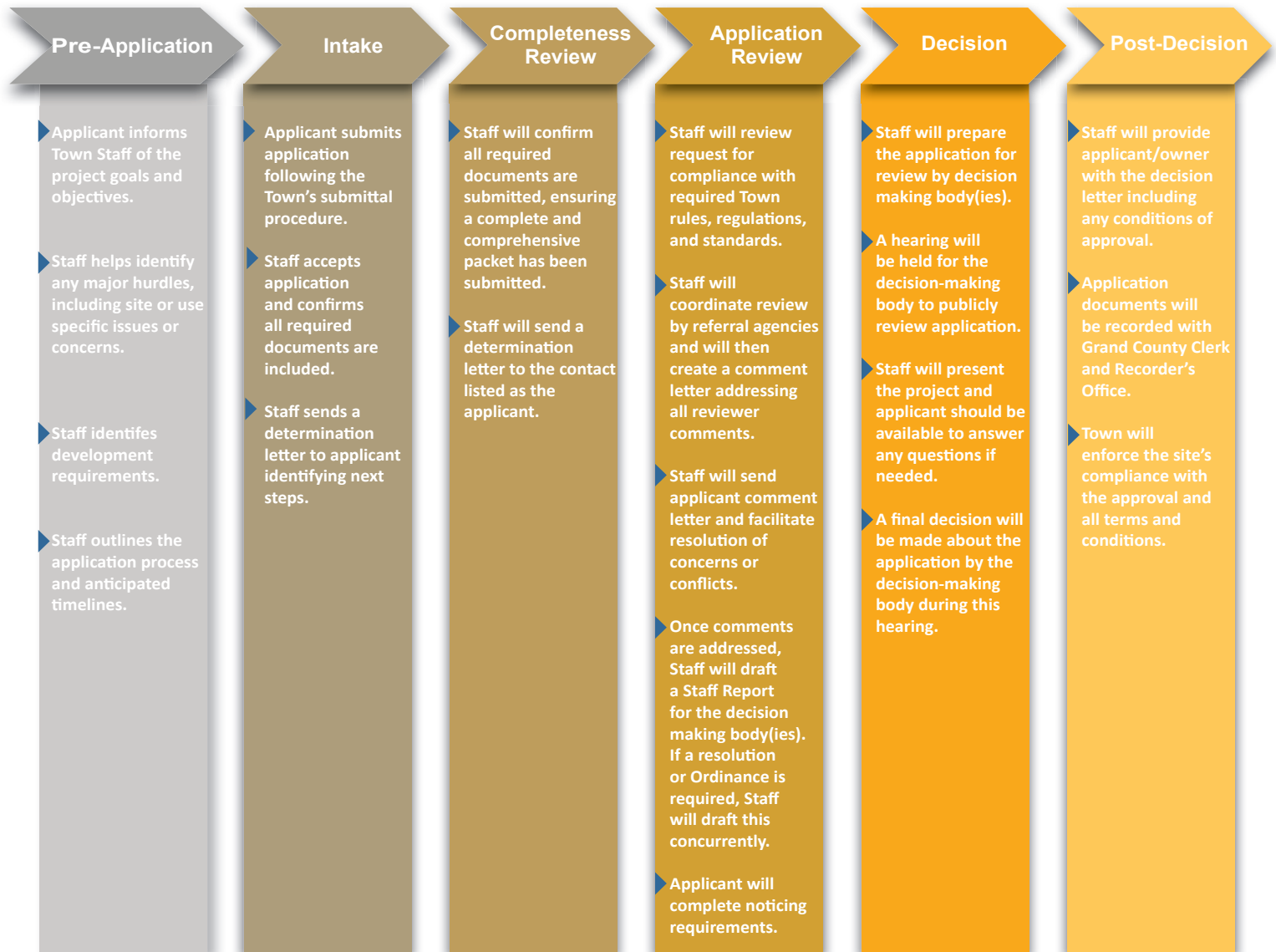
Depending on the type of project or application, the submittal requirements and approval process will vary. The appendices within this guide include information for each of these four categories and what the development process will look like for each. This will help determine where your project best fits.

KNOW YOUR ZONE

Knowing the zoning of a property is essential in understanding what and how something can be built on a property. Refer to [Title 9 \(Zoning Regulations\)](#) of the Municipal Code for more information on zoning requirements.

What is the development process?

The development process is the mechanism for Town representatives, whether it be Town Staff, Board of Trustees, Board of Adjustments, or Planning & Zoning Commission, to be able to review and adopt policies and regulations for physical development within the Town.

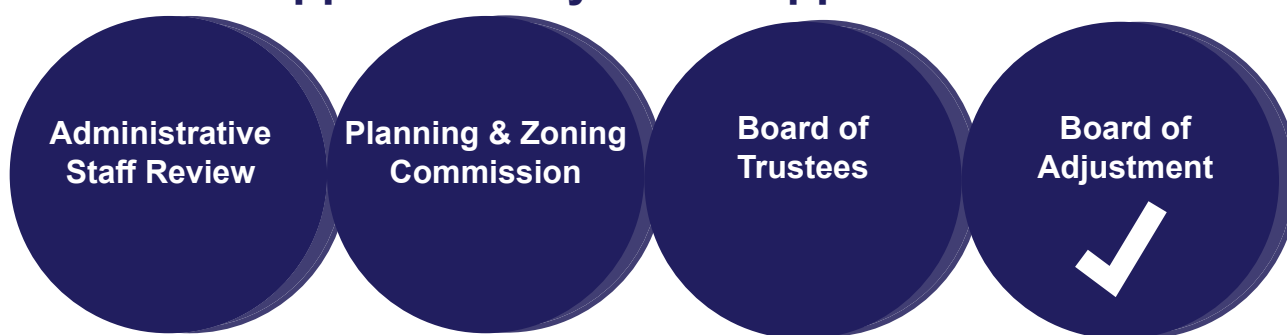


APPENDIX

What is an Appeal?

An appeal is a request to review a previously determined decision by administrative interpretation, decision making person, or a governing body. An applicant may apply for an appeal if they have gone through the development review process and did not receive favorable results. The appeal process is reviewed by the Board of Adjustment, who will ultimately make the final decision on an appeal request.

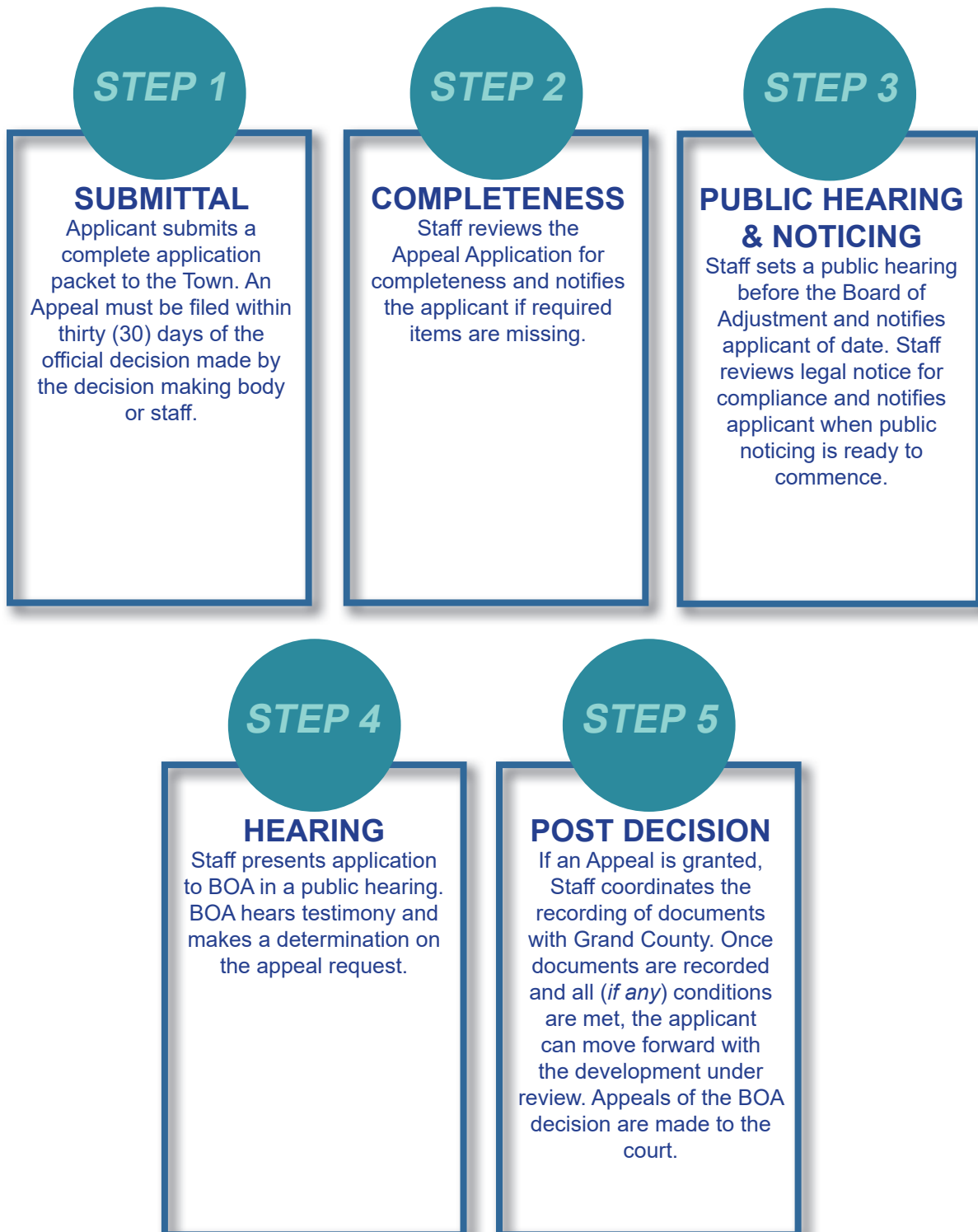
Who is the approval body for an Appeal?



Is public notification required for an Appeal?

Yes. Because a public hearing is required, the applicant will be responsible for public noticing requirements, as described in [2-1-6 of the Town Code](#). The applicant must provide notice to all owners within one hundred (100) feet of the exterior boundaries of the property that is the subject of the application or appeal. Notice shall be mailed by certified mail at least fourteen (14) days prior to the hearing. The applicant is also required to publish a newspaper notice at least ten (10) days before the hearing date. Public notice language will be reviewed by the Town prior to publication and distribution.

What are the steps in the development process for an Appeal?



Submittal Requirements

The following items are required to be included with your Appeal request:

- 1) Board of Adjustment Application (See page 11)
- 2) If submitting on behalf of the property owner, applicant shall submit a Statement of Authority, signed by the property owner. If property owner is an entity/LLC, supplemental paperwork showing the signer is authorized to do so shall be included. This can be in the form of a DBA statement, articles of organization, bylaws, etc. As long as it shows the signer can execute on behalf of the entity.
- 3) Certified survey and legal description of property
- 4) Statement of:
 - a) Which provisions of the Zoning Title of the Code are involved;
 - b) The relief sought by the applicant.
- 5) A list and/or map showing the owners of property within one hundred (100) feet of the exterior boundaries of the property which is the subject of the application or appeal.
- 6) A draft of the legal notice of public hearing before the Board of Adjustment to be published and mailed by certified mail to all owners of property within one hundred (100) feet of the exterior boundaries of the property which is the subject of the application or appeal, which draft shall be in the form as set forth in Section 2-1-8 of the Town of HSS Code.
- 7) Noticing documents required **prior to the public hearing**:
 - a) A copy of the map and/or information obtained from the assessor's office to determine the names of the owners of property within one hundred (100) feet of the exterior boundaries of the property which is the subject of the public hearing.
 - b) The return receipt cards showing that a copy of the approved legal notice was sent via certified mail, return receipt requested, to the owners of property within one hundred (100) feet of the exterior boundaries of the property which is the subject of the public hearing at least fourteen (14) days prior to the hearing date.
 - c) A copy of the published legal notice from the newspaper of general circulation as required by Paragraph 2-1-6(D)(2) of the Town of HSS Code.
- 8) Any additional information as requested by the Town that may be deemed necessary to adequately review the application.

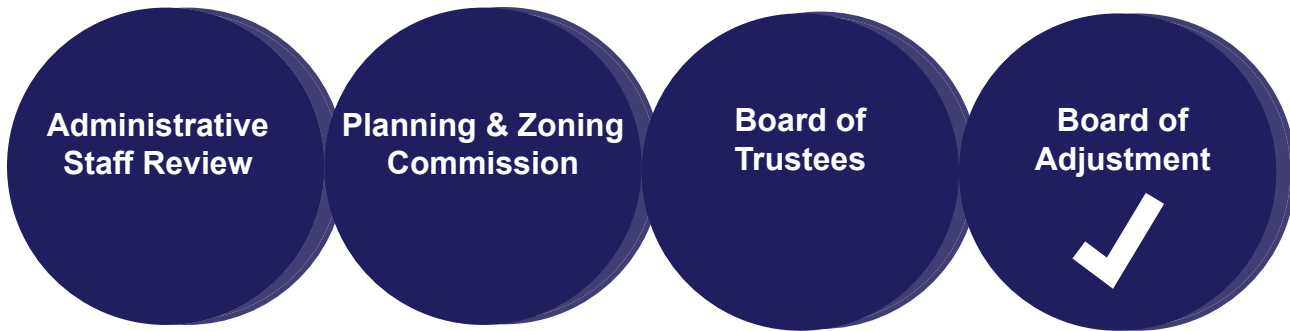
Approval Criteria

The Board of Adjustment shall have the power to interpret the Zoning Title, including any uncertainty as to district boundary locations or meanings of words, so long as this interpretation is not contrary to the purpose and intent of the Town Code.

What is an Variance?

A variance is a legal exception from or modification of zoning district provisions, which is granted by the Board of Adjustment due to the peculiar conditions existing within a specific piece of property that contribute to a need for a deviation from the code.

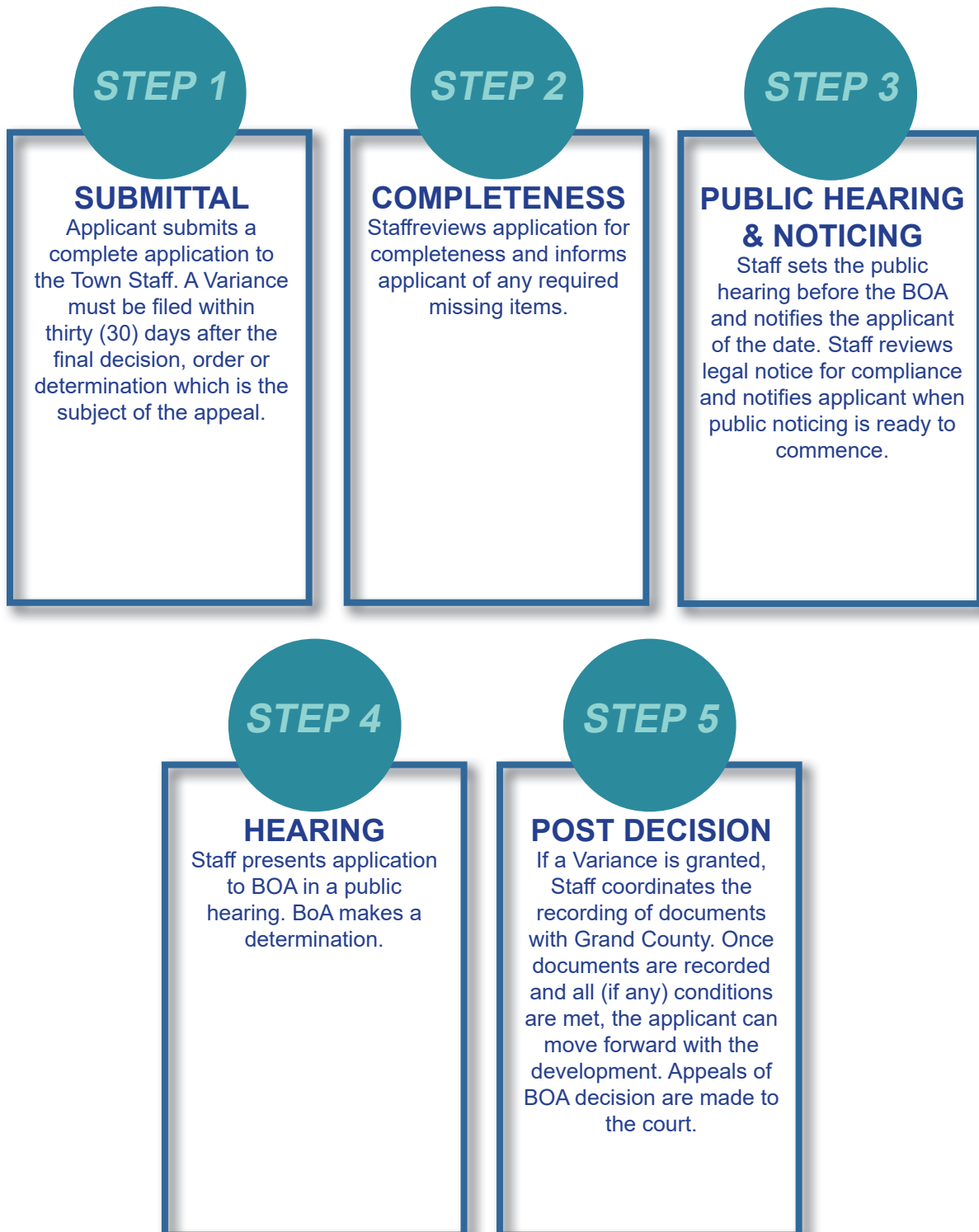
Who is the approval body for a Variance?



Is public notification required for a Variance?

Yes. Because a public hearing is required, the applicant will be responsible for public noticing requirements, as described in 2-1-6 of the Town Code. The applicant must provide notice to all owners within one hundred (100) feet of the exterior boundaries of the property, which shall be done by certified mail at least fourteen (14) days prior to the hearing. The applicant is also required to publish a newspaper notice at least ten (10) days before the hearing date. Public notice language will be reviewed by the Town prior to distribution.

What are the steps in the development process for a Variance?



Submittal Requirements

The following items are required to be included with your Variance request:

- 1) Board of A Application (*see page 11 for a copy*)
- 2) If submitting on behalf of the property owner, applicant shall submit a Statement of Authority, signed by the property owner. If property owner is an entity/LLC, supplemental paperwork showing the signer is authorized to do so shall be included. This can be in the form of a DBA statement, articles of organization, bylaws, etc. As long as it shows the signer can execute on behalf of the entity.
- 3) Certified survey and legal description of property
 - a) Which provisions of the Zoning Title of the Code are involved;
 - b) The relief sought by the applicant or appellant.
- 4) A list and/or map showing the owners of property within one hundred (100) feet of the exterior boundaries of the property which is the subject of the application or appeal.
- 5) A draft of the legal notice of public hearing before the Board of Adjustment to be published and mailed by certified mail to all owners of property within one hundred (100) feet of the exterior boundaries of the property which is the subject of the application or appeal, which draft shall be in the form as set forth in Section 2-1-8 of the Town of HSS Code.
- 6) Noticing documents required **prior to the public hearing:**
 - a) A copy of the map and/or information obtained from the assessor's office to determine the names of the owners of property within one hundred (100) feet of the exterior boundaries of the property which is the subject of the public hearing.
 - b) The return receipt cards showing that a copy of the approved legal notice was sent via certified mail, return receipt requested, to the owners of property within one hundred (100) feet of the exterior boundaries of the property which is the subject of the public hearing at least fourteen (14) days prior to the hearing date.
 - c) A copy of the published legal notice from the newspaper of general circulation as required by Paragraph 2-1-6(D)(2) of the Town of HSS Code.
- 5) Any additional information as requested by Town that may be deemed necessary to adequately review the application.

Approval Criteria

The Board of Adjustment shall have the power to grant variances from the provisions of the Zoning Title but only after consideration of the following provisions:

- 1) That satisfactory proof has been presented to the Board showing that the present or proposed situation of a requested building, structure or use is reasonably necessary for the convenience or welfare of the public.
- 2) That the variance which is requested would not authorize any use other than uses enumerated as a use by right of the district or a use by special review.
- 3) That an unnecessary hardship to the owner would be shown to occur if the provisions of the Zoning Title were literally followed.
- 4) That the circumstances found to constitute a hardship either were not created by the owner or were in existence at the effective date hereof and cannot be reasonably corrected.
- 5) That the variance would not injure the value, use of or prevent the proper access of light or air to the adjacent properties.
- 6) That the variance would not be out of harmony with the intent and purpose of the Zoning Title.

1) BOARD OF ADJUSTMENT

1.3 | Board of Adjustment Application

Project Name

Appeal Variance

APPLICATION TYPE

CONTACT INFORMATION *(please attach any additional contacts)*

PROPERTY OWNER

Phone Number

Email

Address

APPLICANT *(If different than owner)*

Phone Number

Email

Address

PROPERTY INFORMATION

Property Address *(if address not available, short legal or PIN Number)*

Address

Existing Zoning

Proposed Zoning

Email

PROJECT INFORMATION

Description of Request *(attach additional information if needed)*

CERTIFICATION

Please carefully read and check the statements below. Your application cannot be accepted without the following certifications being acknowledged:

All required submittal items have been included with this application.

I hereby authorize that I am the owner of the subject property or I have been authorized by the owner(s) of the subject property to represent this application, and that the information provided is true and correct to the best of my knowledge.

Applicant Signature

Date

Property Owner Signature

Date

Information below to be filled out by Town Staff. Applicant, please do not write below this line.

Received By

Date

Fee Paid

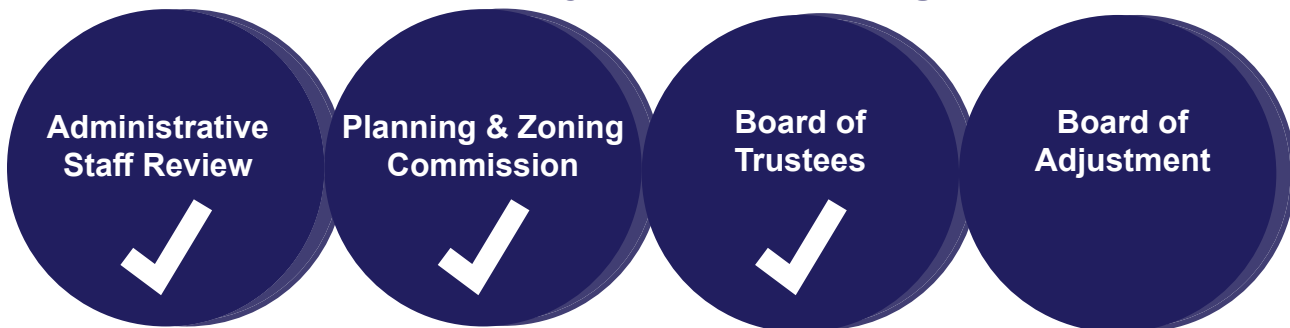
Credit Card / Check Number

What is a Rezoning Petition?

A rezoning is a change to how a property can be used or developed through regulation changes. All properties within the jurisdiction of the Town of Hot Sulphur Springs have an assigned zoning designation. This designation dictates the use, type and development standards for structures that can go on the property. When a property owner is interested in changing the allowable uses, a rezoning application may be required.

Use and property standards for zoning districts are specified in Title 9, Chapter 6 of the Town of Hot Sulphur Springs Municipal Code. The use schedule, which lists the uses permitted by right or by special consideration for each zoning district, can be found in Section 9-6-3. Property standards, including density regulations, are broken out by zoning district in Sections 9-6-4 through 9-6-9. When a proposed land use or property standards differs from the underlying zoning district standards, a rezoning petition may be required.

Who is the approval body for a Rezoning Petition?



Is public notification required for a Rezoning Petition?

Yes. Because a public hearing is required, the applicant will be responsible for public noticing requirements, as described in 9-4-4(D)(1) of the Town Code. The application is heard in a public hearing before the Planning and Zoning Commission (Commission) and the Board of Trustees (Board). The applicant shall publish notice, no less than thirty (30) days prior to the date scheduled, in a paper of general circulation in the Town. Applicant shall also mail a written notice of said hearing by certified mail return receipt requested to all property owners within two hundred (200) feet of any part of the property proposed for zoning, disregarding intervening public streets and alleys at least fifteen days prior to the hearing. Applicant shall also post notice of said hearing on the property frontages. Every form of notice shall state the time, date and location of the public hearing, the location of the property and the nature of the zoning request. At least three (3) days before the hearing, the applicant shall also provide the Town with a completed Certificate of Notice to Mineral Estate Owners.

What are the steps in the development process for a Rezoning Petition?

STEP 1

PRE-MEETING

Applicant schedules a Pre-Application meeting with Town Staff. A cursory review of the request is conducted and informs applicant of any issues and outlines the process and time-line.

STEP 2

SUBMITTAL

Applicant submits application to the Town. Staff reviews application for completeness and informs applicant of any missing required items.

STEP 3

PROJECT REVIEW

Staff distributes application to referral agencies for review against required rules, regulations and standards. Staff compiles letter including all referral comments and helps facilitate resolution. Applicant resubmits revised application addressing all comments.

STEP 4

HEARING DOCUMENTS

Once review is complete, Staff drafts a Report for the Commission and the Board. Staff coordinates public noticing requirements with the Applicant.

STEP 5

COMMISSION HEARING

Staff presents application to the Planning & Zoning Commission with recommendations. The Commission makes a determination and forwards their decision to the Board of Trustees.

STEP 6

BOARD HEARING

Staff presents application to the Board of Trustees. The Board makes the final decision to approve or deny the application.

STEP 7

POST DECISION

After the Board approves the application, Staff coordinates the recording of necessary documents with Grand County. Once recorded and all (if any) conditions are met, the applicant can move forward with the development.

Submittal Requirements

The following items are required to be included in your Rezoning Petition application packet:

- 1) Land Use/Development Review Application (*see page 26 for a copy*)
- 2) If submitting on behalf of the property owner, applicant shall submit a Statement of Authority, signed by the property owner. If property owner is an entity/LLC, supplemental paperwork showing the signer is authorized to do so shall be included. This can be in the form of a DBA statement, articles of organization, bylaws, etc. As long as it shows the signer can execute on behalf of the entity.
- 3) Certified survey and legal description of property
- 4) List of names and addresses of all property owners
- 5) Proof of ownership of the property dated within six (6) months from the date of application
- 6) Present zoning of property
- 7) Statement of type of zoning and uses sought with petition
- 8) Narrative summary of existing uses on property
- 9) List of names and addresses of owners of properties within two hundred (200) feet of the exterior boundaries of the property (*disregarding intervening public streets and alleys*)
- 10) Any additional information as requested by Town that may be deemed necessary to adequately review the application.

Approval Criteria

Before a Rezoning Petition may be approved, the applicant must demonstrate how the rezoning will meet all the following requirements:

- 1) That the proposed zoning is in conformity or will bring the property into conformance with the Hot Sulphur Springs Master Plan or reflects conditions that have changed since adoption of the Master Plan;
- 2) That there have been material changes in the character of the neighborhood due to installation of public facilities, other zone changes, new growth trends or development transitions that justify a change in the zoning;
- 3) That the proposed zoning will tend to preserve and promote property values in the neighborhood;
- 4) That development of the property in accordance with the proposed zoning will be in harmony and compatible with surrounding land uses and present development in the area;
- 5) That the property cannot be reasonably used and developed as presently zoned;
- 6) That the proposed zoning will not adversely affect public health, safety or welfare by creating excessive traffic congestion, creating drainage problems or seriously reducing light and air to adjacent properties;
- 7) That the proposed zoning will otherwise promote the public welfare; and
- 8) That denial of the proposed zoning would not preclude any reasonable economic use of property.

What is a Special Use Permit?

Each parcel in the Town of Hot Sulphur Springs is designated a specific zoning designation that establishes the uses that are allowed; known as Use by Right. A Special Use Permit is the process to allow a specific use not identified as a Use by Right in a particular zone district. This process is also required when seeking approval for a use that is listed in the zoning code as only being permitted with approval of a Special Use Permit.

Who is the approval body for a Special Use?



Is public notification required for a Special Use?

Yes. Because a public hearing is required, the applicant will be responsible for public noticing. The application is heard in a public hearing before the Planning and Zoning Commission (Commission) and the Board of Trustees (Board). The applicant shall publish notice, no less than thirty (30) days prior to the date scheduled, in a paper of general circulation in the Town. Applicant shall also mail a written notice of said hearing by certified mail return receipt requested at least fifteen (15) days prior to the hearing date to all property owners within two hundred (200) feet of any part of the property proposed for the special use permit, disregarding intervening public streets and alleys. Every form of notice shall state the time, date and location of the public hearing, the location of the property and the nature of the special use permit application. At least three (3) days before the hearing, the applicant shall also provide the Town with a completed certificate of notice.

What are the steps in the development process for a Special Use?

STEP 1

PRE-MEETING

Applicant schedules a Pre-Application meeting with Town Staff. A cursory review of the request is conducted and Staff informs applicant of any issues and outlines the process and time-line.

STEP 2

SUBMITTAL

Applicant submits application to the Town. Staff reviews application for completeness and informs applicant of any missing required items.

STEP 3

PROJECT REVIEW

Staff distributes application to referral agencies for review against required rules, regulations and standards. Staff compiles letter including all referral comments and helps facilitate resolution. Applicant resubmits revised application addressing all comments.

STEP 4

HEARING PREPARATION

Once review is complete, Staff drafts a Report for the Commission and the Board. Staff coordinates public noticing requirements with the Applicant.

STEP 5

COMMISSION HEARING

Staff presents application to the Planning & Zoning Commission with recommendations. The Commission makes a determination and forwards their decision to the Board of Trustees.

STEP 6

BOARD HEARING

Staff presents application to the Board of Trustees. The Board makes the final decision to approve, deny or approve with conditions.

STEP 7

POST DECISION

After the Board approves the application, Staff coordinates the recording of necessary documents with Grand County. Once recorded and all (if any) conditions are met, the applicant can move forward with the development.

Submittal Requirements

The following items are required to be included in your Special Use Permit application packet:

- 1) Land Use/Development Review Application (*see page 26 for a copy*)
- 2) If submitting on behalf of the property owner, applicant shall submit a Statement of Authority, signed by the property owner. If property owner is an entity/LLC, supplemental paperwork showing the signer is authorized to do so shall be included. This can be in the form of a DBA statement, articles of organization, bylaws, etc. So long as it shows the signer can execute on behalf of the entity.
- 3) Certified survey and legal description of property
- 4) Written description of the proposed use in sufficient detail to allow review and analysis of the operation and its potential impact on the existing surrounding neighborhood
- 5) Current evidence of title, including a title insurance policy or commitment, demonstrating that the applicant has a legal interest in the property. Such evidence of title shall include a complete and accurate legal description of the property and a certified survey
- 6) A site plan of the property involved, drawn to scale, showing dimensions and all significant features, including the location of existing and/or proposed buildings and other structures, parking areas, fences, walls, proposed public improvements, means of ingress and egress and landscaping;
- 7) A list of the names and addresses of all owners of property within two hundred (200) feet of the exterior boundaries of the property which is the subject of special use review; and
- 8) Any additional information as may be required by the Town or by specific requirements set forth in this Title, or necessary to adequately review the application.

Approval Criteria

A use may be permitted by special review if the applicant shows and the Planning and Zoning Commission and Board of Trustees find that the proposed use meets all of the following requirements:

- 1) That all existing criteria for minimum lot area, setbacks, maximum building height, permitted signs and parking are met;
- 2) That the proposed use will not change the predominant character of the neighborhood and will be compatible with the surrounding area;
- 3) That the proposed use will not result in an over-intensive use of land;
- 4) That the proposed use will not require a level of community facilities and services greater than what is available;
- 5) That the use will not result in undue traffic congestion or hazard;
- 6) That there will not be significant air, odor, water or noise pollution caused by the proposed use;
- 7) That the use will be adequately landscaped; and
- 8) That the use will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town.

Please see the next two pages for approval criteria if your Special Use Permit request is for a Storage Facility or Shelter Houses in a Business Zone District.

Self-storage facility or mini-storage in the Business Zone District Approval Criteria:

- (a) Permitted locations. Self-storage facilities or mini-storage uses are permitted only by special use permit in the Business Zone District.
- (b) Conditions. Uses not related to the short-term storage of household items, recreational vehicles and equipment and nonhazardous, nonperishable durable goods are prohibited at self-storage or mini-storage facilities. This includes, but is not limited to, automobiles and heavy equipment storage; storage of volatile, flammable and hazardous items, perishable goods or animals; and use as a residence, office, workshop, studio or place of business. Electrical service to individual units must be for lighting and climate control only. Electrical outlets must not be provided in individual units. Any proposed outdoor storage of automobiles or recreational vehicles must be totally screened from public view or adjacent properties. The Town reserves the right to send out applications for use by special review to applicable reviewing agencies to determine compliance with the regulations over which such agencies have jurisdiction and to make appropriate recommendations based on such review.
- (c) Architectural theme. Architectural details must relate to an overall architectural theme. Facilities shall be designed consistent with the dominant theme of surrounding buildings or any Town design standards. Bright primary colors are prohibited on buildings, regardless of corporate standards or preferences. Earthen-tone colors shall be utilized.
- (d) General architectural requirements. Buildings must include design elements such as columns, ribs or pilasters, piers and patterns to prevent a utilitarian, industrial, warehouse-like appearance. Wood, composite or synthetic accents are encouraged. Unit doors must be screened or sited so they are not visible from the street or residential properties. Unit doors must be integrated into the overall design theme of the site through color and texture.
- (e) Roof design. Buildings must include pitched roofs with a high quality surface such as architectural shingles or seam metal. Flat roofs are prohibited. Roofs must have overhanging eaves extending past the building wall.
- (f) Landscaping. Landscaping and berming must be provided to screen storage buildings and any outside storage areas from the public right-of-way and adjacent residential zoning districts. A landscape and irrigation plan must be provided.
- (g) Circulation and stacking. Twenty percent (20%) of the units must be accessible to a full-sized moving truck. Drive aisles must be at least twenty-four (24) feet wide when vehicular access is provided between buildings with opposing storage access. All drive aisles and unit access points must be surfaced in impervious or permeable pavement. Units and drive aisles must be sited so a vehicle parked at a unit cannot trap another vehicle and prevent it from leaving the facility. Parking spaces must not be located in the street yard.
- (h) Signs. Signs must comply with Section 9-7-2 of this Title.
- (i) Fencing and screening. Perimeter fencing, security fencing and entry gates must be constructed of attractive materials that are compatible with the design and materials used throughout the site. Acceptable fencing types, including wood, masonry, decorative metal and wrought iron, are encouraged. Barbed wire, stockade fencing, cinder block, precast concrete and chain link fencing are prohibited.
- (j) Outdoor lighting. Night lighting and security lighting must be sensitively designed and directed downward to ensure that no off-site glare is directed to neighboring parcels and that the overall intensity of the site lighting is not excessive. Excessive night security lighting is discouraged, and other security measures should be considered. Building-mounted lighting must be used instead of freestanding light poles wherever possible. When a self-storage facility is adjacent to a residential use, lights must be turned off between 9:00 p.m. and 6:00 a.m.
- (k) Snow storage and drainage. A snow storage and drainage plan shall be provided. The drainage plan must comply with any and all design and construction standards of the Town, including, but not limited to any drainage standards. All drainage shall not impact adjacent properties. Snow storage areas must be at least twenty-five percent (25%) of all impervious surfaces (driveways, access and parking).

Shelter house in the Business Zone District Approval Criteria:

- (a) On-street parking is prohibited. All parking shall be provided on site and shall not encroach onto adjacent or neighboring properties.
- (b) Snow storage. Adequate snow storage shall be provided on site and shall not encroach onto adjacent or neighboring properties.
- (c) Outdoor lighting. Night lighting and/or security lighting must be sensitively designed, shielded and directed downward to minimize off-site glare to adjacent or neighboring properties. All security lighting shall be on a motion detector and/or sensor.
- (d) Fencing. Perimeter fencing, security fencing and/or entry gates must be constructed of attractive materials that are compatible with the design and materials used throughout the site. Acceptable fencing types include wood, masonry, decorative metal and wrought iron. Barbed wire, stockade fencing, cinder block, pre-cast concrete and chain link fencing are prohibited.
- (e) Property maintenance. The property shall be appropriately maintained in a proper manner, including but not limited to: the exterior of the dwelling, landscaping, driveway and parking.
- (f) Management. The use and property shall be properly supervised. A daily record of all occupants, as well as any approved visitors, shall be maintained. The use shall have proper security. An emergency plan shall be provided and made available for all adjacent or neighboring properties, along with twenty-four-hour contact information of each party responsible for the property and use.
- (g) Occupancy. The maximum number of persons or occupants housed in the dwelling shall be provided.
- (h) Housing duration. The maximum number of days an occupant may be housed in the dwelling (housing duration) shall be provided.

What is a Zoning Text Amendment?

A Zoning Text Amendment is a proposal to revise specific text in Title 9 Zoning of the Hot Sulphur Springs Code. This could include amending certain land use restrictions, such as setback or height restrictions, or it may apply to use restrictions. Because an amendment to the code would apply to all properties throughout the City affected by the change, these requests are very rare. Requests or proposals to amend, modify, supplement or repeal the zoning regulations set forth in this Title shall be made in writing. Amendments may also be proposed by the Board of Trustees, Planning & Zoning Commission or Board of Adjustment.

Who is the approval body for a Zoning Text Amendment?



Is public notification required for a Zoning Text Amendment?

Yes. Upon receipt of the Planning and Zoning Commission’s recommendation, the Board of Trustees shall consider the zoning text amendment at a public hearing. Notice of the public hearing shall be published in a newspaper of general circulation in the Town at least fifteen (15) days prior to said hearing.

Submittal Requirements

Zoning text amendment requests must be submitted in writing to the Town.

Approval Criteria

All amendments to the zoning regulations shall be accomplished by ordinance, following the Town’s standard ordinance adoption procedures. The Board of Trustees shall approve, approve with modifications or deny the ordinance based on whether the proposed amendment is consistent with and advances the general health, safety and welfare are of the Town and its residents.

What are the steps in the development process for a Zoning Text Amendment?

STEP 1

PROPOSAL

Applicant submits a written request to amend the zoning text, specifying the section(s) and text to be amended to the Town.

STEP 2

COMMISSION HEARING

The Commission reviews the request and makes a recommendation to the Board of Trustees.

STEP 3

BOARD HEARING

The Board reviews the Commission's recommendation and the request. The Board make a determination to approve or deny the request.

STEP 4

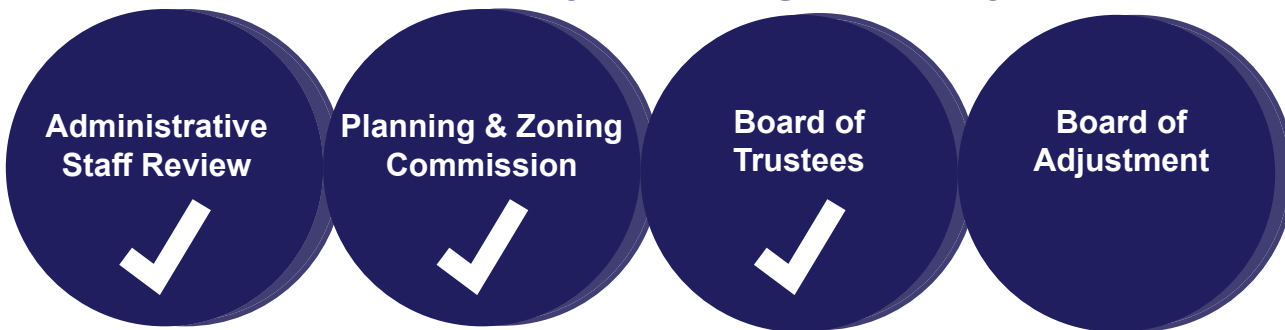
POST DECISION

If approved, Staff follows the Town's standard ordinance adoption and recordation procedures with Grand County. Updates are made to the Town Code.

What is a Right-of-way Vacation?

A Right-of-way Vacation is used to extinguish an area owned or held by the Town and legally established for public use, travel, utilities, etc. It vacates all or a portion of public right-of-way, usually an alley or portion of a street. Right-of-way is generally only vacated when it is no longer used or needed by the Town for transportation or utility purposes. Street right-of-way vacations shall be accomplished by ordinance.

Who is the approval body for a Right-of-way Vacation?



Is public notification required for a Right-of-way Vacation?

Yes. It shall be the responsibility of the applicant, not less than fifteen (15) days prior to the date scheduled for the hearing, to publish notice thereof in a paper of general circulation in the Town. The applicant shall mail written notice of said hearing by certified mail, return receipt requested, at least fifteen (15) days prior to the hearing date, to all adjacent property owners. At least fifteen (15) days prior to the hearing, the applicant shall also post notice of said hearing within or near the right-of-way proposed for vacation. Every form of notice shall state the time, date and location of the public hearing, the location of the right-of-way to be vacated and the nature of the vacation request.

What are the steps in the development process for a Right-of-way Vacation?

STEP 1

PRE-MEETING

Applicant schedules a Pre-Application meeting with Town Staff. A cursory review of the request is conducted and Staff informs applicant of any issues and outlines the process and time-line

STEP 2

SUBMITTAL

Applicant submits application to the Town. Staff reviews application for completeness and informs applicant of any missing required items.

STEP 3

PROJECT REVIEW

Staff distributes application to referral agencies for review against required rules, regulations and standards. Staff compiles letter including all referral comments and helps facilitate resolution. Applicant resubmits revised application addressing all comments.

STEP 4

HEARING PREPARATION

Once review is complete, Staff drafts a Report for the Commission and the Board. Staff coordinates public noticing requirements with the Applicant.

STEP 5

COMMISSION HEARING

Staff presents application to the Planning & Zoning Commission with recommendations. The Commission makes a determination and forwards their decision to the Board of Trustees.

STEP 6

BOARD HEARING

Staff presents application to the Board of Trustees. The Board makes the final decision to approve, deny or approve with conditions.

STEP 7

POST DECISION

If approved, Staff coordinates recording of necessary documents with Grand County.

Submittal Requirements

The following items are required to be included in your Right-of-way vacation application packet:

- 1) Land Use/Development Review Application (*see page 26 for a copy*)
- 2) If submitting on behalf of the property owner, applicant shall submit a Statement of Authority, signed by the property owner. If property owner is an entity/LLC, supplemental paperwork showing the signer is authorized to do so shall be included. This can be in the form of a DBA statement, articles of organization, bylaws, etc. So long as it shows the signer can execute on behalf of the entity.
- 3) Legal description of the proposed right-of-way or portion thereof to be vacated, prepared, signed and sealed by a land surveyor registered in the State
- 4) Name and mailing address of all property owners adjacent to or otherwise affected by the vacation
- 5) A copy of the original, recorded conveyance document in which the right-of-way was dedicated and conveyed for public purposes
- 6) The reasons for the request for vacation, a description of the planned use of the right-of-way proposed for vacation and description of the means of access to all properties affected by the proposed vacation.

Approval Criteria

Before a right-of-way vacation is approved, the applicant shall show and the Planning and Zoning Commission and Board of Trustees shall find:

- 1) That the proposed vacation will not leave any adjoining land without access to an established public right-of-way or private access easement connecting such land to another established public right-of-way
- 2) That the proposed vacation is in conformity with the Town's Comprehensive Plan
- 3) That the proposed vacation will not have a negative impact on the infrastructure of the Town
- 4) That adequate easements have been reserved for use and/or maintenance by the Town or other utility agencies

APPLICATION TYPE

Project Name

Rezoning

Special Use Permit

Zoning Text Amendment

Right-of-way Vacation

CONTACT INFORMATION *(please attach any additional contacts)*

PROPERTY OWNER

Phone Number

Email

Address

APPLICANT *(If different than owner)*

Phone Number

Email

Address

PROPERTY INFORMATION

Property Address *(if address not available, short legal or PIN Number)*

Address

Existing Zoning

Proposed Zoning

Email

PROJECT INFORMATION

Description of Request *(attach additional information if needed)*

CERTIFICATION

Please carefully read and check the statements below. Your application cannot be accepted without the following certifications being acknowledged:

All required submittal items have been included with this application.

I hereby authorize that I am the owner of the subject property or I have been authorized by the owner(s) of the subject property to represent this application, and that the information provided is true and correct to the best of my knowledge.

Applicant Signature

Date

Property Owner Signature

Date

Information below to be filled out by Town Staff. Applicant, please do not write below this line.

Received By

Date

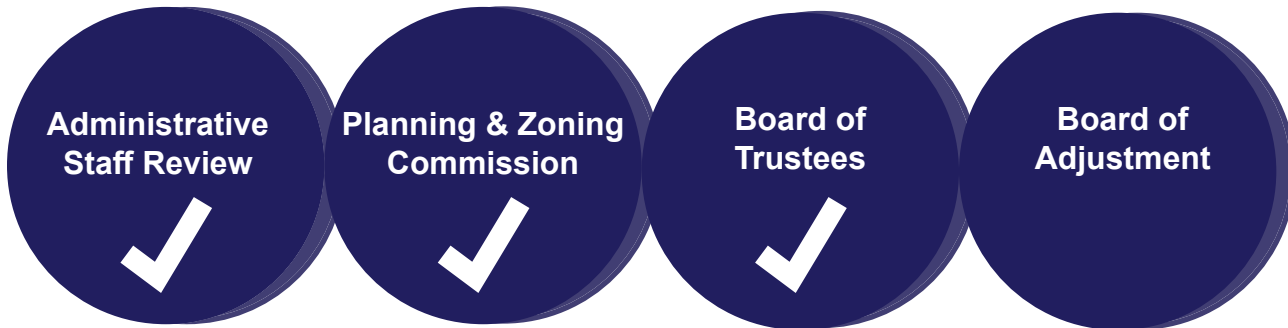
Fee Paid

Credit Card / Check Number

What is a Subdivision?

Subdivision is the division of a lot, tract, parcel or structure into two (2) or more parcels, building sites, tracts, lots or estates in land for the purposes, whether immediate or in the future, of sale or development. Subdivision includes: resubdivision of a subdivided tract into a greater number of parcels, buildings sites, tracts, lots or estates in land; reconfiguration or vacation of existing platted lot boundaries, and conversion or modification of an existing building into condominiums, apartments or other multiple-dwelling units.

Who is the approval body for a Subdivision?



Is public notification required for a Subdivision?

Yes. The subdivision process requires a public hearing and the applicant is responsible for notice by publication, mailing and property posting. All public notices shall include the date, time, place and purpose of the hearing, a general description of the property affected and any other information deemed appropriate by the Town Clerk to apprise the public of the general nature of the action proposed. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive and material and are found to have reasonably misled or misinformed the public.

1) Publication Notice: Shall be published in the official Town newspaper or in a newspaper of general circulation within the Town at least fourteen (14) days before the date of the hearing.

2) Mailing Notice: Shall be mailed to owners of adjacent property via United States mail, first-class postage prepaid, or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. mail or delivery to another comparable service shall be made at least seven (7) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice or invalidation of the hearing. Owners of adjacent property are identified as their names appear in the County Assessor or County Clerk and Recorder records. For purposes of determining addressees for mailed notice, the Town may rely upon the ownership information provided by the applicant as part of the application.

3) Property Posting: Notice shall be posted on the property that is subject to the hearing in a location that is reasonably determined by the applicant to provide the greatest degree of visibility to members of the public. In most instances, the posting shall be made along the primary traveled public right-of-way adjacent to the property. Posting shall be initially made at least fourteen (14) days before the date of the hearing. Failure of the posted notice to remain in place and visible during the entire posting period prior to the hearing shall not be deemed sufficient cause to require a postponement, re-posting or invalidation of the hearing where the applicant demonstrates at the hearing that reasonable efforts were employed by the applicant to ensure that the posted notice remained visible. Reasonable efforts may include routine visits to the property to ensure that the posted sign is visible and in good repair. Applicants are encouraged to maintain a "posting log" or other written record of the dates, times and condition of the posted notice.

What are the steps in the development process for a Subdivision?

STEP 1

PRE-MEETING

Applicant schedules a Pre-Application meeting with Town Staff. A cursory review of the request is conducted and Staff informs applicant of any issues and outlines the process and time-line.

STEP 2

SUBMITTAL

Applicant submits application to the Town. Staff reviews application for completeness and informs applicant of any missing required items.

STEP 3

PROJECT REVIEW

Staff distributes application to referral agencies for review against required rules, regulations and standards. Staff reviews application and compiles letter including all referral comments and helps facilitate resolution. Applicant will address any comments and continue coordination until review is complete.

STEP 4

HEARING PREPARATION

Once review is complete, Staff drafts a Report for the Commission and the Board. Staff coordinates public noticing requirements with the Applicant.

STEP 5

COMMISSION HEARING

Staff presents application to the Planning & Zoning Commission with recommendations. The Commission makes a determination and forwards their decision to the Board of Trustees.

STEP 6

BOARD HEARING

Staff presents application to the Board of Trustees. The Board makes the final decision to approve, deny or approve with conditions.

STEP 7

POST DECISION

If approved, Staff coordinates recording of necessary documents with Grand County.

Submittal Requirements

The applicant shall submit to the Town twenty-five (25) copies of all application materials. The Town Administrator may request additional copies of documents larger than eight and one-half (8½) by eleven (11) inches where necessary to provide sufficient documentation for unanticipated referrals. The following submittals, materials and information shall constitute the minimum requirements for a complete subdivision application:

- 1) Subdivision Application (*see page x for a copy*)
- 2) If submitting on behalf of the property owner, applicant shall submit a Statement of Authority, signed by the property owner. If property owner is an entity/LLC, supplemental paperwork showing the signer is authorized to do so shall be included. This can be in the form of a DBA statement, articles of organization, bylaws, etc. As long as it shows the signer can execute on behalf of the entity.
- 3) Payment of all required application fees and any review fee deposit
- 4) An executed Agreement for Payment of Development Review Expenses in the form required by Chapter 1 of the subdivision regulations
- 5) Evidence of ownership and encumbrances as defined by Chapter 2 of these subdivision regulations
- 6) A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor
- 7) A list of the names and mailing addresses of all owners of adjacent property to the property proposed for subdivision as this information appears of record with the County Assessor's Office
- 8) A signed and notarized certification from the applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Section 24-65.5-103, C.R.S., or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Chapter 15 of the Town Municipal Code.

Supplemental application requirements. The Town Administrator may request any of the following submittals, materials or information, in addition to the minimum application requirements identified above.

- 1) Proposal summary. A narrative statement describing the existing conditions and the proposed subdivision and development, including the following information requested by the Town Administrator:
 - a) Total proposed development area in acres with a breakdown in percentages and amounts devoted to specific land uses
 - b) Zoning districts of the property and of all adjacent properties
 - c) Proposed zoning districts if a rezoning is being requested
 - d) If zoned for residential use or proposed for rezoning to a residential use, an approximation of the number and types of dwelling units
 - e) Anticipated providers of utilities (water, sewer, gas, electric, telephone)
 - f) Proposal for preservation, protection, alteration or removal of significant natural features and man-made characteristics of the site.

Submittal Requirements Cont'd

- 2) Studies and reports. If requested, the following studies and reports must be prepared by a qualified professional at the applicant's cost:
 - a) Drainage report and grading plan;
 - b) Soils and geology report;
 - c) Utility plan for the delivery of water, sewer and electric services to and throughout the property; and
 - d) Traffic impact analysis, including an evaluation of the vehicular and pedestrian traffic patterns, together with estimated trips per day, for roads within the subdivision and for all routes leading from the subdivision and connecting to highway and arterial roads.
- 3) One (1) copy of any agreements, conveyances, restrictions or private covenants that will govern the use and maintenance of the subdivision and any common private open space or private subdivision amenity.
- 4) Complete engineering plans and specifications sufficient to commence construction for all public facilities and improvements to be installed, including but not limited to:
 - a) Water and sewer improvements, including all sewer lift stations;
 - b) Streets and related improvements;
 - c) Bridges; and
 - d) Storm drainage, detention and erosion control improvements.
- (5) One (1) copy of any agreement affecting the subdivision and public or private improvements made with ditch companies, railroad companies, utility providers and state, county or local governmental or quasi-governmental agencies.
- (6) Written description of arrangements and financial institution commitments for providing financial guarantees and sureties for the timely completion of all public improvements.
- (7) A preliminary or draft subdivision improvements agreement in the form required by these subdivision regulations and generally acceptable to both the subdivider and the Town Attorney and which is capable of finalizing upon the conclusion of the public hearing and approval or conditional approval of the final plat by the Board of Trustees.

Approval Criteria

Before a subdivision is approved, the applicant shall show and the Planning and Zoning Commission and Board of Trustees shall find:

- 1) The proposed subdivision meets or satisfies all applicable requirements of these subdivision regulations;
- 2) The proposed subdivision conforms to all applicable requirements for the zone district in which the property is located, including but not limited to requirements for setbacks, height, floor and lot areas and minimum lot sizes.
- 3) The proposed subdivision substantially conforms to all other applicable requirements of this Code, ordinances and resolutions.
- 4) The proposed subdivision substantially conforms to the goals and policies of the Comprehensive Plan to the extent that such goals and policies do not conflict with provisions or requirements of this Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning and Zoning Commission or Board of Trustees to decide that such application or subdivision meets or fails to meet such goal or policy.
- 5) Adequate capacity of water and wastewater utilities are currently available within the Town for the entire subdivision and development.
- 6) The proposed subdivision (both during and following construction and development) will not result in an unreasonable increase in the peak rate of discharge, result in a decrease in the quality of discharge, or result in any significant change in the direction or location of the point of discharge, of stormwater or surface water flows upon any adjacent or neighboring property.

The Board of Trustees may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval or this Code, or which are necessary to protect the health, safety and welfare of the Town and its residents.

Subdivision Plat Format

The subdivision plat shall be drafted at a scale of one (1) inch to one hundred (100) feet (1" = 100') by the use of permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four (24) inches by thirty-six (36) inches. Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet. Other scales may be authorized in writing by the Town Administrator for larger, lower-density developments, provided that the necessary data can be clearly and accurately shown. Where the required data cannot be clearly shown on one (1) plan sheet, additional plan sheets of the same size with easily identifiable match lines may be used. Subject to the Town Administrator's authority to waive all or a portion of any plat requirement, the subdivision plat shall include or illustrate the following information:

- 1) A title that prominently identifies the proposed name of the subdivision, together with the phrase "Subdivision Plat".
- 2) Date of preparation, map scale and north arrow.
- 3) Name, address and telephone number of the applicant, land owner, planner, engineer and surveyor.
- 4) Total acreage and surveyed description of the area. A check of the mathematical closure on the boundary lines, street rights-of-way, easements, lots, outlots and blocks of the subdivision plat may be performed by the Town Engineer, at the Town Engineer's option. Any closure errors in excess of one one-hundredth (0.01) of a foot must be corrected prior to plat approval. No subdivision plat showing plus or minus dimensions will be approved.
- 5) Primary boundary survey control points with monument descriptions; all parcel lines dimensioned with lengths; curve data, including chord lengths and bearings; basis of bearings and relation to true meridian. The data shall be sufficiently complete to determine independently closures for rights-of-way, easements, boundaries, lots, outlots and blocks. All required boundary monuments shall be placed in the field before the final plat is recorded.
- 6) Tract boundary lines, road right-of-way lines, easements and other sites with accurate bearings and dimensions, including chord lengths and bearings, central angles, arc lengths and radii of all curves.
- 7) Name and right-of-way width of each street. Right-of-way widths are to be shown at each leg of an intersection, at point of curvature and point of tangent, at dead-ends and at angle points.
- 8) Locations, dimensions and purposes of all easements.
- 9) Number or letter to identify each lot, outlot and block. Lots and blocks shall be numbered. All outlots shall be lettered in alphabetical order.
- 10) An identification of the streets, alleys, easements, parks, open space and any other public facilities shown on the plat to be dedicated to public use. No areas within the plat may be designated as areas of conditional, planned or future public acquisition. Dedications of public property not made on the subdivision plat shall be made only by general warranty deed unless otherwise approved by the Board of Trustees.
- 11) Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such.
- 12) Signature and seal of the registered land surveyor.
- 13) A delineation of the extent of the one-hundred-year floodplain.
- 14) All subdivision plat approval certifications, plat language and recording information in the forms identified in Section 10-15-1 of these subdivision regulations.

What is a Plat Amendment?

A plat amendment is any form of amendment or modification of an approved and recorded plat that:

- 1) Does not create any additional lots or outlots; and
- 2) Does not create or result in the creation of a lot or outlot that would violate or fail to conform to any applicable zoning or other standard, including but not limited to lot area, minimum frontage, building height, setbacks, street or private drive width, parking or access; and
- 3) Does not reduce the amount of any dedicated or publicly owned land, and in the opinion of the Town Planner does not significantly alter or impact the subdivision's access, parking or traffic circulation system; and
- 4) Either:
 - a) Eliminates or relocates one (1) or more lot lines within the subdivision, and/or
 - b) Modifies, amends, adds or deletes a restriction, limitation, condition or other obligation, right or duty stated on the minor plat or final flat.

Who is the approval body for a Plat Amendment?



Is public notification required for a Plat Amendment?

Yes. The plat amendment process requires a public hearing and the applicant is responsible for notice by publication and mailing. All public notices shall include the date, time, place and purpose of the hearing, a general description of the property affected and any other information deemed appropriate by the Town Clerk to apprise the public of the general nature of the action proposed. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive and material and are found to have reasonably misled or misinformed the public.

- 1) Publication Notice: Shall be published in the official Town newspaper or in a newspaper of general circulation within the Town at least fourteen (14) days before the date of the hearing.
- 2) Mailing Notice: Shall be mailed to owners of adjacent property via United States mail, first-class postage prepaid, or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. mail or delivery to another comparable service shall be made at least seven (7) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice or invalidation of the hearing. Owners of adjacent property are identified as their names appear in the County Assessor or County Clerk and Recorder records. For purposes of determining addressees for mailed notice, the Town may rely upon the ownership information provided by the applicant as part of the application.

What are the steps in the development process for a Plat Amendment?

STEP 1

PRE-MEETING

Applicant may schedule an optional Pre-Application meeting with Town Staff. A cursory review of the request is conducted and Staff informs applicant of any issues and outlines the process and time-line.

STEP 2

SUBMITTAL

Applicant submits application to the Town. Staff reviews application for completeness and informs applicant of any missing required items.

STEP 3

PROJECT REVIEW

Staff distributes to referral agencies for review against required rules, regulations and standards. Staff reviews application and compiles letter including all referral comments and helps facilitate resolution. Applicant will address any comments and continue coordination until review is complete.

STEP 4

HEARING PREPARATION

Once review is complete, Staff drafts a Report for the Commission and the Board. Staff coordinates public noticing requirements with the Applicant.

STEP 5

COMMISSION HEARING

Staff presents application to the Planning & Zoning Commission with recommendations. The Commission makes a determination and forwards their decision to the Board of Trustees.

STEP 6

BOARD HEARING

Staff presents application to the Board of Trustees. The Board makes the final decision to approve, deny or approve with conditions.

STEP 7

POST DECISION

After BoT approves application, Staff will coordinate with applicant to record documents with Grand County. Once document is recorded and all (*if any*) conditions are met, applicant/owner can apply for a development permit to start construction.

Submittal Requirements

The applicant shall submit to the Town twenty-five (25) copies of all application materials. The Town Administrator may request additional copies of documents larger than eight and one-half (8½) by eleven (11) inches where necessary to provide sufficient documentation for unanticipated referrals. The following submittals, materials and information shall constitute the minimum requirements for a complete subdivision application:

- 1) Subdivision Application (*see page 42 for a copy*)
- 2) If submitting on behalf of the property owner, applicant shall submit a Statement of Authority, signed by the property owner. If property owner is an entity/LLC, supplemental paperwork showing the signer is authorized to do so shall be included. This can be in the form of a DBA statement, articles of organization, bylaws, etc. As long as it shows the signer can execute on behalf of the entity.
- 3) Payment of all required application fees and any review fee deposit
- 4) An executed Agreement for Payment of Development Review Expenses in the form required by Chapter 1 of the subdivision regulations
- 5) Evidence of ownership and encumbrances as defined by Chapter 2 of the subdivision regulations
- 6) A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor
- 7) A list of the names and mailing addresses of all owners of adjacent property to the property proposed for subdivision as this information appears of record with the County Assessor's Office, of all owners of adjacent property to the area directly affected by the proposed amendment.

For a plat amendment that eliminates or relocates one (1) or more lot lines within the subdivision, an amended plat shall be submitted with the application.

- 1) The amended plat shall be drafted at a scale of one (1) inch to one hundred (100) feet by the use of permanent ink on a stable reproducible drafting medium, with outer dimensions of twenty-four (24) inches by thirty-six (36) inches. Other scales may be authorized in writing by the Town Administrator for larger, lower-density developments, provided that the necessary data can be clearly and accurately shown. Where the required data cannot be clearly shown on one (1) plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines.
- 2) A title that prominently identifies the name of the recorded subdivision, together with the phrase "Plat Amendment."
- 3) Date of preparation, map scale and north arrow.
- 4) Name, address and telephone number of the applicant, land owner, planner, engineer and surveyor.
- 5) Total acreage and surveyed description of the lots and area subject to the proposed amendment.
- 6) A clear illustration or description of the amendment proposed, using shading, crosshatching, highlighting or other techniques to accurately illustrate the proposed amendment.

Submittal Requirements Cont'd

For a plat amendment that modifies, amends, adds or deletes a restriction, limitation, condition or other obligation, right or duty stated on the recorded plat, a written description clearly stating the proposed amendment in a form suitable for recordation with the office of the County Clerk and Recorder. The written description shall be subject to approval of the Town Attorney and, at a minimum, the written amendment shall include:

- 1) A title that prominently identifies the name of the recorded subdivision, together with the phrase "Plat Amendment";
- 2) The County recording information (book and page) of the original subdivision plat, and the recording information and titles of any other prior amendments of the original plat; and
- 3) Date of preparation, name, address and telephone number of the applicant, land owner and any professionals (planners, engineers, surveyors) assisting in the plat amendment.

Approval Criteria

Before a plat amendment is approved, the applicant shall show and the Planning and Zoning Commission and Board of Trustees shall find:

- 1) The proposed amendment meets or satisfies all applicable requirements of Title 10.
- 2) The proposed amendment conforms to all applicable requirements for the zone districts in which the property is located, including but not limited to requirements for setbacks, height, floor and lot areas and minimum lot sizes;
- 3) The proposed amendment substantially conforms to all other applicable requirements of this Code and all regulations promulgated by the Town;
- 4) The proposed amendment substantially conforms to the goals and policies of the Comprehensive Plan, to the extent that such goals and policies do not conflict with provisions or requirements of this Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning and Zoning Commission or Board of Trustees to decide that such subdivision meets or fails to meet such goal or policy;
- 5) The proposed amendment would not cause significant hardship or inconvenience for adjacent or neighboring landowners or tenants; and
- 6) The proposed amendment would not be likely to prove detrimental to the public health, safety or welfare of Town residents.

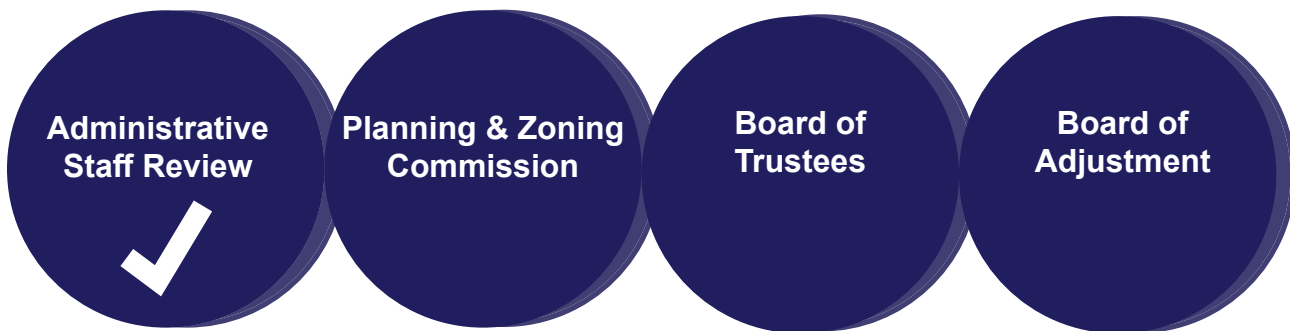
The Board of Trustees may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval or this Code, or which are necessary to protect the health, safety and welfare of the Town and its residents.

What is a Survey Correction Plat?

A survey correction plat is any form of proposed amendment or modification of an approved and recorded subdivision plat:

- 1) That is either:
 - a) Intended for the sole purpose of correcting one (1) or more evident and apparent typographical, spelling or other errors contained in a legal description which, in the opinion of the Town Planner, does not substantially or significantly alter the purpose and intent of original approved and recorded plat; or
 - b) Intended to correct survey errors in a plat caused by the surveyor's reasonable reliance upon incorrectly located monumentation or upon an inaccurate and officially recognized township plat map prepared prior to 1960; and
- 2) That does not create any additional lots or outlots; and
- 3) That does not reduce the amount or configuration of any dedicated or publicly owned land or land under public use.

Who is the approval body for a Survey Correction Plat?



Is public notification required for a Survey Correction Plat?

No. A survey correction plat does not require a public hearing, therefore does not require any public noticing.

What are the steps in the development process for a Survey Correction Plat?



Submittal Requirements

The applicant shall submit to the Town five (5) copies of all application materials. The Town Administrator may request additional copies of documents larger than eight and one-half (8½) by eleven (11) inches where necessary to provide sufficient documentation for unanticipated referrals. The following submittals, materials and information shall constitute the minimum requirements for a complete subdivision application:

- 1) Subdivision Application (*see page x for a copy*)
- 2) If submitting on behalf of the property owner, applicant shall submit a Statement of Authority, signed by the property owner. If property owner is an entity/LLC, supplemental paperwork showing the signer is authorized to do so shall be included. This can be in the form of a DBA statement, articles of organization, bylaws, etc. So long as it shows the signer can execute on behalf of the entity.
- 3) The title of the plat shall prominently identify the name of the recorded subdivision, together with the phrase "Survey Correction Plat."
- 4) A complete list of the names, addresses and telephone numbers of all the owners of property within the platted area of the survey correction plat.
- 5) The name, address and telephone number of one (1) person who shall be the representative of all applicants and who shall be the contact person responsible for the processing of the application.
- 6) Evidence of ownership and encumbrances for all lots within the plat as defined by Chapter 2 of these subdivision regulations or, in the alternative, all of the following:
 - a) A copy of all recorded deeds for all of the property described in the application evidencing that the applicants are the fee owners of all of the property described within the survey correction plat; and
 - b) A written, executed and notarized statement of all applicants representing to the Town that they are the fee owners of the properties; and
 - c) A certified copy of documentation from the County Assessor or County Clerk and Recorder evidencing that the applicants are the owners of record of the properties.
- 7) The following certificate of approval shall be substituted for and replace the certificate of approval by the Board of Trustees required by Section 10-15-1:

APPROVED by the Town Administrator of the Town of Hot Sulphur Springs and approved for recordation with the Grand County Clerk and Recorder's Office pursuant to the Hot Sulphur Springs Municipal Code this _____ day of _____, _____.

Approval Criteria

Approval of a survey correction plat by the Town Administrator shall require an administrative finding that the application materials established the following:

- 1) The proposed amendment meets or satisfies all applicable requirements of these subdivision regulations;
- 2) The proposed subdivision conforms to all applicable requirements for the zone district in which the property is located, including but not limited to requirements for setbacks, height, floor and lot areas and minimum lot sizes;
- 3) The proposed subdivision substantially conforms to all other applicable requirements of this Code and all regulations promulgated by the Town;
- 4) The proposed subdivision substantially conforms to the goals and policies of the Comprehensive Plan, to the extent that such goals and policies do not conflict with provisions or requirements of this Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning and Zoning Commission or Board of Trustees to decide that such subdivision meets or fails to meet such goal or policy;
- 5) The proposed amendment would not cause significant hardship or inconvenience for adjacent or neighboring landowners or tenants; and
- 6) The proposed amendment would not be likely to prove detrimental to the public health, safety or welfare of Town residents.

The Town Administrator may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval or this Code, or which are necessary to protect the health, safety and welfare of the Town and its residents.

3) SUBDIVISION

3.4 | Subdivision Application

Project Name

APPLICATION TYPE Subdivision Plat Amendment Survey Correction Plat

CONTACT INFORMATION *(please attach any additional contacts)*

PROPERTY OWNER Phone Number Email

Address

APPLICANT *(If different than owner)* Phone Number Email

Address

PROPERTY INFORMATION

Property Address *(if address not available, short legal or PIN Number)*

Address

Existing Zoning Proposed Zoning Email

PROJECT INFORMATION

Description of Request *(attach additional information if needed)*

CERTIFICATION

Please carefully read and check the statements below. Your application cannot be accepted without the following certifications being acknowledged:

All required submittal items have been included with this application.

I hereby authorize that I am the owner of the subject property or I have been authorized by the owner(s) of the subject property to represent this application, and that the information provided is true and correct to the best of my knowledge.

Applicant Signature

Date

Property Owner Signature

Date

Information below to be filled out by Town Staff. Applicant, please do not write below this line.

Received By

Date

Fee Paid

Credit Card / Check Number

What is an Annexation?

Annexation is the process by which municipalities incorporate new territory, either before or after development has taken place. An annexation petition requires a zoning application that is reviewed concurrently, in order to establish the development and use standards for the newly incorporated property.

Who is the approval body for an Annexation?



Is public notification required for an Annexation?

Yes. Two public hearing dates will be set for an annexation request. One is to confirm substantial compliance and adopt a resolution, and the second is to review the annexation/zoning request. It is the responsibility of the applicant, not less than fifteen (15) days prior to the substantial compliance hearing, to publish notice thereof in a paper of general circulation in the Town. For the 2nd public hearing, applicant must publish four times in four consecutive weeks with the first being 30 days before the public hearing, in the Middle Park Times. The applicant must also mail written notice of said hearing by certified mail, return receipt requested, at least fifteen (15) days prior to the hearing date, to all land owners within 200 feet. Lastly, at least fifteen (15) days prior to the hearing, the applicant shall also post notice of said hearing on the property adjacent to all streets. Every form of notice shall state the time, date and location of the public hearing, as well as the location and request of the annexation.

What are the steps in the development process for an Annexation?

STEP 1

PRE-MEETING

Pre-Application meeting is required. Applicant shall schedule a Pre-Application meeting with Town Staff. A cursory review of the request is conducted and Staff informs applicant of any issues and outlines the process and time-line.

STEP 2

SUBMITTAL

Applicant submits application to the Town. Staff reviews application for completeness and informs applicant of any missing required items.

STEP 3

PROJECT REVIEW

Staff distributes application to referral agencies for review against required rules, regulations and standards. Staff reviews application and compiles letter including all referral comments and helps facilitate resolution. Applicant will address any comments and continue coordination until review is complete.

STEP 4

HEARING PREPARATION

Once review is complete, Staff drafts a Report for the Commission and the Board. Staff coordinates public noticing requirements with the Applicant.

STEP 5

COMMISSION HEARING

Staff presents application to the Planning & Zoning Commission with recommendations. The Commission makes a determination and forwards their decision to the Board of Trustees.

STEP 6

BOARD HEARING

Staff presents application to the Board of Trustees. The Board makes the final decision to approve, deny or approve with conditions.

STEP 7

POST DECISION

If approved, Staff coordinates recording of necessary documents with Grand County.

Submittal Requirements

The following items are required to be included in your annexation application packet:

- 1) Annexation Application (*see page 47 for a copy*)
- 2) If submitting on behalf of the property owner, applicant shall submit a Statement of Authority, signed by the property owner. If property owner is an entity/LLC, supplemental paperwork showing the signer is authorized to do so shall be included. This can be in the form of a DBA statement, articles of organization, bylaws, etc. So long as it shows the signer can execute on behalf of the entity.
- 3) Ownership and Encumbrances Report: The O&E report must be from a title company and dated within the last 30 days from date of application.
- 4) List of names and addresses of owners of properties within two hundred (200) feet of the exterior boundaries of the property (*disregarding intervening public streets and alleys*)
- 5) Statement of type of zoning and uses sought with petition
- 6) Statement of current zoning designation within County and narrative of existing uses on property
- 7) All public and/or private agreements. These may include a proposed annexation agreement; agreements between the property owner(s) and governmental or quasi-public entities (such as HOAs); agreements with special districts; sales contracts; or pending permit applications.
- 8) Sites larger than 10 acres require an annexation impact report.
- 9) Any additional information as requested by Town that may be deemed necessary to adequately review the application.

Approval Criteria

The Town follows Colorado Revised Statutes Title 31-12-107 to review annexation petitions.

Project Name

Subdivision Plat Amendment Survey Correction Plat

APPLICATION TYPE

CONTACT INFORMATION *(please attach any additional contacts)*

PROPERTY OWNER Phone Number Email

Address

APPLICANT *(If different than owner)* Phone Number Email

Address

PROPERTY INFORMATION

Property Address *(if address not available, short legal or PIN Number)*

Address

Existing Zoning Proposed Zoning Email

PROJECT INFORMATION

Description of Request *(attach additional information if needed)*

CERTIFICATION

Please carefully read and check the statements below. Your application cannot be accepted without the following certifications being acknowledged:

All required submittal items have been included with this application.

I hereby authorize that I am the owner of the subject property or I have been authorized by the owner(s) of the subject property to represent this application, and that the information provided is true and correct to the best of my knowledge.

Applicant Signature

Date

Property Owner Signature

Date

Information below to be filled out by Town Staff. Applicant, please do not write below this line.

Received By

Date

Fee Paid

Credit Card / Check Number