

ORDINANCE # 520

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO THAT SECTION 16-4-410 IS AMENDED TO READ AS FOLLOWS:

Sec. 16-4-410. Minor subdivision plat.

(a) Purpose. The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when:

(1) The resulting subdivision will produce five (5) or fewer lots.

(2) Intent: The intent of the minor subdivision plat is to simplify the permitting process for creating five (5) or fewer lots. For example, if a property had been platted for a large commercial use and the landowner wishes to create several lots for smaller commercial users, the applicant could utilize this process. The minor subdivision process is not meant for consecutive minor subdivisions. For example, if a landowner divides a 100-acre property into five lots, he/she may not use this process to continue to divide the property in the future to avoid having to comply with the major subdivision process.

(b) Application Process.

(1) Step 1: Preapplication Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a minor subdivision plat application. Topics to be discussed will include:

- a. Town regulations and standards.
- b. The application and review process.
- c. Submittal requirements.
- d. Schedule.

(2) Step 2: Minor Subdivision Plat Application Submittal. The applicant shall submit one (1) copy of the complete minor subdivision plat application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The minor subdivision plat application shall include:

- a. Land Use Application Form.
- b. Minor Subdivisions - Technical Criteria Form (from Workbook).

c. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.

d. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of minor subdivision plat application submittal.

e. Mineral, Oil and Gas Rights Documentation. Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address and a description of the issues. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.

f. Legal Notice Form. The legal notice form will be provided by the Town and filled out by the applicant and returned to the Town with an electronic copy of the legal description in MSWord™ Format.

g. Minor Subdivision Plat. The minor subdivision plat drawing shall comply with the following standards:

1. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State requirements.

2. Noncontiguous parcels shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

3. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.

4. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).

5. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

6. The minor subdivision plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:

- a) Title of project.

b) North arrow, scale (not greater than 1" = 100') and date of preparation.

c) Vicinity map.

d) Legal description.

e) Basis for establishing bearing.

f) Names and addresses of owners, applicant, designers, engineers and surveyors.

g) Total acreage of subdivision.

h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter, and all lots, blocks, rights-of-way and easements.

i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.

j) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.

k) Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).

l) Existing and proposed street names for all streets on and adjacent to the property.

m) Existing easements and their type in and adjacent to subject property (labeled and dimensioned).

n) Location and description of monuments.

o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).

p) Certificate blocks for signatures of owner, surveyor, utility providers and Town approval, as applicable (see Workbook for examples).

h. General Development Information. Provide a written description addressing how the proposed development conforms to this Land Use Code (including the community design principles and development standards, the Zoning Code and the subdivision regulations), the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan and the Comprehensive Plan.

i. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with two (2) copies of a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

j. Block Diversity Plan. Refer to Section 16-2-40 of this Chapter for the plan requirements.

k. Public Hearing Notification Envelopes. Provide the Town Clerk with two (2) sets of stamped, addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and the appropriate referral agencies (as discussed in the preapplication conference).

(4) Step 4: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Minor Subdivision Plat Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(5) Step 5: Refer Application to Parties of Interest. Not less than forty-five (45) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by regular mail to: adjacent municipalities, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, ditch companies and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(6) Step 6: Staff Reviews Application and Prepares Comments. Staff will complete a review of the minor subdivision plat based on the Town's minor subdivision plat review criteria. Staff will then prepare a report identifying any issues of concern that the applicant shall address and forward it to the applicant.

(7) Step 7: Applicant Addresses Staff Comments. The applicant shall address the Staff's comments then submit the following to the Town Clerk:

- a. Letter explaining how all of the comments have been addressed; and
- b. Revised maps and other documents.

(8) Step 8: Schedule Minor Subdivision Public Meeting and Complete Public Notification Process. The Planning Commission shall schedule a public meeting for the

purpose of making a recommendation on the minor subdivision plat. The Town Clerk shall publish notice in a newspaper of general circulation. The meeting may be held no less than thirty (30) days from the date of advertising.

(9) Step 9: Planning Commission Public Meeting and Recommendation. The Planning Commission shall hold a public meeting to review the application based on the minor subdivision plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(10) Step 10: Applicant Addresses Planning Commission Conditions. The applicant shall revise the minor subdivision plat based on the Planning Commission's conditions of approval and submit it to the Town.

(11) Step 11: Schedule Minor Subdivision Public Hearing and Complete Public Notification Process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the minor subdivision plat. The Town Clerk shall publish notice in a newspaper of general circulation. The meeting may be held no less than thirty (30) days from the date of advertising.

(12) Step 12: Board of Trustees Public Hearing and Action. The finalized minor subdivision plat shall be presented to the Board of Trustees for its review and action at a public hearing. The Town Board of Trustees shall review the plat based on the minor subdivision plat review criteria. If approved, the Board of Trustees shall adopt the plat by ordinance and the Town Clerk shall request two (2) original Mylars of the final plat ready for the Mayor and Clerk to sign and then record. The Town will provide the finalized subdivision improvement agreement for the applicant to sign.

(13) Step 13: Record Minor Subdivision Plat. One (1) original Mylar of the minor subdivision plat shall be recorded by the Town Clerk in the office of the County Clerk and Recorder. The recording fee shall be paid by the developer.

a. Prior to recording the plat, the applicant must demonstrate that all conditions of approval have been met.

b. The applicant must also present evidence that all review fees have been paid to the Town in the form of a final invoice that is marked paid in full by the Town.

c. The applicant shall provide two (2) Mylars and five (5) paper copies of the final plat to the Town Clerk.

(c) Minor Subdivision Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

(1) The land use mix within the project conforms to the zoning district map and furthers the goals and policies of the Comprehensive Plan, including:

- a. The proposed development promotes Milliken's small-town rural character;
- b. Proposed residential development adds diversity to Milliken's housing supply;
- c. Proposed commercial development will benefit Milliken's economic base;
- d. Parks and open space are incorporated into the site design;
- e. The proposed project protects Milliken's environmental quality; and
- f. The development enhances cultural, historical, educational and/or human service opportunities.

(2) The minor subdivision plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the Milliken Comprehensive Plan, the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan and the Community Design Principles and Development Standards in Division 2 of the Milliken Land Use Code.

(3) The utility and transportation design is adequate, given existing and planned capacities of those systems.

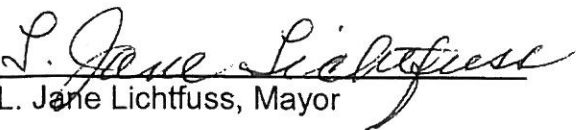
(4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(5) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.

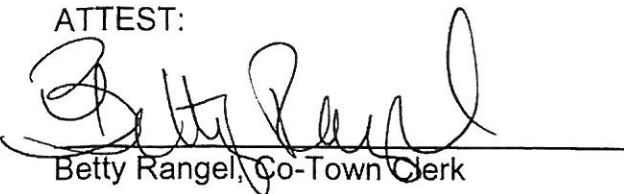
The Board of Trustees of the Town of Milliken herewith finds, determines and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

This ordinance was introduced and read and by the Board of Trustees of the Town of Milliken at its meeting held this 13 day of April, 2005. This ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 13th day of April, 2005.

Town of Milliken:

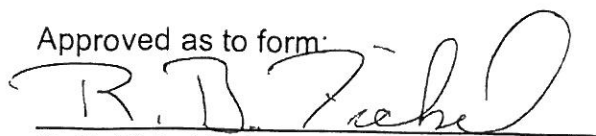

L. Jane Lichtfuss, Mayor

ATTEST:


Betty Rangel, Co-Town Clerk

Published 6/18, 2009

Approved as to form:

A handwritten signature in black ink, appearing to read "R. B. Fickel II". The signature is written in a cursive style with a large, looping "I" at the end. It is positioned above a horizontal line.

R. B. Fickel II, Attorney

