

CHAPTER 4

Community Development

Article V

Procedures and Requirements for Subdivisions

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ARTICLE V

Procedures and Requirements for Subdivisions

Sec. 4-5-1. Purpose.

This Article is established to achieve the following purposes:

(1) To promote the general health, safety and welfare of the present and future inhabitants of the Town. Land proposed for subdivision shall be such that it can be used safely for the intended purpose without danger to health or peril from fire, flood, geologic hazards or other natural hazards.

(2) To guide future growth and development within the Town and ensure adequate and efficient transportation, water, waste disposal, schools, fire and police protection, recreation and open space opportunities and other services and facilities; to encourage a diversity of housing types and densities in order to assure adequate housing for all persons.

(3) All subdivision approvals shall be in conformance with the Town Comprehensive Plan, zoning requirements of Article IV of this Chapter and approved and recorded development guides and plans where property is zoned Planned Unit Development (PUD).

(4) To provide for the preservation and conservation of unique or distinctive natural areas, natural landmarks, critical wildlife habitats, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in the Town.

(5) Subdivisions shall provide for the preservation and conservation of significant stands of vegetation; unique or distinctive topographic features; drainage, riparian and wetland areas; significant wildlife habitats including breeding grounds, nesting areas, migration routes and wintering areas; scenic views; and important historical or archaeological sites.

(6) To protect both urban and nonurban development by minimizing the conflicts between the land uses and structures.

(7) Subdivisions shall be designed to provide for lots that are of an appropriate size and configuration for the site characteristics and intended uses; connections between neighborhoods, shopping and recreational areas that are safe and convenient; adequate buffering from the adverse impacts of adjoining uses through lot orientation, setbacks, landscaping or other appropriate methods; the conservation of water, land and energy resources; minimization of grading, road cuts and fills; and a road system designed to preserve the integrity and function of the local roadway network.

(8) To ensure that the necessary services and facilities are available and have sufficient capacity to serve the proposed subdivision.

(9) Land proposed for subdivision shall not be approved until the necessary provisions have been made for subdivision design, access, parks, trails, recreation and open spaces, schools, drainage, water, wastewater disposal, traffic controls, road improvements and services. The cost and installation of such improvement, police and fire protection or other reasonably necessary

improvements, which primarily benefit the land being subdivided, shall be borne by the owners/developers of such land.

(10) To provide for an adequate and accurate system to record land subdivisions, ensuring proper legal descriptions and survey monumentation, in order to inform the public and especially future residents of the facts about the subdivision thereby safeguarding the interests of the public, the homeowner, the subdivider and the Town. (Ord. 2003-20 §2)

Sec. 4-5-2. Reserved.

Sec. 4-5-3. Suitability of land for subdivision.

(a) No sketch plan, preliminary plat, final plat, minor subdivision plat or condominium plat of a subdivision shall be recommended for approval by the Planning Commission or approved by the Town Council unless it conforms to the provisions of this Article.

(b) No land shall be subdivided which is determined by the Town to be unsuitable for subdivision by reason of flooding, bad drainage, rock or soil creep, mudflow, rockslide, avalanche or snow slide, steep topography or any other natural or environmental hazard, feature or condition of potential harm to the health, safety or welfare of the future residents of the proposed subdivision or to the Town.

(c) The Town may deem land premature for subdivision when subdivision approval would create growth patterns of such physical form and size that governmental inefficiencies, duplication of facilities and unnecessary public costs and financial burdens may result from providing the extension of public services, and completion of support facilities cannot be accomplished in a planned, ordered or efficient manner.

(d) No subdivision shall be approved which includes elements not in conformance with the provisions of the Comprehensive Plan, other Town master plans or standards, any applicable Zoning Ordinance or other ordinance of the Town or any law or regulation of the State and other standards. (Ord. 2003-20 §2)

Sec. 4-5-4. Control over platting.

(a) No subdivision shall be accepted for review by the Community Development Department until the Department receives a copy of public notice for a community meeting that has been held and list of addresses of property owners in accordance with the public notice requirements in Article VII of this Chapter.

(b) The Town Council shall withhold all public street improvements and public maintenance from all rights-of-way which have not been accepted for maintenance and ownership purposes by the Town.

(c) Prior to the issuance of a building permit or construction of any building or structure within a subdivision, the plat thereof shall be approved by the Town Council and recorded with the County Clerk and Recorder. This provision shall not apply to condominium plats. In the case of a condominium, a certificate of occupancy shall not be issued for any condominium without prior approval and recording of a condominium plat.

(d) The Town Council may suspend or withdraw any approval of a plan or plat or may require certain corrective measures be taken following a determination that the information provided by the

subdivider upon which such approval was based is substantially false or inaccurate or significant new information has been brought to its attention. Suspension of approval may occur at any step in the platting process at a public meeting.

(1) A written notice from the Community Development Department shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider to appear before the Town Council no less than ten (10) days nor more than thirty (30) days after the date of notification.

(2) The Town Council shall determine at the public meeting the nature and extent of alleged false or inaccurate information, shall consider any significant new information that has been brought to its attention, and shall have the power, upon good cause being shown, to suspend or withdraw any approval resulting in a voided plat.

(e) No changes, erasures, modifications or revisions shall be made on the final plat after the approval of by the Town Council, except as required by the approval of the Town Council or upon approval of the Community Development Director.

(f) No plat for subdivided land shall be approved by the Town Council unless all ad valorem taxes applicable to such subdivided land, for years prior to the year in which approval is granted, have been paid.

(g) It is unlawful to file for recording any such plan or plat as identified above in any public office unless it has been reviewed by the Planning Commission and bears, by endorsement or otherwise, the approval of the Town Council or Community Development Director where appropriate.

(h) The Town Council may, pursuant to rules and regulations or resolution, exempt from the definition of the terms *subdivision* and *subdivided land* any division of land if the Council determines that such division is not within the purposes of this Article.

(i) No lot, tract or parcel of land created as part of a final platted single-family residential subdivision shall be permitted to be further subdivided, notwithstanding Zoning District Standards regarding minimum lot size. This restriction on further subdivision of lots in a final platted single-family residential subdivision shall not apply to residential subdivisions for which the final plat expressly permits further subdivision, but only to the degree so permitted on such plat.

(j) Lot line vacations or lot consolidations which would have the effect of reducing the number of lots, tracts or parcels of land within a final platted single-family residential subdivision are permitted; provided, however, that in that event a restrictive covenant, in a form approved by the Town, shall be recorded prohibiting the resubdivision of additional lots beyond the number of lots established at the time of and as a condition of the lot line vacation or lot consolidation. (Ord. 2003-20 §2; Ord. 2006-02 §1)

Sec. 4-5-5. Development standards.

The following standards shall apply to all new subdivisions of land in the Town, thereby resulting in the creation of lots which are developable in conformance with this Development Code, final plat restrictions, the Town Building Code, the Town of Silverthorne Engineering Standards, other applicable Town regulations and master plans.

(1) Subdivision lot and block standards.

a. The lengths, widths and shapes of blocks shall be determined with due regard to:

1. Limitations and opportunities of topography.
2. Convenient and safe access and circulation, including access and circulation for emergency, maintenance and service vehicles.
3. Applicable zoning regulations regarding lot sizes and dimensions.
4. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
5. Availability of utility service and utility system design and capacity.

b. The width, depth, shape and orientation of lots shall be designed appropriately for the location and configuration of the property and for the type of use contemplated.

1. No lots shall be platted in areas subject to flooding except in conformance with Town Code floodplain development regulations and requirements.

2. Whenever a development is proposed for an area designated in a Town officially adopted plan as a public area for future development or open space, the developer or owner may be required to dedicate to the Town, or to reserve such public area for purchase by an appropriate public agency.

3. All lots shall front on a public street or highway or private street with easements guaranteeing public access.

4. Depth and width of lots shall be adequate to provide the necessary private service and parking facilities required by the type of use and development contemplated.

5. Lots shall be designed to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

6. Corner lots shall generally be adequate in size to compensate for two (2) street frontages and required vehicular sight triangles as stated in the Town of Silverthorne Engineering Standards.

7. Side lot lines shall be preferred at right angles to the street line or at right angles to the tangent to the curve of the street line.

8. Subdivision lots and streets shall be oriented in a manner to ensure location of structures and landscaping in the most energy efficient manner.

9. Residential lots shall not front on or obtain direct access from an arterial street. When private driveway access from an arterial is necessary for several adjoining lots, such lots

shall be served by a combined access drive, which shall be platted as a permanent access easement.

(2) All land proposed for subdivision shall comply with Article IV of this Chapter.

(3) Utilities to be underground. No subdivision shall be approved unless the plans and specifications provide all utilities to be placed underground. The cost of such undergrounding of utilities shall be paid solely by the subdivider and shall be installed subject to the plans, specifications and approval of the electric, natural gas, telephone and cable television utilities providing the service to the subject property and to any other utility designated to the Town. (Ord. 2003-20 §2)

Sec. 4-5-6. General requirements.

(a) Description of the subdivision process.

(1) Preapplication conference, Section 4-5-7, is the first step in the subdivision process. The preapplication conference is intended to provide the applicant with a means of understanding regulations, policies and procedures prior to making a formal submission.

(2) Sketch Plan, Preliminary Plan and Final Plat. The three (3) steps required to obtain approval of a residential subdivision are: (1) Sketch Plan - the review of the feasibility of the project including conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, locations of parks, open space, source of required services, vehicular and pedestrian circulation, conformance with the Town Comprehensive Plan, other approved master plans, and zoning requirements; (2) Preliminary Plan - a review of preliminary technical engineering; and (3) Final Plat - a review of all final engineering, execution of a subdivision improvements agreement, provision of a letter of credit or cash to secure the construction of the public improvements described in the subdivision improvements agreement and other legal requirements.

(3) Each step is a distinct process. Sketch Plan, Preliminary Plan and Final Plat involve the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, community meetings and public hearings/ meetings. At each step of the process, the level of design and engineering increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

(4) Minor subdivision and townhome subdivision plats. A minor subdivision plat process can be used for single-family residential when four (4) or fewer lots are being created. A Townhome subdivision plat process can be used for any number of Townhome units. A minor subdivision plat or Townhome subdivision plat shall be reviewed by the Planning Commission and reviewed and approved by the Town Council.

(5) Commercial subdivision plats. Require a preapplication conference, Sketch Plan and Final Plat review according to Section 4-1-22. The Sketch Plan shall be reviewed by the Planning Commission and reviewed and approved by the Town Council prior to submittal of the next review stage. The Final Plat shall be reviewed by the Planning Commission at a Public Hearing and reviewed and approved by the Town Council at a Public Hearing, according to Section 4-1-22.

(6) Condominium plat. The Condominium Plat process can be used to subdivide individual units within a building or buildings and related common elements. The condominium plat and minor subdivision plat process for multi-family subdivisions may be combined upon the approval of the Community Development Director based upon, but not limited to, the following factors: design, size, public concern, public facilities, services, access and transportation network. The Condominium Plat shall be reviewed and approved by the Town Council.

(7) If any proposed plan or plat is denied by the Town Council, a new subdivision application for the same or substantially the same request, as determined by the Community Development Director, shall not be accepted within one (1) year of such denial.

(b) Applicant's responsibility. The applicant or representative is responsible for understanding the requirements and procedures contained in this Article, the Town Comprehensive Plan, applicable zoning regulations and is responsible for attending all Planning Commission and Town Council hearings/meetings at which the request is considered. Failure to attend the hearings/meetings may result in the request being denied or tabled and a new hearing/meeting date scheduled. The applicant is responsible for submitting the information requested by staff for the review of the proposal.

(c) Additional review fees. The applicant shall be responsible for payment of reasonable review fees as established under Appendix A.

(d) Withdrawal of application. The applicant may withdraw an application at any phase of the process upon submittal of a written request to the Community Development Department.

(e) Inactive files. Any application for subdivision that becomes inactive, whereby the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than six (6) months, shall become void, and the resubmittal of a new application and fees shall be required to pursue the subdivision request. The Community Development Director may grant no more than two (2) extensions of time, of no more than three (3) months each, upon a written request by the applicant. After five (5) months, the staff planner shall notify the applicant in writing that the application will become void within thirty (30) days. After thirty (30) days, provided the applicant has not submitted the required additional information or requested a hearing date, the staff planner shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the Town upon the effective date of adoption and any application thereafter. (Ord. 2003-20 §2)

Sec. 4-5-7. Preapplication conference.

(a) Intent. This stage of review is designed to provide the applicant with a means of understanding regulations, policies and procedures prior to any formal submission of a proposal being made and to learn whom they have to contact and work with in the process. The Community Development Department will arrange for any joint meetings with other offices/departments, when they are appropriate, so that discussion of a proposal can occur at one (1) time with the applicant rather than having meetings occur at separate times with each person or department involved.

(b) Procedure.

(1) The applicant shall make an appointment with the Community Development Department to discuss the proposal being considered. The Community Development Department should be

provided with some information to determine whether or not other departments need to be involved in the initial discussion.

(2) The Community Development Department shall then arrange for an informal meeting, so that the applicant can discuss the proposal.

(3) The informal meeting will be held with the applicant providing a brief presentation of the proposal to those present. The goal is then to have a constructive dialogue occur and for the applicant to receive some guidance with respect to a formal application to the Town at a later time.

(4) Should the applicant decide to proceed further, formal submission of a complete application, based upon the recommendation of the Community Development Department, Town regulations and the applicant's desires should then occur. (Ord. 2003-20 §2)

Sec. 4-5-8. Sketch plan.

(a) Intent.

(1) The intent of the Sketch Plan is to examine the feasibility of a project including review of conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas, wetlands and wildlife habitat areas, and conformance with the Town Comprehensive Plan, other master plans, zoning requirements and requirements of this Article. A Sketch Plan shall not create parcels that do not meet zoning standards. No subdivision will be permitted if the subdivision creates a nonconforming lot, or in the case of an existing nonconforming lot, further subdivision shall not increase the nonconformity.

(2) The intent of the Sketch Plan is to provide a conceptual layout of the subdivision. Applicants are required to show existing and proposed man-made and natural features at least one hundred (100) feet immediately adjacent to the proposed subdivision. An application shall include but not be limited to showing all road connections, open space connections, adjacent property lines, park facilities and utility extensions.

(b) Preapplication conference prerequisite. Prior to submittal of the Sketch Plan application, the applicant shall meet with staff to discuss the procedures and submittal requirements, and is encouraged to meet with other referral agencies and owners' associations to identify potential issues and ways to address these issues. The preapplication conference may be waived by the Community Development Director.

(c) Review process.

(1) The applicant shall submit one (1) copy of a complete application to the Community Development Department.

(2) The submittal shall be reviewed for completeness within ten (10) working days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.

(3) Once the submittal is determined complete, staff will notify the applicant of the number of copies of the sketch plan required to be submitted for distribution to referral agencies. Referral packets, with all plan exhibits folded to 9" x 12", shall be provided by the applicant to the

Community Development Department. Planning staff shall distribute the referral packets. The applicant shall distribute any revised plans, as required by staff.

(4) All Sketch Plan applications may be submitted to Town departments and other agencies for review and comment, if in the opinion of the Community Development Department, the agency may be affected by the application or if comments by the agency will ensure a thorough analysis of the application. A list of review agencies is maintained and available at the Community Development Department.

(5) A public community meeting shall be held by the applicant for review by the public, prior to the Planning Commission hearing the application. This meeting will require a public notice and notification of all property owners within two hundred (200) feet of the subject property. Notice of the community meeting shall be published one (1) time in a newspaper of general circulation and such notice will be placed in the "Public Notice" section of that newspaper. Public notice must be published at least seven (7) days prior to the scheduled community meeting and property owner notification must be mailed first class at least ten (10) days prior to the scheduled community meeting.

(6) Referral agencies shall comment in writing within twenty-five (25) days of receiving a complete submittal. The Community Development Department shall forward referral comments to the applicant in a timely manner. The failure of any agency to respond within twenty-five (25) days shall, for the purpose of the hearings, be considered no comment on the plan by that agency. The applicant is encouraged to meet with the planning staff, referral agencies and other interested parties to address any concerns.

(7) The staff planner will review the referral comments and discuss the concerns with the applicant. The applicant shall address each issue identified by the referral agencies and revise the plan as needed. The revised plan must comply with all technical and/or regulatory requirements of the referral agencies and shall include a narrative that addresses each revision. Referral agencies shall comment in writing within fifteen (15) days of receiving the revised plan. Should subsequent revisions be required, each revision shall follow the process described herein.

(8) Once all issues have been satisfactorily addressed, the staff planner shall notify the applicant of the scheduled public hearing date and time and prepare a staff report for the Planning Commission.

(9) The Town is responsible for providing public notice prior to the Planning Commission public hearing in compliance with the public notice requirements in Article VII of this Chapter.

(10) The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and make a recommendation to the Town Council to approve, approve with conditions, continue for additional information or further study or deny the sketch plan. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Planning Commission's decision shall be based on the evidence presented and compliance with the criteria for sketch plan described in Subsection (d) of this Section.

(11) Following the recommendation by the Planning Commission, the staff planner will schedule the sketch plan for a public hearing with the Town Council, and notify the applicant of the hearing date and time.

(12) The Town shall be responsible for providing public notice prior to the Town Council hearing in compliance with the public notice requirements in Article VII of this Chapter.

(13) The Town Council shall evaluate the sketch plan, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, continue for additional information or for further study, remand to the Planning Commission or deny the sketch plan. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Town Council's action shall be based on the evidence presented, and compliance with the criteria for sketch plan described in Subsection (d) of this Section.

(d) Criteria for approval of a Sketch Plan. The subdivision shall comply with all of the following standards:

(1) Consistency with the Comprehensive Plan and other Town master plans and standards. The proposed subdivision is consistent with the goals and policies of the Comprehensive Plan.

(2) Consistency with Chapter 4 of this Code and other standards established by the Town. The proposed subdivision complies with this Section and all other provisions of this Article.

(3) Consistency with Zone District Standards or Planned Unit Development Guide, if applicable. The proposed subdivision complies with all of the provisions of the applicable Zone District or Planned Unit Development Guide.

(e) General Sketch Plan submittal requirements.

(1) Completed application.

(2) Pass-thru fee application.

(3) A copy of the recorded deed and title commitment or updated title commitment current within thirty (30) days of submittal.

(4) A notarized letter of authorization from the landowner permitting a representative to process the application.

(5) A narrative outlining the proposal.

(6) Sketch Plan exhibit. (Described in Subsection (f) of this Section).

(7) Development reports and plans. (Described in Subsection (g) of this Section).

(f) Sketch Plan exhibit.

(1) The plan exhibit shall be prepared on 24" x 36" paper at a scale of 1" = 100', 1" = 200' or another size and/or scale approved by the Community Development Director.

(2) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or Planned Unit Development. If part of a Planned Unit Development, the planning area shall be included under the title. A general legal

description stating the aliquot portion of the section, township, range, 6th P.M. shall be included under the name and planning area. On the title sheet (sheet #1), under the general legal description, include the total acreage and the estimated total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names shall not duplicate existing subdivision names or planned unit developments.

Example:

SILVERTHORNE ACRES SKETCH PLAN

A portion of the West ½ of Section 9, Township 6 South, Range 66 West, 6th P.M., Town of Silverthorne, County of Summit, State of Colorado 78.05 Acres, 35 Residential lots

(3) A block in the lower right-hand corner shall include the following: The preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer and engineer or surveyor who prepared the exhibit; and the number of the sheets and the total number of sheets.

(4) The boundary of the proposed subdivision shall be depicted in a heavy solid line. Note those areas not included in the subdivision as "Not included in this plat."

(5) A vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius.

(6) When land is zoned planned unit development, a vicinity map that depicts the area to be subdivided superimposed on the development plan at a scale of 1" = 2,000' that shows adjacent filings of the same or adjacent subdivisions.

(7) Depict all lots, tracts and, when appropriate, building envelopes. Lots shall be numbered consecutively, tracts shall be lettered alphabetically. On residential plats, tracts shall be used exclusively for nonresidential uses, such as areas to be dedicated to the Town for park or school sites or other public uses.

(8) Depict all easements, including existing and proposed, public or private, on and adjacent to the proposed subdivision. For each, specify their use, principal dimensions and the owner or right holder of the easement.

(9) Contour lines depicted at two-foot intervals. U.S.G.S. contour information shall be provided on a separate sheet showing property lot lines and building envelopes if applicable. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.

(10) Delineate all regulatory one-hundred-year floodplains and floodways, all existing and proposed watercourses, retention and detention areas, wetlands, streams and lakes on the affected property and environmentally sensitive areas within one hundred (100) feet of such property.

(11) Depict all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, the general public and maintenance and utility service providers.

(12) Note the land use, zoning and ownership of the adjacent land, including the intended future use of the adjacent land, if owned by the applicant. If adjacent land has been subdivided, show adjacent lots.

(13) Note existing structures on the site, their uses and whether they are to remain on the site.

(14) Identify any historical or archaeological sites.

(15) Note significant natural or man-made features within and adjacent to the proposed subdivision.

(16) Depict all potential hazard areas including: geologic hazard areas; expansive soils; areas of thirty percent (30%) or greater slope or other slope ranges, as determined necessary by the staff planner.

(17) Note short- and long-range views onto or from the site, including scenic mountain views, buttes, rock outcroppings, drainages and related matters.

(18) Depict any significant existing stands of vegetation and identify the type of vegetation.

(19) Identify wildlife habitat areas, including breeding grounds, nesting areas, crossings, wintering areas, migratory routes and related matters.

(20) Show the conceptual design of the following items:

a. Local, collector and arterial streets, including principal dimensions.

b. Pedestrian and open space systems, including connections to adjacent development and open space areas. Include width and surface type for all pedestrian paths and/or trails.

c. Focal points, community facilities and other special features.

d. The treatment of potentially conflicting land uses.

(g) Development reports and plans. The applicant shall submit a report with supporting materials and completely address the items listed below as a minimum. The degree of detail for analysis of some of the following factors will depend upon the impact of the particular item on the surrounding area and the subject property. As determined by the Community Development Director, the applicant may be required to provide other documentation not listed in this Section to aid in the review of the plan. The Community Development Director may also waive or postpone until a later review stage any of these requirements. All engineering related reports shall be prepared, signed and stamped by a qualified, registered professional engineer.

(1) A discussion of site features as depicted on the plan that may affect the evaluation of the proposed development.

(2) Evidence establishing soil suitability in the form of a report prepared by a qualified, registered, civil/geotechnical professional engineer (PE). The report shall include: a description of site soil types, locations and characteristics with supporting soil maps, soil boring logs and other information needed to determine soil suitability for proposed development; constraints on

development based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, erosion control and a determination of the adequacy of the structural characteristics of the soil as they relate to the proposed uses and development.

(3) A report on the geologic characteristics of the site, including any potential natural or man-made hazards which may have a significant influence on the proposed uses of the land, a determination of what effect such factors may have and proposed corrective or protective measures.

(4) A conceptual drainage plan showing the general concept for drainage flows created by and affecting the proposed development.

(5) Evidence that an adequate water supply, sufficient in terms of quality and quantity is available. For a subdivision of land located within a water district, a letter of commitment to serve the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.

(6) Evidence of the physical and legal capability to provide sanitation. For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.

(7) A narrative describing the availability and adequacy of other necessary services including, but not limited to, fire and police protection, schools, recreation, utilities and open space.

(8) A traffic impact analysis performed by a traffic engineer discussing the impact of the sketch plan on the immediate and regional traffic, and other concerns as stated by the Town. The report shall be prepared by a qualified, registered professional engineer (PE).

(9) An existing conditions map which includes, but is not limited to, all significant natural and man-made features, easements and rights-of-way on the proposed site and adjacent property within one hundred (100) feet.

(10) A tree inventory that accurately identifies the species, height, size and health of the existing trees on site.

(11) A preliminary or rough grading plan showing the general grading concept for the proposed development that includes both existing and proposed contours at two-foot intervals. Existing contours shall be shown as dashed lines and proposed contours as solid lines. Cross sections may be required depending on the extent of proposed grading.

(12) A discussion on the effect of the proposal on significant cultural, archaeological and historical resources and plans for protection of such resources.

(h) Public notice requirements shall be completed in accordance with Article VII of this Chapter.

(i) Expiration of approval.

(1) The Sketch Plan shall be effective for a period of six (6) months from the date of approval, unless stated otherwise in such approval or unless a Preliminary Plan has been approved for a portion of the area covered by the Sketch Plan. In such event the Sketch Plan approval for the remainder of the area shall be effective for six (6) months following Preliminary Plan approval. The Community Development Director may grant an extension of time, of no more than six (6) months, upon a written request by the applicant prior to the expiration of the six-month period.

(2) An extension request shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Town Comprehensive Plan or this Article that have occurred since approval of the plan as these changes affect the plan and the anticipated time schedule for completing the platting process. (Ord. 2003-20 §2)

Sec. 4-5-9. Preliminary Plan.

(a) Intent.

(1) The purpose of the Preliminary Plan is to review the technical design and improvements requirements, of the Town ensuring that the standards imposed on the proposed subdivision can be met. Additionally, the Planning Commission and the Town Council shall review the proposal for site planning characteristics and compatibility with adjoining land uses. The detailed review at this stage will help determine if the plan complies with zoning requirements, circulation patterns, desired open space and other applicable plans, master plans, standards and regulations.

(2) Applicants are required to include details of the areas two hundred (200) feet adjacent to the land included in the Preliminary Plan. The purpose is to show planned road connections, open space connections, adequate park facilities and utility extensions.

(b) Prerequisite.

(1) The Preliminary Plan shall be in substantial compliance with the approved Sketch Plan, as determined by the Community Development Director. If not, the applicant shall resubmit the sketch Plan for review and approval by the Planning Commission and the Town Council, or the applicant may revise and resubmit the Preliminary Plan.

(2) The Preliminary Plan shall be submitted within six (6) months of the approval of the Sketch Plan by the Town Council or as extended by the Community Development Director.

(c) Review process.

(1) The applicant shall submit one (1) copy of a complete application to the Community Development Department.

(2) The submittal shall be reviewed for completeness within ten (10) working days. The applicant shall be notified of any inadequacies. An incomplete submittal or Preliminary Plan that is inconsistent with the approved Sketch Plan shall not be processed.

(3) Once the submittal is determined complete, staff will notify the applicant of the number of copies of the Preliminary Plan required for distribution to referral agencies. Referral packets, with all plan exhibits folded to 9" x 12", shall be provided by the applicant to the Community

Development Department. The planning staff shall distribute the referral packets. The applicant shall distribute any revised plans, as required by staff.

(4) The services and facilities provided by the referral agencies below shall be considered by the Planning Commission and Town Council as a factor in approval of the preliminary plan. The criteria for evaluating sufficiency of the services that must be satisfied for the approval of the plan shall be provided to the Planning Commission and the Town Council as a part of any referral response. All Preliminary Plan applications may be submitted to Town departments and other agencies for review and comment, if in the opinion of the Community Development Department, the agency may be affected by the application or if comments by the agency will ensure a thorough analysis of the application. A list of review agencies is maintained and available at the Community Development Department.

(5) A public community meeting shall be held by the applicant for review by the public, prior to the Planning Commission hearing the application. This meeting will require a public notice and notification of all property owners within two hundred (200) feet of the subject property. Notice of the community meeting shall be published one (1) time in a newspaper of general circulation and such notice will be placed in the "Public Notice" section of that newspaper. Public notice must be published at least seven (7) days prior to the scheduled community meeting and property owner notification must be mailed first class at least ten (10) days prior to the scheduled community meeting.

(6) Referral agencies shall comment in writing within twenty-five (25) days of receiving a complete submittal. The Community Development Department shall forward referral comments to the applicant in a timely manner. The failure of any agency to respond within twenty-five (25) days shall for the purpose of the hearings be considered no comment on the plan by that agency.

(7) The staff planner will review the referral comments and discuss the concerns with the applicant. The applicant shall address each issue identified by the referral agencies and revise the plan as needed. The revised plan must comply with all technical and/or regulatory requirements of the referral agencies and shall include a narrative that addresses each revision. Referral agencies shall comment in writing within fifteen (15) days of receiving the revised plan. Should subsequent revisions be required, each revision shall follow the process described herein.

(8) Once all issues have been satisfactorily addressed, the staff planner shall notify the applicant of the scheduled public hearing date and time and prepare a staff report for the Planning Commission.

(9) The Town shall be responsible for providing public notice prior to the Planning Commission public hearing in compliance with the public notice requirements in Article VII of this Chapter.

(10) The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and make a recommendation to the Town Council to approve, approve with conditions, continue for additional information or for further study or deny the preliminary plan. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Planning Commission's decision shall be based on the evidence presented, and compliance with the criteria for a Preliminary Plan described in Subsection (d) of this Section.

(11) Following the recommendation by the Planning Commission, the staff planner will schedule the Preliminary Plan for a public hearing with the Town Council and notify the applicant of the hearing date and time.

(12) The Town shall be responsible for providing public notice prior to the Town Council hearing in compliance with the public notice requirements in this Chapter.

(13) The Town Council shall evaluate the Preliminary Plan, staff report, referral agency comments, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, continue for additional information or for further study, remand to the Planning Commission or deny the Preliminary Plan. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Town Council's action shall be based on the evidence presented, and compliance with the criteria for a Preliminary Plan described in Subsection (d) of this Section.

(14) The Planning Commission and the Town Council shall consider the recommendations received from the agencies named in this Section.

(d) Criteria for approval of a Preliminary Plan. The subdivision shall comply with all of the following standards:

(1) Consistency with Comprehensive Plan and other Town master plans and standards. The proposed subdivision is consistent with the goals and policies of the Town of Silverthorne Comprehensive Plan and other Town master plans and standards.

(2) Consistency with Chapter 4 of this Code and other applicable standards established by the Town. The proposed subdivision complies with this Section and all other provisions of this Article.

(3) Consistency with Zone District Standards or Planned Unit Development Guide, if applicable. The proposed subdivision complies with all of the provisions of the applicable Zone District or Planned Unit Development Guide.

(4) Previous plans. All conditions of the previous Sketch Plan approval have been met. The plan is in substantial conformance with the Sketch Plan.

(5) The Planning Commission and the Town Council are authorized to disapprove a Preliminary Plan if such plan is deemed to not be in conformity with the standards or intent of these regulations, the zoning ordinance, Town Comprehensive Plan and other Town master plans; or is deemed to create significant adverse impacts to the public served by the agencies named in this Section; or if inadequate capacity exists and cannot be reasonably provided or anticipated in facilities provided by the agencies named in this Section to serve the proposed development.

(6) Public notice requirements have been met.

(e) General submittal requirements.

(1) Completed application.

(2) A narrative outlining the proposal.

(3) Application fee.

(4) A copy of the recorded deed and title commitment or updated title commitment current within thirty (30) days of submittal.

(5) A notarized letter of authorization from the landowner permitting a representative to process the application if the applicant is not the landowner.

(6) Preliminary Plan exhibit (described in Subsection (f) of this Section).

(7) Development reports and plans (described in Subsection (g) of this Section).

(8) A current Pass-thru account.

(f) Preliminary Plan exhibit.

(1) The plan exhibit shall be prepared on 24" x 36" paper at a scale of 1" = 100', 1" = 200' or another size and/or scale approved by the Community Development Director. If a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number.

(2) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned unit development (and plan number when applicable). If part of a planned unit development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, township, range, 6th P.M. shall be included under the name and planning area. On the title sheet (sheet #1), under the general legal description, include the total acreage and the total number of residential lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names shall not duplicate existing subdivision names or planned unit developments.

(3) A block in the lower right-hand corner shall include the following: The preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer and engineer or surveyor who prepared the exhibit; and the number of the sheets and the total number of sheets.

(4) The boundary of the proposed subdivision shall be depicted in a heavy solid line. Note those areas not included in the subdivision as "Not included in this plat."

(5) A vicinity map that depicts the area to be subdivided and the area, which surrounds the proposed subdivision within a one-mile radius.

(6) When land is zoned planned unit development, a vicinity map that depicts the area to be subdivided superimposed on the development plan at a scale of 1" = 2,000'.

(7) Depict all lots, tracts and, when appropriate, building envelopes, providing accurate dimensions for each. Lots shall be numbered consecutively, tracts shall be lettered alphabetically. On residential plats, tracts shall be used exclusively for nonresidential uses, such as areas to be dedicated to the Town for park or school sites or other public uses.

(8) Depict all easements, including existing and proposed, public or private, on and adjacent to the proposed subdivision, their use, principal dimensions and the owner or right holder of the easement along with the recorded book and page number and the name of the entity responsible for construction or maintenance.

(9) Contour lines depicted at two-foot intervals. Contour information shall be provided on a separate sheet showing property lot lines and building envelopes if applicable. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.

(10) Delineate all regulatory one-hundred-year floodplains and floodways, all existing and proposed watercourses, retention and detention areas, wetlands, known streams and lakes of the affected property and environmentally sensitive areas within one hundred (100) feet of such property.

(11) Depict all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, the general public and maintenance and utility service providers.

(12) Locate and provide the name and principal dimension of all street rights-of-way.

(13) Depict legal and physical public access to the proposed subdivision even if not part of the subdivision.

(14) Note the land use, zoning and ownership of the adjacent land, including the intended future use of the adjacent land, if owned by the applicant.

(15) Note existing structures on the site, their uses and whether they are to remain on the site.

(16) Locate and dimension all pedestrian paths. Note surface type.

(g) Development reports and plans. The applicant shall submit a report with supporting materials and completely address the items listed below as a minimum. The degree of detail for analysis of some of the following factors will depend upon the impact of the particular item on the surrounding area and the subject property. As determined by the Community Development Director, the applicant may be required to provide other documentation not listed in this Section to aid in the review of the plan. The Community Development Director may also waive or postpone until a later review stage any of these requirements. All engineering related reports shall be prepared, signed and stamped by a qualified, registered professional engineer.

(1) Road plans and profiles prepared in accordance with the requirements of the Town of Silverthorne Engineering Standards.

(2) A drainage report and plan with supporting hydrologic and hydraulic calculations, plans, profiles and details prepared in accordance with the Town of Silverthorne Engineering Standards.

(3) Water and sewer plans and profiles prepared in accordance with the requirements of the Town of Silverthorne Engineering Standards.

(4) A list of potential street names to be approved by Summit County.

- (5) A park facilities master plan that includes location, size and a description of amenities.
- (6) A tree conservation plan in accordance with Article VIII, Division 3 of this Chapter.
- (h) Public notice requirements shall be completed in accordance with Article VII of this Chapter.
- (i) Expiration of approval.

(1) The preliminary plan shall be effective for a period of six (6) months from the date of approval, unless stated otherwise in such approval. The Community Development Director may grant an extension of time, of no more than six (6) months, upon a written request by the applicant prior to the expiration of the six-month period. However, when a part of the preliminary plan is final platted, approval of the remaining area of the preliminary plan shall be effective for the one-year period or as otherwise extended by the Community Development Director or the Town Council.

(2) An extension request shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Town Comprehensive Plan or this Article that have occurred since approval of the plan as these changes affect the plan and the anticipated time schedule for completing the platting process. (Ord. 2003-20 §2)

Sec. 4-5-10. Final Plat.

(a) Intent. To provide for the review of the final engineering plans, the subdivision improvement agreement, public dedication and other legal agreements.

(b) Prerequisite.

(1) The Final Plat shall be in substantial compliance with the Town Council approved Preliminary Plan, as determined by the Community Development Director. If not, the applicant shall submit an amended Preliminary Plan for review and approval by the Planning Commission and the Town Council or the applicant may revise and resubmit the Final Plat.

(2) The Final Plat shall be submitted within six (6) months of approval by the Town Council of the Preliminary Plan or Sketch Plan as required by Section 4-1-22, or as extended by the Community Development Director.

(3) No Final Plat shall be approved where the applicant has previously obtained approval of another final plat in the Town, except upon a showing as to such previous final plat that all of the following conditions have been met:

a. The applicant has paid all fees and charges incurred by the Town and invoiced to the applicant as to such previous final plat;

b. The applicant has either constructed all public improvements required by the previous final plat or has posted security for such completion in an amount and in a form acceptable to the Town; and

c. The applicant has complied with all requirements of the subdivision improvements agreement as required in the previous final plat.

(c) Review process.

(1) The applicant shall submit one (1) copy of a complete application to the Community Development Department.

(2) The submittal shall be reviewed for completeness within ten (10) working days. The applicant shall be notified of any inadequacies. An incomplete submittal or Final Plat that is inconsistent with the approved Preliminary Plan shall not be processed.

(3) Once the submittal is determined complete, staff will notify the applicant of the number of copies of the Final Plat required for distribution to the Town Engineer, Water and Sewer Department, Town Public Works Department and other referral agencies as determined by the Community Development Department. Referral packets, with all exhibits folded to 9" x 12", shall be provided by the applicant to the Community Development Department. Planning staff shall distribute the referral packets. The applicant shall distribute any revised plans, as required by staff.

(4) After approval of all documents by the appropriate entity and after all requirements of this Section have been met, the Community Development Department shall schedule the Final Plat for review.

(5) A public community meeting shall be held by the applicant for review by the public, prior to the Town Council hearing the application. This meeting will require a public notice and notification of all property owners within two hundred (200) feet of the subject property. Notice of the community meeting shall be published one (1) time in a newspaper of general circulation and such notice will be placed in the "Public Notice" section of that newspaper. Public notice must be published at least seven (7) days prior to the scheduled community meeting and property owner notification must be mailed first class at least ten (10) days prior to the scheduled community meeting.

(6) The staff planner shall notify the applicant of the date and time of the scheduled public meeting and will prepare a staff report for Town Council according to the review schedule Section 4-1-22. The applicant shall submit two (2) photographic Mylar copies (Fix-line, emulsion down) of the Final Plat ready for recordation (except for Town signatures) and a signed subdivision agreement to the Community Development Department prior to the scheduled meeting. All signatures on the plat shall be in indelible, black ink. The Town Attorney prior to Final Plat approval shall approve the subdivision improvements agreement. Construction plans and cost estimates for public improvements, if any, shall be approved prior to Final Plat approval.

(7) Based on the review schedule, the Planning Commission and/or Town Council shall evaluate the Final Plat. If all conditions of the Preliminary Plan approval are met and all standards of the Town are met, the Town Council shall approve the Final Plat.

(d) General submittal requirements.

(1) Completed land use application.

(2) Application fee.

(3) A copy of the recorded deed and title commitment or updated title commitment current within thirty (30) days of submittal.

(4) A notarized letter of authorization from the landowner permitting a representative to process the application.

(5) Final Plat exhibit (described in Subsection (e) of this Section).

(6) Development reports and plans (described in Subsection (f) of this Section).

(7) A current Pass-thru account.

(e) Final Plat exhibit. The final plat shall substantially conform to the approved Preliminary Plan and the Town Council's conditions of approval.

(1) The Final Plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.

(2) The Final Plat shall be either an original drawing using only permanent black ink that will adhere to drafting films (no ballpoint, transfer type or stickybacks are permitted) or an acceptable photographic reproduction (Fix-line, emulsion down) of an original drawing.

(3) The Final Plat shall be prepared on 24" high x 36" wide flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three-thousandths (.003) of an inch. A margin line shall be drawn completely around each sheet leaving a margin at least one-half (½) inch on all sides entirely blank.

(4) The Final Plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances the Community Development Director may approve another scale. When a proposal requires multiple sheets, a composite, on a 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.

(5) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned unit development and filing number (where applicable). If part of a planned unit development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, township, range, 6th P.M., and Town of Silverthorne, County of Summit, State of Colorado, shall be included under the name and planning area. On the title sheet (sheet #1), under the general legal description, include the total acreage and the total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names shall not duplicate existing subdivision names or planned unit developments.

(6) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the

applicant, developer and engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.

(7) A vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius.

(8) When the land is zoned planned unit development, a vicinity map that depicts the area to be subdivided superimposed on the development plan or filing map at a scale of 1" = 2,000'.

(9) A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes shall be clearly and prominently indicated on the final plat. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the Final Plat, which do not constitute a part of the subdivision, shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a part of this subdivision."

(10) When requested by the staff planner, deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted.)

(11) Display ties to aliquot section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the Public Works Department. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of 0.01'.

(12) All lots, tracts and when requested by staff, appropriate building envelopes, shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions. All lots and, whenever practical, blocks shall be shown in their entirety on one (1) sheet. Lots shall be consecutively numbered, tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot or tract, or include in a table to the nearest one hundredth (0.01) of an acre.

(13) All road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way line with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.

(14) The purpose, widths and location (with fine dashed lines) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances

and bearings on the side lines of lots, which are cut by an easement, must be shown with an arrow or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.

(15) The following certifications on a single sheet in accordance with Section 4-5-15: Surveyor, Town Approval, County Clerk and Recorder, Taxes paid, Title and Dedication.

(16) Plat notes which adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation easements, maintenance responsibility for private roads, easements and tracts. The developer shall provide for the construction, at no cost to the Town, of traffic signalization, all utilities and other public infrastructure, as required by the Town Council, and provide security needed to ensure such improvements, as required by the Town Council.

(f) Final development reports and plans. The applicant shall submit the supporting materials necessary for the review of the Final Plat, which address the following items. As determined by the Community Development Director, the applicant may be required to provide other documentation not listed in this Section to aid in the review of the plat. The Community Development Director may also waive any of these requirements. All engineering related reports shall be prepared, signed and stamped by a qualified, registered professional engineer.

(1) Final drainage report and drainage plan with supporting calculations, erosion control plan, drainage construction drawings and grading plan prepared in accordance with the requirements of the Town of Silverthorne Engineering Standards.

(2) Final road construction plans and profiles prepared in accordance with the requirements of the Town of Silverthorne Engineering Standards.

(3) Final water and sewer plans and profiles prepared in accordance with the requirements of the Town of Silverthorne Engineering Standards.

(4) If applicable, a park facilities master plan and construction plans.

(5) Final tree conservation plan in accordance with Article VIII, Division 3 of this Chapter.

(6) Construction cost estimates for all public improvements to be reviewed and approved by the Town's Public Works Department.

(7) A signed copy of the subdivision improvements agreement in a form acceptable to the Town Attorney.

(8) Warranty deeds to the Town shall be provided for rights-of-way that are adjacent to the subdivision reflecting widths as designated in the Town Engineering Standards. The Final Plat shall not be recorded until all warranty deeds are executed and accepted by the Town.

(9) A final landscape plan for the subdivision indicating the landscaping for tracts and common areas.

(10) An address plat of the subdivision.

(11) An electronic deliverable of the Final Plat and address plat.

(g) Recordation procedure. Prior to the Town's recognition of subdivided land, the approved Final Plat shall be recorded in the office of the County Clerk and Recorder.

(1) The applicant shall amend the Final Plat document in accordance with the Town Council approval, if necessary.

(2) Within thirty (30) days of approval of the Final Plat, unless stated otherwise in such approval, the applicant shall submit: amended Final Plat documents, if necessary, ready for recordation, all required documentation not previously submitted and all mapping and recordation fees to the Community Development Department. The applicant shall also provide appropriate security in accordance with this Article to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision improvements agreement.

(3) Within thirty (30) days of receipt of all required documents, including appropriate security as described herein, the staff planner shall obtain Town signatures, as required, and record the Final Plat and all related documents.

(h) Expiration of approval.

(1) Failure by the applicant to submit all required documentation, including applicable security, within thirty (30) days shall render approval of the Final Plat null and void and result in the necessity for the resubmittal of a Preliminary Plan, if the Preliminary Plan has expired, and Final Plat, along with all required fees and documentation.

(2) The Community Development Director may grant no more than one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown.

(3) An extension request, received prior to the expiration of the thirty-day submittal period, shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Town Comprehensive Plan or this Article that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process. (Ord. 2003-20 §2)

Sec. 4-5-11. Minor subdivision.

(a) Intent. To provide a one-step process for the creation of four (4) or fewer lots, parcels or tracts of land with one (1) principal use on each lot and adjoining a public street. The Community Development Director may determine whether additional lots may be created through this process, based on design, size, available public facilities, services, access and transportation network.

(b) Prerequisite. Prior to submittal of a minor subdivision application, the applicant shall meet with staff to discuss the procedure and submittal requirements. If it is determined that the applicant is using the minor subdivision process to circumvent the regular subdivision process, the applicant shall be required to comply with the appropriate subdivision review process described in this Article. A minor subdivision shall not be permitted if the subdivision creates a nonconforming lot, or in the case of an existing nonconforming lot, a minor subdivision shall not increase the nonconformity.

(c) Review process.

(1) The applicant shall submit one (1) copy of a complete application to the Community Development Department.

(2) The submittal shall be reviewed for completeness within ten (10) working days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.

(3) Once the submittal is determined complete, staff will notify the applicant of the number of copies of the minor subdivision plat required for distribution to referral agencies. Referral packets, with all plan exhibits folded to 9" x 12", shall be provided by the applicant to the Community Development Department. Planning staff shall distribute the referral packets. The applicant shall distribute any revised plans, as required by staff.

(4) All minor subdivision applications may be submitted to Town departments and other agencies for review and comment, if in the opinion of the Community Development Department, the agency may be affected by the application or if comments by the agency will ensure a thorough analysis of the application. A list of review agencies is maintained and available at the Community Development Department.

(5) Referral agencies shall comment in writing within twenty-five (25) days of receiving a complete submittal. The Community Development Department shall forward referral comments to the applicant in a timely manner. The failure of any agency to respond within twenty-five (25) days shall for the purpose of the hearings be considered no comment on the plan by that agency. The applicant is encouraged to meet with staff and referral agencies and other interested parties to address any outstanding issues.

(6) The staff planner will review the referral comments and discuss the concerns with the applicant. The applicant shall address each issue identified by the referral agencies and revise the plan as needed. The revised plan must comply with all technical and/or regulatory requirements of the referral agencies and shall include a narrative that addresses each revision. Referral agencies shall comment in writing within fifteen (15) days of receiving the revised plan. Should subsequent revisions be required, each revision shall follow the process described herein.

(7) Once all issues have been satisfactorily addressed, the staff planner shall notify the applicant of the scheduled hearing date and time and prepare a staff report for the Planning Commission.

(8) The Town is responsible for providing public notice prior to the Planning Commission hearing in compliance with the public notice requirements of Article VII of this Chapter.

(9) The Planning Commission shall evaluate the application, staff report, referral comments, public testimony and make a recommendation to the Town Council to approve, approve with

conditions, continue for additional information or for further study or deny the minor subdivision plat. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Planning Commission's decision shall be based on the evidence presented and compliance with the criteria for a minor subdivision plat described in Subsection (d) of this Section.

(10) Following the recommendation by the Planning Commission, the staff planner will schedule the minor subdivision plat for a public hearing with the Town Council and notify the applicant of the public hearing date and time. When required, a subdivision improvements agreement shall be approved by the Town Attorney and signed by the applicant prior to minor subdivision plat approval by the Town Council. Construction plans and cost estimates for public improvements, if any, shall be approved prior to scheduling before Town Council. There shall be a minimum two-week delay between the Planning Commission and Town Council hearings to allow for a continuance by the Planning Commission.

(11) The Town is responsible for providing public notice prior to the Town Council hearing in compliance with the public notice requirements of Article VII of this Chapter.

(12) The Town Council shall evaluate the minor subdivision plat, staff report, referral agency comments, Planning Commission recommendations and public testimony and shall either approve, conditionally approve, continue for additional information or for further study, remand to the Planning Commission or deny the minor subdivision plat. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Town Council's action shall be based on the evidence presented, and compliance with the criteria for a minor subdivision plat described in Subsection (d) of this Section.

(d) Criteria for a minor subdivision plat. The subdivision shall comply with all of the following standards:

(1) Consistency with the Silverthorne Comprehensive Plan and other master plans.

(2) Consistency with this Code and other minimum standards established by the Town. The proposed subdivision complies with this Article and all other provisions of this Chapter, the Town of Silverthorne Engineering Standards and other applicable standards adopted by the Town.

(3) Consistency with Zone District Standards or Planned Unit Development Guide, if applicable. The proposed subdivision complies with all of the provisions of the applicable Zone District or Planned Unit Development Guide.

(4) All Public Notice requirements have been fulfilled.

(5) Agreements. A subdivision improvements agreement and/or other agreements have been executed by the applicant.

(6) Public dedications. All applicable public dedication requirements have been satisfied.

(e) General submittal requirements.

(1) Completed application.

(2) Application fee.

(3) A copy of the recorded deed and title commitment or updated title commitment current within thirty (30) days of submittal.

(4) A notarized letter of authorization from the landowner permitting a representative to process the application if applicant is not the owner of the land.

(5) Minor subdivision plat exhibit (described in Subsection (f) of this Section).

(6) A narrative outlining the proposal.

(7) Development reports and plans (described in Subsection (g) of this Section).

(8) A current Pass-thru account.

(f) Minor Subdivision Plat exhibit.

(1) The minor subdivision plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.

(2) The minor subdivision plat shall be either an original drawing using only permanent black ink that will adhere to drafting films (no ballpoint, transfer type or stickybacks are permitted) or an acceptable photographic reproduction (Fix-line, emulsion down) of an original drawing.

(3) The minor subdivision plat shall be prepared on 24" high x 36" wide flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three thousandths (.003) of an inch. A margin line shall be drawn completely around each sheet leaving a margin at least one-half ($\frac{1}{2}$) inch on all sides entirely blank.

(4) The minor subdivision plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances, the Community Development Director may approve another scale. If a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.

(5) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned unit development and filing number (where applicable). If part of a planned unit development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, township, range, 6th P.M., and Town of Silverthorne, County of Summit, State of Colorado, shall be included under the name and planning area. On the title sheet (sheet #1), under the general legal description, include the total acreage and the total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision names or planned unit developments.

(6) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer and engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.

(7) A vicinity map that depicts the area to be subdivided and the area, which surrounds the proposed subdivision within a one-mile radius.

(8) When the land is zoned Planned Unit Development, a vicinity map that depicts the area to be subdivided superimposed on the development plan or filing map at a scale of 1" = 2,000'.

(9) A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes shall be clearly and prominently indicated on the minor subdivision plat. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the final plat, which do not constitute a part of the subdivision, shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a part of this subdivision."

(10) Display ties to aliquot section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used unless approved by the Public Works Department. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of 0.01'.

(11) All lots, tracts and, when requested by staff, appropriate building envelopes, shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions. All lots and, whenever practical, blocks shall be shown in their entirety on one (1) sheet. Lots shall be consecutively numbered, tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot or tract to the nearest one hundredth (0.01) of an acre. On residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.

(12) All road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way line with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the minor subdivision plat.

(13) The purpose, widths and location (with fine dashed lines) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances

and bearings on the side lines of lots, which are cut by an easement, must be shown with an arrow or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.

(14) The following certifications on a single sheet in accordance with Section 4-5-15 of this Article: Surveyor, Town Approval, and County Clerk and Recorder, Taxes Paid, Title and Dedication.

(15) Plat notes which adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation easements, maintenance responsibility for private roads, easements and tracts. The developer shall provide for the construction, at no cost to the Town, of traffic signalization, all utilities and other public infrastructure, as required by the Town Council, and provide security needed to ensure such improvements, as required by the Town Council.

(g) Development reports and plans. The applicant shall submit the supporting materials necessary for the review of the minor subdivision plat, which address the items listed below. As determined by the Community Development Director, the applicant may be required to provide other documentation not listed here to aid in the review of the plan. The Community Development Director may also waive any of these requirements. All engineering related reports shall be prepared, signed and stamped by a qualified registered professional engineer.

(1) Final drainage report and drainage plan with supporting calculations, erosion control plans, drainage construction drawings and overlot grading plan prepared in accordance with the requirements of the Town of Silverthorne Engineering Standards.

(2) A traffic impact analysis performed by a traffic engineer discussing the impact of the minor subdivision on the immediate and regional traffic, and other concerns as requested by the Town.

(3) Final road construction plans and profiles prepared in accordance with the requirements of the Town of Silverthorne Engineering Standards.

(4) If applicable, a park facilities master plan and construction plans.

(5) Construction cost estimates for all public improvements.

(6) A signed copy of the subdivision improvements agreement in a form acceptable to the Town Attorney.

(7) A signed deed must be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.

(8) A final landscape plan for landscaped tracts and common areas, if applicable.

(9) A list of potential street names to be approved by Summit County, if applicable.

(10) An address plat of the subdivision.

(11) An electronic deliverable of the minor subdivision plat and the address plat.

(h) Public notice requirements shall be completed in accordance with Article VII of this Chapter.

(i) Recordation procedure.

(1) The applicant shall amend the minor subdivision plat in accordance with the Town Council approval, if necessary.

(2) Within thirty (30) days of approval of the minor subdivision plat, unless stated otherwise in such approval, the applicant shall submit: two (2) photographic Mylar copies (Fix-line, emulsion down) of the approved minor subdivision plat, amended, if necessary, and ready for recordation (except for Town signatures), all required documentation not previously submitted and all mapping and recordation fees to the Community Development Department. The applicant shall also provide appropriate security to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision improvements agreement.

(3) Within thirty (30) days of receipt of the minor subdivision plat and all required documents, including appropriate security as described herein, the staff planner shall obtain all Town signatures, as required, and record the minor subdivision plat and all related documents.

(j) Expiration of approval.

(1) Failure by the applicant to submit all required documentation, including applicable security, within thirty (30) days shall render approval of the minor subdivision plat null and void and result in the necessity for the resubmittal of a minor subdivision plat, along with all required fees and documentation.

(2) The Community Development Director may grant no more than one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown.

(3) An extension request, received prior to the expiration of the thirty-day submittal period, shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Town Comprehensive Plan or this Article that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process. (Ord. 2003-20 §2)

Sec. 4-5-12. Commercial subdivision.

(a) Intent. To provide a three-step review process for nonresidential subdivisions. The applicant may be required to submit a site plan application in accordance with Article VI of this Chapter, with the commercial subdivision application, based on design, size, impact to public facilities, services, roads and overall impacts, as determined by the Community Development Director. If the applicant is unable to submit a site plan, when the Community Development Director requires such, the application shall be processed in accordance with the sketch plan, preliminary plan and final plat requirements of this Article.

(b) Preapplication Conference. Prior to submittal of a commercial subdivision application, the applicant shall meet with staff to discuss the procedure and submittal requirements. A commercial subdivision shall not be permitted if the subdivision creates a nonconforming lot, or in the case of an existing nonconforming lot, a commercial subdivision shall not increase the nonconformity.

(c) Sketch Plan review process.

(1) The applicant shall submit one (1) copy of a complete application to the Community Development Department.

(2) The submittal shall be reviewed for completeness within ten (10) working days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.

(3) Once the submittal is determined complete, staff will notify the applicant of the number of copies of the sketch plan required to be submitted for distribution to referral agencies. Referral packets, with all plan exhibits folded to 9" x 12", shall be provided by the applicant to the Community Development Department. Planning staff shall distribute the referral packets. The applicant shall distribute any revised plans, as required by staff.

(4) All Sketch Plan applications may be submitted to Town departments and other agencies for review and comment, if in the opinion of the Community Development Department, the agency may be affected by the application or if comments by the agency will ensure a thorough analysis of the application. A list of review agencies is maintained and available at the Community Development Department.

(5) Referral agencies shall comment in writing within twenty-five (25) days of receiving a complete submittal. The Community Development Department shall forward referral comments to the applicant in a timely manner. The failure of any agency to respond within twenty-five (25) days shall for the purpose of the hearings be considered no comment on the plan by that agency. The applicant is encouraged to meet with the planning staff, referral agencies and other interested parties to address any concerns.

(6) The staff planner will review the referral comments and discuss the concerns with the applicant. The applicant shall address each issue identified by the referral agencies and revise the plan as needed. The revised plan must comply with all technical and/or regulatory requirements of the referral agencies and shall include a narrative that addresses each revision. Referral agencies shall comment in writing within fifteen (15) days of receiving the revised plan. Should subsequent revisions be required, each revision shall follow the process described herein.

(7) A public community meeting shall be held by the applicant for review by the public, prior to the Planning Commission hearing the application. This meeting will require a public notice and notification of all property owners within two hundred (200) feet of the subject property. Notice of the community meeting shall be published one (1) time in a newspaper of general circulation and such notice will be placed in the "Public Notice" section of that newspaper. Public notice must be published at least seven (7) days prior to the scheduled community meeting and property owner notification must be mailed at least ten (10) days prior to the scheduled community meeting.

(8) Once all issues have been satisfactorily addressed, the staff planner shall notify the applicant of the scheduled meeting date and time and prepare a staff report for the Planning Commission.

(9) The Town is responsible for providing public notice prior to the Planning Commission hearing in compliance with the public notice requirements in Article VII of this Chapter.

(10) The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and make a recommendation to the Town Council to approve, approve with conditions, continue for additional information or further study or deny the Sketch Plan. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Planning Commission's decision shall be based on the evidence presented and compliance with the criteria for Sketch Plan described in Subsection (d) of this Section.

(11) Following the recommendation by the Planning Commission, the staff planner will schedule the Sketch Plan for a meeting before the Town Council, and notify the applicant of the meeting date and time.

(12) The Town shall be responsible for providing public notice prior to the Town Council hearing in compliance with the public notice requirements in Article VII of this Chapter.

(13) The Town Council shall evaluate the sketch Plan, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, continue for additional information or for further study, remand to the Planning Commission or deny the Sketch Plan. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Town Council's action shall be based on the evidence presented, and compliance with the criteria for Sketch Plan described in Subsection (d) of this Section.

(d) Criteria for approval of a Sketch Plan. The subdivision shall comply with all of the following standards:

(1) Consistency with the Comprehensive Plan and other Town master plans and standards. The proposed subdivision is consistent with the goals and policies of the Comprehensive Plan.

(2) Consistency with Chapter 4 of this Code and other standards established by the Town. The proposed subdivision complies with this Section and all other provisions of this Article.

(3) Consistency with Zone District Standards or Planned Unit Development Guide, if applicable. The proposed subdivision complies with all of the provisions of the applicable Zone District or Planned Unit Development Guide.

(e) General Sketch Plan submittal requirements.

(1) Completed application.

(2) Pass-thru fee application.

(3) A copy of the recorded deed and title commitment or updated title commitment current within thirty (30) days of submittal.

(4) A notarized letter of authorization from the landowner permitting a representative to process the application.

- (5) A narrative outlining the proposal.
 - (6) Sketch plan exhibit. (Described in Subsection (f) of this Section).
 - (7) Development reports and plans. (Described in Subsection (g) of this Section).
- (f) Sketch Plan exhibit.
- (1) The plan exhibit shall be prepared on 24" x 36" paper at a scale of 1" = 100', 1" = 200' or another size and/or scale approved by the Community Development Director.

(2) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned unit development. If part of a Planned Unit Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, township, range, 6th P.M. shall be included under the name and planning area. On the title sheet (sheet #1), under the general legal description, include the total acreage and the estimated total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names shall not duplicate existing subdivision names or planned unit developments.

Example:

SILVERTHORNE ACRES SKETCH PLAN
A portion of the West ½ of Section 9, Township 6 South, Range 66 West, 6th P.M.,
Town of Silverthorne, County of Summit, State of Colorado
78.05 Acres, 35 Residential lots

- (3) A block in the lower right-hand corner shall include the following: The preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer and engineer or surveyor who prepared the exhibit; and the number of the sheets and the total number of sheets.
- (4) The boundary of the proposed subdivision shall be depicted in a heavy solid line. Note those areas not included in the subdivision as "Not included in this plat."
- (5) A vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius.
- (6) When land is zoned Planned Unit Development, a vicinity map that depicts the area to be subdivided superimposed on the development plan at a scale of 1" = 2,000' that shows adjacent filings of the same or adjacent subdivisions.
- (7) Depict all lots, tracts and, when appropriate, building envelopes. Lots shall be numbered consecutively, tracts shall be lettered alphabetically.
- (8) Depict all easements, including existing and proposed, public or private, on and adjacent to the proposed subdivision. For each, specify their use, principal dimensions and the owner or right holder of the easement.

(9) Contour lines depicted at two-foot intervals. U.S.G.S. contour information shall be provided on a separate sheet showing property lot lines and building envelopes if applicable. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.

(10) Delineate all regulatory one-hundred-year floodplains and floodways, all existing and proposed watercourses, retention and detention areas, wetlands, streams and lakes on the affected property and environmentally sensitive areas within one hundred (100) feet of such property.

(11) Depict all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, the general public and maintenance and utility service providers.

(12) Note the land use, zoning and ownership of the adjacent land, including the intended future use of the adjacent land, if owned by the applicant. If adjacent land has been subdivided, show adjacent lots.

(13) Note existing structures on the site, their uses and whether they are to remain on the site.

(14) Identify any historical or archaeological sites.

(15) Note significant natural or man-made features within and adjacent to the proposed subdivision.

(16) Depict all potential hazard areas including: geologic hazard areas; expansive soils; areas of thirty percent (30%) or greater slope or other slope ranges, as determined necessary by the staff planner.

(17) Note short- and long-range views onto or from the site, including scenic mountain views, buttes, rock outcroppings, drainages and related matters.

(18) Depict any significant existing stands of vegetation and identify the type of vegetation.

(19) Identify wildlife habitat areas, including breeding grounds, nesting areas, crossings, wintering areas, migratory routes and related matters.

(20) Show the conceptual design of the following items:

- a. Local, collector and arterial streets, including principal dimensions.
- b. Pedestrian and open space systems, including connections to adjacent development and open space areas. Include width and surface type for all pedestrian paths and/or trails.
- c. Focal points, community facilities and other special features.
- d. The treatment of potentially conflicting land uses.

(g) Development reports and plans. The applicant shall submit a report with supporting materials and completely address the items listed below as a minimum. The degree of detail for analysis of some of the following factors will depend upon the impact of the particular item on the surrounding area and the subject property. As determined by the Community Development Director, the applicant

may be required to provide other documentation not listed in this Section to aid in the review of the plan. The Community Development Director may also waive or postpone until a later review stage any of these requirements. All engineering related reports shall be prepared, signed and stamped by a qualified registered professional engineer.

(1) A discussion of site features as depicted on the plan that may affect the evaluation of the proposed development.

(2) Evidence establishing soil suitability in the form of a report prepared by a qualified, registered civil/geotechnical professional engineer (PE). The report shall include: a description of site soil types, locations and characteristics with supporting soil maps, soil boring logs and other information needed to determine soil suitability for proposed development; constraints on development based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, erosion control and a determination of the adequacy of the structural characteristics of the soil as they relate to the proposed uses and development.

(3) A report on the geologic characteristics of the site, including any potential natural or man-made hazards which may have a significant influence on the proposed uses of the land, a determination of what effect such factors may have and proposed corrective or protective measures.

(4) A conceptual drainage plan showing the general concept for drainage flows created by and affecting the proposed development.

(5) Evidence that an adequate water supply, sufficient in terms of quality and quantity is available. For a subdivision of land located within a water district, a letter of commitment to serve the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.

(6) Evidence of the physical and legal capability to provide sanitation. For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.

(7) A narrative describing the availability and adequacy of other necessary services including, but not limited to, fire and police protection and utilities.

(8) A traffic impact analysis performed by a traffic engineer discussing the impact of the Sketch Plan on the immediate and regional traffic, and other concerns as stated by the Town. The report shall be prepared by a qualified, registered professional engineer (PE).

(9) An existing conditions map which includes, but is not limited to, all significant natural and man-made features, easements and rights-of-way on the proposed site and adjacent property within one hundred (100) feet.

(10) A tree inventory shall be provided that accurately identifies the species, height, size and health of the existing trees on site.

(11) A preliminary or rough grading plan showing the general grading concept for the proposed development that includes both existing and proposed contours at two-foot intervals.

Existing contours shall be shown as dashed lines and proposed contours as solid lines. Cross sections may be required depending on the extent of proposed grading.

(12) A discussion on the effect of the proposal on significant cultural, archaeological and historical resources and plans for protection of such resources.

(h) Public notice requirements shall be completed in accordance with Article VII of this Chapter.

(i) Expiration of approval.

(1) The Sketch Plan shall be effective for a period of six (6) months from the date of approval, unless stated otherwise in such approval or unless a Preliminary Plan has been approved for a portion of the area covered by the sketch Plan. In such event the Sketch Plan approval for the remainder of the area shall be effective for six (6) months following Preliminary Plan approval. The Community Development Director may grant an extension of time, of no more than six (6) months, upon a written request by the applicant prior to the expiration of the six-month period.

(2) An extension request shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Town Comprehensive Plan or this Article that have occurred since approval of the plan as these changes affect the plan and the anticipated time schedule for completing the platting process.

(j) Final Plat review process.

(1) The applicant shall submit one (1) copy of a complete application to the Community Development Department.

(2) The submittal shall be reviewed for completeness within ten (10) working days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.

(3) Once the submittal is determined complete, staff will notify the applicant of the number of copies of the commercial subdivision plat required for distribution.

(4) Once all final issues have been satisfactorily addressed, the staff planner shall notify the applicant of the scheduled public hearing date and time and prepare a staff report for the Planning Commission.

(5) A public community meeting shall be held by the developer/owner for review of the public, prior to the Planning Commission hearing the application. This meeting will require a public notice and notification of all property owners within two hundred (200) feet of the said property. Notice of the community meeting shall be published one (1) time in a newspaper of general circulation and such notice will be placed in the "Public Notice" section of that newspaper. Public notice must be published at least seven (7) days prior to the scheduled community meeting and property owner notification must be mailed at least ten (10) days prior to the scheduled community meeting.

(6) The Town is responsible for providing public notice prior to the Planning Commission public hearing in compliance with the public notice requirements.

(7) The Planning Commission shall evaluate the application, staff report and public testimony and make a recommendation to the Town Council to approve, approve with conditions, continue for additional information or for further study or deny the minor subdivision plat. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Planning Commission's decision shall be based on the evidence presented and compliance with the criteria for a commercial subdivision plat described in Subsection (d) of this Section.

(8) Following the recommendation by the Planning Commission, the staff planner will schedule the commercial subdivision plat for a public hearing with the Town Council and notify the applicant of the public hearing date and time. When required, a subdivision improvements agreement shall be approved by the Town Attorney and signed by the applicant prior to commercial subdivision plat approval by the Town Council. Construction plans and cost estimates for public improvements, if any, shall be approved prior to commercial subdivision plat approval.

(9) The Town is responsible for providing public notice prior to the Town Council hearing in compliance with the public notice requirements.

(10) The Town Council shall evaluate the commercial subdivision plat, staff report, Planning Commission recommendations and public testimony and shall either approve, conditionally approve, continue for additional information or for further study, remand to the Planning Commission or deny the commercial subdivision plat. The burden shall be on the applicant to present sufficient evidence that the criteria contained in Subsection (d) of this Section have been satisfied. The Town Council's action shall be based on the evidence presented and compliance with the criteria for a commercial subdivision plat described in Subsection (d) of this Section.

(k) Criteria for approval of a commercial subdivision plat. The subdivision shall comply with all of the following standards:

(1) Consistency with the Comprehensive Plan and other Town master plans.

(2) Consistency with Chapter 4 of this Code and other standards established by the Town. The proposed subdivision complies with this Article and all other provisions of this Chapter.

(3) Consistency with Zone District Standards or Planned Unit Development Guide, if applicable. The proposed subdivision complies with all of the provisions of the applicable Zone District or Planned Unit Development Guide.

(4) Public notice requirements shall be completed in accordance with Article VII of this Chapter.

(5) Agreements. The applicant as required by the Town Council has executed a subdivision improvements agreement and/or other agreements.

(6) Public dedications. All applicable public dedication requirements have been satisfied.

(l) General submittal requirements.

(1) Completed application.

(2) Application fee.

(3) A copy of the recorded deed and title commitment or updated title commitment current within thirty (30) days of submittal.

(4) A notarized letter of authorization from the landowner permitting a representative to process the application if applicable.

(5) A narrative outlining the proposal.

(6) Commercial subdivision plat exhibit (described in Subsection (f) of this Section).

(7) Site plan application, if required.

(8) Development reports and plans (described in Subsection (g) of this Section).

(9) A current Pass-thru account.

(m) Commercial subdivision plat exhibit.

(1) The commercial subdivision plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.

(2) The commercial subdivision plat shall be either an original drawing using only permanent black ink that will adhere to drafting films (no ballpoint, transfer type or stickybacks are permitted) or an acceptable photographic reproduction (Fix-line, emulsion down) of an original drawing.

(3) The commercial subdivision plat shall be prepared on 24" high x 36" wide flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three thousandths (.003) of an inch. A margin line shall be drawn completely around each sheet leaving a margin at least one-half (1/2) inch on all sides entirely blank.

(4) The commercial subdivision plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances, the Community Development Director may approve another scale. If a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.

(5) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned unit development and filing number (where applicable). If part of a planned unit development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, township, range, 6th P.M., and Town of Silverthorne, County of Summit, State of Colorado, shall be included under the name and planning area. On the title sheet (sheet #1), under the general legal description, include the total acreage and the total number of lots. The name of the builder, product line or

marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision names or planned unit developments.

(6) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.

(7) A vicinity map that depicts the area to be subdivided and the area, which surrounds the proposed subdivision within a one-mile radius.

(8) When the land is zoned planned unit development, a vicinity map that depicts the area to be subdivided superimposed on the development plan or filing map at a scale of 1" = 2,000'.

(9) A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes shall be clearly and prominently indicated on the minor subdivision plat. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the commercial subdivision plat, which do not constitute a part of the subdivision, shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a part of this subdivision."

(10) Display ties to aliquot section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals or parabolas shall be used unless approved by the Public Works Department. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of 0.01'.

(11) All lots, tracts and, when requested by staff, appropriate building envelopes, shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions. All lots and, whenever practical, blocks shall be shown in their entirety on one (1) sheet. Lots shall be consecutively numbered; tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot or tract to the nearest one hundredth (0.01) of an acre.

(12) All road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way line with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the commercial subdivision plat.

(13) The purpose, widths and location (with fine dashed lines) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances

and bearings on the side lines of lots, which are cut by an easement, must be shown with an arrow or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.

(14) The following certifications on a single sheet in accordance with Section 4-5-15: Surveyor, Town Approval, County Clerk and Recorder, Taxes Paid, Title and Dedication.

(15) Plat notes which adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation easements, maintenance responsibility for private roads, easements and tracts. The developer shall provide for the construction, at no cost to the Town, of traffic signalization, all utilities and other public infrastructure, as required by the Town Council, and provide security needed to ensure such improvements, as required by the Town Council.

(n) Final Development reports and plans. The applicant shall submit the supporting materials necessary for the review of the minor subdivision plat, which address the items listed below. As determined by the Community Development Director, the applicant may be required to provide other documentation not listed here to aid in the review of the plan. The Community Development Director may also waive any of these requirements. All engineering related reports shall be prepared, signed and stamped by a qualified registered Professional Engineer.

(1) Final drainage report and drainage plan with supporting calculations, erosion control plans, drainage construction drawings and grading plan prepared in accordance with the requirements of the Town of Silverthorne Engineering Standards.

(2) A traffic impact analysis performed by a traffic engineer discussing the impact of the minor subdivision on the immediate and regional traffic, and other concerns as requested by the Town.

(3) Final road construction plans and profiles prepared in accordance with the requirements of the Town of Silverthorne Engineering Standards.

(4) Evidence of adequate sewer service.

(5) Evidence of adequate water supply.

(6) Final utility construction drawings prepared in accordance with the requirements of the appropriate service provider.

(7) If applicable, a park facilities master plan and construction plans.

(8) Construction cost estimates for public improvements, to be reviewed and approved by the Public Works Department.

(9) A signed copy of the subdivision improvements agreement in a form acceptable to the Town Attorney.

(10) A signed warranty deed must be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.

(11) Warranty deeds to the Town shall be provided for rights-of-way adjacent to the subdivision reflecting widths as designated in the Town Engineering Standards. The commercial subdivision plat shall not be recorded until all warranty deeds are executed and accepted by the Town.

(12) A final landscape plan landscaped tracts and common areas, if applicable.

(13) A list of potential street names to be approved by Summit County, if applicable.

(14) An address plat of the subdivision.

(15) An electronic deliverable of the commercial subdivision plat and address plat.

(o) Public notice requirements shall be completed in accordance with Article VII of this Chapter.

(p) Recordation procedure.

(1) The applicant shall amend the commercial subdivision plat in accordance with the Town Council approval, if necessary.

(2) Within thirty (30) days of approval of the commercial subdivision plat, unless stated otherwise in such approval, the applicant shall submit: two (2) photographic Mylar copies (Fix-line, emulsion down) of the approved final plat, amended, if necessary, and ready for recordation (except for Town signatures), all required documentation not previously submitted, and all mapping and recordation fees to the Community Development Department. The applicant shall also provide appropriate security to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision improvements agreement.

(3) Within thirty (30) days of receipt of the commercial subdivision plat and all required documents, including appropriate security as described herein, the staff planner shall obtain all Town signatures, as required, and record the final plat and all related documents.

(q) Expiration of approval.

(1) Failure by the applicant to submit all required documentation, including applicable security, within thirty (30) days shall render approval of the commercial subdivision plat null and void and result in the necessity for the resubmittal of a commercial subdivision plat, along with all required fees and documentation.

(2) The Community Development Director may grant no more than one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown.

(3) An extension request, received prior to the extension of the thirty-day submittal period, shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Town Comprehensive Plan or this Article that have occurred since approval of the plat as these changes

affect the plat and the anticipated time schedule for completing the platting process. A fee schedule is available from the Community Development Department. Additional review of the plat may occur resulting in additional conditions as applicable. (Ord. 2003-20 §2)

Sec. 4-5-13. Condominium plat.

(a) Intent. To provide a one-step review process for condominium plats. The Community Development Director shall determine whether adequate public notice and input on the request can be attained through the condominium plat process and that this process will not substantially impair the intent and purpose of this Title.

(b) Prerequisite. The condominium plat shall be consistent with the approved plat (legal lot of record) and site plan, if applicable. The condominium plat process may be combined with the subdivision plat process, as approved by the Community Development Director. As determined by the Community Development Director, the applicant may be required to provide other documentation not listed in this Section to aid in the review of the plat. Prior to submittal of the condominium plat application, the applicant shall meet with staff to discuss the procedures and submittal requirements.

(c) Review process.

(1) The applicant shall submit one (1) copy of a complete application to the Community Development Department.

(2) The submittal shall be reviewed for completeness within ten (10) working days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.

(3) Once the submittal is determined complete, staff will notify the applicant of the number of additional copies of the condominium plat required for distribution. Referral packets, with all exhibits folded to 9" x 12", shall be provided by the applicant to the Community Development Department. Planning staff shall distribute the referral packets. The applicant shall distribute any revised plans as required by staff.

(4) After approval of all documents by the appropriate entity and after all requirements of this Section has been met, the Community Development Department shall schedule the condominium plat for review by the Town Council at a public meeting.

(5) The staff planner shall notify the applicant of the date and time of the public meeting and will prepare a staff report for the Town Council. The applicant shall submit two (2) photographic Mylar copies (Fix-line, emulsion down) of the condominium plat ready for recordation (except for Town signatures) and, if required, a signed subdivision improvements agreement to the Community Development Department prior to the scheduled meeting. All signatures on the plat shall be in indelible, black ink. The Town Attorney prior to condominium plat approval, if required, shall approve the subdivision improvements agreement. Construction plans and cost estimates for public improvements, if any, shall be approved prior to condominium plat approval.

(6) The Town Council shall evaluate the condominium plat. If all standards of the Town are met, the Town Council shall approve the condominium plat.

(d) General submittal requirements

- (1) Completed application.
- (2) Application fee.
- (3) A copy of the recorded deed and title commitment or updated title commitment current within thirty (30) days of submittal.
- (4) A notarized letter of authorization from the landowner permitting a representative to process the application if applicable.
- (5) Condominium plat exhibit (described in Subsection(e) of this Section).
- (6) A notarized copy of any protective covenants, declarations, party wall agreements or other restrictions to be placed on the subdivision which shall be filed for recording in the Office of the Clerk and Recorder with the condominium plat.
- (7) A current Pass-thru account is established.
- (8) An electronic deliverable of the condominium plat and address plat.

(e) Condominium Plat exhibit.

(1) The condominium plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.

(2) The condominium plat shall be either an original drawing using only permanent black ink that will adhere to drafting films (no ballpoint, transfer type or stickybacks are permitted) or an acceptable photographic reproduction (Fix-line, emulsion down) of an original drawing.

(3) The condominium plat shall be prepared on 24" high x 36" wide flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three-thousandths (.003) of an inch. A margin line shall be drawn completely around each sheet leaving a margin at least one-half (½) inch on all sides entirely blank.

(4) The condominium plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the structure and related elements and confines the drafting error to less than one percent (1%). Proposals requiring multiple sheets shall be numbered. The cover sheet shall contain title, all required certification, general notes, the written metes and bounds legal description, address table and a vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a one-half-mile radius. The scale may be different than the individual sheets as approved by the staff planner.

(5) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed condominium and specific building number, if applicable. The subdivision or planned unit development name, lot, block and filing number shall be located under the title. Example:

ASPEN TREE CONDOMINIUM PLAT

BUILDING #1

A portion of Lot 1, Block 1, Sky View Filing 1

A general legal description stating the aliquot portion of the section, township, range, 6th P.M., and Town of Silverthorne, County of Summit, State of Colorado, shall be included under the condominium name and subdivision information. Under the general legal description, include the total number of units. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Condominium names shall not duplicate an existing condominium name.

(6) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the name and address of the engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.

(7) All lines, names and descriptions on the condominium plat, which do not constitute a part of the subdivision, shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a part of this subdivision."

(8) When requested by the staff planner, deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted.)

(9) Display ties to aliquot section corners and to the State grid, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the Public Works Department. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal units and elements shall have a closure accuracy of 0.01'.

(10) All plans, elevations, units and elements shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions.

(11) The purpose, widths and location (with fine dashed lines) of all easements, all abutting easements and all general and limited common elements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots, which are cut by an easement, must be shown with an arrow or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and elements and sufficient data to definitely locate the same with respect to the subdivision of each unit must be shown in three (3) dimensions. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement or element is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.

(12) The following certifications on a single sheet in accordance with Section 4-5-15: Surveyor, Town Approval, County Clerk and Recorder, Taxes Paid, Title and Dedication.

(13) Plat notes which adequately explain information pertinent to the execution and maintenance of the condominium. The developer shall provide for the construction, at no cost to the Town, of traffic signalization, all utilities and other public infrastructure, as required by the Town Council, and provide bonding or other security needed to ensure such improvements, as required by the Town Council.

(f) Recordation procedure.

(1) The applicant shall amend the condominium plat document in accordance with the Town Council approval, if necessary.

(2) Within thirty (30) days of approval of the condominium plat, unless stated otherwise in such approval, the applicant shall submit: amended condominium plat documents, if necessary, ready for recordation, all required documentation not previously submitted, and all mapping and recordation fees, to the Community Development Department. The applicant shall also provide appropriate security in accordance with Section 4-5-17 of this Chapter to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision improvements agreement, if required.

(3) Within thirty (30) days of receipt of the condominium plat, the staff planner shall obtain all Town signatures, as required, and record the condominium plat and all related documents, including appropriate security as described herein.

(g) Expiration of approval.

(1) Failure by the applicant to submit all required documentation, including applicable security, if required, within thirty (30) days shall render approval of the condominium plat null and void and result in the necessity for the resubmittal of a condominium plat, along with all required fees and documentation.

(2) The Community Development Director may grant no more than one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown.

(3) An extension request, received prior to the expiration of the thirty-day submittal period, shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Town Comprehensive Plan or this Article that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process. (Ord. 2003-20 §2)

Sec. 4-5-14. Replat, vacation or plat amendment.

(a) Intent. The intent of this Section is to provide a process of review for a change to a recorded plat or a replat of a superblock that ensures that the change is consistent with the zone district or Planned Unit Development requirements, including but not limited to the following:

(1) Corrections to a recorded plat;

(2) Replat of a lot or tract, adjustment or vacation of a lot line, vacation of a plat without rights-of-way or easements; or

(3) Vacation of right-of-way, easement or portion thereof.

(b) Prerequisite. The applicant shall meet with staff to discuss the proposal, the procedures and submittal requirements. The submittal process shall vary according to the nature of the proposed amendment based on, but not limited to the following: degree of change, design, size, impact to public facilities, services, roads and overall impacts.

(c) Submittal process and requirements.

(1) Plat corrections. Due to errors or omissions, changes may be made to recorded plats according to the following procedure:

a. A plat shall be prepared which identifies the error or omission, the specific plat to be corrected and the reception number of the plat, and the necessary corrective action in accordance with the form provided by the Community Development Department, approved by the Town Attorney.

b. A plat shall be presented to the Town Council, at a public meeting ready for recordation. The plat shall be recorded, upon obtaining the signature of the Mayor.

(2) When the request is for a road name change, the following shall apply:

a. Where no addresses have been assigned, the request shall be heard at a public meeting before the Town Council, and an ordinance shall be adopted officially changing the name of the street. When addresses have been assigned, the applicant shall notify all affected individuals by certified mail and the request shall be heard at a public hearing before the Town Council. The Council may adopt an ordinance officially changing the name of the street.

b. A road name shall not duplicate any existing road name in Summit County.

(3) A replat of a lot or tract, an adjustment or vacation of a lot line, a vacation of a plat (without rights-of-way or easements) or a minor reconfiguration of an easement shall be processed as follows:

a. When determined by the Community Development Director to be insubstantial, the replat shall be processed in accordance with the final plat process.

b. When determined by the Community Development Director to be substantial, the replat shall be processed in accordance with the Sketch Plan, Preliminary Plan and Final Plat processes. These processes may be combined upon the approval of the Community Development Director based upon, but not limited to the following factors: design size, public concern, public facilities, services, access and transportation network.

c. No single-family lot line vacation or adjustment shall be approved unless a restrictive covenant, in a form approved by the Town, is recorded against the property prohibiting further

resubdivision of the property beyond the number of lots established at the time of the lot line vacation or lot adjustment.

(4) A vacation of a platted easement or right-of-way shall be processed in accordance with the Final Plat process. In addition:

a. For a vacation of a public right-of-way, a public hearing is required by the Planning Commission and Town Council. Public notice shall be required for both the Planning Commission and the Town Council hearing.

b. For a vacation of a platted easement, public notice shall be required for the Town Council hearing in accordance with Article VII of this Chapter. In addition, the applicant shall send a notice of hearing to known easement holders notifying them of the proposed vacation by certified mail, return receipt requested.

(5) A vacation of an unplatted easement or right-of-way shall be processed as follows:

a. An ordinance shall be prepared that includes the legal description of the right-of-way or easement to be vacated and the book and page numbers.

b. The vacation request shall be heard by the Town Council at a public hearing. Public notice shall be required. The ordinance shall be recorded in the office of the County Clerk and Recorder upon obtaining the signature of the Mayor after the effective date of the ordinance.

(6) An amendment to a plat, which includes a redesign of streets, blocks, lots and easements shall be processed according to the sketch, preliminary plan and final plat process of this Article.

(d) Public notice requirements. All public notice requirements shall be met.

(e) Plat title. The title shall be the same as the previously recorded plat followed by the amendment number along the first line at the top of the sheet (along the long dimension). The planning area, if applicable, and a brief description of all the changes shall be placed under the title, i.e.:

COUNTRY ACRES Filing 2,
1st Amendment
A vacation and replat of lots 1-8,
block 4, A part of the W½ of Section 9,
T4S, R78W of the 6th P.M., Town of
Silverthorne, County of Summit,
State of Colorado.

For vacation only:

HILLSIDE ESTATES Filing 4,
1st Amendment
A vacation of the utility easement between
lots 3 & 4, A part of the W½ of Section 9,
T4S, R78W of the 6th P.M., Town of

Silverthorne, County of Summit,
State of Colorado.

(f) Lot numbers. The lots shall be numbered consecutively starting with the number 1. Tracts shall be lettered alphabetically in consecutive order. Include the acreage within each lot to the nearest .001'. (Ord. 2003-20 §2; Ord 2006-02 §2)

Sec. 4-5-15. Certifications.

(a) Intent. The final plat shall contain executed certificates, notices and statements in the following form. Such certificates, notices or statements may be modified with the permission of the Town Attorney when warranted by special conditions.

(b) Signatures. All signatures must be signed in indelible black ink only as approved by the Town Clerk and Recorder. No pencils, red ink or ball points.

(c) Surveyor.

(1) (For all plats except common interest ownership maps)

SURVEYOR'S CERTIFICATE

I do hereby certify that I am a registered Land Surveyor licensed under the laws of the State of Colorado, and do hereby certify that this plat is true, correct and complete as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.

In witness thereof I have set my hand and seal this ____ day of _____ A.D., 20__.

(Signature)
Colorado Registered
Professional Land Surveyor
(Surveyor's Name)

Colorado Registration

Surveyor's seal shall appear with this certificate.

(2) (For common interest ownership maps)

SURVEYOR'S CERTIFICATE

I do hereby certify that I am a registered Land Surveyor licensed under the laws of the State of Colorado, and do hereby certify that this common interest ownership map is true, correct and complete as laid out, platted, dedicated and shown hereon, that such common interest ownership map was made from an accurate survey of said property by me and under my supervision and correctly shows the horizontal and vertical location and dimensions of the dwelling areas, parcels, easements and streets of said common interest ownership map as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.

In witness thereof I have set my hand and seal this ____ day of _____ A.D., 20__.

(Signature)

Colorado Registered
Professional Land Surveyor

(Surveyor's Name)

Colorado Registration

Surveyor's seal shall appear with this certificate.

(d) Town of Silverthorne approval certificate:

TOWN OF SILVERTHORNE APPROVAL

This plat is approved by the Town of Silverthorne, Colorado this _____ day of _____ A.D., 20__, for filing with the Clerk and Recorder of Summit County, Colorado and for the conveyance to the Town of Silverthorne of the public dedications shown hereon; subject to the provision that approval in no way obligates the Town of Silverthorne for maintenance of roads dedicated to the public until construction of improvements thereon shall have been completed in accordance with Town of Silverthorne specifications. This approval does not guarantee that soil conditions, subsurface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit or any other required permit will be issued. This approval is with the understanding that all expenses involving all improvements required shall be the responsibility of the subdivider and not the Town of Silverthorne.

Mayor
Town of Silverthorne, Colorado

Attest:

Town Clerk
Town of Silverthorne, Colorado

(e) Title Company Certificate:

TITLE COMPANY CERTIFICATE

_____ Title Company does hereby certify that it has examined the title to all lands as shown hereon and title to such lands is in the dedicator free and clear of all liens, taxes, and encumbrances, except as follows:

Dated this ____ day of _____, 20__.

(Name)
Agent

(f) Clerk and Recorder.

CLERK AND RECORDER'S CERTIFICATE

This plat was accepted for filing in the office of the Summit County Clerk and Recorder on this ____ day of _____, 20__ A.D., at _____ a.m./p.m., and was recorded at Reception Number _____.

(Signature)
County Clerk and Recorder

(g) Certificate of dedication and ownership.

CERTIFICATION OF
DEDICATION AND OWNERSHIP

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests of the lands described herein, have laid out, subdivided and platted said lands into lots, tracts, blocks, streets and easements as shown hereon under the name and subdivision of _____. The utility easements as shown hereon are hereby dedicated for public utilities and cable communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance and replacement of utility lines and related facilities. All streets and rights-of-way as shown hereon, unless otherwise designated as being private are dedicated and conveyed to the Town of Silverthorne, Colorado, in fee simple absolute, for public uses and purposes. Drainage and detention easements as shown hereon, unless otherwise designated as being private, are hereby dedicated to the Town of Silverthorne. The Town is hereby granted the perpetual right of ingress and egress from and to the adjacent properties for construction, repair, maintenance, operation, and replacement of storm sewers and drainage facilities.

(Owners/Mortgagee)

By: _____ (Signature)

Title: _____

ATTEST:

Secretary

Subscribed and sworn to before me this ____ day of _____, 20__, by* (name printed).

WITNESS my hand and official seal.

Notary Public

My commission expires: _____

* Signatures of officers signing for a Corporation shall be acknowledged as follows: "(Print name as President/Vice-President and (print name) as Secretary/Treasurer, of (name of corporation), a (state) corporation."

NOTE: Include signature lines and notary lines for all owners/mortgagees.

(h) Certificate of taxes paid.

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes due and payable as of _____, 20____ upon all parcels of real estate described on this plat are paid in full.

Dated this ____ day of _____ A.D., 20__.

Summit County Treasurer

(Ord. 2003-20 §2)

Sec. 4-5-16. Public dedications.

(a) Purpose. The requirements of this Section are imposed to ensure that the increased needs for public parks, open space and trails made necessary by new residential development are borne by the applicants for such development. In order to determine the nature and quantity of such needs, and to provide a mechanism for determining that the amount, kind and location of such required dedications will be roughly proportional to the increase in public parks, open space and trails needs caused by new development, the Town caused the preparation of the "Silverthorne Parks, Trails, and Open Space Master Plan," January 2001 (the "Plan"). The Plan was adopted on January 10, 2001 by the Town Council as a component of the Town's Comprehensive Plan. Copies of the Plan are available in the office of the Community Development Department. The recommendations of the Plan shall be used as the basis for determining the amount, kind and location of required dedication of parks, trails and open space land under this Section, based upon an individualized determination of the increased need for such lands generated by each individual proposed residential development.

(b) Intent. This Section is intended to provide adequate sites for the location of public facilities necessitated by the impacts created by new development. Such sites may be dedicated to the Town, special district or homeowners' association for eventual construction and maintenance. The intent is to require appropriate mitigation in proportion to the impacts being created by new development. For any development zoned as Planned Unit Development or where an annexation agreement requires the dedication of land for public purposes, this Section shall require the dedication of additional land to fulfill the entire dedication required herein.

(c) General requirements. The developer shall provide for the construction of, at no cost to the Town, all roads adjacent to the area being platted in conformance with the Town Comprehensive Plan, all roads adjacent to publicly dedicated sites, traffic signalization to serve the site, extensions of all utilities to the site and other public infrastructure as required by the Town Council. Security needed to ensure such improvements shall be required at the time of final platting as requested by the Town Council. All park and trail development and facilities shall conform to the standards and criteria as outlined in the Town of Silverthorne Parks, Trails, and Open Space Master Plan.

(d) Public improvements generally.

(1) In each new subdivision, the Town Council shall determine the type, location and extent of necessary public improvements depending upon the characteristics of the proposed development and its relationship to surrounding areas. Improvements shall be made by the applicant at the applicant's expense and shall be designed by a qualified professional engineer in accordance with the Town of Silverthorne Engineering Standards and other applicable regulations.

(2) Proposed improvements, including but not limited to, all streets and road rights-of-way shall conform to the requirements of effective Town master plans, the Town of Silverthorne Engineering Standards, the Town Parks, Trails and Open Space Master Plan, the Town Building Code and all other regulations pertaining to the development of land.

(3) Other reasonable improvements, not specifically mentioned herein and found appropriate and necessary by the Town Council, shall be constructed at the developer's expense within such time and in conformance with such specifications as deemed necessary and appropriate.

(e) Parks, trails and open space. Whenever land is proposed for residential or nonresidential subdivision, the developer shall provide land or cash in-lieu-of land for active and specialized recreation generated by the proposed use. In general, these lands shall be suitable for the development of active play areas, trails or in some instances to serve to preserve unique landforms or natural areas. Where no suitable land is available in a residential or nonresidential development, cash in-lieu-of land or the equivalent monetary value or the donation of recreation facilities may be substituted at the Town's discretion. Additional dedication for open space may be recommended by the Town Council if deemed necessary to preserve areas of special significance.

(1) The minimum amount of land dedication required in residential developments is six (6) acres of developed park land per one thousand (1,000) population as recommended in the Parks, Trails, and Open Space Master Plan. The Town Council reserves the right to adjust the acreage requirement as deemed necessary to meet specific needs and to determine the amount of developed park acreage required based upon recommendations by the Recreation and Culture Department and the SPORT Committee.

(2) Within nonresidential developments and nonresidential components of a Planned Unit Development, provision for park facilities within nonresidential developments is encouraged.

(3) For the purposes of calculating the required dedication, existing dwelling units within a subdivision shall be excluded from the calculation of the park requirement.

(4) Land proposed for park dedication shall be clearly identified on any submitted plat including the number of acres for each site and the total acreage proposed for Town park dedication within the project.

(5) The conveyance of dedicated park land to the Town shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The subdivider shall provide the Town with a title insurance policy in the Town's name at the time of conveyance. Dedicated park land shall include the necessary water rights or other available water service to provide for irrigation and drinking water. Community and neighborhood park land shall be conveyed at the time of recordation of the final plat.

(6) The developer shall assume all responsibility of development of all parks and trails, unless otherwise determined by the Town. A park facilities master plan shall be submitted to the Town prior to the time of final plat submittal. Upon approval of the park facilities plan by the Town, cost estimates and construction documents shall be submitted.

(7) Cash-in-lieu-of-land dedication or off-site land dedications shall be used in cases in which the cash value of park land dedication and park development costs is deemed, by the Town Council, to be more appropriate in satisfying the needs of the residents of the proposed

development than land. Such cases include, but are not limited to, small developments not able to meet the minimum size requirement and developments which already have adjacent facilities that could be expanded to satisfy the need created by the proposed development. In those subdivisions where proposed regional trails are located, no cash in lieu of land will be accepted unless there is an acceptable alternate route as shown in the Town of Silverthorne Parks, Trails, and Open Space Master Plan.

(8) The cash-in-lieu-of-land dedication and park development costs fee shall be determined by the following process.

a. The Town Recreation and Culture Department shall review all cash-in-lieu-of-land requests and make a recommendation to the Town Council.

b. The Town Council shall make a final determination of the method in which the dedication requirements shall be satisfied.

c. When cash-in-lieu-of-land dedication and park development costs are requested by the Town Council, the following formula shall be used:

$$\begin{array}{ccccccc} \text{Total} & & \$\text{Value/acre} & & & & \\ \text{acreage} & & \text{as} & & \text{Park} & & \\ \text{for} & \times & \text{determined} & + & \text{improvement} & = & \text{Amount} \\ \text{dedication} & & \text{by market} & & \text{costs for} & & \text{required} \\ & & \text{value} & & \text{total acreage} & & \end{array}$$

d. When the combination of land and cash-in-lieu of land is requested by the Town Council, the following formula shall be used:

$$\begin{array}{ccccccc} \text{Total park} & & & & & & \text{Total acreage for} \\ \text{dedication in acres} & - & \text{Land acreage accepted} & = & & & \text{dedication as} \\ & & & & & & \text{cash-in-lieu} \\ \\ \text{Total acreage for} & & \$ \text{ Value/acre as} & & & & \text{Total acreage} \\ \text{dedication as} & \times & \text{determined by market} & = & \text{Total acreage} & & \text{for dedication} \\ \text{cash-in-lieu} & & \text{value plus development} & & \text{for dedication} & & \text{as cash-in-lieu} \\ & & \text{costs/acre} & & \text{as cash-in-lieu} & & \end{array}$$

e. The cash-in-lieu fee shall be equivalent to the full market value of the acreage required for park land dedication. Value shall be based on anticipated market value after completion of platting and construction of public improvements. The applicant shall submit a proposal for the cash-in-lieu fee and supply the information necessary for the Town Council to evaluate the adequacy of the proposal. This information shall include at least one (1) appraisal of the property by a qualified appraiser.

(9) Disposing of park lands obtained through these dedication requirements shall be through the Town Council at a public hearing as required by the Town Charter.

(10) Cash-in-lieu fees shall be held by the Town until such time as a park plan and development schedule, including costs for development and ongoing maintenance, are established.

(11) Credit towards park land dedication requirements may be considered for the following:

a. Consideration may be given for meeting a portion of park land dedication requirements through the provision of specialized recreation facilities, provided that such facilities:

1. Are available to the general public;
2. Will meet a demonstrated public need;
3. Replace or supplement facilities that would generally be provided by the Town.

b. Consideration may be given for meeting a portion of park land dedication requirements through dedication or purchase and subsequent dedication of off-site land (land not contiguous to the development), provided that such land:

1. Will meet a demonstrated public need; and
2. Meets the selection criteria for a neighborhood park, community park or trail as provided in Subsection (12) below.

c. Consideration may be given for meeting a portion of park land dedication requirements through the provision of private open land if such land is restricted for park, recreation or open space purposes by conservation easement or restricted deed, provided that such land:

1. Will meet a demonstrated public need; and
2. Meets the selection criteria for a neighborhood park, community park, trail or open land as provided in Subsection (12) below.

d. Consideration may be given for meeting a portion of park land dedication requirements through the provision of park and recreation facilities by developers, special districts and homeowner's associations.

(12) Selection criteria.

a. Community parks: recommended guidelines for sizes of community parks are listed in the Parks, Trails, and Open Space Master Plan. Land may be considered for acceptance for community park land dedication requirements if the following criteria are met:

1. Sufficient flat surface to provide for development of active recreation areas as deemed necessary to meet the needs of the respective service area;
2. Land will not be considered for community park land dedication if it is an exclusive utility or other easement, public street right-of-way, pedestrian walkway required under other regulations, or contains topographical or hazardous obstructions that would preclude development as a community park;
3. Area to be dedicated shall offer natural and scenic quality and can support both active and passive recreational activities for Town residents; and

4. Areas containing lakes, ponds or reservoirs may be considered, provided that such area does not exceed one-half (½) of the dedication requirement and the area is contiguous to other acceptable park land.

b. Neighborhood parks: recommended guidelines for sizes of neighborhood parks are listed in the Parks, Trails, and Open Space Master Plan. Land may be considered for acceptance for neighborhood park land dedication requirements if the following criteria are met:

1. Shall contain sufficient flat surface to provide for development of active recreation areas as deemed necessary to meet the needs of the respective service area;

2. Land will not be considered for local park land dedication if it is an exclusive utility or other easement, public street right-of-way, pedestrian walkway required under other regulations, or contains topographical or hazardous obstructions that would preclude development as a neighborhood park; and

3. Where feasible, a neighborhood park site may be considered for co-locating with a school site in order to benefit from shared facilities such as parking lots, access roads, play fields and other facilities, thereby reducing the overall acreage requirement by a factor equal to those shared facilities.

c. Pocket parks: recommended guidelines for sizes of pocket parks are listed in the Parks, Trails, and Open Space Master Plan. Land may be considered for a pocket park if the following criteria are met:

1. Land will not be considered for a pocket park if it is an exclusive utility or other easement, public street right-of-way, pedestrian walkway required under other regulations, or contains topographical or hazardous obstructions that would preclude development as a pocket park; and

2. Maintenance of these parks shall be the responsibility of the Town, and these parks shall be developed to Town standards.

d. Trails: credit may be given for trails against the park land dedication requirements. Provision of trails is considered a normal element of an appropriately planned unit development. The following are considerations for design criteria for trails:

1. Alignment provides linkages for the community to local parks, schools and other activity areas;

2. Alignment provides linkages for the community to regional parks, trails or open lands as specified in the Parks, Trails, and Open Space Master Plan;

3. Trails shall be designed to provide for easy, safe and secure usage and allow for sufficient easement or right-of-way to accommodate multiple uses; and

4. Land should not be considered for trail dedication acceptance if it is an exclusive utility or other easement, public street right-of-way, pedestrian walkway required under other regulations, or contains topographical or hazardous obstructions that would preclude development of a trail.

e. Open Space: the Parks, Trails, and Open Space Master Plan recommends that ten percent (10%) of the gross site area of a development be set aside as open space. Land shall be required to be set aside as open land during the subdivision process. The amount set aside will be determined on a case-by-case basis depending upon density, lot sizes and characteristics of the land, with the goal of achieving ten percent (10%) of the site as open space. Open space as shown on approved development plans which is adjacent to the area proposed for subdivision platting, or as otherwise identified during the subdivision process, shall be included in the areas proposed for subdivision platting. Land set aside as open space shall include, at a minimum, areas identified in the Parks, Trails, and Open Space Master Plan. In addition, the following land will be required to be set aside if it serves one (1) or more of the following functions:

1. To identify or separate municipalities, communities or subdivisions or to provide expansive visual relief from development;

2. To buffer or provide transitions between different land uses;

3. To preserve or protect:

a) Environmental areas: areas including, but not limited to, one-hundred-year floodplains, wetlands, wildlife habitat.

b) Significant natural landforms: areas including, but not limited to, prominent landforms such as rock outcroppings, buttes, mesas, lakes and streams, and drainageways.

c) Significant natural vegetation areas: areas including, but not limited to, one-hundred-year floodplains, drainageways, wildlife corridors, migration routes and calving areas.

d) Important wildlife habitat areas: areas including, but not limited to, one-hundred-year floodplains, drainage ways, wildlife corridors, migration routes and calving areas.

e) Geologic hazard areas: areas including, but not limited to, expansive soils and related conditions, soil erosion areas and unstable slopes.

f) Severe soil erosion areas: areas including, but not limited to, thirty percent (30%) or greater slope, and natural drainage ways.

g) Sensitive visual areas: areas including, but not limited to, major ridge lines, view points and view corridors.

h) Significant views: areas including, but not limited to, major ridgelines, distant or panoramic views and view corridors.

i) Outdoor recreation areas.

j) Cultural, historic and archaeological areas.

4. To provide for Town-wide or regional trails and linkages; public access to lakes, streams and other public lands; passive recreation opportunities; or outdoor and nature studies areas; and

5. Land will not be considered for open space if it is an exclusive utility or other easement, public street right-of-way or pedestrian walkway required under other regulations.

(13) The provisions of this Section shall be in addition to any requirements contained in any annexation or other agreement. Credit shall be given for any previous dedications or payments, which include a land dedication component.

(f) Other public facilities.

(1) For the purpose of mitigating impacts associated with a development, the Town Council may require the dedication of land for other public facilities, including but not limited to fire stations, schools, libraries, police substations, Town maintenance facilities or similar public purposes which are reasonably related to the demand created by the development. Such requirements shall be based upon requests to the Town made by the public agency impacted by the development and the proportionate share of impacts created by the development.

(2) The conveyance of lands or transfer of fees obtained through the Town's dedication requirement for another public entity shall be pursuant to petition to the Town Council.

(g) Road, street and highway rights-of-way.

(1) For the purpose of implementing the transportation element of the Town Comprehensive Plan and Town Transportation Plan, the developer shall provide at no cost to the Town adequate right-of-way for the internal or adjacent road, street or highway according to the classification in the Town Comprehensive Plan and the requirements of the Town of Silverthorne Engineering Standards.

(2) The Town Council may require reasonable improvements to adjacent roadways in order to mitigate impacts of new subdivisions. Such improvements shall be provided at no cost to the Town and shall be secured by a subdivision improvements agreement.

(h) The conveyance of all land dedicated for public purposes to the Town shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The subdivider shall provide a title insurance policy in the Town's name and a certified survey of conveyance. (Ord. 2003-20 §2)

Sec. 4-5-17. Guarantee of public improvements.

(a) Concurrently with approval of the Final Plat, the developer shall furnish the Town with, at the Town's option, one (1) of the following:

(1) Cash, certified funds, or letter of credit to secure the performance and completion of the improvements required by this Section and site improvements agreement executed pursuant to Subsection (c) below, in an amount equal to one hundred fifty percent (150%) of the estimated cost of said improvements.

(2) No letter of credit drawn upon a company, bank or financial institution having any relationship to the developer or any principal, director, officer or shareholder of the developer (other than the relationship of depositor or checking account holder), shall be acceptable. The Town may reject any security for any reason.

(b) From time to time, as work to be performed and improvements to be constructed progress to completion, the Town may, upon its inspection of and satisfaction with the completion of improvements or work, cause or request that so much of the security required hereunder be released as corresponds to the completed improvements or work. Consent to release of funds or security shall not constitute acceptance by the Town of such improvements or work for maintenance purposes.

(c) Prior to any site development, the developer shall provide the Town with a written warranty of work in a form acceptable to the Community Development Department (which warranty may be part of the site improvements agreement) with respect to the improvements to be constructed, warranting that the work will be free of all defects in design, materials and construction, and will remain serviceable for a period of two (2) years after completion. Security shall be deposited to warrant the public improvements against defects during the two-year warranty period. Such warranty security shall be posted in the amount of twenty percent (20%) of the total construction cost of the public improvements for the two-year warranty period.

(d) Except as may be provided in any site improvements agreement, the Town shall not accept responsibility for the operation or maintenance of any improvements until completion of the improvements and final acceptance thereof by the Town. Upon written application by the developer for a certificate of completion, and provided that all payments and other performances herein agreed to be made and performed by the developer have been made and completed, the Town shall issue a certificate of completion. Except for defects appearing within two (2) years after the date of the certificate, the Town will release the developer from all further liability as to the completed improvements. Upon issuance of a certificate of completion, all improvements specified in the certificate shall be deemed approved and accepted by the Town whereupon the specified improvements shall be owned, operated and maintained by the Town.

(e) No certificate of occupancy shall be issued for any improvements within the development if such agreement is in default or until the remaining development improvements have been installed to serve the properties for which a certificate of occupancy is sought, unless funds or a performance bond sufficient to guarantee completion and satisfactory to the Town have been provided by the developer. In the event such funds are insufficient to complete the improvements, the Town, in addition to any other remedy, may revoke any or all certificates of occupancy relating to the development. No site development may be further processed which is owned, in whole or in part, by a developer who is in default of any site improvements agreement for any site development within the Town, or who is in default of any agreement with the Town for the payment of any fee or charge. (Ord. 2003-20 §2)

Sec. 4-5-18. Unplatted lots and unbuilt dwelling units in Planned Unit Developments.

(a) Intent. The provisions contained in this Section are intended to provide for the predictable and orderly development of the planned unit developments within the Town, to ensure that municipal services, utilities and infrastructure are not overburdened, and to help prevent overcrowding of land. For purposes of this entire Section, *density* means unplatted lots or unbuilt dwelling units within one (1) Planned Unit Development as defined in Article II.

(b) No transfer of density into or out of a Planned Unit Development. Excess density shall not be permitted to be transferred from one (1) Planned Unit Development to another Planned Unit Development.

(c) Transfer of density within a Planned Unit Development. Transfers of density shall only be permitted within a Planned Unit Development, subject to the following requirements:

(1) Transfer may only occur between unplatted areas of a Planned Unit Development.

(2) Transfer between unplatted areas shall be made prior to final plat approval of the area within the Planned Unit Development receiving the transfer.

(3) No transfer shall exceed the percentage specified in the underlying Planned Unit Development Guide (or similar document) of the original density of the area from which the density is being transferred. For purposes of this entire Section, *original density* means the density prescribed for the area in the applicable Planned Unit Development Guide (or similar document), or that density which has been approved by the Town Council through the PUD Major Amendment process.

(4) No transfer shall exceed the percentage specified in the underlying Planned Unit Development Guide (or similar document) of the original density of the unplatted area to which the density is being transferred.

(5) No transfer shall be permitted from an area of a Planned Unit Development that has previously received final plat approval.

(6) No transfer shall be permitted within a Planned Unit Development in which all areas have already received final plat approval. (Ord. 2003-20 §2)