

HOTCHKISS SUBDIVISION REGULATIONS

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SECTION I: PURPOSE

The purpose of this article shall be to insure the health, safety and general welfare of the citizens of Hotchkiss and to provide minimum standards for design of improvements, and subdivision of land in order to promote a safe and efficient street system, a proper distribution of population and public facilities, adequate public utilities; to insure new development bears its fair share of the cost of providing improvements and services resulting from the development of subdivision; to set uniform procedures and standards for the handling of subdivision; and to encourage development which limits hazards due to erosion, flood, soil conditions, and excessive slopes.

SECTION II: AUTHORITY

These Subdivision Regulations are adopted under the authority granted by the 1983 Colorado Revised Statutes, Title 31, Article 23, and as may be subsequently amended. No final plat of a subdivision or annexation shall be approved and accepted by the Town Board unless it conforms to the provisions of these regulations.

SECTION III: JURISDICTION

These regulations shall be applicable within the following areas:

3.01: All land located within the boundaries of the Town of Hotchkiss.

3.02: All unincorporated land within three miles of the corporate boundaries of the Town of Hotchkiss for major street plan purposes when a major street plan has been approved in accordance with the requirements of the Colorado Revised Statutes.

3.03: All land that is in the process of annexation to or subdivision or development within the Town of Hotchkiss.

SECTION VI: APPLICABILITY AND ENFORCEMENT

4.01: Whoever divides, or participates in the division of a lot, tract, parcel of land into two or more lots, tracts, parcels or other sale or building development, whether for residential, industrial, office, business, or other use, shall make the transaction subject to the provisions of this chapter including the approval of a final subdivision plat by the Hotchkiss Town Board. The terms of any such transactions shall include, refer and apply to any division of land previously subdivided or platted.

4.02: Exceptions to the above shall include (1) any division of land to heirs through an estate procedure as required by law and (2) any division of land by virtue of the legal proceedings of foreclosure of a deed of trust, (3) divisions of land created by orders of any court in Colorado or process of eminent domain, (4) division of land creating cemetery lots, (5) divisions created by acts of the Town, and (6) in some specific cases boundary adjustments to resolve disputed boundaries such as gaps and overlaps not resulting in any change in numbers of lots.

4.03: No final plat of a subdivision located within the area of planned jurisdiction of the Town of Hotchkiss shall be filed or recorded with the County Clerk and Recorder until said plat has received final approval in writing by the planning commission and by the Hotchkiss Town Board. Any owner or agent of the owner of any land located within a subdivision, who transfers or sells or agrees to sell or negotiates to sell any land by reference to or by use of a plat for a subdivision, before such plat has been recorded or filed in the office of the County Clerk and Recorder, shall be deemed guilty of a misdemeanor. In addition, the Town may enjoin such transfer, sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the penalty of civil action in a court of competent jurisdiction.

SECTION V: DEFINITIONS

5.01: Word Usage.

1. The word lot includes plot, parcel.
2. The phrase "used for" shall be construed to include "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

3. Words used in the singular number include the plural and the words in the plural include the singular, unless the context clearly indicates the contrary.
4. The word “shall” is always mandatory. The word “may” is permissive.

5.02: Definitions. The following section provides definitions for terms used in this ordinance.

Condominium . A subdivision in which the interests created are separate fee simple estates in individual air space units of a multi—unit property together with individual fee simple interests in common elements as defined by the Colorado Revised Statutes, 1973.

Drainage or Erosion Control Structure . All facilities necessary to control the direction, depth, velocity and volume of water flow within or resulting from a proposed subdivision, and to mitigate the erosion and related water quality impacts resulting from development. Such facilities are considered to be public improvements as defined by this ordinance.

Easement . A conveyance or reservation of the use of real property for a specialized purpose in the public interest, such as pedestrian ways, drainage, utilities, and similar uses. For Town owned utilities, easements shall be used as a last resort and for only minimum distances.

Hotchkiss Control System

- a. Horizontal Control: A system of plane coordinates which has been established by the Town Engineer for the purpose of defining and stating the positions or the location of points on the surface of the earth within the Town of Hotchkiss and surrounding area.
- b. Vertical Control: A vertical elevation system based on USGS datum of 1929 which has been established by the Town Engineer for vertical control within the Town of Hotchkiss and surrounding area.
- c. Hotchkiss Control System Map: A map on file at the Office of the Hotchkiss Town Clerk, showing the location, coordinates and vertical elevation of the Hotchkiss Control System or control stations.

Lot . The individual parcels or separate interests into which a tract of real property or the air space above a tract of real property is divided for the purposes of occupancy or transfer of ownership or land divided on a subdivision plat including a condominium unit.

Major Street Plan . A Plan of the Town which establishes the general location, character and extent of streets, thoroughfares, bridges, waterways, boulevards, parkways, parks and other public ways, grounds and open spaces that may necessary for transportation purposes.

Major Subdivision . Any subdivision of land that does not fall within the definition of a minor subdivision.

Minor Subdivision . The division of land that meets at least one of the following conditions:

1. The division of a parcel of land into three lots or less.
2. The relocation or adjustment of a lot line that does not create new lots.
3. A parcel of land may only be subdivided into three lots or less under the minor subdivision procedures once. Any subsequent subdivision, except for condition 2 above, must follow the procedures for a major subdivision.

And, when all the infrastructure required under Section 12 to serve the new lots is already in place without needing any extensions or improvements.

Right-of-Way . A conveyance or reservation of the use of real property for a specialized purpose in the public interest, such as streets, alleys, pedestrian ways, drainage, utilities, and similar uses.

Subdivider . Any person, partnership, joint venture, association, corporation, or other legal entity or legal representative who shall participate in any manner in planning, developing, and/or dividing of land or air space for the purpose, whether immediate or future, of sale or building development.

Subdivision - The division of a lot, tract, parcel, or structure into two (2) or more parcels, building sites, tracts, lots, or estates in land for the purpose, whether immediate or in the future, of sale or building development. "Subdivision" includes resubdivision of a subdivided tract into a greater number of parcels, building sites, tracts, lots, or estates in land. "Subdivision" further includes the conversion of existing structures to the condominium form of ownership pursuant to C.R.S. 1983, Section 38-33—101, et .seq. When appropriate "subdivision" relates to the process of subdividing or to the lands or territories or structures subdivided. The term subdivision shall be classified as a "minor subdivision or "major subdivision" as defined below.

Town Board - The elected legislative body of the Town of Hotchkiss. The term is synonymous with the terms "Board of Trustees", "Town Council" or "Board".

Town Staff - The persons, professionals and entities employed by the Town Board or the Mayor.

SECTION VI: POWERS AND DUTIES OF THE PLANNING COMMISSION AND THE TOWN BOARD

6.01: Planning Commission. If established and appointed, the Planning Commission is responsible for making investigations and reports on the design and improvements of proposed subdivisions and requiring conformity of such subdivisions with the Comprehensive Plan, if any, or as is compatible with surrounding land uses of the Town, the state statutes and this chapter, utilizing the assistance and cooperation of the elected and appointed officials of the Town, the county and the state, as well as the services of consultants when deemed beneficial. No plat of the subdivision of land shall be filed and recorded until the Planning Commission has recommended for approval the preliminary plat and/or it has been approved by the Town Board and the Mayor has signed the final plat. The Final Plat must be consistent with the preliminary plat recommended for approval by the Planning Commission and/or approved by the Town Board. If there are major changes or discrepancies between the preliminary plat and the final plat, the final plat must be reviewed and approved again by the Planning Commission and/or Town Board before the Mayor is authorized to sign the final plat.

6.02: Town Board. The Town Board has final jurisdiction in the acceptance of lands and improvements proposed for dedication to the Town as a result of the subdivision process. Such approval shall be indicated by the signature of the Mayor on the final plat or improvements agreement, which shall be attested by the Town Clerk and dated.

SECTION VII: DEVELOPMENT REVIEW COMMITTEE

A Development Review Committee shall be established by the Town Board to assist in the technical review of development applications prior to the consideration by the Planning Commission and/or Town Board. It is intended by the formation of the committee to resolve technical details and application deficiencies prior to scheduled formal public hearings and therefore to expedite the process. The Development Review Committee shall meet at a scheduled time when necessary to review submittals prior to the time those items are to be considered by the Planning Commission. The comments provided by the Development Review Committee shall be included as part of the Town's report on each item.

The Development Review Committee may be comprised of representatives of the Town Staff (e.g., Public Works, Town Engineer, Town Attorney, Town Administrator, Town Clerk, Police and Fire), Representatives of utility companies, telephone company, highway department, school district and two (2) out of town persons as ex-officio members. In the event a member cannot attend a scheduled committee meeting, comments on an application may be conveyed to the Town prior to the meeting.

SECTION VIII: ESTABLISHMENT OF FEES

The Town Board shall establish fees for the processing of subdivision and annexation applications. Actual Fees shall be established by Resolution of the Board and shall be reviewed periodically. Fees shall cover applications for sketch plan review, preliminary plats, final subdivision plats or annexation maps, for major and minor subdivisions. Additional fees for consulting services required for proper review of applications shall be determined for specific applications as required.

In addition to the above fees, the subdivider shall reimburse the Town for all out of pocket costs incurred during review of the subdivision, including but not limited to legal fees, postage, notice and publishing costs, engineering fees, etc. plus 10% to cover overhead and administration. The Town shall bill the subdivider periodically as such costs are incurred. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges.

SECTION IX: PLANNED UNIT DEVELOPMENTS-SUBDIVISIONS.

9.01: Planned Unit Developments.

1. To promote excellence of subdivision design and improvements, the Development Review Committee and/or Planning Commission may recommend the approval of a subdivision that departs from the usual design of regular platted lots and blocks devoted to a single classification of land use, but the planned unit development shall conform to the minimum requirements of this ordinance/regulation.
2. In the event the land is to be subdivided and developed as planned unit development, the subdivider shall submit, in addition to the required information and documents required in this chapter, such additional information as may be required or determined necessary by the Town.
3. Simultaneous hearings may be held for the review and approval of a subdivision and planned unit development involving the same land. In such instances the following may apply.
 - a. The sketch plan requirements for the PUD may also serve as the sketch plan for a subdivision or annexation.
 - b. It is intended that the preliminary plat and preliminary development plan for a PUD be considered concurrently if the PUD is proposed for subdivision. The documents submitted for the PUD, preliminary development plan may also serve as the preliminary plat application provided the information required for the preliminary plat is submitted.
 - c. Each simultaneous hearing must be preceded by notice consistent with Section 16.01 herein.
 - d. Because of the complexity and special policy implications of certain planned unit development applications the Planning Commission and/or Town Board may require more time for review. In such cases, it may be in the best interest of the Town as well as the applicant to table a matter to allow more time for study and review of application materials. If this is necessary, the subdivider will be requested to agree in writing to waive the statutory requirements for action on a subdivision request within 30 days.

SECTION X: DISTRIBUTION OF APPLICATION MATERIAL: COPIES REQUIRED

10.01: Distribution. The Town Clerk shall distribute appropriate sheets of sketch plans and/or preliminary plats to the following entities for their review and comments:

1. All concerned Town departments.
2. The school district.
3. All utilities companies serving the area.
4. All special districts serving the area.
5. The Colorado Department of Public Health, when new sewage treatment facilities are proposed.
6. The planning office of Delta County.
7. The State of Colorado, Division of Highway when the proposed subdivision or annexation abuts any State Highway or when the proposed subdivision may impact or require a highway access permit.
8. All irrigation and ditch companies in the vicinity of the proposed subdivision.

10.02: Copies Required. A minimum of fifteen (15) copies of all application materials for preliminary and final plats or maps shall be filed with the Town Clerk.

SECTION XI: DEDICATION OF LAND FOR PUBLIC USE

If the subdivision results in one (1) or more additional dwelling units or building sites, the Town shall require the subdivider to dedicate a parcel of land, chosen by the Town, from the subdivision area equal to ten percent of the land area or one acre for every 75 potential residents, or fraction thereof, whichever is greater. At the Town's option the subdivider, in lieu of dedicating the land shall pay a fee that is equivalent to the cost of acquiring new land for parks, recreation areas or schools in the vicinity of the developing area where the subdivision is located. This fee shall be based upon land values for undeveloped property in the areas adjacent to the Town considering future development potential and be established by a professional appraisal of the property. The appraisal shall be paid for by the applicant. The dedication requirements shall be based upon the following:

11.01: The required land dedication is ten percent of the total site area or one acre per 75 potential residents, whichever is greater.

11.02: Future population shall be based upon the following household occupancy table:

Single family unit ..3.5 persons/unit
Duplex unit ..3.0 persons/unit
Multiple family unit ..2.5 persons/unit
Mobile home unit ..2.0 persons/unit

11.03: Dedication requirements for Commercial development are based upon 10% of land area. If satisfied by payment in lieu of dedication, such amount shall be determined by the commercial value thereof.

SECTION XII: DESIGN STANDARDS

12.01: General Provisions.

1. All subdivisions shall be designed, developed and improved in accordance with the standards and requirements in this chapter.
2. To the extent these design standards conflict with any other resolution or ordinance of the Town, the more restrictive shall control.
3. If the Town does not have sufficient personnel or expertise in its staff members to analyze properly and review engineering data, land use designs or any other data required to be furnished by a subdivider by this chapter, the Town may select and hire independent experts to conduct such analysis and review for the Town. The initial filing fee may include an amount anticipated to cover the cost of professional assistance, as determined by the Town Board. In the event all the funds are not needed, the applicant will be refunded the remaining amount less the Town Administrative expenses. Any additional expenses anticipated or incurred by the Town may be billed to the subdivider and shall be paid to the Town within 30 days of billing, or bear interest at legal rate until paid. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges.

12.02: Natural Hazards. These standards are intended to assure that new development will not be permitted in areas where the environmental characteristics of the area may create hazardous conditions for new residents or for adjoining property owners.

1. Building Development is generally discouraged on slopes that exceed 15%. In special cases development may be permitted on steeper slopes provided approved mitigation techniques are employed. All development proposed for sites with slopes in excess of 15% must be specially reviewed by the Development Review Committee. In such cases analyses must be provided by independent professional geologists and engineers.
2. Hazards shall include subsidence, unstable soils, rock fall hazards, and flooding.
3. All development shall be subject to the provisions of the flood plain regulations of the Town of Hotchkiss.
4. Mitigation techniques shall be designed by a professional engineer or geologist and subject to review by the Town and may include, but are not limited to:

- a. Slope stabilization by landscaping, revegetation, retaining walls, slope easements and/or other means.
 - b. Elevation of structures or approved flood proofing in conformance with the Town's FEMA ordinance.
 - c. Catchment walls for rock fall hazards.
 - d. Control of potential debris——diversion structures.
5. Elimination or control of noxious weeds in accordance with local and State laws and regulations.

12.03: Survey Information.

1. The boundary survey, internal property lines, and monumentation as depicted on the final plat shall meet all requirements established under the state statute and sufficient to re—establish the survey of the streets and lots. Survey data shall be reviewed by the Town Staff prior to approval of the final plat.

Permanent monuments solidly embedded in the ground with a durable cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument shall be set no more than 1,400 feet apart along any straight boundary, at all angle points, at the beginning, end and points of change of direction or change of radius of any curved boundaries defined by circular arcs, and at the beginning and end of any spiral curve of the subdivision external boundary; at center lines of streets and/or street intersections; and at corners, all angle points, the beginning, end and points of change or direction or change of radius of any curved boundaries defined by circular arcs of all lots. All survey traverses shall close within an allowable error of no more than one (1) foot in five thousand (5,000) feet.

- 2. No approval of a final plat shall be deemed as assurance, guarantee, or representation by the Town that the survey data is accurate.
- 3. The Town Board shall require a survey prepared by a Colorado licensed land surveyor showing the location of proposed improvements prior to the approval of preliminary plat, commencing construction of improvements or issuance of building permit in an approved subdivision.
- 4. All Final Subdivision Plats shall bear the seal and signature of a Colorado licensed land surveyor attesting to the following:

I, _____, being a licensed land surveyor in the State of Colorado, duly swear that this map or plat, entitled has been prepared by me or under my direct supervision and that the survey is accurately represented on this map and the statements contained thereon are true based upon my knowledge.

Name

No.

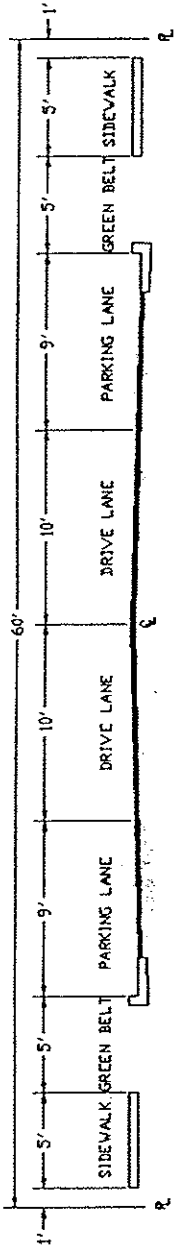
(SEAL)

12.04: Street Design.

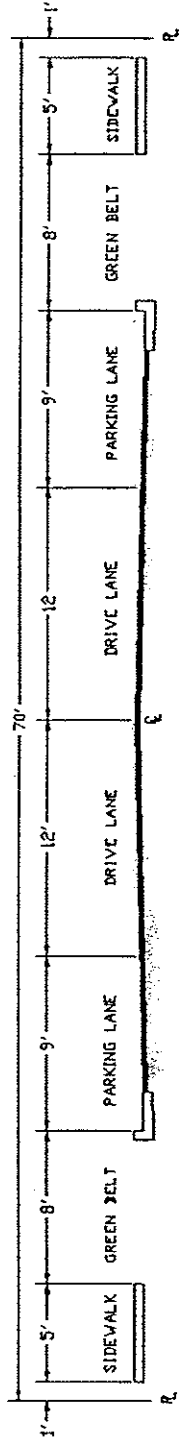
1. The street pattern shall be designed to afford safe and convenient access to all lots within the subdivision.
2. Streets shall have a logical relationship to the topography and be designed to be parallel to the existing contours as much as possible.
3. All streets shall intersect at right angles.
4. Streets or alleys shall not be closer than 100 feet from another street intersection.
5. Proposed streets which are extensions of existing public rights of way shall be designed to effect a smooth transition from existing to proposed improvements and shall be named accordingly.
6. Where developable but unplatted land is separated by a proposed subdivision from an existing public right-of-way, the street pattern of the proposed subdivision shall include streets extended to the boundary common to both tracts to prevent land—locking of the unplatted tract and promote access to future development of adjacent unplatted land.
7. Dead end streets shall be provided with a cul-de-sac with a minimum paved radius of fifty (50) feet. The maximum length of a dead end street shall be 500 feet measured from the right-of-way line of the connecting street to center of the turn around area at the closed end of the cul-de-ac. Cul-de-sacs shall be used as a last resort when through streets are not feasible or when the Town specifically allows their use.
8. Minimum paved street gradient shall be five tenths percent (0.5%) and maximum gradient shall be ten percent (10%) for driveways if there is a 30 foot long section with a three percent (3%) slope at the entrance to the public right of way, seven percent (7%) for local streets and driveways that do not meet the previously described criteria, and five percent (5%) for collector and arterial streets. Except where, in the Town's opinion, the terrain requires a greater gradient, streets shall not exceed a gradient of four percent (4%) within one hundred feet of an intersection. Changes in street grades shall be accomplished by vertical curves of sufficient length to maintain safe sight distances.
9. Street Names. All street names shall be subject to the approval of the Town. The Town Board may adopt a uniform street naming policy.
10. All public and private streets, alleys, curbs, and gutters shall be laid out and graded, a base course of gravel installed and an asphalt wearing course installed to the full width of the traveled way, all to the specification of the Town's street design standards and specifications and subject to review and approval by the Town.
11. Minimum street widths and design characteristics are shown on the schedule of requirements 12.05.

12.05: Street Design: Schedule of Requirements

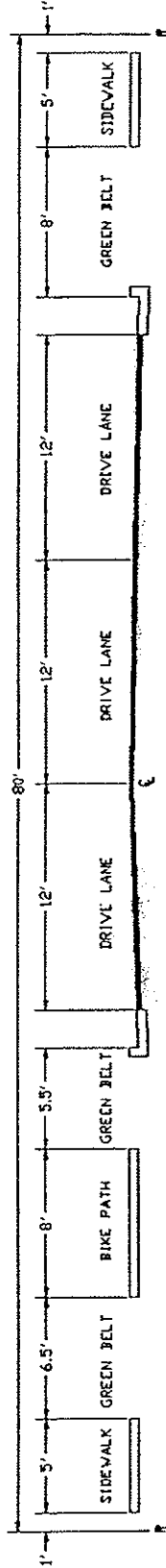
	Local Street	Major or Minor Collector	Minor Arterial	Major Arterial
Minimum Right of Way	60 ft.	70 ft.	80 ft.	100 ft.
Travel lanes	(2) 10 ft.	(2) 12 ft.	2 or 4 lanes 12 ft.	
On-Street Parking Lanes	(2) 9 ft.	(2) 9 ft.	--	--
Minimum Pavement width- curb to curb	38 ft.	42 ft.	See Cross-Section	See Cross-Section
Sidewalk	Detached curb- walk (2) 5 ft.	Detached (2) 5 ft.	Detached (2) 5 ft.	Detached (2) 6 ft.
Minimum radius of curvature	100 ft.	300 ft.	400 ft.	600 ft. or more
Maximum % of Grade	7%	5%	5%	5%
Radius of cul-de-sac	60' R/W	not allowed	not applicable	not applicable
Minimum paved area--Right-of-way	50' Paved 4' Walk	unless temporary		
Bicycle Path	May be desig- nated on selected streets			Selected streets may include required bicycle paths. Minimum width 8'-0"



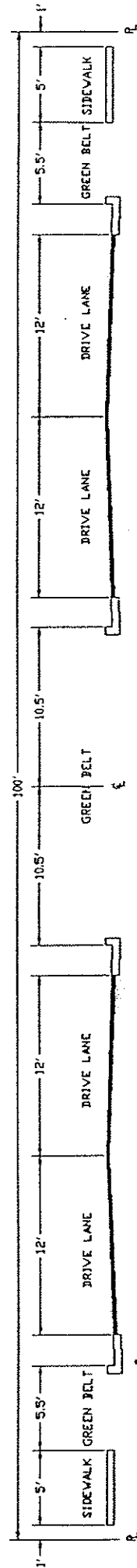
LOCAL STREET



COLLECTOR STREET



MINOR ARTERIAL STREET



MAJOR ARTERIAL STREET

12.06: Lot and Block Design.

1. Each lot shall be designed to provide an adequate accessible building site for a structure devoted to the intended use of the land.
2. Each lot or lots for a single family residence shall contain a minimum of 6,250 square feet and shall have a minimum of 50 feet of linear frontage on a dedicated public street. For multiple family townhouse planned unit developments the Town Board may waive the required 50 foot frontage on a public street, allowing 50 feet for the first unit and 25 feet for each additional unit, and may consider what minimum lot(s) square footage is appropriate for the particular situation.
3. Block length shall not exceed 400 feet unless a pedestrian walkway is provided through the block. The walkway shall consist of a 20 foot easement near the middle of the block. In no case shall a block exceed 700 feet unless specifically approved by the Town Board.
4. In tracts containing more than one block, the blocks shall be designated in numerical order. Lots shall be designated numerically beginning with the number 1 in each block. Large tracts of land that are not further subdivided into lots and blocks shall be designated alphabetically beginning with the letter "A". Outlots shall also be numbered alphabetically.
5. Double frontage or through lots may be permitted provided access control restrictions are provided on the plat.
6. Easements for future utilities shall be provided along all lot lines with 10 foot minimum width on front and back lot lines and 5 foot minimum width on side lot lines. Utility easements shall only be allowed adjoining lot lines unless the Town Board allows an exception for a specific reason.
7. All lots shall have at a minimum a front setback of 25 feet, back setback of 10 feet and side setbacks of 7-1/2 feet.

12.07: Storm Drainage.

1. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. The drainage system shall be subject to approval by the Town as a condition of preliminary plat. All existing drainage features shall be so identified. Drainage plan should also address the drainage from areas outside the subdivision which will be impacted by the subdivision and/or eventually drain through it.
2. The drainage plans shall be designed to permit the unimpeded flow of natural water courses and to ensure adequate drainage of all low points.
3. Drainage plans shall include all proposed surface-drainage structures and all appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials. Plan and profile drawings shall be included in the drainage plans.
4. The drainage system shall be designed to consider the drainage basin as a whole. All new development shall ensure that surface runoff from the development site shall not, after development, exceed the predevelopment flow or the peak condition of a ten year storm. Whenever possible, connect drains to a storm drain system. Adequate area for retention, percolation and absorption of all surface runoff generated by the project shall be provided either on-site or in cooperation with similar developments in the vicinity. Such surface runoff control designs shall be certified by a qualified engineer. Whenever possible, connection shall be made to a town storm sewer system.
5. All detention ponds shall be designed so that no standing water will remain beyond three days after the end of the storm. The design of the detention facility must include consideration of the off-site run off based upon present and reasonable future conditions. Detention facility design shall be in conformance with the requirements of the Town. Design data shall include but not be limited to soil boring logs, soil classifications water table elevations.
6. Drainage easements shall be provided to assure the perpetuity of detention area when constructed as permanent drainage facilities.

7. Maintenance of drainage easements, detention areas and other structures shall be determined as part of the subdivision agreement. Otherwise, the Developer shall be responsible.
8. The developer shall take actions necessary to assure that the water quality of post development runoff is not less than the predevelopment run off.

12.08: Erosion Control and Site Grading.

1. All new development shall ensure that erosion and sedimentation caused during construction and in the post-construction stage is prevented from causing any off-site effects in excess of what occurred in the pre-development condition. The universal soil loss equation shall be used to calculate the amount of erosion to be generated by construction and an interim stabilization and final stabilization plan shall be provided by the developer to ensure the containment of wind and water erosion effects on-site during and after construction.
2. On slopes greater than ten percent, slope stabilization and revegetation will be required. Plans shall include a description of existing vegetation and vegetation to be planted and maintained for at least two (2) years and other slope stabilization measures to be installed. New vegetation should be selected and located to be compatible with the surrounding vegetation, soil, and ecological characteristics of the area.
3. Slopes shall be finished to match or blend with the natural contours of the adjacent terrain by eliminating sharp grade transitions of a cut and fill slopes.
4. All existing trees that are to be retained and are over 3" in diameter measured 3 feet above grade shall be protected during construction and grading operations by placing fencing outside of the drip line of the tree.

12.09: Bridges. Any bridge planned as part of a proposed subdivision shall be designed by a Colorado licensed professional engineer and constructed and paid for by the subdivider in accordance with American Association of State Highway Officials recommendations, which recommendations are incorporated herein by this reference as if set forth verbatim. Bridge design and renovation are subject to review by the Town. Where an existing bridge is part of a proposed subdivision and does not meet specifications of this chapter, it is the responsibility of the subdivider to repair or replace such bridge as necessary to meet the requirements of H-20 live load prior to acceptance by the Town Board for maintenance. No lot served by such bridge shall be built upon or occupied until such improvements shall have been completed. The width of such bridge shall not be less than the width of the roadways approaching it on either side.

12.10: Water Systems. Water distribution systems shall be designed to connect with the Town water system and make water available to each lot and proposed site of use in the proposed subdivision. Fire hydrants shall be located to ensure protection of each lot based on utilization of existing Town fire-fighting equipment. Design and engineering of the system shall be the responsibility of the subdivider, with all plans and construction subject to approval of the Town. Design and installation of the system shall be to Town standards and specifications. Financial responsibility for the water distribution system shall be the subdivider's and shall be subject to existing Town, state and federal regulations and agreements executed by the Town and the subdivider.

12.11: Sanitary Sewer Systems. The sanitary sewer system for the subdivision shall be designed to connect with the Town's system and shall provide service for each lot and proposed building site within the subdivision. Design and installation of the system shall be subject to the approval of the Town and in accordance with the standards and specifications of the Town. The developer shall pay for the sanitary sewage collection system, subject to all regulations of the Town, state and federal government.

12.12: Energy Conservation. It is important that special attention be given to the conservation of energy throughout the planning, design and construction of new subdivisions. New subdivisions should be designed to provide for energy efficiency in the orientation of streets, lots and buildings. The following provide guidelines to be considered in the design and review of future subdivisions. While it may not be possible to follow these guidelines in every instance, every subdivision should be based on these fundamental site planning principles that can result in lower energy costs.

1. Take advantage of south facing slopes for solar orientation, especially for higher density development.
2. Lot layouts should emphasize north-south orientation as much as possible.
3. Street layout in the design of subdivisions should have an east-west orientation as much as possible within the limits of the topography to allow the proper orientation of buildings with respect to the sun.
4. If north-south orientation of streets are necessary, then the lots or buildings should be planned to maximize southern solar access.
5. Lot lines should extend from north to south even if streets are necessarily designed at an angle when practical.
6. Special consideration should be given to the potential shadows created on a lot by building development and by landscaping.
7. Subdivision covenants should encourage building development close to the north property line, therefore, allowing greater area to the south for solar access.

ARTICLE XIII: APPLICATION REQUIREMENTS

13.01: Sketch Plan. A sketch plan shall be submitted by an applicant and shall be reviewed by the staff and/or Development Review Committee and/or the Planning Commission and the Town Board and a report thereof given to the applicant. The sketch plan must include at least the following information:

1. Written Information: Information shall be provided on the Subdivision/Annexation including, but not limited to, the following information:
 - a. Description of proposed land uses.
 - b. A statement of planning objectives.
 - c. Description of adjoining land uses.
 - d. Existing and proposed land use.
 - e. Estimate of proposed number of residential units, estimate of population (see Section 11.02) or square footage commercial area.
 - f. Name and addresses of the owner, applicant and the individual(s) who prepared the sketch plan.
 - g. Total site area.
 - h. A statement as to how the development will be served by utilities.
 - i. A general statement describing the geological characteristics of the land, soil, types, slope and stability. This information may be based on secondary data available from the town, soil conservation service or other services.
 - j. A statement by the owner and developer agreeing to abide by these regulations throughout the entire subdivision and development process.
2. Site Plans and Supporting Documents. The sketch plan shall be drawn to a scale of 1" = 100' or larger and include the following:
 - a. A vicinity map drawn at a scale of 1" = 2000' showing the general location of the land for consideration, and the surrounding area within a one mile radius.
 - b. The topography of the land.

- c. The location of proposed land uses.
- d. The approximate location of proposed public or private open space areas.
- e. The location of existing or proposed water and sewer lines to serve the area.
- f. The location of existing natural gas lines, electrical lines and appurtenances, telephone lines and appurtenances, cable television facilities, and other utilities.
- g. The proposed lot or block pattern and street layout.

13.02: Preliminary Plat.

1. **Purpose.** It is intended that the preliminary plat provide the necessary information to permit the staff, Development Review Committee, Planning and Town Board to properly review the proposal and to resolve potential planning or engineering details that may arise before construction of the required infrastructure. No construction shall commence until approval of the preliminary plat and supporting engineering and planning documents by the Town Board. The preliminary plat, therefore, requires extensive information and engineering studies.
2. **Written Information.**
 - a. The name and address of the owner(s) and applicant(s).
 - b. The name, address and telephone numbers of the surveyor, engineer and planner of the subdivision.
 - c. The names and addresses of all property owner(s) within a 200 foot radius of the property. All names and addresses shall be as they appear upon the records in the Delta County Assessor's office.
 - d. All data and information required on the Subdivision/Annexation Summary form and for the Sketch Plan listed in Section 13.01.
 - e. A description of any proposed covenants.
 - f. Proposed terms of reservations and dedications of public rights-of-way, easements and other public lands.
3. **Plans and Supporting Data.**
 - a. A plat of the proposed subdivision shall be drafted in preliminary form to a scale of at least one hundred (100) feet to the inch on a sheet at least twenty-four by thirty-six (24 x 36) inches, and shall show the information listed below. In addition an 8 1/2" x 11" reduction of the plat shall also be provided to the Town.
 - b. Title, North Arrow, graphic and numerical scale and date of preparation.
 - c. Key diagram if the area requires more than one twenty-four by thirty-six (24 x 36) inch sheet.
 - d. The name of the proposed subdivision, which shall be different from any existing recorded subdivision in Delta County, Colorado.
 - e. Street layout of the proposed subdivision, including relationship to existing public rights-of-way and the widths and names of proposed streets.

- f. Lot and block layout of the proposed subdivision, including a block and lot numbering system, and in the case of a planned unit development, the types of uses, the supplementary requirements and area setback information on each lot.
- g. Existing and proposed easements and structures for irrigation, drainage and utilities.
- h. Contours of the plan proposed by subdivision at two-foot intervals, but the Town may approve five-foot intervals if the topography is so steep that two-foot interval contours will be so numerous as to dominate or obscure the other features depicted on the plat.
- i. **Drainage Plan.** A drainage plan, based on an engineering analysis of the catchment and the tributary area and detailed drainage easements and structures necessary to accommodate a design for a 10 year storm, mud flow and flooding, shall be provided by an engineer registered in the state for review and approval by the Town.
- j. **Utility Plan.** An engineering plan for all necessary utility extension including but not limited to water, sanitary and storm sewers, power, phone, gas, etc. corresponding to the preliminary plat, showing the utility and related facilities' locations, sizes and gradients for the proposed subdivision in relation to existing Town installations and those of any special district(s). The utility plan shall also indicate that underground distribution of electrical power and communications lines is to be utilized, and a description of the system or systems shall be shown on the plan. Final Engineering Documents prepared by a registered professional engineer in Colorado for water, sewer, street, and drainage infrastructure shall be designed in accordance with the requirements of Section 12 and the Town's standard specifications and technical drawings and shall be approved by the Town prior to the Town giving approval to the preliminary plat. Town Engineer shall prepare cost estimates for all improvements to be installed by the subdivider in dedicated land, rights-of-way or easements or as may be required by this chapter.
- k. **Street Profile.** center-line curb and gutter profiles of proposed streets, where applicable, shall be plotted at a horizontal scale sufficient for review and construction and not less than the preliminary plat and a distorted vertical scale, with sufficient detail to ensure the proposed streets meet the gradient limitations established by this chapter and bear a logical relationship to the grade of existing public streets at points of intersection. Slopes which encroach on private property shall be placed in slope easements dedicated on the plat.
- l. Existing landscaping and trees with caliper of 3" measured 3 feet above grade shall be located on the plan.
- m. Calculations of the projections of water and sewer demands for average and peak daily flows at 5-year and build-out levels of the subdivision.
- n. Engineering Documents for streets, water, sewer, drainage, and other Town required improvements shall be submitted and approved by the Town prior to approval of the preliminary plat or commencing any construction of subdivision improvements.

13.03: Final Plat.

- 1. **Purpose.** The purpose of the final map or plat for an annexation or a subdivision is to provide a legal document that will be a part of the Town and County records describing the development conditions and land descriptions for the property. The final plat application shall include all binding agreements between the owner(s) and the Town.
- 2. **Written Information.**
 - a. The final plat shall include all information required for the preliminary plat.
 - b. The title under which the subdivision is to be recorded.
 - c. Names and addresses of all property owners within 200 feet of the property to be annexed or subdivided.

- d. Surveyor's Certificate, signed and sealed by a licensed Colorado Surveyor responsible for the survey and preparation of the final plat.
 - e. Planning Commission certificate, if applicable, certifying that the final plan is consistent with the approved preliminary plat and is approved subject to acceptance by the Town Board.
 - f. Town Board certificate of approval and acceptance.
 - g. Clerk and Recorder's certificate for time and date of recording.
 - h. Three (3) copies of any protective covenants or restrictions placed on the subdivision.
 - i. The name and address of the person to whom the notice of public hearing should be sent.
 - j. A subdivision agreement, to be executed by the Town and by the subdivider, wherein the subdivider covenants and agrees to perform all conditions imposed by the Town. Such conditions and agreement should include, but not be limited to, and the Town is empowered to require, the obligation of the subdivider to pay for and install or cause to be installed all required water distribution systems; trash collection facilities and areas; storm drain structures; devices to inhibit access to such structures by children; curbs and gutters; street base course material; asphalt wearing course material; bridges; underground wiring; ornamental street—lighting; underground communications systems; under ground gas distribution systems; underground cable television wiring; fire hydrants; fire alarms, street signs; traffic control devices; measures to stabilize soil or to limit floods, mudslides and snowslides, as may be required by and according to the specifications of the town; and sanitary sewer collection systems. The subdivision agreement shall include a covenant and agreement by the subdivider to convey ownership to the Town of any or all public improvements or facilities listed above subject to the acceptance of the Town and guarantees as provided in Article XV of this ordinance.
 - k. A title policy shall be provided to the Town indicating that the property is free and clear of all encumbrances, whatsoever, which would impair the property to be utilized as proposed by the final plat. The title policy shall provide verification that all owners and lienholders have signed the final plat. The title policy shall be effective within 24 hours after the date of approval by the Town Board. If the title policy is not provided to the Town Clerk within 7 days after action by the Town Board the approval by the Board shall be automatically voided.
3. Final Plat—Plans and Supporting Documents
- a. At least two copies of the final map or plat shall be drawn in ink on a permanent reproducible mylar sheet that is twenty—four by thirty-six inches. The final map or plat shall be drawn to scale of at least 1" = 100 feet. If the area requires more than one sheet then a key diagram shall be provided on each separate sheet. In addition an 8 1/2" x 11" reduction of the final map or plat shall be submitted. The Town may also require the submission of the final plat or map and final engineering drawings as an AutoCad file on a floppy disk.
 - b. Accurate dimensions shall be shown for all lines, angles, curves used to describe lot boundaries, streets, alleys, easements, areas to be reserved for public use, and other improvement features. All curves shall be circular arcs and shall be defined by radius, central angle, tangent, arc and chord lengths. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of one in ten thousand. Approximate dimensions (plus or minus indications) shall not be approved on a final map or plat.
 - c. The name of adjoining subdivisions shall be shown with dotted lines indicated for abutting lots.
 - d. All lots or blocks shall be properly numbered in accordance with an approved identification system.
 - e. Identification of the streets, alleys, easements, parks, other facilities as shown on the plat, and a dedication thereof to public use. Areas reserved for future public acquisition shall also be delineated on the map or plat.
 - f. A legal description of the area to be subdivided or annexed with reference to its location in the records of Delta County, Colorado. The total area of each lot created by the subdivision, the total area of the lots created, and the area of the land dedicated to the Town. The names of all streets within the subdivision.

- g. A description of all monuments, both found and set, which mark the boundaries of the property, centerline monuments and a description of all control monuments used in conducting the survey. This shall include a tie to a section corner.
 - h. Final reproducible mylars of the As-Built Engineering Documents based on construction for streets, water, sewer and drainage be submitted for approval by the Town. O & M data and parts, warranties, etc. may at the Town's option be required as part of final plat and/or the subdivision improvements agreement with adequate collateral to insure performance.
4. Unless otherwise approved by the Town, all required infrastructure and improvements required by the Town shall be constructed by the subdivider in form and condition acceptable to the Town, including submission and approval of as-built drawings prior to final approval of the plat by the Town. As an alternative, the Town may, at its sole option, allow the subdivider to execute a subdivision improvements agreement with guarantees and collateral acceptable to the Town, in accordance with the requirements of Article XV. below.

13.04: Condominium Application Requirements. In addition to the general requirements for a subdivision a condominiumization request shall provide the following:

- 1. Preliminary Plat.
 - a. Lot sizes of each proposed condominium unit and in relation to the overall project.
 - b. Existing and proposed of street parking areas, requiring at least two spaces per unit, with units having more than two bedrooms being subject to negotiation with the Town.
 - c. Existing and proposed facilities including all buildings and structures.
 - d. Preliminary landscaping plan, including existing and proposed landscaping types, sizes and quantities.
 - e. Plans for access and egress to each condominium unit.
 - f. Building plans indicating compliance with all design, building, fireproofing, soundproofing and utility standards of the Town.
 - g. A copy of the proposed condominium documents, including a copy of the proposed condominium declarations and condominium map, bylaws and rules and regulations of the condominium or homeowners association and an estimate of the annual budget of the condominium or homeowners associations for a period of two years from the conversion or creation of the condominium units. In addition to all other requirements imposed in this section, the developer shall submit a proposed condominium agreement with the Town of Hotchkiss setting forth, at a minimum:
 - 1. Notice procedures for granting existing tenants not less than ninety (90) days written notice of intent to condominiumize, which notice shall specify the sale price of the particular unit. A provision whereby each tenant shall have a ninety (90) days nonassignable option to purchase their unit at said specified sale price, which price shall not be varied by more than ten percent (10%) for a period of six (6) months after completion of condominiumization.
 - 2. The applicant shall state and demonstrate that the supply of low and moderate income housing and rental space will not be significantly decreased as a result of condominiumization..
 - 3. The developer shall state whether or not it intends to make special provisions for the elderly Low income citizens now residing within the structure proposed for condominiumization.
- 2. Final Plat Requirements. To the extent possible, the final plat shall correspond with all requirements of the municipal code.

3. Additional Public Notice Requirements. In addition to the public notice requirements of Article XVI, all tenants of a building proposed for condominiumization shall be sent notices at least fifteen days prior to the public hearings on the preliminary and final plats.

ARTICLE XIV: PROCEDURES FOR SECURING APPROVAL OF A SUBDIVISION OR ANNEXATION APPLICATION

14.01: Preapplication Conferences. Before commencing the annexation or subdivision of any parcel of land, the applicant shall consult with the Town for general information regarding the Town's regulations, procedures and policies. Any statement made by the Town staff concerning a proposed development shall not be binding on the Development Review Committee, Planning Commission, or the Town Board.

14.02: Filing Deadlines: All applications, sketch plans, preliminary plats and final plats shall be filed thirty (30) days in advanced of the meeting at which the matter is to be considered. Final Plats shall be filed fifteen (15) days in advance of a scheduled Development Review Committee and/or Planning Commission meetings. For applications to be accepted they must be complete. If an application is determined to be incomplete, the Town shall not schedule the matter for review by the Development Review Committee and/or the Planning Commission or Town Board. All application fees must be paid at the time of filing the application.

14.03: Minor Subdivision Procedures.

1. Development Review Committee Action and/or Planning Commission Review. Following the preapplication conference, filing of sketch plan, the applicant may file a final subdivision plat meeting the requirements for final subdivision applications where applicable. The final map shall then be reviewed by the Development Review Committee and/or Planning Commission. Following review by the Development Review Committee and/or Planning Commission and after all necessary additions or corrections are made, the final plat will be scheduled for consideration by the Town Board
2. Town Board Action. At a scheduled public hearing, the Town Board shall consider the minor subdivision application and the recommendation of the staff and Development Review Committee and/or Planning Commission. The Town Board shall then make the final decision to approve the minor subdivision, grant approval subject to modifications or deny the application within 35 days thereof.

14.04: Major Subdivision Procedures.

1. Preliminary Subdivision Plat or Annexation Map.
 - a. Development Review Committee and/or Planning Commission Action. The Town shall refer the sketch plan, preliminary subdivision plat, or annexation map to the representatives of the various departments and agencies assigned to the Development Review Committee and/or to the Planning Commission, as applicable. Copies of the plan may be mailed to the other agencies or utility companies. Within 15 days following the filing deadline the Development Review Committee and/or Planning Commission shall meet to review the application. The applicant shall be notified of the meeting and may be invited to attend. If a Planning Commission exists, within 35 days of written request by the subdivider, the Planning Commission shall hold a public meeting to review the application, giving notice as required by these regulations. Based upon the comments of the Development Review Committee and/or Planning Commission, the Town shall prepare a report and recommendations for the Town Board. If the deficiencies in the application warrant additional work by the applicant or require further discussion by the Development Review Committee and/or Planning Commission and the developer, the Town may defer sending the matter to the Town Board. In such case, the applicant will be requested to waive in writing the statutory requirement of review within 35 days. Formal processing of the application shall not begin until deficiencies are corrected and the application is resubmitted. The date of the resubmission should govern the timing of the process and not the date of the initial submittal.
 - b. Town Board Action. Within 35 days following the action by the Development Review Committee and/or Planning Commission, the Town Board shall consider the application and the Town Board may then approve the application, approve with modifications, deny the application or refer the matter back to the Development Review Committee and/or Planning Commission for further study.

2. Final Subdivision Plat or Annexation Map.

- a. Development Review Committee and/or Planning Commission Action. Once the Town Board has approved the preliminary plan and the subdivider has installed the required improvements or, at the Town's option, executed an acceptable subdivision improvements agreement, the final plan may be submitted. Within 35 days after the filing deadline, the Development Review Committee and/or Planning Commission shall meet to review the final details and to assure that the final plan is consistent with preliminary plan. The Development Review Committee will be requested to review the final plat to determine if the final plat is consistent with the preliminary plat approved by the Town Board.
- b. Town Board Action. Following review by the Development Committee and/or Planning Commission and if all materials are complete, the final plan will be scheduled for a public hearing before the Town Board. Within 35 days thereof, the Town Board may then approve the application, approve with modifications or deny the request. If the final map is an annexation request, the ordinances for annexation may be considered concurrently in the manner prescribed by Colorado Statutes. The order of consideration shall generally be as follows:
 - (1) annexation proceedings, (2) Planned Unit Development application, (3) subdivision.

14.05: Condominium Review Procedures. A condominium is defined by these regulations as a subdivision. Therefore, all condominiums shall comply with the provisions of this ordinance in so far as they are applicable. The review procedures shall be the same as for any subdivision.

14.06: Time Limits for Approvals.

1. Preliminary Plat. Once a preliminary plat or a PUD has been approved by the Town Board, the applicant shall have a maximum of one year to file a final plat for the entire property or for the first portion of a phased project. If more than one year has lapsed a new preliminary plat must be approved by the Development Review Committee and/or Planning Commission and Town Board for the subdivision or the PUD, even for a phase of a phased project.
2. Final Plats. Final Plats may be approved subject to a development schedule with appropriate security determined at the time of approval or the Town may require all development as a requirement of final plat. If the final plat is a part of a planned unit development, the final plat shall be subject to the schedule approved as part of the PUD. If development of buildings has not occurred in accordance with the approved schedule, the Town Board may rescind its approval of the final plat, at a public meeting after first publishing notice thereof at least 15 days prior to said public meeting.

14.07 Recordings the Final Map and Plats. Within thirty days following the approval of a final subdivision plat or final annexation map, the applicant shall record the final plat, applicable covenants and restrictions and the subdivision agreement with the County Clerk and Recorder's Office in the manner prescribed by that office. Proof of recording shall then be submitted to the Town Clerk within the thirty day deadline by delivering to the Town Hall a copy of the recorded final plat. The applicant shall execute and record two reproducible mylar copies of the final plat, one of which shall be returned to the Town Clerk after recording by the County Clerk.

ARTICLE XV: PUBLIC IMPROVEMENTS ACCEPTANCE AND GUARANTEES

15.01: Installation. Prior to the issuance of any building permit or the release of any lots for sale in any area within any addition or subdivision, all improvements and any other conditions and requirements imposed by this code or by the Town Board must be installed in a manner acceptable to the Town or a satisfactory guarantee that such installation or performance will be made in the time allotted by the property owner in compliance with the plans and specifications approved by the Town's engineer.

15.02: Improvement Guarantees. The Town Board shall require that the costs of providing all public improvements applicable to the subdivision shall be paid prior to the approval of the final plat, issuance of the first building permit, or the release of any lot for sale in the subdivision. The costs shall include all improvements described in the subdivision agreement. The improvement guarantee may be provided with a surety bond, cash or acceptable collateral or with an acceptable, irrevocable letter of credit.

All guarantees shall be deposited with the Town Clerk in an amount not less than 120 % of the estimate of the entire amount of the uncompleted public improvements required by the subdivision agreement. The cost estimates shall be prepared by the Town Engineer based on what it would cost the Town to have the work completed. At the Town's discretion an extended warranty may be required for specific infrastructure, such as lift stations, etc.

15.03: Time for Completion: Release of Bond. The time for completion or performance of all such improvements shall be 18 months from the date of the approval of preliminary plat by the Town Board. The Town Board may extend the time period for completion of performance. Upon completion of construction of such improvements, or performance of such conditions and requirements within the required time and the approval of the Town, the bond, deposit of escrow or letter of credit shall be released within thirty days of written notice that the required improvements are completed or performed, provided the Town agrees. If the improvements are not complete within the required time, the monies or other guarantee may be used to complete the improvements. The Town may cause a portion of the improvement guarantees to be released as specific improvements are completed and approved. Such release shall be within thirty days after receiving written notice and agreement that the improvements or specific improvements are completed.

15.04: Acceptance of Public Improvements. At the time of the conveyance, the subdivider shall supply a statement of the costs of the facilities conveyed; mechanic's lien waivers from all involved contractors, subcontractors and suppliers, and as-built plans and specifications and other available data concerning the location, construction, operation and maintenance of such facilities. The subdivider shall also warrant the conveyed facilities to conform with the approved plans and specifications and to be of merchantable quality and to be free for one (1) year from the date of conveyance from all defects in materials and workmanship, or longer if so required in the subdivision improvements agreement. All warranties of vendors or suppliers of such facilities or components shall be assignable, upon demand, to the Town and the subdivider shall notify the vendors and suppliers that the warranties are to be assigned to the Town. Nothing herein shall limit the right of the Town as to any expressed or implied warranties concerning such facilities from persons manufacturing, selling or installing the facilities.

ARTICLE XVI: ADMINISTRATION

16.01: Public Notice Requirements. A public hearing shall be required for consideration of preliminary subdivision plats and annexation maps by the Planning Commission or Town Board, as appropriate, and for consideration of final subdivision plats and annexation maps by the Town Board.

The following public notice requirements shall be met:

1. A public notice shall be published in a newspaper of general circulation within the Town at least 15 days in advance of the hearing.
2. Notice shall be sent to all property owners within two hundred feet of the property in question at least 10 days in advance of the hearing. Postage shall be paid or reimbursed by the applicant.
3. A notice shall be posted on the subject project for at least 10 days prior to the hearing. The applicant shall be required to post this notice as directed by the Town.
4. All notices shall include the following information:
 - a. The name of the applicant or appellant and the description of the property.
 - b. A description of the nature of the request and,
 - c. The time, date and place of the public hearing, and
 - d. The agency or office and phone number where further information may be obtained.

16.02: Exceptions.

1. The Town Board may grant exceptions from these regulations at a public hearing conducted upon notice as set forth in Section 16.01. Applicant shall submit the request for the exception to the Town, paying the applicable fees and identifying names and addresses of owners located within 200 feet of the property that is the subject of the application. The Development Review Committee and/or the Planning Commission shall meet within 30 days of the application to consider the request and make recommendations to the Town Board. In granting of an exception, the Town Board can impose any condition the Town Board determines advisable and/or any of the conditions set forth in the subdivision agreement. In order to obtain an exception, the applicant must show and the Town Board must find all of the following, where applicable:
 - a. The strict application of the relevant standards will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property in question, which does not occur generally to other property in the same area;
 - h. The exception to be granted is the minimum necessary to alleviate the practical difficulties and undue hardship upon the owner of the property;
 - c. The exception to be granted does not substantially impair the intent and purpose of the Comprehensive Plan and/or compatible land use, of this chapter, and of the standard from which the exception is sought;
 - d. The circumstances relating to or causing the practical difficulties or hardship upon the owner of the property were not created through or induced by any fault or action of the owner of the property, are not due to or the result of general conditions in the surrounding land uses and/or comprehensive plan, and cannot practically be corrected by a means other than an exception.
 - e. Notwithstanding the above, an exception to the subdivision regulations may be recommended by the Development Review Committee and/or Planning Commission and approved by the Town Board if the exception is considered necessary to achieve the objectives of a prior approved planned unit development.
2. The Development Review Committee and/or Planning Commission may, in recommending the granting of an exception, recommend the imposition of any conditions set forth in the subdivision agreement or which it deems necessary to carry out the intent of the provisions of this chapter or any other provision of Municipal Code.
3. An exception shall not be allowed until the application for an exception is reviewed and approved by the Town Board. If the Development Review Committee and/or Planning Commission recommends an exception with or without conditions, the Town Board shall review and act upon the application for exception after giving notice of a public hearing in accordance with the requirements of Section 16.01 above. The Town Board may grant, deny, or grant with conditions an application for an exception, and the decision of the Town Board shall be final from which an appeal may be taken to a court of law.

ARTICLE XVII: NON-LIABILITY FOR DAMAGES

These Subdivision Regulations shall not be construed to hold the Town of Hotchkiss, Colorado in any manner responsible for any damages to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a building permit as herein provided, or resulting from the institution of court action as herein above set forth or the forbearance by the Town of Hotchkiss, Colorado to so proceed.

ARTICLE XVIII: NON-LIABILITY OF OFFICIALS

Any Town Official, employee or consulting staff charged with the enforcement of these Subdivision Regulations, acting in good faith and without malice on behalf of said Town in the discharge of his official duties, shall not thereby render himself personally liable for any damages which may accrue to person or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official, employee or consulting staff stemming from any act or omission performed by him in the enforcement or attempted enforcement or any provision of these Regulations, shall be defended by attorney(s) provided by the Town until final termination of the proceedings.

**Town of Hotchkiss
Subdivision Regulation Fees**

Fees for Major Subdivision/Annexation/Condominium and PUD's:

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| 1. | Special Review | \$ 100.00 |
| 2. | Sketch and/or PUD Sketch Plan | \$ 100.00 plus \$ 10.00 per lot |
| 3. | Preliminary Plat and/or Preliminary Development Plan | Initial deposit at time of filling of \$ 400.00 plus \$ 10.00 per lot |
| 4. | PUD Preliminary Development Plan and PUD Final Development Plan Final Plat | \$ 200.00 plus \$ 10.00 per lot. Prior to action on preliminary or final maps or plats, additional fees shall be determined and paid, including costs incurred or anticipated to be incurred by the Town for consulting, engineering services, legal services, public notices, hearing fees, mapping and related expenses, plus an additional 15% thereof to defray administration and supervision expenses. Any additional fees that may be required shall be paid prior to final approval of the map or plat. |

Fees for Minor Subdivision

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|----|-----------------------------|---------------------------------|
| 1. | Sketch Plan | \$ 100.00 plus \$ 10.00 per lot |
| 2. | Preliminary Plat (optional) | \$ 100.00 plus \$ 10.00 per lot |
| 3. | Final Plat | \$ 200.00 plus \$ 10.00 per lot |

Lot Split	\$ 100.00 plus \$ 10.00 per lot
Replat/Boundary Adjustment	\$ 100.00 plus \$ 10.00 per lot
Plat Amendment	\$ 100.00
Other Reviews	\$ 100.00

The above fees may be used for independent professional consulting assistance, at the sole option of the Town Board. If the Town does not have sufficient personnel, staff expertise or time to properly analyze and review engineering data, land use plans, or other data required to be furnished by a subdivider or developer, the Town may select and hire qualified independent consultants to conduct such analysis and review for the Town. The fee collected from the initial deposit paid by the subdivider/developer may be used to pay reasonable costs and fees charged by such consultants. The Town Board may increase the initial deposit required to be paid by a subdivider or developer by a sum deemed sufficient to cover anticipated costs and fees of such consultants. Subsequent additional fees for payment of costs and expenses related to hiring independent professional consulting assistance may be required to be paid by a subdivider or developer by the Town Board. It shall be the sole authority of the Town Board to determine and decide what fees shall be required to be paid by the subdivider or developer. If the charges for consulting assistance are in excess of the initial deposit, additional fees shall be paid by the subdivider/developer prior to final approval of the application. Any fees that remain unpaid by the subdivider/developer thirty (30) days following the date of notification of the fees being due or at the time final approval is considered, whichever occurs first, shall become a lien upon the subject property, upon the filing by the Town of a Notice of Lien with the Delta County Treasurer, to be added to and collected with the real property tax thereon.