

# Ordinance No. 300

## Town of Rico

### **AN ORDINANCE ADOPTING THE RICO SUBDIVISION REGULATIONS AND ENACTING PENALTIES FOR ILLEGAL SUBDIVISION ACTIVITIES**

**WHEREAS**, the Rico Planning Commission adopted the Rico Subdivision Regulations on the 25th day of November, 1994, and further recommended that the Board of Trustees adopt the Rico Subdivision Regulations as the official subdivision regulations of Rico;

**WHEREAS**, the Board of Trustees of the Town of Rico finds that the adoption and distribution of official subdivision regulations will promote the health, safety and welfare of the Rico community, and promote fairness in the treatment of subdividers by establishing official procedures and standards; and,

**WHEREAS**, Colorado Revised Statute sec. 31-23-216.5 grants the authority to enact penalties for illegal subdivision activities;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, STATE OF COLORADO** the following:

#### **Section 1. Rico Subdivision Regulations Adopted**

The Rico Subdivision Regulations, as prepared and recommended by the Rico Planning Commission, are hereby adopted as the official subdivision regulations of the Town of Rico.

#### **Section 2. Unlawful Acts**

It is unlawful for any person, partnership, corporation, limited liability company, or other entity to erect, construct, reconstruct, use, or alter any building or structure or to use any land in violation of the Rico Subdivision Regulations, as adopted by the Rico Planning Commission and as may be amended from time to time.

#### **Section 3. Penalties and Remedies**

A. The violation of this Ordinance is declared to be a misdemeanor and shall be punished by a fine not to exceed \$1,000 per day for each occurrence, or imprisonment

for a term not exceeding ninety days, or by both such fine and imprisonment in the discretion of the Court. Unless otherwise indicated, each day, or portion thereof in violation this Ordinance shall constitute a separate offense.

B. The Town may, in its discretion, also proceed against any violation or violations of this Ordinance by any person, partnership, corporation, limited liability company, or entity, in a civil action for abatement, injunction, damages, specific performance or by a lien, foreclosure, or through other equitable remedies, and these remedies shall be in addition to the criminal penalties provided in this section.

### **Section 3. Publication**

After final adoption, the Town Clerk shall cause a copy of this ordinance to be posted in accordance with Resolution No. 104 of the Town of Rico, Colorado. Copies of the Rico Subdivision Regulations shall be available to the general public in pamphlet form at the Rico Town Hall.

**First Reading Introduced, Read, Adopted, and Referred to a Public Hearing on the 28th day of November, 1994.**

**Second Reading Adopted on the 13th day of December, 1994.**

By:

  
**Robert Small, Mayor**

Attest:

  
**Linda Yellowman, Town Clerk**

# SUBDIVISION REGULATIONS

## RICO, COLORADO

Adopted 25th, 1994, by the Rico Planning Commission  
Adopted by Ordinance on December 13th, 1994,  
by the Rico Board of Trustees

### SECTION 0. INTRODUCTION

### SECTION 2. OVERVIEW

The Rico Subdivision Regulations are intended to guide the Subdivision Applicant through the process leading to approval. Throughout these regulations, the Town of Rico may be referred to as "TOWN," the subdivision applicant may be referred to as "Applicant," and the subdivision application may be referred to "Application." These regulations set forth the procedures and standards for the review of subdivision applications.

### SECTION 4. TITLE, CITATION, AND PURPOSES

- A. Title: These regulations shall be known, and may be cited, as the "Rico Subdivision Regulations."
- B. Citation: Reference to specific sections, paragraphs, sub-sections and sub-paragraphs in the Rico Subdivision Regulations may use the abbreviation "R.S.R." preceding the section and paragraph reference. Numbers are used for sections and sub-sections and letters are used for paragraphs and sub-paragraphs.
  - 1. Citation example: this example is a sub-section and would be cited as "R.S.R. 4.B.1."
- C. Purpose: The Rico Subdivision Regulations establish procedures and standards for the subdivision of land and structures, re-subdivision of land and structures, and replat of recorded plats. The procedures are intended to facilitate the preparation of a subdivision application for final plat approval by informing the applicant of necessary information required for proper review and setting forth review schedules. The standards are intended to promote the health, safety, and welfare of the Rico community, which includes the following specific purposes:
  - 1. Proper Arrangement and Size of Streets, Lots, and Easements: Promoting the proper and efficient arrangement and size of streets, lots and easements in relation to existing or planned streets, lots and utility lines and in relation to the Rico Regional Master Plan, for the intended land use and anticipated future land uses.

2. Provision of Municipal Services and Water Supply: Promoting the proper and efficient access of municipal services to each lot and adjacent lots and property, and providing for public water supplies to serve the potable water, fire protection, and other water needs of intended land use.
3. Provision of Open Space and Avoidance of Congestion: Promoting adequate and convenient open space for traffic, utilities, recreation, light, air, and avoidance of congestion.
4. Avoidance of Unsuitable Lands: Discouraging and restricting development activities on unsuitable lands and promoting an efficient system for the monitoring of any development activities on unsuitable lands.
5. Apportionment of Public Service Costs: Requiring the apportionment of the costs of public services and facilities serving subdivision residents through payment of fees, provision of facilities, and dedication of land and rights-of-way to the Town in order to assure that new development pays its way and does not burden the Town's fiscal resources.
6. Coordination of Public Improvements and Programs: Encouraging the efficient coordination of interjurisdictional public improvements, plans and programs.
7. Assurances to Future Buyers: Assuring future buyers that the land is accurately surveyed, that the separate interests created and conveyed by the subdivision are of permanent public record, that the subdivider owns the land proposed to be sold, and that necessary access, improvements and utilities are provided to each property and lot.
8. Promotion of Master Plan: Promoting the implementation and realization of the Goals and Objectives of the Rico Regional Master Plan.

## SECTION 6. JURISDICTION AND APPLICABILITY

- A. The Rico Subdivision Regulations shall apply to the following subdivision activities within the municipal boundaries of the Town of Rico and, limited only to control with reference to a major street plan, all land within three miles of the municipal boundary of the Town of Rico:
  1. The division of a lot, tract or parcel into two or more lots for the purpose of sale or of building development;
  2. The division of land subject to annexation by the Town of Rico;
  3. The resubdivision of a subdivision, replatting of recorded lots and the vacation of an existing lot line or lines; and,

4. The division of any structure, dwelling unit, condominium unit, apartment unit, or unit in a multi-family structure, which creates a greater number of units than previously existed.

B. The following divisions of land are exempt from application of the Rico Subdivision Regulations:

1. Any division of a tract of land that creates parcels of land each of which comprises thirty-five or more acres of land;
2. Any division of land to heirs through a judicial estate proceeding;
3. Any division of land pursuant to a judicial partition;
4. Any division of land that creates a cemetery lot; and,
5. Any division of land occurring from the foreclosure of a deed of trust.

#### **SECTION 8. AUTHORITY**

A. The Rico Subdivision Regulations are authorized by the following statutes in addition to the Town of Rico's general police power: C.R.S. secs. 31-23-201 et. seq. PLANNING COMMISSION; C.R.S. secs. 29-20-101 et. seq. Local Government Land Use Control Enabling Act; C.R.S. secs. 29-1-801 et. seq. LAND DEVELOPMENT CHARGES; C.R.S. secs. 24-65.1-101 et. seq. Areas and Activities of State Interest.

### **SECTION 10. SUBDIVISION APPROVAL PROCEDURES**

#### **SECTION 12. OVERVIEW OF SUBDIVISION PROCEDURES**

The subdivision approval process consists of Conceptual Plan Approval, Preliminary Plat Approval, and Final Plat Approval.

#### **SECTION 14. MINOR SUBDIVISION APPLICATIONS**

A. Minor Subdivisions include:

1. The division of one lot or parcel of land which creates not more than three lots;
2. The replatting of lots which are currently served by Town water and other public utilities and which abut a public right-of-way improved to the Town's minimum street standards provided that not more than three additional lots are created;

3. The replatting of lots which does not result in the creation of any additional lots and which has the primary purpose of correcting survey errors.
- B. Minor Subdivisions Applications may consolidate the Conceptual Plan, Preliminary Plat, and Final Plat review stages if the application does not require the extension of water lines or street improvements. Minor Subdivision Applications which require the extension of water lines or street improvements may consolidate the Conceptual Plan and Preliminary Plat review stages only.

## **SECTION 16. APPEALS TO BOARD OF TRUSTEES**

Any final decision of the Planning Commission may be appealed to the Board of Trustees for their review by the Applicant, any property owner in the Town of Rico, or any citizen registered to vote in the Town of Rico. A final decision is defined as an approval, approval with conditions, or denial decision at any review stage of the subdivision process. Written notice of intent to appeal the decision of the Planning Commission shall be hand delivered or sent by first class mail to the Town Clerk, Town of Rico, P.O. Box 56, Rico, CO 81332, within 15 days after the date of the decision of the Planning Commission. Failure to file a Notice of Appeal shall be deemed to be a waiver of any right to challenge the decision of the Planning Commission. The Notice of Appeal shall state any and all reasons for appealing the decision of the Planning Commission.

The Board of Trustees shall set a public hearing date to review the Planning Commission decision within 35 days of receiving the Notice of Appeal. Copies of all subdivision application materials, any and all information, reports, and comments which were made part of the Planning Commission record, and minutes of the Planning Commission meeting shall be provided to the Board of Trustees at least 10 days prior to the public hearing date. The Board of Trustees shall review all such materials and consider all comments from the Applicant, Planning Commission, relevant agencies and the public, before rendering a decision based on compliance with the relevant subdivision review standards.

## **SECTION 18. VESTING OF PROPERTY RIGHTS**

- A. Vesting of Property Right. A property right to undertake and complete the subdivision and use the property under the terms and conditions of the subdivision approval shall be vested upon approval of the Final Plat by the Board of Trustees.
- B. Publication of Vested Property Right. The Town Clerk shall post a notice of vested property rights in the same manner as posting ordinances and resolutions, and shall publish a notice in the official newspaper of record in Dolores County, within 14 days after approval of the Final Plat by the Board of Trustees.

- C. Extension of Vested Property Right. The Applicant may request the extension of a Vested Property Right by submitting a written request to the Town Clerk, P.O. Box 56, Rico, CO 81332, not more than 90 days, and at least 45 days, prior the expiration of the Vested Property Right. The Board of Trustees shall hold a public hearing prior to authorizing the extension of the Vested Property Right. Notice shall be posted at least 10 days prior to the public hearing. The Board of Trustees may extend the Vested Property Right up to three years.
- D. State Statutes Govern. Colorado Revised Statute Title 24, Article 68, as may be amended in the future, shall otherwise govern the vesting of property rights.

## **SECTION 20. CONCEPTUAL PLAN APPROVAL**

### **SECTION 22. OVERVIEW OF CONCEPTUAL PLAN APPROVAL PROCESS**

- A. Overview. The Conceptual Plan Approval Process is the first stage of the subdivision approval process. The Conceptual Plan Approval Process is intended to determine the overall feasibility and compatibility of the proposed subdivision in relation to the Town's service ability and capacity and in relation to the Rico Regional Master Plan. Approval at the Conceptual Plan stage generally approves the proposed density, use, and layout of the subdivision.
- B. Sitewalk, Worksession. After a complete Conceptual Plan Approval application is submitted to the Town's Planning Staff, the Planning Commission Chairperson and Town Planning Staff shall schedule a date for receipt and review of the Conceptual Plan Approval application on the next available Planning Commission agenda. Review of the Conceptual Plan will involve a site walk and worksession with the Applicant. At the worksession, a public hearing and review decision action item will be scheduled within 35 days unless a later date or general continuance is mutually agreed upon by the Planning Commission and the Applicant.
- C. Review by Other Agencies. At the worksession, the Planning Commission may decide to send the Application to any appropriate review agency, including, but not limited to: Colorado Department of Health, Division of Minerals and Geology, Colorado Geologic Survey, Division of Wildlife, Department of Transportation, U.S. Forest Service, the U.S. Army Corps. of Engineers, and the Town Engineer.
- D. Required Information. The Applicant must supply ten copies of all required information and meet all required review standards for approval of the Conceptual Plan. Required information includes the Application for Subdivision Approval, Subdivision Information Report, Conceptual Plan Map, Location Map, Slope Study Map, and Features Map.

- E. Alternative Layouts. The Applicant is encouraged to prepare alternative street, lot, and utility access layout to demonstrate thorough analysis of the subdivision area.

**SECTION 24. SUBDIVISION INFORMATION REPORT**

- A. The Applicant shall complete the "Subdivision Information Report" (Appendix A.)

**SECTION 26. MAPS**

All maps shall include the Applicant's name and subdivision name.

- A. Conceptual Plan Map: The Applicant shall submit a Conceptual Plan Map showing the following information:
1. Conceptual lot, street, and utility access layout;
  2. Approximate layout of individual lots, access to lots, and square footage of proposed lots;
  3. Existing plat or lot lines for replat, resubdivision, and vacation applications;
  4. Proposed land dedications, rights-of-way, easements, and open space reservations and dedications, and identification of areas reserved for future public acquisition;
  5. Proposed off-street parking spaces;
  6. Existing utility lines, rights-of-way, and easements; and,
  7. Contour intervals at 2 feet if the slope is less than 10 percent or contour intervals of 10 feet if the slope is equal to or greater than 10 percent.
- B. Location Map: The Applicant shall submit a Location Map showing the following information:
1. Location of the proposed subdivision;
  2. All adjacent lands within 250 feet from the boundary of the subdivision in which the Applicant has an ownership interest or option to acquire an ownership interest;
  3. Zone districts, taxing districts and any other special districts in which the proposed subdivision is located and zone district classifications extending 250 feet, including public rights-of-way, from the boundary of

the proposed subdivision.

4. Commonly known land marks;
5. Buildings and structures within the proposed subdivision area and within 50 feet of the boundaries of the proposed subdivision area.

C. Slope Study Map: The Applicant shall submit a Slope Study Map if any land exceeds 7 percent slope angle within the proposed subdivision area, or within 50 feet of the proposed subdivision area. The Slope Study Map shall show the following information:

1. Areas with zero through seven percent slope angle (0% - 7%);
2. Areas with eight through fifteen percent slope angle (8% - 15%);
3. Areas with sixteen through thirty percent slope angle (16% - 30%); and,
4. Areas greater than thirty percent slope angle (> 30%).

D. Constraints Map: The Applicant shall submit a map, or maps if necessary to convey all distinctive characteristics which may affect the feasibility and appropriateness of the proposed development activity within the proposed subdivision area and within 50 feet of the boundaries of the proposed subdivision area. The Constraints Map shall include the following information:

1. Known landmarks and contour lines sufficient to show topography and location for reference;
2. Streams, ponds, and water-ways;
3. Natural or man-made drainages;
4. Location of any road or trail grades and estimate of average grade;
5. Description of vegetation types, designation of general vegetation type areas, and location of all trees of at least 20" caliper for all areas not proposed for Open Space or Park Dedications;
6. Identification of all Areas of State Interest as defined in SECTION 60.;
7. Irrigation ditches, bridges and culverts.

## SECTION 28. CONCEPTUAL PLAN REVIEW

- A. Review: The Rico Planning Commission shall review the Conceptual Plan and all supporting documents and information and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission shall approve, approve with conditions, or deny the Subdivision Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review decision if mutually agreed upon by the Applicant and the Planning Commission.
- B. Standards: This paragraph sets forth the standards for Conceptual Plan Review. The Planning Commission shall cite specific standards when imposing conditions on approval, or denying, any Conceptual Plan Approval Application.
1. The proposed land use shall be consistent with the underlying zoning.
  2. All lots shall meet the subdivision design standards as defined in SECTION 50.
  3. All lots shall have building sites and access that are not in any known hazards or constraints to development.
  4. All roadways and utility routes shall not cross wetland areas, steep slopes, geologic hazards or soil hazards.
  5. All roads and driveways shall comply with the subdivision design standards.
  6. The proposed subdivision layout shall not cause excessive cut and fill excavation or removal of trees and vegetation in relationship to feasible alternatives.
  7. The proposed subdivision shall not exceed or overburden the capacity of any existing Town facilities or services unless the Applicant expands the Town facilities or service capacity to meet the increased demand of the proposed subdivision.
  8. The proposed subdivision shall be consistent with the Rico Regional Master Plan.
  9. The proposed subdivision shall not violate any laws of the Town of Rico, State of Colorado, or United States of America.

10. Proposed deviation from the standards in this paragraph shall include the following findings prior to approval:
  - a. Reasonable alternative subdivision plans (at least two) have been presented and considered;
  - b. The proposed plan represents a better overall design in relationship to the purposes set forth in SECTION 4.C. than that allowable under strict application of the subdivision design standards; and,
  - c. Proposed deviations from the subdivision design standards can be mitigated and the preparation of a suitable mitigation plan is a condition to approval.

## **SECTION 30. PRELIMINARY PLAT APPROVAL**

### **SECTION 32. OVERVIEW OF PRELIMINARY PLAT APPROVAL PROCESS**

The Preliminary Plat Approval process is the second stage of the subdivision approval process. The Preliminary Plat Approval process is intended to review and approve technical drawings, surveys, and engineering plans in relation to Town standards and existing Town utilities, facilities, and other services. Approval at the Preliminary Plat stage generally approves the technical aspects of the proposed subdivision. After the Conceptual Plan is approved and a complete Preliminary Plat Approval application is submitted to the Town's Planning Staff, the Planning Commission Chairperson and Town Planning Staff shall forward copies of the Preliminary Plat Approval application to all appropriate agencies for their review and comment and shall schedule a date for official receipt and review of the Preliminary Plat on the next available Planning Commission agenda.

The Applicant must supply all required information and meet all required review standards for approval of the Preliminary Plat. Required information includes: revised reports from the Sketch Plan stage if any changes were made or required when the Conceptual Plan was approved, a Preliminary Plat and any other required materials.

### **SECTION 34. PRELIMINARY PLAT, MAPS AND OTHER MATERIALS**

- A. Required Materials and Copies: The Applicant shall submit copies of the Preliminary Plat and Improvements Survey of a scale sufficient to be clearly legible and useful for review purposes, and copies of other required materials according to the following schedule:
  1. One mounted Preliminary Plat and one copy of other required materials for public presentation and inspection.

2. Ten copies of the Preliminary Plat and other required materials [five copies for Planning Commission members, one copy for Town Planning Staff, one copy for Town Attorney, one copy for Town Engineer, one copy for Town Clerk, one copy for public inspection.]
3. Three copies of the Improvement Survey and Engineering Plans, if any improvements are proposed [one copy for Town Engineer, one copy for Town Clerk, one copy for Town Planning Staff].
4. Additional copies of the Preliminary Plat, Improvements Survey, Engineering Plans, and other required materials as determined at the Conceptual Plan Approval stage for the purpose of obtaining necessary or appropriate review and comment from other agencies.

B. Preliminary Plat Requirements: The accuracy of location of alignments, boundaries, and monuments on the Preliminary Plat shall be certified by a registered land surveyor licensed to do such work in the State of Colorado. All plats and maps shall indicate true north line, name of subdivision, name of applicant, USGA township, range, section and quarter section, block and lot number. A work-man like execution of the plan shall be made in every detail. A poorly drawn or illegible plan shall be a sufficient cause for its rejection. The Preliminary Plat shall contain the following data:

1. Contour intervals at 2 feet if the slope is less than 10 percent or contour intervals of 5 feet if the slope is equal to or greater than 10 percent.
2. Block, lot and street layout with consecutive numbering of lots and blocks, and dimensions of all lots, street rights-of-way, road ways and street drainages.
3. Location, identification, and dimensions of all existing and proposed public and private easements.
4. Existing and proposed street names.
5. Abutting property lines and the respective owners' name.
6. Designation of zoning or uses other than detached single family residential on and adjacent to the proposed subdivision.
7. Additional information as determined at the Conceptual Plan Approval stage.

C. Improvements Survey and Engineering Plans: The Applicant shall submit an Improvements Survey and any Engineering Plans if any improvements are proposed, or engineering plans are required for review of proposed mitigation, as determined at the Conceptual Plan Approval stage. The Improvements

Survey and Engineering Plans shall meet the following specifications and contain the following information:

1. The Improvements Survey shall be signed and sealed by a registered land surveyor and shall be at the same scale as the Preliminary Plat, depicting existing and recorded section lines, streets, easements, utilities, watercourses, improvements and any other major feature in and adjacent to the proposed subdivision area.
  2. Any Engineering Plans shall provide sufficient detail for review by the Town Engineer and shall meet the minimum standards of certified engineers in the State of Colorado.
- D. Other Materials: The Applicant shall submit other materials associated with the Preliminary Plat Approval application including, but not limited to:
1. Background studies and reports supporting the Preliminary Plat Approval application or addressing anticipated concerns from other agencies; and,
  2. Revised Location Map, Slope Study Map, Features Map, and Subdivision Information Report if changes have been made; and,
  3. Additional information as determined at the Conceptual Plan Approval stage.

### SECTION 38. PRELIMINARY PLAT REVIEW

- A. Review: The Rico Planning Commission shall review the Preliminary Plat and all supporting documents and information and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission Board shall approve, approve with conditions, or deny the Preliminary Plat Approval Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review decision if mutually agreed upon by the Applicant and the Planning Commission.
- B. Reviewing Agencies: All reviewing agencies shall ~~shall~~ may make recommendations within twenty-four (24) days after mailing by the Town or its authorized representative unless a necessary extension of not more than ninety (90) days has been consented to by the Applicant and the Planning Commission. The failure of an agency to respond within twenty-four (24) days or within the extension period shall be deemed an approval by the agency of the Application for the purpose of the hearing thereon.

- C. **Standards:** This paragraph sets forth the standards for Preliminary Plat Review. The Planning Commission Board shall cite specific standards when imposing conditions on approval, or denying, a Preliminary Plat Approval Application.
1. The Preliminary Plat shall conform in all major respects to the Conceptual Plan as previously reviewed and approved by the Planning Commission.
  2. The Preliminary Plat and other engineering related materials, including proposed mitigation plans, are review and approved, or approved with reasonable modifications, from the Town Engineer;
  3. All comments from other reviewing agencies have been reviewed by appropriate Town Staff and the Planning Commission and all comments are addressed and resolved by the Planning Commission.

## **SECTION 40. FINAL PLAT APPROVAL**

### **SECTION 42. OVERVIEW OF FINAL PLAT APPROVAL PROCESS**

The Final Plat Approval process is the final stage of the subdivision approval process. The Final Plat Approval process is intended to produce the final plats, agreements, covenants, restrictions, and other required materials for approval by the Planning Commission, final adoption by the Board of Trustees, and recording in the office of the Town Clerk and in the office of the Dolores County Clerk and Recorder.

After Preliminary Plat Approval has been obtained and a complete Final Plat Approval Application is submitted to the Town's Planning Staff, the Planning Commission Chairperson and the Town Planning Staff shall schedule a date for receipt and review of the Final Plat on the next available Planning Commission agenda.

The Applicant must supply all required information and meet all required review standards for approval of the Final Plat. Required information includes the Final Plat and all accompanying materials.

### **SECTION 44. FINAL PLAT**

A. **Final Plat Materials and Copies:** The Applicant shall submit copies of the Final Plat in the same scale as the Preliminary Plat. The Final Plat shall be twenty four (24) inches by thirty six (36) inches. Contiguous parcels owned by different parties may be embraced in one Plat, provided that all owners join in the dedication and acknowledgement; however, non-contiguous parcels or multiple plats are not allowed on a single sheet. The Final Plat may be submitted in sections provided the first section contain an index map indicating the sections designated for the entire

tract. The following copies shall be submitted:

1. One copy of the Final Plat on mylar or other permanent type material that is reproducible. Copies for permanent filing with the Town of Rico, Dolores County Clerk and Recorder, and other agencies shall be either blue or black reproductions with the supporting certificates signed in original for each copy; and,
2. Eight copies of the Final Plat and other required materials [five copies for Planning Commission members, one copy for Town Planning Staff, one copy for Town Clerk, one copy for Town Attorney].

B. Final Plat Requirements: The Final Plat shall be prepared and certified as to its accuracy by a registered land surveyor licensed to do such work in the State of Colorado. A work-man like execution of the Final Plat shall be made in every detail. A poorly drawn or illegible plat shall be a sufficient cause for its rejection.

The Final Plat shall meet the following requirements:

1. The Final Plat shall conform in all major respects to the Preliminary Plat as previously approved and shall incorporate all modifications required in the Preliminary Plat Approval stage;
2. All blocks, and all lots within each block shall be consecutively numbered;
3. On curved boundaries and all curves on the plat, sufficient data should be given to enable the re-establishment of the curves. Any curves should include: Points of curvature, points of tangency, tangent distance, radius of curve, arc length, and angle or curve by arc definition.
4. Excepted parcels shall be marked "Not included in this plat" and the boundary completely indicated by bearings and distances;
5. All streets, walkways and alleys shall be designated as such and bearings and dimensions shall be given;
6. All streets shall be named;
7. All easements shall be designated as such and bearings and dimensions given;
8. All dedications of land to the Town or other agencies shall be designated as such and bearings and dimensions shall be given;

9. All lands within the boundaries of the Plat shall be accounted for either by lots, walkways, streets, alleys or excepted parcels;
10. All dimensions of irregularly shaped lots shall be indicated in each lot;
11. Bearings shall be given for all lot lines, except that bearings need not be given for interior lot lines where the bearings are the same as those of both exterior lot lines;
12. Other information on the Plat shall include:
  - a. Name of subdivision, true north line and date;
  - b. Name of owner or owners of record and address;
  - c. Total acreage of tract and total number of lots;
  - d. Township, Range, Section and Quarter-Section, block and lot numbers; and,
  - e. Graphic scale.
13. Permanent reference monuments shall be located and set in compliance with state laws, except that there shall be at least one permanent monument located no more than six-hundred (600) feet apart along any straight boundary line.
14. The surveyor making a Plat shall certify on the Plat that it is correct and that the monuments described in it have been placed as described and shall affix his name and seal.
15. All utilities and easements shall be shown on the Plat along with a certificate from all utility companies showing their approval.

C. Other Materials: The Applicant shall submit final copies of all supporting documents required at the Preliminary Plat Approval stage with any changes, modifications, and revisions required as a condition to approval at the Preliminary Plat Approval stage. In addition, the Applicant shall submit the following:

1. Improvements agreement for all on-site or off-site improvements and mitigation measures required by the Application; and,
2. Covenants and restrictions on any property required by the Application;

## **SECTION 46. FINAL PLAT REVIEW**

- A. **Review:** The Rico Planning Commission shall review the Final Plat and all supporting documents and information and shall review all comments taken at the public hearing within thirty days of submission of the Final Plat. The Planning Commission shall approve, approve with conditions, or deny the Final Plat based upon compliance with the standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue Final Plat Approval decision if mutually agreed upon by the Applicant and the Planning Commission.
- B. **Standards:** This paragraph sets forth the standards for Final Plat review. The Planning Commission shall cite specific standards when imposing conditions on approval, or denying, a Final Plat Approval Application.
1. The Final Plat shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the Planning Commission or Board of Trustees;
  2. The Final Plat shall meet all the Final Plat Requirements in SECTION 44.; and,
  3. The Final Plat, any agreements, covenants, restrictions, and other accompanying legal documents shall be approved, or approved with reasonable modifications, by the Town Attorney.

## **SECTION 48. BOARD OF TRUSTEES APPROVAL**

- A. **Review:** After the Planning Commission approves, or approves with conditions, the Final Plat, the Board of Trustees of the Town of Rico shall approve the Final Plat within thirty (30) days of the Planning Commission approval. The Board of Trustees shall approve, approve with conditions, or deny, the Final Plat based upon compliance with the standards in SECTION 46.B.

## **SECTION 49. FINAL PLAT RECORDING**

- A. **Recording Final Plat:** The Applicant, or his agent, shall record the Final Plat with the Dolores County Clerk and Recorder within five (5) working days of the approval of the Final Plat by the Board of Trustees.
- B. **Certified Copy Returned to Town Clerk:** The Applicant shall return to the Town Clerk one copy of the Final Plat certified by the Dolores County Clerk and Recorder, a copy of a receipt for the recording of the Final Plat and one copy of all recorded documents.

## SECTION 50. MINIMUM STANDARDS

This section sets forth the standards for subdivision design.

- A. Preservation of Landscape: The design and development of subdivisions shall preserve, insofar as it is technically and economically feasible, the natural terrain, natural drainage, existing topsoil, trees and vegetation.
- B. Lots: All lots shall meet each of the following standards:
1. All lots in a subdivision shall have both access routes for vehicles and utilities which do not cross hazardous areas and buildings sites suitable for the permitted use which do not include hazardous areas.
  2. All building lots shall abut a public dedicated roadway or street and shall meet the following minimum street frontage requirements unless otherwise indicated:
    - a. R-1 Single Family District - 50 Feet
      - 1) Private driveways may be used for access to R-1 Single Family lots provided such private driveways are no longer than 150 feet from a public roadway or street and only access two lots per driveway.
    - b. R-2 Medium Family District - 75 Feet
    - c. C-1 Commercial Historic District - 25 Feet
    - d. C-2 Commercial District - 50 Feet

All non-building lots shall abut a public right of way with a minimum frontage of 20 feet.

3. All building lots shall meet the minimum size requirements for the permitted use.
4. All building lots shall be arranged to accommodate the permitted use within the setbacks required by the zoning district.
5. All lots shall provide .75 square feet of snow storage area for each square foot of area to be cleared.
6. All building lots shall have adequate space for off-street parking with a maximum 4% grade and driveway access with a maximum 8% grade.
7. All residential building lots, and building lots adjacent to residential

building lots, shall be oriented to provide reasonable access to the solar resource.

C. **Streets**: All streets and roadways shall meet each of the following standards:

1. All streets and roadways shall conform to the Town of Rico's Street Plan.
2. Intersecting streets shall be at a 90 degree angle, or as close as possible to a 90 degree angle, to each other and no intersecting streets shall be less than 60 degree angles to each other.
3. Cul-de-Sacs are generally discouraged due to emergency vehicle access considerations and traffic ingress and egress considerations. All Cul-de-Sac streets shall meet the following minimum requirements:
  - a) Cul-de-Sac streets shall not exceed an 8% grade;
  - b) Cul-de-Sac streets shall terminate with a minimum 80' diameter turn around or hammer head turn-around with a minimum width of 24' and extending a minimum length of 24' beyond each side of the improved road way;
  - c) Cul-de-Sac turnarounds shall have a minimum 15' road right-of-way extending beyond a circular or hammer head turn-around;
  - d) Cul-de-Sac streets longer than 350' may require additional mitigation for emergency vehicle access, traffic safety, and snowremoval, as determined by the Planning Commission. Such additional mitigation may include:
    - 1) Periodic pull-outs, turn-arounds, or convenient places to reverse direction;
    - 2) Road areas for snow removal or snow storage;
    - 3) Street alignment that facilitates snow removal and improves line of sight distance for pedestrians and drivers;
    - 4) Secondary access for emergency vehicles restricted by the use of gates or other appropriate devices;
    - 5) Restricted driveway access for portions of a Cul-de-Sac street where access may conflict with traffic flow; and,
    - 6) Pedestrian and recreation trail and corridor easements to create pedestrian opportunities to travel about town and

improve recreational access opportunities to outlying lands.

4. All streets and road-ways shall comply with Town of Rico Ordinance No. 275.

#### **SECTION 54. IMPROVEMENTS**

The Applicant shall provide an Improvements Agreement in substantially the same form as the sample agreement in Appendix B. for the construction of any improvements required by the Application.

#### **SECTION 56. LAND DEDICATIONS AND DEVELOPMENT CHARGES**

A. Land Dedications: Public sites, parks, and open spaces shall be dedicated to the Town according to the schedules listed below. Land dedications include developable sites for public use, including public schools, fire stations, and other public structures and facilities. Land dedications also include sites inappropriate for development and buffer areas around such sites, parks for recreation, open space for recreation and view corridor protection, green belts for view corridor protection and separation of incompatible uses, and trails for non-motorized access through and around Town.

*[Schedule of land dedications reserved]*

B. Land Development Charges: Land development charges shall be imposed as a condition to the approval of any subdivision. Land development charges shall be used for capital expenditures for any improvement, facility, or piece of equipment, or portion thereof, which is directly related to a local government service, has an estimated useful life of five years or longer, and is required by policy of the Town of Rico pursuant to resolution or ordinance. Land Development Charges shall be due and payable within three days after a subdivision lot, or lots, are sold, or within three days after a building permit is request for any subdivision lot, or lots, whichever is sooner. A portion, or all, of the Land Development Charges required as a condition to approval of a subdivision may be due and payable at the time of subdivision approval where the subdivision approval will require immediate capital expenditures by the Town of Rico in order to provide services to the subdivision on a timely basis. Land Development Charges shall be assessed according to the following schedule:

*[Schedule of land dedications reserved]*

## SECTION 60. AREAS AND ACTIVITIES OF STATE INTEREST

This section contains development standards for Areas of and Activities of State Interest. Additional review and standards are required for any development activities in Areas of State Interest and any proposed Activity of State Interest.

### SECTION 64. STANDARDS FOR DEVELOPMENT ACTIVITIES IN AREAS OF STATE INTEREST

The standards in this section apply to all Areas of State Interest. The reviewing body shall cite specific standards in this section when approving, approving with conditions, or denying, any proposed development activity in an Area of State Interest.

- A. Avoidance: Development activities shall avoid Areas of State Interest where alternative development sites are feasible unless the reviewing body finds the following:
1. Reasonable alternative subdivision plans (at least two) have been presented and considered;
  2. Allowing the development activity in an Area, or Areas, of State Interest will result in a subdivision plan which represents a better overall design in relationship to the purposes set forth in SECTION 4.C. than that allowable under strict application of this Section; and,
  3. The affected Area, or Areas of State Interest, can be fully mitigated according the standards of Paragraph B. of this section.
- B. Mitigation: Development activities may be permitted in Areas of State Interest provided the area is fully mitigated with regard to public safety, impacts on adjacent property, and implementation of the Rico Regional Master Plan. Cost estimates of proposed mitigation shall be included with any application to develop in Areas of State Interest. The applicant shall be required to enter into, or include the mitigation plan, in an improvements agreement with sufficient collateral. Where the Mitigation Standards relate to future development activities, the subdivision applicant should propose covenants, restrictions, and other requirements which will regulate the future development activity.

Mitigation for development activities in specific Areas of State Interest shall meet the following standards:

1. Avalanche Hazards
  - a. No dwelling units or residential structures shall be allowed in areas of High Avalanche Hazard (defined as areas where

avalanches occur at a frequency of more than once per 25 years or are capable of creating impact pressures greater than 615 pound per square inch once every 100 years);

- b. All proposed structures, improvements and other development activities must receive certification from an engineer licensed in the State of Colorado stating that the proposed activity is designed to withstand the potential avalanche force; and,
- c. No vegetation removal which results in creating, increasing, or expanding the avalanche hazard shall be allowed in or near designated avalanche hazard areas or potential avalanche hazard areas.

2. Landslides, Rockfalls, Steep Slopes, and Unstable Slope Areas

- a. All proposed structures, improvements and other development activities must receive certification from an engineer licensed in the State of Colorado stating that the proposed activity is designed to withstand the potential hazard and will not increase hazards to adjacent or nearby properties, structures, or improvements;
- b. Protective vegetation removal should be avoided where practical and shall be accompanied by a feasible revegetation plan which includes the type and quantity of revegetation, cost estimate, and time frame for implementation;
- c. Water shall not be added to the site which would decrease the site's stability; and,
- d. Excavations shall not remove the toe of slopes without adequate mechanical support and shall not increase hazards to adjacent or nearby properties, structures, or improvements.

3. Alluvial Fans, Talus Slopes, Mancos Shale, Faults, Expansive Soil and Rock, and Ground Subsidence

- a. All proposed structures, improvements and other development activities must receive certification from an engineer licensed in the State of Colorado stating that the proposed activity is designed to withstand the potential hazard and will not increase hazards to adjacent or nearby properties, structures, or improvements.

4. Wildfire Hazard Areas

- a. Roof coverings shall be of a non-combustible material approved by the Underwriter's Laboratory; and,

- b. A minimum 10 foot fire break shall be maintained between all combustible structures and vegetation.

5. Wildlife Habitat Areas

- a. High impact activities, including, but not limited to, commercial, industrial, and road construction, should avoid Wildlife Habitat Areas where technically possible;
- b. Residential development shall be clustered to minimize wildlife habitat impacts;
- c. Removal of native vegetation shall be minimized;
- d. Waterholes, springs, seeps, marshes, ponds, and watering areas shall be preserved and protected with a 150 foot buffer; and,
- e. Mesh and woven fences shall be prohibited and no fences shall be allowed which exceed 42 inches in height.

**SECTION 80. ADMINISTRATIVE**

**SECTION 82. INTERPRETATION AND APPLICATION**

A. In the interpretation and application of these Subdivision Regulations, the following regulations shall apply:

- 1. Minimum Requirements. In the interpretation and application of these Subdivision Regulations, the provisions hereunder shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare of the Rico Community. The provisions and requirements in these Subdivision Regulations shall be liberally construed to further the underlying purposes. Where a term or phrase is not otherwise defined in these Subdivision Regulations, such term or phrase shall be defined by the latest edition of Webster's dictionary.
- 2. Conflict of Laws. Whenever a provision in these Subdivision Regulations contains any restrictions which covers the same subject matter as another provision in these Regulations, or in any law of the Town of Rico, State of Colorado, or United States of America, the provision, regulation, or law which imposes the greater restriction shall govern.
- 3. Existing Permits and Agreements. The adoption of these Subdivision Regulations are not intended to abrogate or annul any permits or approvals of Subdivision Plats, improvements agreements, or any

conditions related to subdivisions, issued by the Town of Rico before the effective date of these Subdivision Regulations.

4. Pending Applications. Amendments to these Subdivision Regulations shall not apply to pending subdivision applications which have received Conceptual Plan approval by the Planning Commission.

### **SECTION 83. SCHEDULING OF SUBDIVISION APPLICATIONS**

- A. Due to the necessity for site walks and site analysis, the Planning Commission Chairperson, or the Planning Commission if it decides to act, may delay Conceptual Plan review, or Preliminary Plat review, due to snow cover.
- B. In the event that the Planning Commission agenda is full for one or more months, an Applicant may submit a written request with an application fee to reserve a space on the next available Planning Commission agenda.
- C. The Planning Commission Chairperson shall provide at least 30 minutes on the Planning Commission agenda for each stage of Application review. The Chairperson may increase the time on the Planning Commission agenda which is necessary to review the Application based upon the size of the proposed subdivision and proposed deviations from subdivision standards.

### **SECTION 84. TIMING FOR APPLICATION MATERIALS AND NOTICES**

- A. The Applicant shall submit all required subdivision application materials according to the following schedule:
  1. Written notice of intent to submit subdivision application shall be hand delivered or sent by first class mail to the Rico Town Clerk, P.O. Box 56, Rico, CO 81332, at least 20 days prior to a regular meeting of the Planning Commission.
  2. Conceptual plan materials shall be submitted at least 10 days prior to a regular meeting of the Planning Commission.
  3. Preliminary Plat materials shall be submitted at least 24 days prior to a regular meeting of the Planning Commission.
  4. Final Plat materials shall be submitted at least 10 days prior to a regular meeting of the Planning Commission.
  5. Final Plat materials shall be submitted at least 10 days prior to a regular Board of Trustees meeting.

- B. Notice of a public hearing to review the Conceptual Plan shall be sent by first class mail by the Applicant to all property owners according to the county assessor's records within 250 feet, including public rights of way, and other property owners that request to receive mailings, and shall be posted at the regular places of posting, at least 15 days prior to the date of the Public Hearing. The notice shall be substantially in the form as provided in Appendix C. The Applicant shall provide the Town of Rico with a certification of mailing.
- C. Notices of Preliminary Plat and Final Plat review shall be posted 7 days prior to the review date. Failure to post such notice within the required time shall not invalidate the meeting.

**SECTION 88. SCHEDULE OF FEES**

The Applicant shall be required to pay all costs incurred by the Town of Rico to review the Subdivision Application. The subdivision application fee schedule is in addition to other fees which may be required by other ordinances, regulations, and laws of the Town of Rico. Additional review costs not listed in the fee schedule below shall be determined at the sketch plan review stage or as soon as the need for special or additional review is identified. Estimates of the cost of additional review shall be provided to the applicant; however, such estimates shall not be binding. The following fees shall be submitted with the appropriate review stage of the Application and shall be entered into the Town of Rico's Development Application Fees account. A full accounting of the costs incurred by the Town of Rico shall be submitted to the Applicant prior to Final Plat review by the Board of Trustees. All review costs must be paid in full prior to approval of the Final Plat by the Board of Trustees. Any balance remaining of the fees submitted by the Applicant shall be returned after withdrawal of the Application by the Applicant, after a final decision by the Board of Trustees, or after final resolution of a Planning Commission decision to deny the Application at any review stage.

**MINOR SUBDIVISION**

<b>Minor Subdivision which does not require public improvements</b>	<b>\$500</b>
<b>Minor Subdivision which does require public improvements</b>	<b>\$850</b>

**REGULAR SUBDIVISION**

<b>Conceptual Plan</b>	<b>\$650 + \$25 per lot</b>
<b>Preliminary Plat</b>	<b>\$650 + \$35 per lot</b>
<b>Final Plat</b>	<b>\$450 + \$15 per lot</b>

## SECTION 90. DEFINITIONS

Geologic Hazard. An area that contains, or is directly affected by, one or more geologic hazards.

Lot. A legally created parcel of land shown with a separate and distinct number or letter on a subdivision plat recorded with the Dolores County Clerk and Recorder, or a parcel described by metes and bounds with access to at least one dedicated public right-of-way and held under separate ownership.

Steep Slope. A slope greater than 30%.

Wetlands. An area defined as wetlands by the United States Army Corps. of Engineerings pursuant to the Clean Water Act.

**LARGE SCALE SUBDIVISION REPORT  
TOWN OF RICO, COLORADO**

**Name of Application:** \_\_\_\_\_

**Name of Applicant:** \_\_\_\_\_

**Name of Agent:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Phone Number:** (    )    -          **Fax Number:** (    )    -         

GENERAL APPLICATION INFORMATION:

1. Total Application Area: \_\_\_\_\_ Acres \_\_\_\_\_ Sq.Ft. 100% of Total Area

2. Total Hazardous Areas: \_\_\_\_\_ Acres \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total Area

3. Total Number of Lots: \_\_\_\_\_

4. Number of Lots which include Hazard Areas: \_\_\_\_\_

5. Total Residential Units: \_\_\_\_\_

6. Total Number of Lots Zoned to Allow Non-Residential Use: \_\_\_\_\_

7. Potential Commercial Floor Area: \_\_\_\_\_ Sq.Ft.

8. Potential Light Industrial Floor Area: \_\_\_\_\_ Sq.Ft.

9. Existing Zoning: \_\_\_\_\_

\_\_\_\_\_

10. Proposed Zoning: \_\_\_\_\_

\_\_\_\_\_

11. Land Use Recommended by the Rico Regional Master Plan: \_\_\_\_\_

\_\_\_\_\_

**LAND INFORMATION**

1. Total Application Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. 100% of Total

**Proposed On-Site Private/Public Ownership**

2. Total Private Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

3. Total Public Owned Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

4. Total Right-of-Way Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

**Total = 100%**

**Proposed Off-Site Public Dedications**

5. Off-site public land dedications: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft.

**Description of Public Areas:**

6. Total Park Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

Off-Site Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

7. Total Open Space Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

Off-Site Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

8. Total School District Land Dedication: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

Off-Site Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

9. Total Capital Fund Land Dedication: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

Off-Site Area: \_\_\_\_\_ Ac. \_\_\_\_\_ Sq.Ft. \_\_\_\_\_ % of Total

**Water System Impact**

3. Number of Water Taps: \_\_\_\_\_

4. Tap Fee Revenues: \$ \_\_\_\_\_

5. Gallons Per Day Usage: \_\_\_\_\_

**Sewage Disposal Impact**

- 6. Number of Residential Individual Septic Systems: \_\_\_\_\_
- 7. Number of Commercial Individual Septic Systems: \_\_\_\_\_
- 8. Number of Multiple Service Septic Systems: \_\_\_\_\_
- 9. Total Amount of Sewage Disposal in Gallons per Day: \_\_\_\_\_
- 10. Description of Soils and Amount of Sewage Disposal in Each Soil Area:

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11. Distance to Waterways and Elevation above Waterways (including the Dolores River, Silver Creek, Groundwater Tables, and Significant Drainages, Seeps, Springs, Ect.)

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12. Attach One Copy of Soil Percolation Test Results to Each Copy of this Impact Report.

13. Proposed Techniques to Mitigate Sewage Disposal Impacts (Attach One Copy of Detailed Information to Each Report)

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**Street Maintenance Impact**

- 14. Total Length of Proposed Streets and Alleys: \_\_\_\_\_ Feet
- 15. Length of Streets and Alleys which Exceed 8% Grade: \_\_\_\_\_ Feet
- 16. Length of Cul-Du-Sac Streets and Alleys \_\_\_\_\_ Feet
- 17. Area of Cul-Du-Sacs and Turn-Arounds \_\_\_\_\_ Sq.Ft.
- 18. Area of Public Off-Street Parking \_\_\_\_\_ Sq.Ft.

**19. Description of Snow Removal Site Constraints:**

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**20. Description of Drainages Entering the Application Area:**

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**21. Description of Street Drainage Plan:**

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**SUBDIVISION IMPROVEMENTS AGREEMENT  
BETWEEN TOWN OF RICO and**

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**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_ 1994 between the Town of Rico, a municipality and political subdivision of the State of Colorado (hereinafter "TOWN") , and \_\_\_\_\_, (hereinafter "OWNER").

**I. RECITALS**

WHEREAS, OWNER holds fee simple title to the following described real property situated in the Town of Rico, Dolores County, Colorado:

WHEREAS, OWNER has applied to the Rico Planning Commission ("Commission") for approval of a subdivision known as, \_\_\_\_\_

WHEREAS, on \_\_\_\_\_, the Commission approved said application after finding that construction of certain public improvements by OWNER are reasonably necessary to serve the property to be subdivided and to protect the public health, safety, and welfare; and

WHEREAS, said approval was expressly made subject to certain terms and conditions as set forth below; and

WHEREAS, the parties desire to enter into an agreement providing for compliance with said terms and conditions of approval.

**NOW, THEREFORE, IN CONSIDERATION OF** the Board of Trustees approval of the above referenced application, and the mutual obligations and promises herein, the Board of Trustees and OWNER hereby covenant and agree as follows:

1. The recitals set forth above are incorporated herein as essential terms of this Agreement.
2. On or before \_\_\_\_\_ OWNER agrees to construct or install at OWNER'S sole cost and expense, the public improvements described in Exhibit A and attached hereto and by this reference incorporated herein. OWNER understands and agrees that these are estimates only, and if the actual cost of the materials or installations exceeds such estimate, OWNER shall be responsible for the actual costs. Time is of the essence in the performance of the terms and obligations of this Agreement and OWNER shall timely construct and complete all required public improvements, in accordance with the Town of Rico design standards and specifications in place at the time of construction, and in

compliance with the following:

- a. All final plat documents submitted prior to or at the time of final plat approval;
- b. All laws and requirements of the United States, the State of Colorado, the Town of Rico, and their various agencies;
- c. Such designs, drawings, maps, specifications, reports, and other matters submitted to and approved by any of the above entities referenced above;
- d. All new utilities serving the property shall be installed underground. The estimated cost of such improvements is \$\_\_\_\_\_.

3. To secure and guarantee performance of its obligations as set forth herein, OWNER hereby provides collateral in the form of cash, or other suitable security in a form acceptable to the Town Council to assure completion of all public improvements, in the amount of \$\_\_\_\_\_ (125% of estimated cost).

If security other than cash is accepted by the TOWN and deposited with the TOWN, a true and accurate copy of the instrument shall be attached hereto as "Exhibit B".

4. It is further mutually agreed that when improvements are completed, OWNER may apply to the Board of Trustees for the release of the collateral as follows:

a. Upon written notification of completion of the improvements, the Board of Trustees may release up to 75 percent of the total original required collateral following inspection and a resolution of preliminary acceptance. No sooner than 12 months after preliminary acceptance, and as soon thereafter as the local climate and conditions permit, the Board of Trustees shall inspect all public improvements for final acceptance. The Board of Trustees will release all collateral upon adopting a resolution of final acceptance. Reasons for non-acceptance shall be stated and corrective measures shall be outlined.

b. If the Board of Trustees determines that reasonable grounds for insecurity exist with respect to the performance of the applicant, the Board of Trustees shall notify the subdivider in writing, stating that the Town intends to withdraw funds from the collateral for the purpose of completing improvements, giving the reasons therefor and informing the subdivider of his right to be heard before the Board of Trustees within 30 days from the date of notification. Following a hearing thereon or 30 days after the date of notification, whichever earlier, if the Board of Trustees determines that the subdivider will not or cannot construct the improvements in accordance with this Subdivision Improvements Agreement, the TOWN may withdraw funds from the collateral and expand such funds as may be necessary to construct the agreed public improvements, to include such costs as necessary for the TOWN to administer the construction.

5. If OWNER fails to install, construct, or complete the public improvements as required by this Agreement, TOWN may, but is not required, to proceed to install, construct or complete same. The entire cost and fees thereof, including planning, administrative, engineering, legal, and contractors, shall be necessary to construct the improvements. If cost of the improvements exceeds the amount of the collateral, TOWN shall have a lien upon all land in the subdivision for such debt. The lien may be perfected by recording a

notice of lien, and the lien may be foreclosed and collected in the same manner as for general ad valorem taxes. Action upon such debt may be commenced within six years after recording of the lien.

6. If OWNER breaches or defaults under this Agreement in any respect, TOWN may withhold issuance or approval of any or all building permits, certificates of occupancy, floodplain permits, access permits, certificates of appropriateness, or any other development approvals requested for any of OWNER'S property within the subdivision, until the breaches or defaults have been cured.

7. The TOWN, and any subsequent owner of land in the subdivision, shall have the right to compel specific performance of the Agreement, or to bring an action at law for damages against OWNER, for any breach or default under this Agreement.

8. Approval of this subdivision by TOWN does not constitute acceptance of any public improvements required pursuant to this Agreement. Until final acceptance, TOWN shall not assume any maintenance obligation for any such public improvements.

9. OWNER shall defend and hold TOWN harmless from and against any and all claims, demands, liabilities, actions, costs, damages, and attorney's fees that may arise out of or result directly or indirectly from OWNER'S actions or omissions in connection with this Agreement, including but not limited to the improper design or construction of any public improvements required hereunder, the failure to construct or complete the same, or the enforcement of this Agreement.

10. All remedies provided by this Agreement or otherwise available at law or in equity are cumulative, and the use of one shall prohibit or preclude the use of another.

11. TOWN approval of the final plat of this subdivision, is subject to the terms and conditions of this Agreement. This Agreement shall be identified upon and incorporated by reference into the final plat.

12. In the event of litigation between TOWN and OWNER concerning this Agreement, if TOWN is the prevailing party it shall be entitled to collect its legal fees and costs, including attorney fees. Any litigation to enforce the terms of this Agreement shall be commenced in Dolores County, Colorado, and venue shall be restricted to such County.

13. This Agreement may be amended from time to time, provided that such amendment shall be in writing and signed by all parties hereto or their successors.

14. This Agreement shall extend to, inure to the benefit of, and be binding upon TOWN and its successors (including subsequent OWNERS of property within the subdivision), legal representatives, and assigns of OWNER. This Agreement shall be recorded in the Dolores County Office of the Clerk and Recorder.

15. The parties hereto warrant that they are fully authorized to execute this Agreement and have taken all actions necessary to obtain such authorization.

16. Approval of this Subdivision/Replat may create a vested real property right pursuant to Article 68 of Title 24, C.R.S.

17. Additional terms and conditions, if any:

**TOWN OF RICO**

**ATTEST**

BY: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

BY: \_\_\_\_\_  
Planning Commission Chairperson

**OWNER**

BY: \_\_\_\_\_

*Appendix C.*

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**NOTICE OF SUBDIVISION APPLICATION**

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Notice is hereby given that \_\_\_\_\_ (name of applicant) has submitted an application for a subdivision, known as the \_\_\_\_\_ (name of subdivision), to the Town of Rico. A public hearing for conceptual plan approval shall be held by the Rico Planning Commission at the Rico Court House on the \_\_\_\_\_ day of \_\_\_\_\_, 1994, at \_\_\_\_\_ .m., or as soon thereafter as possible, for the purpose of taking all comments and concerns regarding the proposed subdivision. Copies of the subdivision application are available at the Rico Town Hall for inspection.

The proposed subdivision application requests subdividing \_\_\_\_\_ (number of acres if more than one, number of square feet if less than one acre) of land to create \_\_\_\_\_ lots (number of lots). The (proposed/current) zoning for the lots are \_\_\_\_\_. The proposed subdivision is located \_\_\_\_\_.

Written comments may be submitted to the Planning Commission; however, written comments longer than one page must be submitted at least seven days prior to the public hearing. Comments should cite specific sections of the Town's subdivision regulations, master plan, or other relevant ordinances and laws.

**EXHIBIT A**

**PUBLIC IMPROVEMENTS**

**UPPER ATLANTIC CABLE SUBDIVISION**

**DESCRIPTION AND COST ESTIMATE**

ITEM	COST
Water Line Installation	
6" C-900 PVC 540 L.F.	\$ 7,560
12" Steel Encasement Pipe 40 L.F.	1,600
6" Gate Valve	650
2 1/2" Flush Valve	450
Air Vacuum Valve w/Manhole	<u>2,000</u>
	\$12,260
Electric	
Line Extension and Two Transformers	\$ 5,500
Telephone Extension	\$ 1,000
Fire Hydrant	\$ 2,800

## **EXHIBIT B**

### **SECURITY FOR PUBLIC IMPROVEMENTS**

Cash or a first lien deed of trust on lot 42 of the proposed Subdivision as determined by the applicant.