

TOWN OF WELLINGTON

MINOR SUBDIVISION

WELLINGTON, COLORADO 2008

APPLICATION AND DECISION RECORD
FOR A MINOR SUBDIVISION

A. Conceptual Plan Submission Requirements.

1. Applicant's Name _____
Address _____
Mailing Address _____
Email _____ Telephone Number _____

2. Legal description of the property proposed for the land use change:

3. Existing Zoning District _____
Proposed Zoning District _____

4. Give a brief nonlegal description of the existing land use of the site and of the general character of the use of adjacent lands.

5. Give a brief nonlegal description of the proposed land use.

6. Provide a sketch plan of the proposed land use change, including a site analysis consisting of a map, plot plan or diagram showing the total acreage, abutting landowners and land uses, streets, highways, utilities that will service the proposed development: and major physical features, including drainage and the location of natural hazards. [attach maps and sketches as necessary]

7. Provide an elevation drawing of the propose structure(s) showing height and describing the exterior materials. [attach drawings as necessary]

8. Provide other information that the applicant believes will assist the Planning Commission and the Board of Trustees in making a fair decision. [attach additional sheets as necessary]

9. Signature of the Applicant: _____ Date _____

TOWN OF WELLINGTON

Form D-5

AGREEMENT

FOR PAYMENT OF REVIEW EXPENSES

THIS AGREEMENT, made and entered into this ___ day of _____, A.D. _____ by and between the TOWN OF WELLINGTON, COLORADO, a municipal Corporation, hereinafter referred to as 'the Town,' and _____ hereinafter, referred to as 'the Applicant,'

WITNESSETH:

WHEREAS, the Applicant is the owner of certain property situated in the County of Larimer, State of Colorado, and legally described as follows, to-wit:

WHEREAS, the Applicant desires to develop said property and has made application to the Board of Trustees of the Town of Wellington for approval of _____: and

WHEREAS, the Parties hereto recognize that the land use fees as specified by the Municipal Code of the Town of Wellington may not be adequate to fully cover the Town's expenses in considering the referenced application, including, but not limited to, legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. FULL AND SEPARATE ACCOUNTING OF REVIEW EXPENSES.

The Town will maintain separate accounts of all monies expended as a result of the review of the above referenced application. Statements of expenses incurred will be made available to the Applicant monthly throughout the time the application is being reviewed by the Town. Expenses charged to the applicant's account shall include, but shall not be limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

2. EXPENDITURE OF FEES PAID BY THE APPLICANT.

The Town shall expend the monies collected from the Applicant in the form of land use fees, in the payment of expenses incurred in the review of the Applicants request, including, but not limited to, fees charged to the Town for legal publications, engineering services, attorney services, consultant services, reproduction of material and public hearing expenses. Only after all expenses incurred in the review of the Applicant’s request have been paid, may these monies be used for other purposes as determined by the Town.

3. PAYMENT OF REVIEW COSTS BY THE APPLICANT.

In the event that the Town incurs expenses for the review of the Applicant’s request greater than the monies collected from the Applicant in the form of land use fees, the Applicant shall reimburse the Town for the additional expenses. Said reimbursement shall be made within ten (10) days of the Town submitting an invoice for the expenses. Failure by the Applicant to pay within the specified time shall be cause for the Town to cease processing the application and/or deny approval of the application.

4. APPLICATION TERMINATION.

Except where the law or an agreement with the Town provides otherwise, the Applicant may terminate his application at any time by giving written notice to the Town. The Town shall immediately take all reasonable steps necessary to terminate the accrual of costs to the applicant. e.g. notify newspapers to cancel publications, etc. The Applicant will continue to be liable for all costs reasonably incurred by the Town prior to, and after, submitting a notice of termination.

5. COLLECTION OF FEES AND COSTS.

If the Applicant fails to pay the fees required herein when due, the Town may take those steps necessary and authorized by law to collect the fees due. The Town shall also be entitled to all court and attorneys fees, other costs incurred in collection and interest on the amount due at the rate of 18% per annum.

IN WITNESS WHEREOF, the Town and the Applicant have caused this Agreement to be duly executed on the day and year first above written.

THE APPLICANT

Signature _____

TOWN OF WELLINGTON

Signature _____

ATTEST:
Town Clerk

TOWN OF WELLINGTON
2017 SUBMITTLE DEADLINES

Submittle Deadline	Planning Commission Meeting 1st Monday of Each Month 7:00pm	Board of Trustees Meeting 4th Tuesday of each month 7:30pm
November 21, 2016	January 9, 2017	January 24, 2017
December 19, 2016	February 6, 2017	February 28, 2017
January 23, 2017	March 6, 2017	March 28, 2017
February 27, 2017	April 3, 2017	April 25, 2017
March 20, 2017	May 1, 2017	May 23, 2017
April 24, 2017	June 5, 2017	June 27, 2017
May 22, 2017	July 3, 2017	July 25, 2017
June 26, 2017	August 7, 2017	August 22, 2017
July 31, 2017	September 11, 2017	September 26, 2017
August 21, 2017	October 2, 2017	October 24, 2017
September 25, 2017	November 6, 2017	November 28, 2017
October 23, 2017	December 4, 2017	December 12, 2017
November 27, 2017	January 8, 2018	January 27, 2018
December 22, 2017	February 5, 2018	February 27, 2018

Plan must be reviewed and approval recommended by the Planning Commission prior to review
by the Board of Trustees.

ARTICLE 4

Minor Subdivision Plat

Sec. 17-4-10. Purpose.

The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when the following conditions exist:

- (1) The property has previously been platted within the Town;
- (2) The entire tract to be subdivided is five (5) acres or less in size;
- (3) The resulting subdivision will produce four (4) or fewer additional lots; and
- (4) There will be no exceptions to the Subdivision Design Standards. (Ord. 11-2007 §1)

Sec. 17-4-20. Application process.

All minor subdivisions shall be required to submit to and complete the following process:

- (1) Step 1: Preapplication conference. A preapplication conference with a representative from the Town is required before the applicant may submit a minor subdivision plat application. The applicant shall submit a sketch plan on an eleven-by-seventeen-inch sheet indicating the size of the property, number and dimensions of lots and extension of utilities. Topics to be discussed will include:
 - a. Town regulations and standards.
 - b. The application and review process.

- c. Submittal requirements.
- d. Schedule.

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

- a. Land use application form.

b. Application fee and fee agreement. A nonrefundable fee is collected to cover the cost of review by Town staff and notice and publication expenses. In addition, the applicant is liable for review costs by the Town Attorney, Town Engineer and any other expert whom the Town may wish to employ. A signed Form D-5, Agreement for Payment of Review Expenses, shall accompany the application.

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

d. Minor subdivision plat. The minor subdivision plat drawing shall comply with the following standards:

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

2. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the

same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

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

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

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

6. All signatures shall be made in black drawing ink.

7. The minor subdivision plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and in digital form as an AutoCad.dwg file, and shall provide the following information:

- a) Title of project.

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

- c) Vicinity map.

- d) Legal description.

- e) Basis for establishing bearing.
- f) Names and addresses of owners, applicant, designers, engineers and surveyors.
- g) Total acreage of subdivision.
- h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
- i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
- j) Excepted parcels from inclusion noted as “not included in this subdivision” and the boundary completely indicated by bearings and distances.
- k) Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).
- l) Existing and proposed street names for all streets on and adjacent to the property.
- m) Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
- n) Location and description of monuments.
- o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).

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

8. Certifications in the form required for a major subdivision plat.

e. General development information. Provide a written description addressing how the proposed development conforms with the Design and Development Standards, Chapters 16 and 17 of this Code and the Comprehensive Plan.

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

(3) Step 3: Application certification of completion. Within a reasonable period of time, Town staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Minor Subdivision Plat Technical Criteria form) to the Town Administrator/Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(4) Step 4: Refer application to parties of interest. Not less than thirty (30) days before the date scheduled for public hearing

or staff decision, the staff shall send information about the application by first class mail to: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(5) Step 5: Letters of support and commitment to serve. Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the pre-application conference.

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

(7) Step 7: Applicant addresses staff comments.

a. The applicant shall address the staff's comments then submit the following to the Town Administrator/ Clerk:

1. Letter explaining how all of the comments have been addressed; and
2. Revised maps and other documents.

(8) Step 8: Schedule minor subdivision public hearing and complete public notification process. The Planning Commission

shall schedule a public hearing for the purpose of taking action on the minor subdivision. The Town Administrator/Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

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

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

(11) Step 11: Board of Trustees action. The minor subdivision plat shall be presented to the Board of Trustees for its review and action. The Board of Trustees may approve, conditionally approve or deny the minor subdivision based on the minor subdivision review criteria. If approved, the Board of Trustees shall adopt the minor subdivision plat by ordinance and the Town Administrator/Clerk shall request two (2) original Mylars of the plat ready for the Mayor and Town Clerk to sign and then record. All final decisions of the Board of Trustees approving, approving subject to conditions or denying an application shall be subject to review by the District Court in Larimer County. Any applicant or other interested party may appeal such decisions in the manner provided by rules relating to civil proceedings before the District Court.

(12) Step 12: Record minor subdivision plat. One (1) original Mylar of the minor subdivision plat shall be recorded by the Town Administrator/Clerk in the office of the Larimer County Clerk and Recorder. The recording fee shall be paid by the developer. (Ord. 11-2007 §1)

Sec. 17-4-30. Review criteria.

The Town shall use the following criteria to evaluate an applicant's request for a minor subdivision: the minor subdivision plat is in compliance with the Land Use Code and the Comprehensive Plan. (Ord. 11-2007 §1)