



**PLANNING COMMISSION
A G E N D A
February 6, 2014**

Notice is hereby given of a Public Meeting to be held before the City of Wheat Ridge Planning Commission on February 6, 2014 at 7:00 p.m., in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Heather Geyer, Public Information Officer at 303-235-2826 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

- 1. CALL THE MEETING TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVE THE ORDER OF THE AGENDA (Items of new and old business may be recommended for placement on the agenda.)**
- 5. APPROVAL OF MINUTES – December 19, 2013**
- 6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda. Public comments may be limited to 3 minutes.)**
- 7. STUDY SESSION**
 - A. Case No. ZOA-14-01: An ordinance repealing and re-enacting Article IV of Chapter 26, Subdivision Regulations.**
- 8. OTHER ITEMS**
 - A. Resolution 01-2014: A resolution establishing a designated public place for the posting of meeting notices as required by the Colorado open meetings law.**
- 9. ADJOURNMENT**



**PLANNING COMMISSION
Minutes of Meeting
December 19, 2013**

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair BRINKMAN at 7:01 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL OF MEMBERS

Commission Members Present: Anne Brinkman
Alan Bucknam
Tracy Guildner
Silke Popp
Scott Ohm
Steve Timms

Commission Members Absent: Amanda Weaver

Staff Members Present: Meredith Reckert, Senior Planner
Lauren Mikulak, Planner II
Steve Art, Urban Renewal Manager/Economic
Development Manager
Kim Waggoner, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE REVISED AGENDA

It was moved by Commissioner TIMMS and seconded by Commissioner BUCKNAM to approve the order of the revised agenda. Motion carried 6-0.

5. APPROVAL OF MINUTES – December 5, 2013

It was moved by Commissioner OHM and seconded by Commissioner BUCKMAN to approve the minutes of December 5, 2013, as written. Motion carried 4-0 with Commissioners GUILDNER and POPP abstaining.

6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

No one wished to speak at this time.

7. PUBLIC HEARING

- A. **Case No. MS-13-06:** An application filed by William Stephens for approval of a 2-lot minor subdivision with right-of-way dedication for property zoned Residential-One (R-1) located at 9801 W. 32nd Avenue.

This case was presented by Lauren Mikulak. She entered all pertinent documents into the record and advised the Commission there was jurisdiction to hear the case. She reviewed the staff report and digital presentation. She stated staff recommends approval of the plat and City Council will be the final authority for approval.

Commissioner TIMMS asked if there would be any variances for the existing home. Ms. Mikulak replied no.

William J. Stephens
31488 Conifer Mountain Dr.
Conifer, CO

Chair BRINKMAN asked the applicant if there are any ditches or ditch rights related to the property. The applicant stated no.

Chair BRINKMAN closed the public hearing.

It was moved by Commissioner OHM and seconded by Commissioner GUILDNER to recommend approval of a two-lot minor subdivision plat with a right-of-way dedication on property zoned Residential-One (R-1) located at 9801 W. 32nd Avenue for the following reasons:

- 1. All agencies can provide service to the property with improvements installed at the developer's expense.**
- 2. Both lots are consistent with R-1 zone district standards.**
- 3. All requirements of Article IV of the zoning and development code have been met.**

With the following conditions:

- 1. Fees in lieu of streetscape improvements be provided prior to recording the plat.**
- 2. Fees in lieu of parkland dedication be provided prior to recording the plat.**

Motion carried 6-0.

- B. Case No. MS-13-07:** An application filed by Francis Durso for approval of a 2-lot minor subdivision on property zoned Residential-One C (R-1C) located at 3219 Benton Street.

This case was presented by Meredith Reckert. She entered all pertinent documents into the record and advised the Commission there was jurisdiction to hear this case. All proper posting and notifications requirements have been met. She reviewed the staff report and digital presentation. She stated staff recommends approval of the plat and Planning Commission has the final authority for approval since there is not a right-of-way dedication.

Commissioner OHM referred to the aerial exhibit and stated it appears that all the houses in the area are legally non-confirming. Ms. Reckert stated the city's aerial photography shown is overlaid with the Jefferson County parcel layers and the property lines do not line up. Ms. Mikulak stated the parcel lines come from the Jefferson the County Assessor and they are not survey lines and they are typically five to fifteen feet off.

Commissioner TIMMS asked about the off-street parking requirements for single family residential and the parkland dedication fee. Ms. Reckert replied that two spaces are required with street parking and 4 spaces without street parking. The parkland dedication fee is about \$1,300.

Commissioner BUCKMAN asked why there is commercial zoning in the immediate area. Ms. Reckert stated Wheat Ridge adopted the county zoning in 1969 after Wheat Ridge incorporated.

Francis Durso
2359 S. Balsam St.

Commissioner TIMMS asked the applicant if he was the builder, owner or both.

Mr. Durso stated he is purchasing the land and he does not plan to live there. There is a possibility of building a single family home.

Chair BRINKMAN asked the applicant if there were any issues with the garage demolition requirement. Mr. Durso stated there was no concern.

Linda Hillshafer
3245 Ames St.

Ms. Hillshafer stated it appears that the north edge of the parcel overlaps with the house on the north in the photo. Ms. Reckert stated it because of how the parcel layer from Jefferson County lays on the zoning maps.

Chair BRINKMAN closed the public hearing.

It was moved by Commissioner BUCKMAN and seconded by Commissioner OHM to approve Case No. MS-13-07, a request for approval of a two-lot minor subdivision plat on property zoned Residential-One C (R-1C) located at 3219 Benton St. for the following reasons:

- 1. All agencies can provide services to the property with improvements installed at the developer's expense.**
- 2. Both lots are consistent with R-1C zone district standards.**
- 3. All requirements of Article IV of the zoning and development code have been met.**

With the following conditions:

- 1. A note be added to the plat document that the garage be demolished prior to recording the plat.**
- 2. Fees in lieu of parking dedication be provided prior to recording the plat.**

Motion approved 6-0.

8. OTHER ITEMS

A. Resolution 04-2013: Amendment to the I-70/Kipling Corridor Urban Plan Renewal Plan – Conformance to City's Comprehensive Plan.

Mr. Art addressed the commission with the request to adopt a resolution approving a modification to the I-70/Kipling Corridor Urban Plan Renewal Plan for the City of Wheat Ridge for a proposed development at the southwest corner of 38th Avenue and Kipling. A developer has options on the property to demolish the existing shopping center and rebuild a new shopping center on the site. The site is within the I-70/Kipling Corridor Urban Renewal Plan area. The developer has requested Tax Increment Financing (TIF) through the Urban Renewal Authority. Any increased property tax or sales tax generated on that property will go to the Urban Renewal authority for use on this project or any project in the Urban Renewal Authority area.

Commissioner BUCKNAM reiterated the tax increment funding applied to this particular development would go to other developments along that corridor as well. Mr. Art stated negotiations are in process for what increment would go to the developer. Traditionally 100% is not given back to a project because then the funds cannot be used for other projects. Commissioner BUCKMAN stated his concern of an oversized amount of financing to the area and the money may not be returned. Mr. Art stated the money would go to the Urban Renewal Authority not the City.

Commissioner OHM asked for the limits of the I-70/Kipling corridor. Mr. Art stated it is the largest Urban Renewal Authority in the City. He provided a description of the corridor area.

Commissioner OHM asked for the criteria of TIF determination. Mr. Art stated investment in the property, redevelopment, the potential for jobs and impact on the community is considered. Any TIF is approved by the Board of Directors of the Urban Renewal Authority and City Council approves the amendment to the plan.

Commissioner POPP asked if the money that comes back to the area will it be used to compensate for the increase in traffic in the area. Mr. Art stated the Urban Renewal Authority financing can only be used for public improvements. The current access to the site is poor and with CDOT's assistance there will be improved access points on Kipling. A left hand turn lane movement will also be created. Funds could be used for a stop sign or traffic signal in the future.

Commissioner TIMMS asked what the relationship is with the Urban Renewal Authority and City Council and if the Authority is appointed by City Council. Mr. Art stated City Council forms the Urban Renewal Authority who then enacts the plans. It is the role of the Urban Renewal Authority to carry through the wishes of City Council. The members of the Authority are appointed by City Council.

Commissioner TIMMS asked if the Urban Renewal Authority has reviewed the proposal for the site. Mr. Art stated they have received a presentation from the developer on the entire site.

Commissioner TIMMS asked if the TIF is a sales tax and potential property tax. Mr. Art said yes. Commissioner TIMMS asked if the developer is relying on the TIF for financing. Mr. Art replied there is a huge gap in cost and financing for the project.

Chair BRINKMAN asked if TIF is usually used for retail or for any type of zoning. Mr. Art stated it can be used anytime. TIF will be used for the Perrin's Row housing project at 38th and Depew. It is a tool to help facilitate new projects that otherwise may not happen unless the financing gap is filled.

Chair BRINKMAN asked if there is an expectation of how much money this will bring and does it need to meet any guidelines. Mr. Art stated a proforma of anticipated sales tax has been provided for the development. It is much higher than the current amount being generated. TIF allows for property tax, sales tax or both. The plan allows for both.

In regards to Chair BRINKMAN's question about why TIF is being discussed for this development and was not discussed with the Planning Commission for the Perrin's Row development, Mr. Art stated it is because TIF for Perrin's Row is not a large enough project to make a substantial modification to the plan.

Commissioner TIMMS stated there is twenty years left, twenty five years total for an urban renewal area. If this is approved for this property, TIF can be applied to anywhere within the Kipling Urban Renewal area. Mr. Art stated this is only enacted on this property. It doesn't start the clock everywhere.

Commissioner POPP inquired if this is an indefinite tax. Mr. Art stated a normal agreement states either a certain dollar amount or certain number of years; whichever comes first. This project has twenty years but twelve years is anticipated for TIF. The Urban Renewal Authority will be able to receive it for the life of the project which will allow for more projects in the area at a larger scale.

Commissioner BUCKMAN asked about the land survey graphic in the packet. Mr. Art stated the site includes the Starbucks, the retail center behind Starbucks, the Family Thrift Shop and the building that includes Clancy's and the Bingo Hall.

It was moved by Commissioner OHM and seconded by Commissioner TIMMS to adopt Resolution 04-2013, finding the First Amendment to the I-70/Kipling Corridor Urban Renewal Plan for the southwest corner of 38th Avenue and Kipling is in conformance with the Wheat Ridge Comprehensive Plan, Envision Wheat Ridge.

Commissioner OHM stated this would be a good project for Wheat Ridge.

Commissioner BUCKNAM agrees with Commissioner OHM. He stated he was not a fan of TIF's and he would encourage City Council to show some restraint to not view TIF's as a cure all or automatic default position for any developer.

Commissioner POPP asked if she could abstain from the vote if she felt that she didn't know enough about TIF's and how they work. Chair BRINKMAN stated no. Mr. Art told the Commission that they were not approving the TIF. They are adopting a resolution to modify to the plan and the plan adheres to all the aspects of the Comprehensive Plan.

Motion approved 6-0.

- B. Ms. Reckert welcomed new Commissioner Silke Popp from District IV.
- C. Chair BRINKMAN asked about the plan for 2014 other than cases such as sign code and lighting. Ms. Reckert stated modification to the subdivision regulations will be discussed the first meeting in February. Administrative processes will be reviewed to streamline appropriate approval. Design standards and sustainability issues are to be reviewed also.
- D. Chair BRINKMAN asked if there would have been merit to discuss the TIF as part of the land use case for Perrin's Row. Ms. Reckert stated she did not think so but she does not understand much about TIF's either. Commissioner TIMMS suggested a discussion on Urban Renewal in general would be a good training topic. Other Commissioners agreed.
- E. Chair BRINKMAN asked if the Community Development Department is fully staffed. Ms. Reckert stated replied that it is. The Building Department will be hiring another Combination Inspector due to anticipated large residential projects.

9. ADJOURNMENT

It was moved by Commissioner BUCKNAM and seconded by Commissioner GUILDNER to adjourn the meeting at 7:59 p.m. Motion carried 6-0.

Anne Brinkman, Chair

Kim Waggoner, Recording Secretary

DRAFT



Memorandum

TO: Planning Commission

THROUGH: Ken Johnstone, Community Development Director

FROM: Lauren Mikulak, Planner II

DATE: January 30, 2014 (for February 6 study session)

SUBJECT: Proposed amendment to the subdivision regulations

Introduction

The City's subdivision regulations are located in Article IV of Chapter 26 in the municipal code. Staff is proposing to amend these regulations for the purpose of improving the subdivision review process and to better address the subdivision of land for commercial or infill projects.

This memo is structured as follows:

1. Background
2. Overview of Proposed Amendments
3. Study Session & Project Timeline

Background

A subdivision entails the creation or reconfiguration of lots, tracts, or parcels for the purpose of sale or development. Unlike zoning, over which the City has broad discretion, a subdivision application is a technical document that is non-discretionary in nature.

Subdivision approvals do not change zoning or permitted use, and do not address development design. Instead, subdivision regulations *prepare* land for development. A plat defines property lines, establishes rights-of-way, and delineates easements. In the case of Wheat Ridge much of this occurs within an infill or redevelopment context, so the proposed amendment seeks to align the City's regulatory environment with physical realities.

In the last 12 years, the review process has been modified slightly, but subdivision design requirements have not substantially changed since the City incorporated. The proposed amendments capitalize on the opportunity for increased administrative review and for more clear design standards to ensure appropriate infrastructure, connectivity, and logical lot layouts.

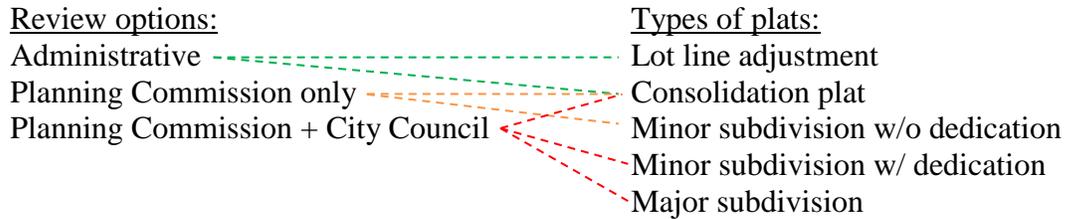
Overview of proposed amendments

Staff is proposing to repeal and reenact Article IV. Enclosed is a first draft of the amended code; each section begins with comments (in red) which summarize what has or has not changed. Below is an overview of the proposed amendments. The proposed code is the result of continued

collaboration among the Community Development and Public Works Departments, the Parks and Recreation Director, and the City Attorney.

Subdivision types and review process

Staff is proposing a simplified system for classifying and processing subdivisions. Currently, the code identifies five different types of plats and three different processes for review. The applicable review process depends on the number of lots and whether or not right-of-way dedication is involved.



We currently define *minor* or *major* subdivisions only in terms of the number of lots involved, whereas in most communities these descriptors refer to the process. With the goal of simplifying the classification system and introducing more administrative review, the proposed code redefines minor and major subdivisions:

Minor subdivision:

Qualifies for administrative review

Must meet *all* criteria:

- Involves 5 lots or less
- Conforms to all subdivision and zoning regulations
- Does not include dedication of a public street

Major subdivision:

Requires review by Planning Commission and City Council

Includes any subdivision that does not meet all criteria of a minor plat

In the example above, lot line adjustment or consolidation plats would be processed as minor or major subdivisions, depending on which criteria they meet.

Because a subdivision is a technical document that does not change the underlying land use entitlements, it is appropriate to allow administrative review of plats that comply with the zoning code. The proposed review scheme is consistent with most other communities in the metropolitan area that depend on administrative review for most subdivision applications.

Sections 26-406 and -407 in the attached draft outline the types of plats and the review procedures. While more subdivision applications would qualify for administrative review, the process itself remains unchanged. Because the plat is a technical document, administrative review does not currently include a neighborhood meeting or public noticing, and this will remain the same. Non-administrative review will follow the noticing procedures required for all public hearings.

Partial right-of-way dedication

With the City's adoption of complete street standards in the *Bicycle and Pedestrian Master Plan* and the *Streetscape Design Manual* many streets in the City are considered substandard in width. For this reason, an increasing number of plats require a narrow right-of-way dedication. This dedication often triggers a public hearing before City Council for a subdivision that would otherwise be reviewed administratively or only by Planning Commission.

This partial right-of-way dedication increases cost and time for applicants, so the code amendment outlines an alternative review process for *partial* right-of-way dedications. If a plat will qualify for administrative review but includes a narrow right-of-way dedication, the dedication could be approved by City Council by separate document. This type of dedication is allowed by code and has been utilized in the past for development applications that did *not* include platting. Codifying this option will allow minor subdivisions to remain eligible for administrative review.

Waiver and variance

One of the proposed criteria for a minor subdivision is that the application complies with all subdivision and zoning regulations. If an applicant desires relief from these standards, a variance or waiver is necessary and is proposed to trigger non-administrative review. The reason for this trigger is based on the plat being a technical document. The inclusion of a variance or waiver introduces a level of subjectivity and an increased need for scrutiny through a public process.

Currently, the terms variance and waiver are used interchangeably in Chapter 26, but the amended code proposes a distinction between the two. Staff is actively working with the City Attorney's office to confirm that this distinction is acceptable.

Parkland dedication

Compared with many communities, Wheat Ridge imposes very few impact fees and exactions on new development. Parkland dedication is one of the few included in the subdivision regulations, and it currently applies to all residential subdivisions and development. A parkland dedication requirement is based on the assumption that additional residents create additional demands on parks, open space, and recreational facilities.

In the proposed code, the parkland dedication requirement is significantly revised and simplified. The amendments address two primary issues: first, whether the City's current requirements are aligned with standard planning practice; and second, whether the requirements can be implemented more consistently and objectively to the benefit of applicants and staff.

Based on a comprehensive review of other cities, the City's parkland dedication requirements are notably *less* burdensome than most. Many communities, for example, assess residential *and* commercial development or required dedication *and* development fees. While the proposed code does not include an increase in the requirement, it does modify the land dedication formula to be more consistent with common practice. The current requirement of 0.016 acres of parkland per dwelling unit is an atypical metric. Some communities require a percentage of gross land area, but more commonly the dedication is based on the projected population for a new development. This approach is more equitable and has been proposed in the attached draft.

When land is not available to dedicate, a fee-in-lieu is assessed. In the past, the fee amount has been assessed inconsistently because it is based on “fair market value”—a relatively ambiguous determinant. As an alternative, the code amendment proposes that City Council establish a fair and defensible per acre fee or land value. A set fee can be assessed uniformly and provides predictability for developers and for the City. Several other communities have taken this approach as well.

With fixed and fair formulas, the Parks and Planning Commissions will no longer need to review park dedications or fees. The Parks and Recreation Director will receive a subdivision application on referral and will determine whether dedication or fees-in-lieu are more appropriate. To further encourage consistency and to eliminate negotiations, the credit opportunity for private on-site amenities is removed, and parkland requirements are ineligible for waiver requests.

Subdivision design

The purpose of subdivision design standards is to ensure logical block and lot layout, improved roadway design, pedestrian connectivity, preservation of natural features, and logical drainage design and utility locations. Currently, these standards are dispersed throughout Article IV, so the proposed code consolidates and organizes all design considerations into one section.

Some language has been modified to reflect the infill (versus greenfield) nature of most Wheat Ridge subdivisions. Certain considerations have been added for nonresidential subdivisions, and easement requirements have been modified so they no longer conflict with build-to requirements.

Applicability

The subdivision regulations apply to any division of land or boundary modification, with the exception of condominium plats and duplex splits. Since the 1970s, state and local laws have required subdivision review prior to the division and transfer of land.

Wheat Ridge does not currently require platting prior to issuance of a building permit, and staff is seeking input as to whether this policy should change or remain. Unplatted land has been conveyed by metes and bounds descriptions for decades, and privately-owned unplatted parcels comprise about 15% percent of the city’s land area.

The purpose of platting is to prepare land for development by formally establishing access, easements, lot boundaries and adequate drainage facilities. A plat requirement could be beneficial by helping to establish land records, promote orderly development, and reduce the frequency of remnant parcels. While a platting requirement may establish an additional step for certain projects, the opportunity for administrative review will mitigate the impacts of cost and time.

If the commission supports a policy that requires platting prior to issuance of a building permit, staff would recommend that the policy *not* apply to accessory structures or to single- or two-family homes on legal lots of record. The code could also allow the Community Development Director to make exceptions to this requirement when it is determined there is no benefit to the City to require the platting process.

Additional minor changes

In addition to the revisions outlined above, the proposed code also reflects the following changes:

- Reorganized sections for clarity and consistency with other articles in the zoning code
- Removed street naming and numbering regulations; these will be relocated to Article VI of Chapter 26 (supplementary regulations) as they apply to all development within the City
- Modified and added definitions related to the subdivision process
- Removed outdated quantitative standards

In addition to the revision of Article IV, the code amendment project will include updating all references to the subdivision regulations and the creation of an enhanced user's guide. An administrative guide can be used to convey information that does not need to be codified, such as standard notes, certification blocks, easement guidelines, and any explanatory comments that may benefit an applicant.

Study session and project timeline

The purpose of the February 6 study session is to familiarize the Planning Commission with the proposed amendments and to solicit feedback.

This code amendment will also require policy direction from City Council. An anticipated timeline for the project is as follows:

- Study session with Planning Commission – February 6, 2014
- Study session with City Council – March 17, 2014
- Public hearings – Spring 2014

Attachments

1. Article IV Draft

ARTICLE IV. - SUBDIVISION REGULATIONS

Sec. 26-401. – Intent and purpose. 1
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Sec. 26-401. – Intent and purpose.

This section is renamed for consistency with Articles I, VII, and IX. Subsections A and B below are unchanged. C is new and summarizes the purpose of subdivision regulations.

A. *Citation.* This article shall be known and cited as the "subdivision regulations" of the City of Wheat Ridge, Colorado, or "these regulations," or "this article."

B. *Authority.* No final plat of a subdivision shall be approved and accepted by staff, the planning commission or the city council unless it conforms to the provisions of these regulations. Pursuant to the authority contained in Article XX, Section 6 of the Colorado Constitution and in Colorado Revised Statutes sections 29-20-101 et seq., 31-23-101 et seq., and 24-67-101 et seq., the Wheat Ridge planning commission and city council are vested with the power and authority to adopt and amend these subdivision regulations

C. *Purpose.* The intent of these regulations is to prepare land for development and to recognize that the arrangement of parcels, streets, and infrastructure has a direct impact on the character and environment of the city. The general purposes of this article are as follows:

1. To protect the health, safety, and welfare of present and future residents of the city.
2. To promote orderly growth and good planning practice.
3. To guide land development that is consistent with the city’s adopted plans and zoning regulations.
4. To ensure the provision of adequate public facilities and utility service.
5. To promote efficient circulation, logical lot layout, and necessary roadway and pedestrian connections.

6. To conserve natural resources and provide reasonable protection from flood and other hazards.
7. To provide open space and recreation facilities for residents.
8. To establish consistent and reliable land records and monumentation.
9. To provide a process for review and substantive requirements for approval.

Sec. 26-402. – Applicability.

This section establishes when the subdivision regulations do and do not apply. It was updated in 2001 and the content remains largely unchanged. For clarity, it is slightly reorganized.

A. *Jurisdiction.* These subdivision regulations shall be applicable within the following areas:

1. All land located within the City of Wheat Ridge.
2. Land in process of annexation to the City of Wheat Ridge.
3. All unincorporated land located within three (3) miles of the corporate limits of the City of Wheat Ridge for major street plan purposes when a major street plan has been approved in accordance with the requirements of C.R.S. § 31-23-212.

B. *General Applicability.*

1. These subdivision regulations shall apply to any person who participates in the creation or boundary modification of lots, tracts, parcels or other divisions of land for any purpose, including but not limited to the immediate or future sale, transfer, or development, whether residential, industrial, office, business or otherwise.
2. This article shall apply to a resubdivision or any division of land previously subdivided or platted, as well as to a lot line adjustment or consolidation of two or more lots, tracts, or parcels.
3. The transfer of any portion of land by the use of description for the purpose of sale, transfer, lease or development is prohibited until the division of land is approved and recorded in accordance with these subdivision regulations.
4. No subdivision plat shall be used for purposes of sale or development until the plat is approved and recorded in accordance with these subdivision regulations.

C. *Exemptions.* This article shall not apply to the following:

1. Any division of a tract of land into separate parcels of at least thirty-five (35) acres each for the purposes of sale;
2. Any division of land which is created by order of any court in this state or by operation of law, such as settlement of an estate;
3. Any division of land which is created by a foreclosure of a deed of trust, lien, mortgage or any other security instrument;
4. Any division of land which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity;
5. Any division of land which creates cemetery plots;
6. Any sale of any interest in a lot or parcel of land which has located upon it a single main structure, which structure and associated land is to be divided into separate ownership,

and so long as required parking and access to a public street is guaranteed to each owner by direct access, or through a recorded ingress/egress easement of at least ten (10) feet in width, or parking easements, as may be necessary. The intent of this exception is to ensure that the area and setback requirements for structures are met, but to allow subsequent division of an individual structure and associated land into separate ownership, as with duplex splits or condominium plats. This exception shall not apply whenever it is desired to sell off land for the purpose of creating a new building site;

7. Vacant nonconforming parcels of record as described in section 26-120;
8. The division of land by conveyance of real property to the city in satisfaction of land dedication, condemnation, annexation, or other city requirements, including a city-approved land trade;
9. Acquisition of an interest in land in joint tenancy, or as tenants in common, or a joint venture.

D. *Pending applications.* Any application for a subdivision plat filed on or after the effective date of Ordinance ##, Series 2014, shall be controlled by the provisions of these regulations. Any application for a subdivision plat filed prior to and pending on the effective date of this Ordinance shall be controlled by the provisions of the subdivision regulations in effect at the time of the filing of the application, unless the applicant chooses to have the application processed under the provisions of Ordinance ##. [Ordinance numbers will be provided prior to adoption.]

E. *Private covenants.* These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction. It is not the intent of these regulations that the city will enforce any private easement, covenant, agreement, or restriction; such provisions being a function of the right of individual property owners to further or separately restrict the use of their property as one (1) of the rights attendant upon property ownership. These regulations shall not be interpreted to either enhance or diminish such private restrictions, and the existence of such private restrictions shall neither enhance nor diminish the application or enforceability of these regulations.

Sec. 26-403. – Enforcement and penalties.

The title of this section has been changed to be more consistent with other articles, but the content remains unchanged. It has been moved from the end of the article to the beginning.

A. *General.* Commencing upon the date of adoption of this article IV, it shall be unlawful for any person to sell, convey, transfer, or otherwise dispose of or divide any property within the city where such sale, conveyance, transfer, disposition, or division would otherwise result in the creation of a nonconforming lot or nonconforming parcel of land as such term is defined by section 26-120. In addition any other remedy available to the city, the city shall not recognize or permit the use of a lot or parcel created in violation of these regulations unless and until such lot or parcel is properly subdivided and meets all applicable requirements of the Wheat Ridge Code of Laws.

B. *Permits withheld.* No permits shall be issued by any administrative officer of the City of Wheat Ridge for the construction or occupancy of any building, or other improvement requiring a permit, upon any land for which a plat is required by these regulations, unless and until the requirements of the subdivision regulations have been met.

C. *Penalties.*

1. Any subdivider or agent of a subdivider who transfers or sells or agrees to sell or offers to sell any subdivided land before a final plat for such subdivided land has been approved by the city and recorded in the office of the Jefferson County Clerk and Recorder shall be guilty of a misdemeanor and, upon conviction of such violation, shall be subject to a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment not to exceed one hundred eighty (180) days, or both such fine and imprisonment.
2. This fine or sentence shall be applicable for each parcel or interest in subdivided land which is sold, agreed to be sold, negotiated to be sold and/or transferred.
3. The city shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell, offering to sell, use, occupy or develop unsubdivided land before a final plat for such subdivided land has been approved by the city.

D. *Sale voidable.* Any deed of conveyance, sale or contract to sell made contrary to the provisions of these regulations is voidable at the sole option of the grantee, buyer, or person contracting to purchase, his heirs, personal representatives, or trustee within one (1) year after the date of execution of the deed of conveyance, sale, or contract to sell is binding upon any assignee or transfer of the grantee, buyer, or person contracting to purchase, other than those above enumerated.

Sec. 26-404. – Rules of construction.

Prior to 2001, the subdivision regulations were an appendix to the municipal code. When the sub regs were incorporated into Chapter 26, they retained many elements of a standalone section. This subsection is a good example: although the content could apply to the entire chapter, it is left here as is. Subsections A and B are unchanged; C is new.

A. Interpretation of these regulations.

1. These regulations shall be regarded as minimum requirements for the protection of the public health, safety and welfare.
2. Whenever a provision of these regulations or any provision in any other regulation or ordinance of the City of Wheat Ridge cover the same subject matter, whichever is the most restrictive or imposes the higher standard or requirement shall govern.

B. Rules of construction.

1. The particular controls the general.
2. In case of any difference of meaning or implication between the text of this chapter and the captions for each article, the text shall control.
3. The word "shall" is mandatory. The word "may" is discretionary.
4. Words used in the present tense include the future.
5. Words used in the singular number include the plural, and words used in the plural number includes the singular, unless the context clearly indicates the contrary.
6. Use of the masculine gender includes the feminine. Use of the feminine gender includes the masculine.

C. *References to other regulations, publications and documents.* Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such unless otherwise specifically stated.

Sec. 26-405. – Definitions.

This section includes definitions that are specific to the subdivision process. Several definitions have been added, and for ease of review they are denoted below with a single asterisk (*) and **bold** text. Modified definitions are identified with a double asterisk (**) and new language is highlighted with **bold** text.

As used in these regulations, the following words shall be interpreted and defined in accordance with the provisions set forth in this article:

Adjacent property owners: Those persons who are shown in the then current records of the Jefferson County Assessor, as owning real property; disregarding intervening public streets, alleys, or other public right-of-way; adjoining the land being proposed for subdivision platting.

Alley: A right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public vehicular and/or utility access.

***Bicycle and pedestrian route:** A street or trail that is part of the city's existing or proposed bicycle and pedestrian network as designated in the City of Wheat Ridge *Bicycle and Pedestrian Master Plan*.

Block: A unit of land within a subdivision containing two or (2) more lots which is bounded by public or private streets, highways, railroad rights-of-way, public walks, alleys, parks or open space, rural or vacant land, drainage channels, subdivision boundaries, property boundaries or a combination thereof, and which is customarily divided into lots.

****City datum:** Those three-dimensional coordinate values established during the state plane coordinate conversion program for all quarter corners, and section corners, and permanent high accuracy control (PHAC) points within and adjacent to the City of Wheat Ridge.

Colorado Revised Statutes: The current edition of the laws governing the State of Colorado; hereinafter referred to as "C.R.S."

***Dedication:** The intentional conveyance of land by the owner to the city for use as public right-of-way.

***Dedication, fees in lieu of:** Cash payment that may be required of an owner or developer as a substitute for a dedication of land or physical improvement.

***Duplex split:** The process by which a single existing structure with two legal dwelling units is divided into separate units of ownership for the purpose of selling an interest in the existing structure and associated land. This process is not subject to the subdivision regulations per section 26-402.C.

***Easement:** A legal interest in land, granted by a land owner to another person or entity which allows that beneficiary the use of all or a portion of the owners' land, for a stated purpose such as access, drainage, or placement of utilities.

Geodetic surveying: The performance of surveys in which measure or account is taken of the shape, size, and gravitational forces of the earth to determine or predetermine the horizontal or vertical positions of points, monuments, or stations for use in the practice of professional land surveying or for stating the geodetic position of control points, monuments, or stations by using a coordinate system or derivative thereof recognized by the National Geodetic Survey.

***Lot merger:** See plat, consolidation.

Lot, through: An interior lot abutting on more than one (1) street or corner lot abutting on more than two (2) streets. The creation of through lots is discouraged.

****Major subdivision:** [This amended code proposes a reclassification of plat types; this definition will be updated accordingly.]

****Minor subdivision:** [This amended code proposes a reclassification of plat types; this definition will be updated accordingly.]

Monuments: Actual points set into the ground to locate, delineate, or describe tracts of land. These include: a) United States Land Survey Monuments the points or corners established by the survey of public lands for the United States Government, also the reestablishment or restoration of said corners; b) the points or corners set by a Colorado registered land surveyor in accordance with the Colorado Revised Statutes.

Mylar: A clear plastic material on which the plat is "photographically" reproduced. It shall be a minimum of four one thousandths (.004) of an inch thick and have a matte finish on both sides.

PHAC points: Permanent high accuracy control points established during the City of Wheat Ridge State Plane Coordinate Conversion Program by and for use in global positioning surveys.

***Plat, condominium:** A plat which shows the division of land based on condominium ownership of an existing structure. This process is not subject to the subdivision regulations per section 26-402.C.

****Plat, consolidation:** A plat which aggregates two (2) or more parcels or portions of land into a single lot, development or building site. See also section 26-117.

****Plat, final:** A map of a land subdivision with necessary affidavits, dedications, and acceptances and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land for the recording of real estate interests with the Jefferson County Clerk and Recorder's office. **All final plats shall comply with C.R.S. Article 51, Title 38.**

Plat, land survey: A plat which shows the information developed by a monumented land survey and includes all information required by C.R.S. § 38-51-106.

***Plat, lot line adjustment:** A plat which adjusts the common property line or boundaries between two (2) or more parcels or portions of land, through which an equal or lesser number of lots are created.

Plat, recorded: The official document which is filed with the Jefferson County Clerk Recorder's office.

***Plat, townhouse:** A plat which shows the division of land based on a townhouse ownership structure. Townhouse development is subject to these regulations and requires a subdivision plat.

***Preapplication conference:** A nonbinding, informative meeting between an applicant and staff that is required prior to submitting any plat application, in accordance with section 26-104.

Private drive: A thoroughfare for vehicular traffic which provides access to no more than four (4) dwelling units.

Public street: A dedicated public thoroughfare for vehicular traffic in accordance with the requirements as set forth in the subdivision regulations, the comprehensive plan, the Bicycle and Pedestrian Master Plan, and the Streetscape Design Manual of the City of Wheat Ridge.

***Replat: See resubdivision.**

Resubdivision: The changing of any existing lot, tract, or parcel of any subdivision plat previously recorded with the Jefferson County Clerk and Recorder.

***Right-of-way: An area of land acquired or dedicated for public use and travel. In addition to a roadway, it may also include curbs, gutters, sidewalks, streetscape amenities, traffic signs and signals, lighting, and public utilities.**

***Sketch plan: A rough sketch of a proposed subdivision indicating tentative lot layout and thoroughfare alignment to be used for the purpose of discussion at a preapplication conference.**

Subdivider: Any person, partnership, joint venture, association, corporation, person in a representative capacity, or other legal entity or legal representative who shall participate in any manner in the dividing of land for the purpose, whether immediate or future, of sale or building development.

Subdivision: The **creation or boundary modification of lots, tracts, parcels, or other divisions** of land for the purposes whether immediate or future, of sale or building development, whether agricultural, residential, industrial, commercial or other use. The term shall also include and refer to any division of land previously subdivided or platted but shall not include nor refer to a transaction or transactions which is or are exempt under these regulations.

***Subdivision Improvement Agreement: An agreement between the city and developer that clearly establishes the developer's responsibility to construct any required public improvements for a subdivision, such as street or drainage facilities, and to provide financial security to ensure completion of the improvements.**

Tract: A portion of land that is part of a subdivision which is designated for some purpose other than a building site or lot, sometimes known as an outlot.

***Vacation: The termination of, or termination of interest in, an easement, right-of-way, or public dedication of land by plat or separate instrument.**

****Variance:** A deviation from the strict application of the **development** standards contained in these regulations due to unusual or atypical site conditions or characteristics. **See section 26-115.**

***Waiver: As opposed to a variance, a waiver is a deviation from a design principle or required improvement based on the specific conditions, circumstances or design context of a development proposal.**

Sec. 26-406. – Types of plats.

The current code recognizes several types of subdivision plats. Currently, major and minor plats are defined only in terms of the number of lots involved, whereas most communities use these descriptors to refer to the review process. The amended code below proposes a simplified classification scheme with an expanded class of administrative review (called minor plats).

These regulations recognize a variety of platting circumstances and provide specific requirements and procedures for each. These types of plats are set forth below.

A. Minor plat.

1. Any subdivision, consolidation, or lot line adjustment meeting all of the following criteria:
 - a. Involves 5 or fewer lots or parcels,
 - b. Conforms to all subdivision and zoning regulations and includes no waiver or variance, and
 - c. Does not include the dedication of a public street but may include dedication of additional right-of-way adjacent to an existing public street or for other purposes. See section 26-416.
2. Review and approval of a minor subdivision plat is an administrative process that does not require a public hearing; the review procedure is outlined in section 26-407.B.

B. Major plat.

1. Any subdivision, consolidation, or lot line adjustment that does not meet the definition of a minor plat, including any plat with a right-of-way vacation or the dedication of public streets.
2. Review and approval of a major subdivision plat requires two (2) public hearings; the review procedure is outlined in Section 26-407.C.

Sec. 26-407. – Review procedures.

This section is updated and consolidates the review procedure into one section. For clarity, the language below is consistent with the language used to describe other review procedures in Articles I and III.

All plat applications are subject to the following review procedures.

A. Preapplication conference. Prior to submitting any plat application, the applicant must participate in a preapplication conference, as described in section 26-104. A sketch plan shall be provided to the community development department for review prior to the preapplication conference.

B. Minor plat review procedure.

1. Application filing. An application packet shall be submitted to the community development department. Staff will review the application for completeness in accordance with the submittal requirements in section 26-411. If staff determines the application is not complete, it will be returned to the applicant and not further processed until the incomplete items have been supplied.
2. Review and referral. Upon receipt of a complete application packet the community development department will review the application and refer the application to affected

departments and agencies for review and comment. The applicant must address all comments and resubmit relevant documents.

3. Decision. After the review period, staff will prepare written findings with a recommendation. The community development director shall review the plat and approve, approve with conditions, or deny the plat.

C. Major plat review procedure.

1. Application filing. An application packet shall be submitted to the community development department. Staff will review the application for completeness in accordance with the submittal requirements in section 26-411. If staff determines the application is not complete, it will be returned to the applicant and not further processed until the incomplete items have been supplied.
2. Review and referral. Upon receipt of a complete application packet the community development department shall proceed with the following process:
 - a. Staff will review the application and refer the application to affected departments and agencies for review and comment. The applicant must address all comments and resubmit relevant documents.
 - b. After the review period, staff will give notice of a scheduled public hearing on the application with notice by publication, letter, and site posting in the manner provided in section 26-109.
 - c. Staff will prepare a written report to the planning commission which evaluates the proposal, makes findings, and makes a recommendation.
3. Public hearing.
 - a. Planning commission review. The planning commission shall hold a public hearing to review the plat in the manner provided in section 26-109. The planning commission shall hear and consider any evidence or statement presented by the applicant, city staff, or by any person in attendance at a public hearing. Basing its decision upon the facts presented in the public hearing and in consideration of the regulations and standards of this article and the zoning code, the planning commission shall then make a decision to recommend approval, approval with conditions, or denial of the application.
 - b. City council review. City council shall review and decide upon all major subdivision plats at a public hearing. Upon receipt of the final plat and accompanying recommendations, the city council shall either approve, approve with conditions, deny, or refer the plat back to planning commission for further review. Reasons for the decision shall be stated for the record and the motion shall be made available to the applicant. City council shall base its decision upon all evidence presented, with due consideration of the regulations and standards of this article and the zoning code.

D. Recording approved documents.

1. All approved plats shall be recorded with the Jefferson County Clerk and Recorder. A recordable mylar of the plat and associated recording fees shall be submitted to the community development department within ninety (90) days of final action.
2. A subdivision improvement agreement, if required, shall be executed and recorded with the Jefferson County Clerk and Recorder concurrently with recordation of the final plat. Guarantee shall be provided as required by section 26-419.

3. If public land dedications or easements are not conveyed by final plat, deeds or other documents of conveyance, shall be executed and recorded with the Jefferson County Clerk and Recorder concurrently with recordation of the final plat.
4. Fees in lieu of parkland dedication, if required by section 26-415, shall be paid at time a recordable document is submitted.
5. Fees in lieu of constructing public improvements, if required, shall be paid at time a recordable document is submitted.
6. For lot line adjustments, a deed to transfer title of property from one owner to the other must be recorded along with the plat.
7. If the applicant fails to provide a recordable plat document within ninety (90) days of final action, the approval shall expire. The community development director is authorized to grant, in writing, one (1) or more extensions of time, for period of not more than thirty (30) days each. The extension shall be requested in writing and justifiable cause shown.
8. No building permits shall be issued until the plat is recorded.

E. *Review considerations.* Decisions on subdivision applications are technical and non-discretionary in nature. The regulations and standards of this article shall be used by staff as criteria for review of subdivision plats and by the city council, planning commission, and community development director in judging the merits of the application submitted for review.

F. *Appeal.* Because of the technical and non-discretionary nature of subdivision decisions, an appeal may be filed only when a decision is based in whole or in part on an incorrect finding of compliance with these regulations.

1. A written appeal shall be submitted to the community development department within ten (10) days of a decision.
2. Any appeal of the community development director's decision shall be heard by the planning commission at a public hearing in accordance with section 26-109.
3. Any appeal of the planning commission's decision shall be heard by the city council at a public hearing in accordance with section 26-109.

Sec. 26-408. – Error correction.

This section includes the contents of what is currently section 26-409. The title is changed for clarity, but the content of this section is unchanged.

Occasionally errors may be discovered on a recorded plat, and revisions are necessary which do not affect the character of the subdivision. It is the intent of the city to establish reasonable standards and administrative procedures to correct such errors in order to protect the interests of affected property owners.

A. *Types of errors.* Minor errors which are eligible for administrative correction include, but are not limited to, the following:

1. Typographical and spelling errors or transpositions.
2. Incorrect seals.
3. Incorrect dates.
4. Monumentation incorrectly noted, drawn or missing.

5. Incorrect or missing bearings and/or dimensions on the drawing.
6. Missing or incorrectly displayed arrows or symbols.
7. Street name changes or corrections.
8. Removal of or revisions to utility easements upon approval of all affected utility companies.
9. Additions to or deletions from the legal description or dedicatory language that are not typographical in nature.
10. Incorrect certificates or signatures.
11. Other items or circumstances to be determined by the community development director and/or the director of public works.

B. *Correction procedure.* Corrections approved by the community development director and any affected agencies are made by an affidavit of correction. The affidavit letter is prepared by city staff, and any necessary exhibits are prepared, signed and sealed by the professional land surveyor of record. The affidavit is signed by the owner, land surveyor, community development director, mayor, and city clerk. The affidavit shall reference the title of the original subdivision and be recorded with the Jefferson County Clerk and Recorder's office.

C. In no instance shall additional parcels be created, lot lines adjusted or the general character of the subdivision be altered by an affidavit of correction.

Sec. 26-409. – Resubdivision.

We do not clearly address resubdivisions in the code. This is short but may be helpful to include for clarity.

The redivision of any lot, tract, or parcel or the relocation of public streets within an approved subdivision shall be considered a resubdivision or replat and shall require a new application subject to the procedures described in section 26-407.

Sec. 26-410. – Variances and waivers.

This section expands upon the variance section in the existing code and makes the distinction between variances and waivers.

A. *Review procedure.* Any subdivision application that includes a request for a variance or waiver shall be processed as a major subdivision and reviewed by planning commission and city council.

B. *Variance.* Where a subdivider proposes a plat that does not fully comply with the development standards contained in these regulations or in the zoning code, the subdivider must provide a written variance request as part of the application contents. The variance request shall be considered pursuant to the procedures, review criteria, and voting ratios set forth in sections 26-115 and 2-53 (d).

C. *Waiver.* As opposed to a variance which is a request for relief from the strict application of zoning and development standards, a waiver is a deviation from a design principle or required improvement based on the specific conditions, circumstances or design context of a development proposal. The burden of demonstrating that a waiver is justified falls on the applicant.

1. *Process.* The applicant shall submit to the community development department a letter requesting the waiver and providing justification addressing the review criteria in subsection 2 below. The waiver shall be considered concurrently with review of the final plat. Final action on the request shall be made by city council.
2. *Review criteria.*
 - a. Unique physical circumstances exist that limit the ability of the property to comply with the regulations set forth in this article. Special circumstances or conditions include narrowness, unusual shape, exceptional topographic conditions, floodplains, or other extraordinary situations. Financial difficulties, loss of prospective profits and previously approved exceptions in other subdivisions shall not be considered as special circumstances or conditions; or
 - b. An alternative design exists that will meet the intent of the standards and requirements set forth in this article. The waiver:
 - i. Shall provide for orderly subdivision of land;
 - ii. Shall benefit the public without detriment to public interest or surrounding properties;
 - iii. Shall not be in conflict with the comprehensive plan or the spirit of approved policies and regulations; and
 - iv. Shall not endanger public safety.

Sec. 26-411. – Application contents.

The code does not currently list all contents of a complete application. For consistency, it is formatted similarly to Articles I and III. Where additional detail is needed, it will be provided in an administrative user's guide (eg language for certification blocks and standard notes).

- A. *Application contents.* A complete application for a minor or major plat shall include:
1. Complete and notarized application form.
 2. Appropriate fee.
 3. Proof of ownership, such as copies of deeds or title commitments.
 4. Written authorization from property owner(s) where an agent acts on behalf of the owner(s).
 5. A written description of the request.
 6. Mineral rights certification form.
 7. Commitment for title insurance, if applicable.
 8. Geodetic surveying requirements checklist, completed and signed by surveyor.
 9. Closure sheet for the exterior boundary and all individual lots rounded to the nearest square foot.
 10. Final plat. The application shall include the appropriate number of copies and electronic files, as determined at the pre-application conference. All final plats shall comply with C.R.S. Article 51, Title 38. All form and content requirements shall be met, as described below in subsections B and C.

11. Supplemental reports. In addition to the information contained on the final plat supportive information may be required in the format of hard copies, electronic files, or both. These may include, but are not limited to:
 - a. Trip generation or traffic report;
 - b. Final drainage report and plan;
 - c. Grading, drainage, and erosion control plan;
 - d. Stormwater management plan (SWMP);
 - e. Stormwater operations and maintenance manual (O&M Manual);
 - f. Civil construction plans;
 - g. Subdivision improvement agreement or development covenant agreement;
 - h. Exhibit and deed for partial right-of-way dedications;
 - i. Homeowners association declaration or agreement.

B. *Form of final plat.*

1. Maps of the subdivision plat shall be drawn at not less than a scale of one (1) inch equals one hundred (100) feet with the use of black, waterproof drawing ink.
2. Outer dimensions of the map shall be twenty-four (24) inches by thirty-six (36) inches with the following minimum margins: at least two (2) inches along the narrow left side of each page, at least one (1) inch along the top, and at least one-half ($\frac{1}{2}$) inch on the bottom and right sides.
3. Once a plat is approved, the plat shall be photographically reproduced on four millimeter (.004) thick mylar. No sticky-backs, transfer lettering, or labels shall be used on the mylar. All signatures must be permanent black ink. No ball point pens shall be used.
4. Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet and each sheet shall be numbered (e.g. sheet 1 of 3).

C. *Content of final plat.*

1. Project information.
 - a. Title of document. The title of the subdivision shall not duplicate another subdivision plat title in the records of the Jefferson County Clerk and Recorder's office.
 - b. A surveyed metes and bounds legal description of the platted boundary, with section ties to two (2) section corners in conformance with city geodetic surveying requirements. Coordinates for all section corners, and quarter-section corners, and PHAC points used shall be consistent with the City of Wheat Ridge current city datum, and are available from the public works department.
 - c. Basis of bearing statement, consistent with current city datum.
 - d. Small scale location map, with north arrow and scale.
 - e. Name, address, and phone number of architect, engineer, or surveyor associated with the project.
 - f. Appropriate signature and certification blocks as determined by the community development department.

- g. Signature and seal of the professional land surveyor under whose supervisions the work was performed.
 - h. Standard easement notes as determined by the community development department.
 - i. Dedicatory statement, if applicable.
 - j. Case history box with reference case numbers.
2. Graphical information.
- a. All items on the City of Wheat Ridge geodetic surveying requirements for final plats shall be adhered to and provided on the plat.
 - b. Graphical representation of property boundary consistent with legal description.
 - c. Lot areas and dimensions for each lot, tract, and parcel.
 - d. Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features.
 - i. Distance and bearings shall be on current city datum.
 - ii. All curves shall be circular arcs and shall be defined by all of the following: the radius, central angle, arc length, chord length, and chord bearing.
 - iii. 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 at least one (1) in fifty thousand (50,000).
 - iv. No final plat showing plus or minus dimensions will be approved.
 - v. Total area shall be rounded to the nearest square foot and acreage to four (4) decimal places.
 - e. Monument information, including:
 - i. A description of all monuments that mark the boundaries of the property, both found and set, and a description of all control monuments used in conducting the survey.
 - ii. Right-of-way survey monuments shall be established per City of Wheat Ridge standard specifications for all new roadways or relocation of existing roadways, at all new road right-of-way centerline intersections, center of radius for cul-de-sacs, and at the end of the centerline for dead end streets. Right-of-way survey monuments may also be required at roadway centerline points of curvature, points of reverse or compound curvature, and points of tangency, as determined by the department of public works.
 - iii. Coordinates for all control monuments used shall be consistent with the current city datum.
 - f. Identification of all proposed lots, blocks, and street names. Tentative addresses for each lot shall be provided by the city.
 - g. Identification of existing streets, alleys, parks, and other public facilities.
 - h. Identification of all easements within and abutting the subject property, including the purpose and dimensions. If any easement already of record cannot be definitely

- located, a statement of its existence and its recorded reference shall appear on the plat title sheet.
- i. Identification of adjacent property by subdivision name, lot, and block. If adjoining land is unplatted, it shall be identified as such.
 - j. Identification of zoning within and adjacent to subject property.
 - k. Identification of areas reserved for future public acquisition.
 - l. Extent of 100-year floodplain and floodway, if applicable.
 - m. Legend, north arrow, and scale (not to exceed 1" = 100').

Sec. 26-412. – Subdivision design.

This section consolidates all design considerations into one section, including from the existing code sections 26-414 (design standards), 26-415 (site considerations), 26-417 (easements), and 26-418 (drainage), 26-420 (general subdivision design considerations).

A. General requirements.

1. Name of subdivision. The title of the subdivision shall not duplicate another subdivision plat title in the records of the Jefferson County Clerk and Recorder's office.
2. Compliance with adopted plans. The design of a subdivision shall be consistent with the City of Wheat Ridge Comprehensive Plan and all other adopted plans and policies.
3. Compliance with other provisions. All subdivisions shall comply with applicable zoning, design, and development regulations set forth in Chapter 26.

B. Blocks.

1. Block lengths and widths shall be suitable for the proposed land uses and for the zoning requirements pertaining to minimum lot sizes and dimensions.
2. In blocks over one thousand (1,000) feet long, mid-block pedestrian crosswalks may be required as determined by the department of public works.
3. For property in a mixed use zone district, block size shall also conform with requirements in section 26-1108.B.

C. Lots.

1. All lots shall be developable and capable of being built upon. Where undevelopable tracts are necessary for purposes other than building, the plat should designate the tract and identify the purpose, maintenance, and ownership of such.
2. Lots shall meet all applicable zoning requirements.
3. Through lots shall be avoided, except where essential to provide separation from major arterials.
4. Side lot lines shall be substantially at right angles or radial to street lines when feasible.
5. Reverse corner lots shall be avoided where possible.
6. All lots or parcels created by subdivision shall have access to or frontage upon a public street as required by 26-609.

7. Flag lots are not encouraged but are permitted when they are the most appropriate development option as determined by the community development director. Use of a flag lot design shall meet the following criteria: **These criteria are new. Q: Should the definition of a flag lot be modified such that the lot area excludes the pole portion?**
 - a. The design is consistent with the definition of a flag lot as provided in section 26-123.
 - b. The minimum width of the pole portion abutting a public street is 25 feet.
 - c. Use of a flag lot design is necessary for effective development of land.
 - d. The proposed design does not negatively affect public safety and includes clearly defined access for private use and for emergency service.

D. Transportation and connectivity. Most communities have statements regarding connectivity; this subsection is new.

1. In all subdivisions, the vehicle access and circulation system shall accommodate the safe, efficient, and convenient movement of vehicles, bicycles, pedestrians and transit through the development as well as to and from adjacent properties and land uses.
2. The layout and design of all sidewalks, trails and bicycle paths shall be consistent with the Bicycle and Pedestrian Master Plan and all other adopted plans and policies.
3. The creation of reserve strips adjacent to the right-of-way which may be used to deny access to a street shall not be permitted.
4. See section 26-413 for street design standards.

E. Stormwater, drainage, and floodplains.

1. Drainage, wetland, and floodplain areas shall be preserved in their natural state. No encroachments shall be made on existing channels to preserve the natural and beneficial functions.
2. Where drainage and wetland areas are encroached upon, acceptable mitigation shall be provided.
3. The platting of wetland or floodplain areas that are under federal jurisdiction, shall be subject to applicable federal review.
4. Any subdivision must allow continued historic flow of waters, and provide drainage easements and stormwater facilities for proposed and actual on- and off-site runoff.
5. Any land within the regulated 100-year floodplain or other areas subject to the 100-year flood shall not be platted for development unless adequate provisions are made to provide for, to eliminate, or control flood hazards.
6. For any land within a special flood hazard area, the plat shall include base flood elevations and the limits of the 100-year floodplain and floodway.
7. All subdivision proposals shall be consistent with the need to minimize flood damage as outlined in Article VIII.

F. Slope.

1. Steep land (ten percent slope or greater), unstable land, and areas having inadequate drainage, are problems that may endanger health, life or property. Areas with such problems shall not be subdivided unless acceptable provisions are made by a registered engineer qualified in the particular field which eliminates or controls the problems.

2. Such areas may be included as part of a lot or lots where there is a building portion free of such problems.

G. Easements. The prescriptive widths for utility easements have been removed; they will be included as guidelines in the supplementary handout/user guide with standard notes.

1. Utility. Utility easements shall be designed to minimize the encumbrance to the lot, to minimize maintenance problems, and to avoid anticipated locations of buildings or street trees. For new streets, utilities may be included within the right-of-way as approved by the public works department.
2. Drainage and irrigation facilities. Where a subdivision is traversed by an irrigation ditch or channel, natural creeks or streams, an easement sufficient for drainage and to allow for maintenance of the ditch shall be provided. The width and location of this easement shall be approved by the controlling irrigation ditch company or lateral ditch users. When off-site detention, retention or conveyance is required, a recorded easement from the affected off-site property owner is required at the time of plat recordation.
3. Sidewalk. Sidewalk and landscape easements may be required when the sidewalk or streetscape improvements required by the Streetscape Design Manual or Bicycle and Pedestrian Master Plan are not within a dedicated street right-of-way. The width of this easement shall be determined by the public works department.
4. Access. When it is required to have circulation between adjacent properties, cross access/ingress-egress easements shall be provided on the plat.
5. Other easements may be required by the community development or public works departments.
6. All easement areas shall be maintained by the underlying fee simple property owner or appropriate owners' association. All improvements located in, on, over or under the easements shall be maintained by the applicable and/or designated agency. Other improvements provided by the fee simple property owner shall not interrupt nor in any way interfere with the designated and continued use of the easements and improvements located thereon. The city shall not be responsible for maintenance of easements and/or improvements thereon, unless otherwise approved by the city council.

H. Nonresidential subdivisions. This subsection is new.

1. Applicants shall demonstrate that street, block, and lot layout in a nonresidential subdivision is appropriate for the anticipated uses.
2. Lots proposed for commercial or industrial development shall be suitable in area and dimension for the types of anticipated development.
3. Vehicular access and circulation should be designed to minimize the number of curb cuts, increase connectivity, and encourage shared access points from the street.
4. Nonresidential subdivisions shall designate areas for appropriate cross access easements.

Sec. 26-413. – Street design.

New subheadings provide better organization of this section, but the content is largely unchanged. Dimensional standards for right-of-way widths were outdated and have been removed; the Public Works Department maintains these standards.

A. *General.*

1. Streets shall conform to the requirements set forth in the subdivision regulations, the comprehensive plan, the Bicycle and Pedestrian Master Plan, and the Streetscape Design Manual of the City of Wheat Ridge.
2. All public streets shall be designed and constructed according to the city's current design and construction standards, the Streetscape Design manual, and the Bicycle and Pedestrian Master Plan.
3. Private streets shall not be allowed.
4. Fire apparatus access roads shall comply with the requirements of the appropriate fire protection district.
5. Street names shall conform to the standard metropolitan grid pattern, as outlined in section 26-639.

B. *Access.*

1. For low-density residential subdivisions, all lots shall have frontage on a public street with the exception of those lots served by private drive. Private drives shall have a minimum width of 25 feet, shall be designated by recorded easement, and shall provide access to no more than four (4) dwelling units.
2. Whenever possible, residential lots shall not front on arterials (Class 3) or collectors (Class 4). Access to a freeway, arterial or collector shall occur only at intersections approved by planning commission and city council. Such design shall be reviewed by the director of public works in consultation with the city traffic engineer.
3. Any use providing access to an expressway, arterial, collector, state highway or interstate frontage roads, may require the subdivider to construct and dedicate acceleration and/or deceleration lanes along those streets upon which access is obtained. This requirement shall be determined at the time of subdivision, site plan approval for planned developments, rezoning or building permit review and shall be in accordance with the criteria of section 26-620.

C. *Connectivity.*

1. The proposed street layout shall provide for the continuation of existing, planned or platted streets in the surrounding area unless the city determines that such extension is undesirable for specific reasons of topography or design.
2. Proposed streets shall be extended to the boundary of a subdivision to provide for future connections to adjoining lands.
3. If a dedicated or platted half-street or partial right-of-way is adjoining or parallel to a subdivision boundary, the other half of the street shall be dedicated.

D. *Design.*

1. Right-of-way standards.
 - a. Street and alley rights-of-way shall conform to the city's current standards for width, grade, and design as determined by the public works department.
2. Cul-de-sacs. **Staff is in contact with the fire districts to confirm our requirements for cul-de-sacs are consistent. This section proposes a longer cul-de-sac length—750 feet instead of 500.**

- a. Cul-de-sacs shall have a turnaround right-of-way diameter of at least ninety (90) feet.
 - b. For cul-de-sacs less than two hundred (200) feet in length in a single family area, an alternate design such as a "Y", "T", "L", or loop may be considered and approved by the city if the standard design is not feasible.
 - c. The center of the cul-de-sac bulb shall not be longer than seven hundred fifty (750) feet from center line of the intersecting street.
 - d. Surface drainage on cul-de-sacs shall be directed toward the accompanying street or where necessary to a natural watercourse or natural drainage basin if approved by the director of public works. Drainage easements may be required through abutting lots where no alternative is capable of carrying drainage.
 - e. In the case of temporary cul-de-sacs, the provision for reduced lot widths does not apply. Temporary cul-de-sac eyebrows shall be dedicated as tracts on the subdivision plat. Radial lot lines shall not be allowed on temporary cul-de-sacs.
3. Dead-ends.
- a. Dead-end streets, with the exceptions of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which cases a temporary cul-de-sac bulb shall be required. The "eyebrows" of temporary cul-de-sac bulbs shall be designated as tracts on the plat.
4. Intersections.
- a. Arterial and collector streets shall be aligned to join with planned or existing streets.
 - b. Additional right-of-way or pavement width may be required at intersections. The design of intersections shall be determined by the public works director, or when applicable, the Colorado Department of Transportation.
 - c. Intersections of streets shall be at right angles whenever possible and shall not exceed a variation of ten (10) degrees from a right angle.
 - d. When "T" intersections are used, the center lines of the streets not in alignment must be offset a minimum of three hundred (300) feet when connected to a collector street and one hundred fifty (150) feet when connected to a local street.
5. Reverse ("S") curves.
- a. Reverse curves on arterials shall be joined by a tangent section at least two hundred (200) feet in length. Reverse curves on collectors shall be joined by a tangent section at least one hundred (100) feet in length.
6. Grade and Topography.
- a. Streets shall be designed to bear a reasonable relationship to the topography of the land to the maximum extent feasible.
 - b. The maximum grade by street classification shall not be exceeded; maximum grade is determined by the public works department.

Sec. 26-414. – Dedications and exactions, general provisions.

This general language regarding dedications and exactions has been extracted to its own section because it applies to all types of exactions (streets, parks, easements, etc).

A. *Plat dedications.*

1. Dedications of rights-of-way for public streets, utility easements, drainage and maintenance easements, and other interests required under the provisions of this article shall be made by the subdivider on the plat unless otherwise directed by these regulations or city council.

B. *Expansion or redevelopment of existing developments.*

1. When existing development does not meet current design standards or is insufficient regarding current service capacities, the city shall require dedications or exactions to adequately meet the current standard or need upon development, redevelopment or expansion of these properties.
2. Dedications required at the time of issuance of a building permit for development, redevelopment, expansion or change of use shall include up to a half-width street dedication and/or construction based on street standards in the subdivision regulations, comprehensive plan, Bicycle and Pedestrian Master Plan, and Streetscape Design Manual. These construction improvements could include street reconstruction, paving, curb, gutter, sidewalk or other improvements deemed necessary by the director of public works. See section 5-45.
3. These dedications or exactions can be required at the time of rezoning, subdivision or building permit.

C. *Test of reasonableness.* All exactions required by the City of Wheat Ridge, whether on or off-site, must be reasonable, directly attributable to the project and for a legitimate purpose. Any exaction required must be in the public's and property owner's best interests.

Sec. 26-415. – Dedication of public parks and sites.

This section has been significantly revised and simplified. The goal is to remove subjectivity and negotiation by establishing a defensible dedication and fee requirement that will apply uniformly. Credit for on-site facilities has been removed and the process is streamlined and administrative.

A. *Public parks and trails.*

1. Purpose. Parkland dedication is based on the presumption that new residents create additional demands for and burdens on park, trail, open space, and recreation facilities. Land dedication for park facilities or cash-in-lieu fees are roughly proportional to the demands created by new residential development and contribute to the cost of acquisition and/or improvement of new or existing facilities.
2. Applicability and exemptions. **Q: Should this apply to commercial development?**
 - a. The requirements of this section apply to the following types of development and subdivision:
 - i. Residential subdivisions.
 - ii. Residential development.
 - iii. Replatting or redevelopment that results in an increase in the number of dwelling units.
 - b. Exemptions. Nursing homes and similar confined care or skilled nursing facilities are exempt from the requirements of this section.

3. Process for assessing parkland needs.
 - a. As part of the subdivision review process, an application shall be referred to the parks and recreation director to determine whether land dedication or cash-in-lieu payment is appropriate.
 - b. A determination shall be based on the available land area within the development or subdivision and based on the city's Parks and Recreation Master Plan.
4. Requirement for parkland dedication.
 - a. Land dedication or cash-in-lieu required. The owner/developer of land to which this section applies shall, at the option of the city, either:
 - i. Convey to the city in fee simple no less than seven and one-half (7.5) acres per one thousand (1000) people based on the projected population for the development and determined in accordance with this subsection; or
 - ii. Pay to the city a sum of money based on a per acre fee adopted by resolution of the city council. A cash-in-lieu fee schedule shall be established with consideration for the per acre costs of acquiring and improving park land.
 - b. Population density standards. For the purpose of determining park land dedication requirements, the projected population of a residential development or subdivision shall be based on the following density factors:
 - i. 2.31 persons per single-family (detached or attached) dwelling unit
 - ii. 1.86 persons per multi-family dwelling unit
 - iii. 1.7 persons per dwelling unit within ½-mile of a transit station
 - iv. 1.5 persons per dwelling unit within a development qualifying as intended for, and qualifying as, "housing for older persons" pursuant to the Federal Fair Housing Act (42 U.S.C. Section 3607(b)(2), as amended). In the event that a development intended for "housing for older persons" fails to qualify for such status under the applicable provisions of the Fair Housing Act or pertinent regulations, or having achieved such status thereafter relinquishes or otherwise fails to maintain such status, additional land dedication or cash-in-lieu payment shall be required, based upon the appropriate density factor set forth in this subsection.
 - c. Form and timing of dedication. If land dedication is acceptable, the site shall be free of all liens and encumbrances and shall be conveyed to the City by deed at the time the plat is recorded.
 - d. Form and timing of cash-in-lieu payment. Cash-in-lieu payments shall be paid to the City by check and deposited in the City account to be used solely for the acquisition, development, or improvement of parks, open space, bicycle and pedestrian trails, and related facilities. For subdivisions, payment shall be made at the time the plat is recorded. For development, payment shall be made prior to building permit issuance.
 - e. Parkland dedication or cash-in-lieu requirements are not eligible for a waiver request.
5. Required improvements on park land dedication. The subdivider shall be responsible for the cost of all of the required public improvements for streets abutting park land.

6. Required improvements on existing park land. The city or Jefferson County Open Space shall be responsible for road construction improvements on or adjacent to existing park land or other publicly-owned property.
7. Prior dedications. In the event the land being subdivided has been annexed and as part of the annexation proceedings has been subject to a park land contribution, or a cash payment in lieu thereof, or a dedication for public purposes, then the requirements as herein set forth for land or cash in lieu of land shall be waived.

B. Dedications for other public sites.

1. Dedication of sites for schools, fire stations, greenbelt, and other land which is needed for public use excluding right-of-way dedications for public streets shall be delineated on the final plat with appropriate dedicatory statements on the plat.
2. At the discretion of the public agency requiring the dedication, cash in lieu of land dedication may be required. The cash-in-lieu fee shall be equivalent to the full market value of the acreage required for park land dedication. Value shall be based on anticipated market value after completion of platting and construction of public improvements.
3. If the subdivider refuses to dedicate a requested area, such shall be grounds for denial of the plat.

Sec. 26-416. – Dedication or reservation of public streets.

In the current code, information regarding street dedication is difficult to locate and there is no discussion of right-of-way reservations. This new section provides clear information and explains the difference between a full and partial ROW dedication particularly as it affects the review process.

A. Dedication. Street dedication requirements shall be based on the comprehensive plan, the Bicycle and Pedestrian Master Plan, and the Streetscape Design Manual of the City of Wheat Ridge.

1. Full. Dedication of a public street shall be by plat and shall be processed as a major subdivision.
2. Partial. A partial right-of-way dedication is acceptable if it is required to complete a substandard street already in existence.
 - a. Half streets. For streets on the perimeter of a subdivision, the subdivider may be permitted to dedicate sufficient right-of-way to provide an adequate street width for two (2) lanes of traffic in accordance with the city's standards and specifications. In such instances, the subdivider shall be required to construct one-half of the street width plus six (6) feet or other design as determined and approved by public works department. If on street parking is desired, more right-of-way will be required.
 - b. Minor subdivision. Where a partial right-of-way dedication is required as part of a minor subdivision application, the right-of-way may be dedicated to the City by separate document. On the plat, the right-of-way to be designated shall be labeled as a tract, and a plat note shall indicate that the dedication of the tract will be by city council resolution. An exhibit and deed shall be prepared, signed and sealed by the professional land surveyor of record and submitted to the community development department as part of the application packet.

B. *Reservation.* When a development parcel is adjacent to a public street for which widening is not imminent but is contemplated in future design plans, a right-of-way reservation shall be denoted on the plat.

1. By reserving right-of-way, the subdivider acknowledges there may be a future reduction in the usable area of the site in connection with a future roadway widening. Buildings and other permanent improvements are strongly discouraged within a reservation area.
2. Land reserved for future right-of-way shall not be counted in fulfilling the minimum lot area or other development standards of this chapter.

Sec. 26-417. – Vacation of right-of-way and removal of easements.

This is pulled out as a separate section for clarity.

A. *Right-of-way vacation.*

1. Any subdivision application including a request for right-of-way vacation shall be processed as a major subdivision in accordance with sections 26-407 and 26-118.
2. Right-of-way vacations by plat shall be noted as being “hereby vacated.”

B. *Easement removal.*

1. Easement vacations by plat shall be noted as being “hereby vacated.”
2. Easement vacations may be processed as error correction 26-408. The applicant shall include written and notarized approval from affected property owners and utility agencies.

C. Separate sheets for vacation and rededication may be necessary for clarity.

Sec. 26-418. – Required public improvements.

In the current code section 26-412 provides a generic list of public improvements. This section is updated to include more detail regarding the triggers related to certain types of improvements.

A. *Applicability.* Provision of public improvements may be required as a condition of approval depending on the type of subdivision or plat. Typically no public improvements are required for a lot line or consolidation plat, however a dedication or reservation may be required and public improvements may be associated with subsequent building permits; see section 5-45. For subdivisions that create new lots, surface and utility improvements are required.

B. *Surface improvements.* The following improvements shall be provided by the subdivider to the current city standard as determined by the public works department:

1. Paved streets.
2. Paved alleys (when platted).
3. Curbs and gutters. Concrete curbs and gutters shall be provided for all new streets and adjacent to existing streets that are designated as arterials, collectors, or bicycle and pedestrian routes. Curb and gutter may also be required on existing local streets to accommodate drainage.
4. Sidewalks. Sidewalks may be required for any subdivision that creates new development lots. Sidewalks will not be required on existing local streets that are not designated bicycle and pedestrian routes.

5. Streetscape improvements. The subdivider shall be responsible for installing improvements in accordance with the Bicycle and Pedestrian Master Plan and Streetscape Design Manual, if applicable. New streets including arterials, collectors, bicycle and pedestrian routes, or local roads serving mixed use or commercial development will be subject to the Streetscape Design Manual. For new development along existing streets, streetscape improvements may be associated with a subsequent building permit.
6. Traffic control devices including, but not limited to street name signs and signals.
7. Bridges, storm sewers, or open drainage channels and related facilities.
8. Erosion control measures. The subdivider shall be responsible for installing erosion control measures based on the current Urban Drainage and Flood Control District Criteria Manual.
9. Installation of landscaping in areas held in common by a subdivision's homeowners association.
10. Other improvements as specified by the director of public works or other reviewing agencies.

C. *Monuments.* The following monumentation shall be provided by the subdivider in compliance with Colorado State Statutes and with current city standard as determined by the public works department:

1. Permanent survey monuments, range points, and lot pins. Range boxes may be acquired from the city.
2. Monumentation of right-of-way. City will furnish hardware.

D. *Utilities.*

1. All new development shall be served by public water and sanitary sewer lines through the appropriate district.
2. The following utilities shall be installed by the subdivider to the current city standard subject to the plans, specifications, and approval of the public works department or other reviewing agencies:
 - a. Water lines.
 - b. Sanitary sewer lines.
 - c. Storm drainage improvements, storm sewers and open drainage channels where required.
 - d. Fire hydrants. Fire hydrant location, spacing and fire flow shall be determined by the fire chief of the local fire district with due consideration of their possible use as may be reflected by the hazards of the locality.
 - e. Electric and natural gas lines.
 - f. Telephone, cable, and similar utility services.
 - g. Street lights.
3. The placement of utilities shall be as follows:
 - a. All new utilities shall be placed underground.

- b. Certain components may be placed above ground, including transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground utilities. Electric transmission and distribution feeder lines and communication long distance trunk and feeder lines and necessary appurtenances thereto may be placed above ground. Such above ground facilities shall be placed within easements or public rights-of-way provided for particular facilities.

E. *Other improvements.* The subdivider is responsible for installing other improvements required by the city, utility or special districts.

F. *Compliance with city standards.*

1. No public improvements shall be made until all engineering plans and specifications have been reviewed and approved by the department of public works and all applicable permits have been obtained.
2. Engineering specifications for all improvements are to be determined by the public works department.

G. *As-built plans upon completion.*

1. After installation of public improvements, the owner shall provide to the city a copy of “as-built” plans on the current City of Wheat Ridge datum showing the public improvements and specifications in their as-built locations.
2. As-built drawings shall be prepared and certified by a registered professional engineer in accordance with the requirements of Wheat Ridge and be submitted prior to the city's issuance of the first certificate of occupancy in the subdivision.
3. As-built drawings shall be provided in hard copy and electronic format. Hard copy drawings shall be signed and sealed by the engineer of record. Electronic files shall be an appropriate file format as determined by the public works department.
4. Upon completion of on- or off-site drainage improvements, the engineer shall provide to the city a letter of certification stating that the various improvements as defined in the approved final drainage report and plan have been accurately surveyed to confirm their construction is in accordance with these documents. The letter of certification shall be written and stamped by the registered engineer who prepared the final drainage report, and shall then be submitted for review and approval by the city prior to the issuance of a certificate of occupancy.

Sec. 26-419. – Agreement and financial security for required improvements.

Parts of this section are reorganized or reworded for clarity, but the content remains unchanged.

Prior to recordation of a final plat, the applicant shall enter into an agreement with the City that clearly establishes the subdivider's responsibility to construct any required public improvements for a subdivision.

A. *Subdivision improvement agreement.*

1. The community development department and the subdivider shall prepare an agreement in a format provided by the city which details the obligations of the city and the subdivider, the estimated costs of public improvements to the property, and the amount of letter of credit which is to be supplied by the subdivider.

2. A subdivision improvement agreement, if required by section 26-418 shall be executed and recorded with the Jefferson County Clerk and Recorder concurrently with recordation of the final plat.
3. After final action on the final plat, the agreement shall be executed and recorded with the Jefferson County Clerk and Recorder concurrently with recordation of the final plat.

B. Requirement for financial security.

1. With the subdivision improvement agreement, a letter of credit acceptable to the city must be furnished by the subdivider to ensure the installation and construction of the required improvements in a manner approved by the city and in a reasonable period of time.
2. The amount of the letter of credit shall be based upon an itemized cost estimate prepared by the developer and approved by the city.
3. The minimum guarantee shall be for one (1) clearly defined block or one (1) filing of the subdivided area. Each filing shall be clearly defined on the plat and be addressed in the agreement.
4. Form of guarantee:
 - a. The guarantee shall be for one hundred twenty-five (125) percent of the estimated costs of the required public improvements as computed by the subdivider and approved by the director of public works and/or the community development director.
 - b. No security drawn upon a bank or financial institution having any relationship to the subdivider or any principal, director, officer or shareholder of the subdivider (other than the relationship of depositor or checking account holder), shall be acceptable. The city may reject any security for any reason.
 - c. The guarantee shall be in the form of an irrevocable letter of credit in a form satisfactory to the city attorney which guarantees the city that the financial backing is available so that improvements will in fact be completed and paid for.
 - i. The letter of credit may be from any financially responsible lender that is not directly or indirectly owned or controlled by the subdivider.
 - ii. The letter of credit shall be in effect for a minimum period of one (1) year and shall be renewable for subsequent one-year periods at the city's sole discretion.
 - iii. The letter of credit shall be such that the city is assured that the subdivider has funds committed to the amount and for the purpose stated in the agreement and that in the event of a default by the subdivider, the city shall have available to it, upon demand, funds necessary to construct any/or all of the public improvements and pay for the same.
 - iv. Guarantee shall be held in perpetuity until released by the director of public works.
 - v. The city may release portions of the letter of credit in increments of no less than twenty-five (25) at the discretion of the director of public works upon written request of the subdivider. In such case, an amended letter of credit shall be required.

C. Development covenant/exception to guarantee.

1. Where prior construction of required improvements under section 26-418 would be impractical and if it is recommended by the director of public works and the community development director, a development covenant may be entered into by the City of Wheat Ridge and the owner.
2. The development covenant shall be signed by the director of public works and attested by the city clerk and shall be recorded in the office of the Jefferson County Clerk and Recorder.
3. The development covenant shall be in a format provided by the department of public works.

D. *Violation of agreement.* In the event the subdivider fails to complete or pay for the improvements outlined in the subdivision improvement agreement or development covenant or commits any other breach of the terms of the agreement, the city may enforce the agreement by any suit in law or equity. The city shall have the power to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a final plat and all required improvements for such subdivided land has been approved by the city.

Sec. 26-420. – Forms.

This section is updated for clarity.

- A. The community development director shall maintain forms of signature blocks, plat notes and certifications for use in connection with approved plats.
- B. The community development director shall maintain a fee schedule for the processing of subdivision applications. Fees will be assessed in accordance with section 26-108 and the established schedule.

**CITY OF WHEAT RIDGE PLANNING COMMISSION
RESOLUTION NO. 01
Series of 2014**

**A RESOLUTION ESTABLISHING A DESIGNATED PUBLIC
PLACE FOR THE POSTING OF MEETING NOTICES AS
REQUIRED BY THE COLORADO OPEN MEETINGS LAW**

WHEREAS, the Planning Commission of the City of Wheat Ridge, Colorado, deems it in the public interest to provide full and timely notice of all of its meetings; and

WHEREAS, the Colorado state legislature amended the Colorado Open Meetings Laws, Section 24-6-401, *et seq.*, C.R.S. to require all “local public bodies” subject to the requirements of the law to annually designate at the local public body’s first regular meeting of each calendar year, the place for posting notices of public hearings no less than twenty-four hours prior to the holding of the meeting; and

WHEREAS, “local public body” is defined by Section 24-6-402(1)(a) to include “any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body”.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Wheat Ridge, Colorado, that:

1. The lobby of the Municipal Building and the City’s website shall constitute the designated public place for the posting of meeting notices as required by the Colorado Open Meetings Law.
2. The Community Development Director or his designee shall be responsible for posting the required notices no later than twenty-four (24) hours prior to the holding of the meeting.
3. All meeting notices shall include specific agenda information, where possible.

DONE AND RESOLVED THIS _____ day of _____, 2014.

Chair, Planning Commission

ATTEST:

Secretary to the Planning Commission