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### **Contributors**

**Tom Huerkamp**, *FORMER TRUSTEE*  
**Douglas Speedie**, *FORMER PLANNING COMMISSIONER*  
**Polly Proctor**, *DEPUTY CLERK/PLANNING COMMISSION STAFF*  
**Mike England**, *GIS/WATER DEPARTMENT STAFF*  
**Bruce Stanley**, *BUILDING OFFICIAL STAFF*  
**Dan Scott**, *FORMER BUILDING OFFICIAL STAFF*

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## TITLE 7

### SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

#### CHAPTERS:

- 7.04 GENERAL PROVISIONS
- 7.08 DEFINITIONS
- 7.12 SUBDIVISION AND LAND IMPROVEMENT PROCEDURES
- 7.16 REQUIRED IMPROVEMENTS AND SURETY FOR COMPLETION
- 7.20 MINIMUM DESIGN AND CONSTRUCTION STANDARDS AND PROVISIONS FOR MAINTENANCE OF IMPROVEMENTS

#### **CHAPTER 7.04** **GENERAL PROVISIONS**

#### Sections:

- 7.04.010 Title.
- 7.04.020 Authority.
- 7.04.030 Jurisdiction.
- 7.04.040 Enforcement.
- 7.04.050 Statement of Purpose.
- 7.04.060 Severability.

7.04.010 Title. An Ordinance of the Town of Orchard City, establishing rules, regulations and standards governing the subdivision of land within the Town, setting forth procedures to be followed by the Planning Commission and Town Board in applying the provisions of these Regulations, and setting forth penalties for the violations thereof. These Regulations shall be known and may be cited as the “Subdivision and Land Improvement Regulations of the Town of Orchard City.” The Table of Contents and Appendices attached hereto are stand-alone documents that may be revised by the proper authority from time to time and are included for convenient reference.

7.04.020 Authority. The Town is enabled by law to control the Subdivision of land within its corporate boundaries under Article 23, Title 31 of the Colorado Revised Statutes. The Planning Commission of the Town is vested with the powers and duties to develop and adopt Subdivision Regulations pursuant to C.R.S. §31-23-214.

7.04.030 Jurisdiction. These Subdivision and Land Improvement Regulations apply to parcels located within the corporate limits of the Town.

7.04.040      Enforcement.

- A.      Whoever transfers or sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of or by use of a Plat before such Plat has been approved and recorded or filed in the office of the Delta County Clerk and Recorder shall pay a penalty as provided for in item C. of this section. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring does not exempt the transaction from such penalties or from the remedies provided in this Section. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.
- B.      It is unlawful to erect, construct, reconstruct, use, or alter any building or structure or to use any land in violation of these Subdivision and Land Improvement Regulations.
- C.      It is unlawful to violate any provisions of these Subdivision and Land Improvement Regulations or any provision of a Subdivision Improvements Agreement approved pursuant to these Subdivision and Land Improvement Regulations, and any person convicted of such a violation may be fined an amount not to exceed one thousand dollars (\$1,000.00). A separate offense shall be deemed committed during each day during which any violation continues.
- D.      No water tap permit will be issued for development of property that violates these Subdivision and Land Improvement Regulations or a Subdivision Improvements Agreement approved pursuant to these Regulations and which violation has not been remedied in a manner satisfactory to the Town.
- E.      The Town may bring an action in a court of competent jurisdiction to enjoin any violation of these Subdivision and Land Improvement Regulations or of a Subdivision Improvements Agreement entered into pursuant to these Subdivision and Land Improvement Regulations.

7.04.050      Statement of Purposes. The purposes of the Subdivision and Land Improvement Regulations are to:

- A.      Promote and protect **public health, safety and welfare.**
- B.      Ensure that new development bears its fair share of the costs of providing improvements and services resulting from new Land Use.
- C.      Set forth uniform procedures and standards for the handling of all Land Use.

7.04.060      Severability. If any one (1) or more sections or provisions of these Subdivision and Land Improvement Regulations are judicially determined invalid or unenforceable, such determination does not affect, impair, or invalidate the remaining sections or provisions, the intention being that the sections or provisions of these Regulations are severable.

**CHAPTER 7.08**  
**DEFINITIONS**

Sections:

7.08.005	Annexation.
7.08.010	Boundary Adjustment.
7.08.015	Buildable.
7.08.020	Cul-de-Sac.
7.08.025	Designated Agent.
7.08.030	Disconnection.
7.08.035	Driveway.
7.08.040	Easement.
7.08.045	Final Plat.
7.08.050	Hazards.
7.08.055	Land Improvement.
7.08.060	Line Extension.
7.08.065	Lot.
7.08.070	Lot Line.
7.08.075	Person.
7.08.080	Phased Development.
7.08.085	Plat.
7.08.090	Preliminary Plan.
7.08.095	Public.
7.08.100	Replat.
7.08.105	Re-Subdivision.
7.08.110	Right-of-Way.
7.08.115	Roads.
7.08.120	Subdivider.
7.08.125	Subdivision.
7.08.130	Subdivision Improvements Agreement.
7.08.135	Town.
7.08.140	Variance.

For the purposes of these Subdivision and Land Improvement Regulations, the following definitions apply:

7.08.005 Annexation. This procedure is for the purpose of detaching property from Delta County and incorporating said property to within the Town limits. This procedure is in accordance with the Colorado Municipal Annexation Act of 1965 CRS Title 31, Article 12, as amended, in alignment with Delta County requirements and by ordinance of the Town of Orchard City.

7.08.010 Boundary Adjustment. A lot line adjustment between two (2) or more adjacent properties not within a platted subdivision where the land taken from one (1) property is added to an adjacent property.

7.08.015 Buildable. Suitable for the construction of any structure and for supporting an On-site Wastewater Treatment System (OWTS).

7.08.020 Cul-de-Sac. See Appendix B - Road Specifications of the Town of Orchard City.

7.08.025 Designated Agent. Any person designated by the property owner(s) to act on behalf of the property owner(s) during the process of submitting an application for a Subdivision of land, amendment of existing plats of subdivided land or boundary adjustments. Such designation must be in writing and dated, with the notarized signature(s) of the property owner(s).

7.08.030 Disconnection. This procedure is for the purpose of detaching property from the Town limits and relinquishing to Delta County. This is a legislative act which does not require a vote. This procedure is in accordance with the Colorado Municipal Annexation Act of 1965 CRS Title 31, Article 12, as amended, in alignment with Delta County requirements and by ordinance of the Town of Orchard City.

7.08.035 Driveway. See Appendix B - Road Specifications of the Town of Orchard City.

7.08.040 Easement. That portion of land or property (1) reserved for present or future use by a person or agency other than the legal owner of the property for a specific purpose, either temporary or permanent; or (2) any portion of land used for or dedicated to utilities and/or their installation and/or maintenance.

7.08.045 Final Plat. The final map of a property showing the boundaries and location of lots, streets, easements, and any other information as required in Chapter 7.12 of these Regulations.

7.08.050 Hazards. All areas of state, federal, and local interest, i.e., flood plains, geological risk soils, etc.

7.08.055 Land Improvement. 1) An action to any parcel of land within Town limits that is subject to permitting for the purpose of building development or utility construction; 2) any alteration or enhancement that makes the land more usable; or 3) a change in land use. All improvements on parcels of land must comply with the conditions, limitations, restrictions, standards and specifications stated in Section 7 of the Orchard City municipal code.

7.08.060 Line Extension. Any extension, replacement and/or upgrade of a Town main water line as provided for in the Municipal Utilities of Title 5 of the Municipal Code of the Town of Orchard City and which are incorporated into Appendices C and G of these Subdivision and Land Improvement Regulations.

7.08.065 Lot. A portion or parcel of land considered as a unit. The term 'lot' may be used interchangeably with 'parcel', 'site', 'tract', any property or other similar term.

7.08.070 Lot Line. A line dividing one (1) property from another or from a street or any public place.

7.08.075 Person. Any individual, corporation, partnership, or other legal entity.

7.08.080 Phased Development. Subdivisions with ten (10) or more lots may be eligible for phased development which would allow the sale of lots after an approved level of improvements has been completed in accordance with a schedule set forth in the Subdivision Improvements Agreement. In no case shall the surety for the Agreement be released until 1) all improvements have been completed and 2) accepted by the Town and 3) the required warranty period has expired.

7.08.085 Plat. A map of a parcel of land and everything on it including, but not limited to, roads, boundaries, and real property.

7.08.090 Preliminary Plan. A plat as described in Chapter 7.12 of these regulations.

7.08.095 Public. Any property, easement, right-of-way, or any portion thereof that is maintained, accessed or controlled by the Town or other government entities having appropriate jurisdiction.

7.08.100 Replat. The 1) vacation of a lot line within an existing subdivision; 2) vacation of a right-of-way, easement or portion thereof within an existing subdivision; 3) vacation of a plat without rights-of-way or easements; 4) incorporation of an adjoining rural parcel into an existing subdivision; 5) redesign of streets, blocks, lots or easements to any existing subdivision or recorded plat; 6) adjustment of lot lines which results in the reconfiguration of the original plat.

7.08.105 Re-Subdivision. The division of a lot, tract, or parcel of land, within a platted subdivision, into two (2) or more lots, plats, sites, or other divisions of land.

7.08.110 Right-of-Way. Describes the right of the public (1) to use the highways, streets, sidewalks or alleys; or (2) allows the public safe access through private land to public areas on a particular path.

7.08.115 Roads. See Appendix B - Road Specifications of the Town of Orchard City

7.08.120 Subdivider. Any person, who is the property owner or his duly designated agent, engaged in the planning, development and sale of a Subdivision or subdivided land.

7.08.125 Subdivision. The division of a lot, tract, or parcel of land, not within a platted subdivision, into two (2) or more buildable lots, plats, sites, or other divisions of land of not less than one (1) acre each.



7.08.130 Subdivision Improvements Agreement. An agreement which shall be required by the Town to assure the construction of improvements required by these Regulations and the approved Subdivision Plat and plans, and shall include performance bonds or irrevocable letter of credit, payable to the Town through final date of the required warranty period. (See Appendix F)

7.08.135 Town. Referring to 1) the incorporated limits of Orchard City; or 2) any legal representative(s) or legal decision-maker(s) having proper authorization and jurisdiction to cause or respond to an action on behalf of Orchard City.

7.08.140 Variance. A relaxation or waiver of a standard in a land use regulation or requirement. A variance is obtained by application and proof of hardship.

**CHAPTER 7.12**  
**SUBDIVISION AND LAND IMPROVEMENT PROCEDURES**

**Sections:**

- 7.12.020 Preliminary Plan.
- 7.12.030 Final Plat.
- 7.12.040 Amendment of Plats.
- 7.12.050 Boundary Adjustment.
- 7.12.060 Replat.
- 7.12.070 Disconnection.
- 7.12.080 Annexation.

The Subdivision or Re-Subdivision of land shall be accomplished in accordance with the following procedures:

7.12.020 Preliminary Plan. The first required step of the Subdivision review process is the purchase of the Subdivision and Land Improvement Regulations. The Subdivider must prepare and submit to the Town Hall a completed application with all appropriate documents and fees. All documents must be submitted at least thirty-five (35) days prior to the regular meeting with the Planning Commission at which the Preliminary Plan is scheduled for a Public Hearing and formal review. All documents and information will be available to the public fifteen (15) days before the scheduled Public Hearing.

- A. The submitted information must contain the following items:
  - 1. The Subdivider must submit an application stating the name, address and telephone number of the contact person if different from the owner. The ownership information must be supported by satisfactory evidence of title in the form of either:
    - a. A current title opinion of an attorney licensed to practice law in the State of Colorado. Such evidence shall be deemed current if it shows title as of a date within thirty-five (35) days of submission of the Preliminary Plan; **or**
    - b. A current Title Insurance O & E Report (*Ownership and Encumbrance*) or Title Commitment issued by a title insurance company licensed to do business in the State of Colorado. Such evidence shall be deemed current if it shows title as of a date within thirty-five (35) days of submission of the Preliminary Plan. Title evidence must cover the entire tract to be subdivided.
  - 2. A list of the names, physical addresses and mailing addresses if different, to all of the following:
    - a. Surface owners, mineral owners and lessees of mineral owners as their names appear upon the plats or records in the Delta County Clerk and Recorder's Office;

- b. Affected utility companies who will be required to respond before the hearing date;
- c. Private ditch companies, both incorporated and not incorporated;
- d. Property owners within five hundred feet (500') of any point of the property involved in the project;
- e. Delta County Fire Protection District #3;

Addresses must be those most recently listed in a directory of public record, or as they appear on the tax records of Delta County. All mailings will be sent certified mail by the Town at least fifteen (15) days prior to the Planning Commission Public Hearing/preliminary review.

If the proposed Subdivision is located adjacent to a State Highway, the Town of Orchard City shall send notice of the Public Hearing by certified mail to the Colorado Department of Transportation, along with a copy of the plat, and surrounding ownership information.

3. Applicant must provide and submit two (2) scaled drawings of the proposed Subdivision on twenty-four inch by thirty-six inch (24" x 36") paper, with a scale of at least one inch equals one hundred feet (1" = 100'), one (1) electronic copy (emailed or CD), and one (1) reproducible copy that is eleven inches by seventeen inches (11" x 17"), marked Preliminary Plan, and all supporting documents to the Town at least thirty-five (35) days prior to the meeting of the Planning Commission at which the Subdivider wishes to have the Plan considered. The Preliminary Plan must:
  - a. Show dimensions and angles of all lot lines;
  - b. Contain the name of the proposed Subdivision. If the parcel(s) is/are located in a platted Subdivision, the platted Subdivision name must be included.
  - c. Include a property description, location (nearest intersection) and acreage. This must include the complete legal property description (often the legal description in the County Assessor's records) and the Delta County Assessor's parcel map number. If the parcel(s) involved are in a previously recorded Subdivision, a copy of the Plat of the prior Subdivision must be included. If a Subdivision Improvements Agreement or any other requirements by the Town of Orchard City were required in the prior Subdivision, proof of completion or a statement of current status must be included.

- d. Include all accesses and dimensions; all existing structures; all abandoned, proposed or existing on-site wastewater treatment systems and leach fields known; identify and show all other hazards and “no-build” zone(s) known.
- e. Include a map showing prominent topographical features and water features, including irrigation and drain ditches and existing improvements.
- f. Show elevation contours at two-foot (2’) intervals if the Subdivision has public roads or unusual topography is of concern.
- g. Include all easements, roads, rights-of-way, specifying location, dimensions and intended purpose or use, any open or piped ditches and domestic waterways, existing and proposed, together with evidence that easements provided for electricity, telephone, cable television, other communications and gas utilities are acceptable to the utility companies, that will serve the property.
  - i. Centerline for all existing roads must be shown on the Preliminary Plan with appropriate right-of-way footage.
  - ii. All newly created road(s) must be named on the Plat and the parcel(s) having access from said road(s) must be specified. All new street or road names will be contingent upon approval of the Planning Commission, Town Board of Trustees and Delta County’s E-911 Coordinator.
  - iii. The Plat shall also contain a covenant running with the land, granting the use and maintenance of all Private Roads to the owners of the lots served by said road(s).
- h. Where the property to be subdivided is subscribed for irrigation water under the Orchard City Irrigation District (OCID), show the amount of water available under subscription, the acreage of each lot to be served, the proposed allocation of such water among the lots and the proposed means of distribution of the water, and appropriate diversion structures and flow measuring devices to each lot and the handling of waste water along with an engineer’s certificate that the proposed irrigation distribution plan will flow and provide the water allocated. The total OCID water rights allocated must be equal to the total OCID water available to the original property. Owner is required to provide written evidence that the Board of Directors of OCID has approved the proposed allocation of irrigation water. If no irrigation water is currently allocated, the Subdivision is developed as a “dry” Subdivision and noted on the Final Plat (see 7.12.030(A) (5)).

- i. Show sufficient easements for ditches or pipelines, together with the right of ingress or egress for maintenance purposes, to transfer irrigation water to each lot for which irrigation water is to be available. The Subdivider's engineer shall certify that he has taken the necessary measures to ensure that the gradients of any such easements are adequate to deliver the irrigation water and properly dispose of waste water.
  - j. Include notes as described in 7.12.030(A) (5) and Appendix A.
4. Provide a soils capability report, including U.S. Soil Conservation Service review. Contact the Natural Resources Conservation Service. Any Colorado Geological Survey CGS Land Use Review shall be in accordance with and subject to current Colorado state statutes.
5. A statement indicating the source of the domestic water supply if source is other than Orchard City domestic water; and utility layout.
6. A fire protection plan for submission to the local fire protection district that meets or exceeds the National Fire Prevention Association code, with a copy submitted to the Town of Orchard City.
7. Fees shall be assessed as set forth in Appendix E - Schedule of Fees.
8. The Planning Commission or the Board of Trustees may ask the applicant for additional information, studies, or reports during the review process. Requested information will be at the expense and responsibility of the applicant. Failure to provide such requested materials may cause a delay in the process or possible denial of the development.
9. The developer may be required to provide an estimated number of vehicles, including types and weight, using the Town roads in the area surrounding the proposed subdivision.
10. Indicate if there is to be any outside lighting and how it will be installed to preclude and eliminate light pollution to the night sky.
11. If noxious weeds are present on the property the property owner will be required to file and implement a plan to control such weeds.
12. It is the responsibility of the developer to determine if any portion of the property lies within a floodplain. Developments within a floodplain must comply with the Town of Orchard City and Colorado Water Conservation Board/FEMA regulations.

13. If the development has more than 20,000 square feet of impervious surface or a cumulative total of more than one acre of disturbed land which has a slope greater than 8%, a storm water, drainage, and erosion control plan prepared by a Registered Professional Engineer or qualified hydro geologist will be required to be submitted and implemented.
- B. Once an acceptable Preliminary Plan has been submitted in accordance with these Regulations, and before formal consideration of the Preliminary Plan, staff will conduct an on-site inspection of the property. A written report completed to document findings at the on-site inspection will be included in the Subdivision file. It is mandatory that the property owner, or his duly designated agent, be present at the on-site inspection. No formal consideration will take place until such an inspection has been completed. Planning Commission members may inspect the property on their own with no property owner or any other party of interest present.
  - C. Notice of the Public Hearing must be posted by the Town on the subject property for at least fifteen (15) days before the scheduled Public Hearing.
  - D. The Planning Commission shall make its comments and suggestions concerning the Preliminary Plan, improvement plan and other submitted information at the Public Hearing, and refer the same to the Town Board, which shall make its review and recommendations. The owner/agent must be present for the Public Hearing. If owner/agent is unable to attend, the Town may require additional fees for re-notification by certified mail.

7.12.030 Final Plat. No subdivided lot can be sold or conveyed until: (i) a Final Plat has been approved and recorded in accordance with this Subsection; (ii) there is full compliance with a Subdivision Improvements Agreement; and (iii) there is full compliance with any other conditions imposed by the Board of Trustees. The Subdivision must be developed in conformity with the Final Plat and in accordance with any directives of the Town Board. No Final Plat may be submitted for final approval more than one (1) year after approval of the Preliminary Plan by the Town Board. The Final Plat and all supporting documents and fees must be submitted to the Town Hall at least fifteen (15) days prior to the meeting of the Planning Commission at which the Subdivider wishes to have the Final Plat considered.

- A. The Final Plat must be submitted to the Town Hall as follows: One (1) original Mylar on twenty-four inch by thirty-six inch (24" x 36") media, one (1) paper copy of the Mylar, one (1) electronic copy (preferably on CD), and one (1) reproducible copy that is eleven inches by seventeen inches (11" x 17") and be drawn to a scale of at least one inch equals one hundred feet (1" = 100'). In addition to the information required on the Preliminary Plan, the Final Plat must also:
  1. Show the acreage of the property located within Orchard City Irrigation District (OCID).

2. Show the total number of lots and lot numbers or letters.
3. The basis for bearing and direction of true North must be shown on the Final Plat.
4. Include sufficient data to easily determine and reproduce on the ground, the locations, bearings and length of every road including the arc or chord distance of curved lines. All dimensions shall be to the nearest one-hundredth of a foot (.01') and all angles to the nearest minute.
5. Include these notes on the face of the Final Plat:

**Note:** "This Subdivision is located in an agricultural and/or livestock habitat area. Normal agricultural and/or livestock management activities will continue unabated in the surrounding area and must not be a basis for a lawsuit, except in cases of proven gross negligence."

**Note:** "This subdivision shall not be re-subdivided for twenty-four (24) months."

Note (when applicable): "This Subdivision or a portion thereof is located in a state, federal and local hazards area."

**Note:** "Setbacks must be measured from the most extended point of any overhang on any building. All buildings to be erected must be set back a minimum of forty-five feet (45') from the center line of all right-of-way, except the setback on lots abutting cul-de-sacs shall be a minimum of twenty feet (20') from the perimeter of the cul-de-sac right-of-way or any easement. All buildings must be set back a minimum of ten feet (10') from all other lot lines. All buildings, or any structures and/or landscaping (except grass), must be setback a minimum of twenty feet (20') from the centerline of any irrigation water conveyance for which there is an easement."

**Note:** "Ditch companies have the right to maintain their ditches and the ditch easements in this subdivision."

**Note** (when applicable): "This subdivision is developed as a "dry" subdivision."

**Note:** "An on-site wastewater treatment system approved by the Delta County Health Department is required for each lot in this subdivision."

**Note:** "All roads shall be open to public access. All roads constructed and approved to main road standards shall be maintained by the Town. All roads constructed to private or intermediate standards must be maintained by all property owner(s) who access from said road."

**SPECIEY:**

**Note:** “The domestic waterline is owned and maintained by the Town of Orchard City” **OR**

**Note:** “The domestic waterline is privately owned and maintained by the property owner(s) who are tapped into said waterline.”

6. Include a certificate of dedication for streets, roads, easements, rights-of-way or other property dedicated for public use as shown on the Plat executed and acknowledged before a notary public by all surface owners, mineral owners and lien holders on the face of the Plat. (See Appendix A – Form of Certificates to Appear on Final Plat)
  7. Include a certificate by a registered land surveyor, attesting to the accuracy of the survey and Plat, and placement of monuments. (See Appendix A – Form of Certificates to Appear on Final Plat)
  8. Include separate certificates of approval of the Plat for the Planning Commission and the Town Board. (See Appendix A – Form of Certificates to Appear on Final Plat)
- B. The following items must be submitted with the Final Plat:
1. An update of the evidence of title submitted with the Preliminary Plan showing ownership of the surface and mineral estates, lessees of minerals, all liens, easements, reservations or other encumbrances. Such evidence shall be deemed current if it shows title as of a date within thirty (30) days of submission of the Final Plat. Title evidence must cover the entire tract to be subdivided.
  2. A Subdivision Improvements Agreement on the form provided in this book under Appendix F. (Also see Section 7.16.020 of these Subdivision and Land Improvement Regulations.)
  3. A cross-section and layout, including curvature and alignment must be shown for Intermediate and Main Roads.
  4. Fees shall be assessed as set forth in Appendix E - Schedule of Fees.
- C. The Town of Orchard City will send notification by certified mail of the date, time and place of the meeting on the Final Plat at least five (5) working business days prior to such meeting to all mineral owners, lessees of mineral owners, and property owners within five hundred feet (500') of the proposed subdivision.



- D. The Planning Commission, at a regular or properly called special meeting, shall approve or disapprove a Final Plat within thirty (30) days after submittal to the Planning Commission. If the Plat is disapproved by the Planning Commission, the reason(s) for disapproval shall be included in the minutes of the Planning Commission's proceedings and provided to the Subdivider and Town Board in writing. The time to issue a decision may be extended by the Planning Commission.
- E. Following approval of the Final Plat by the Planning Commission, the Final Plat, bearing property and lien-holders' notarized signatures, shall be submitted within ninety (90) days to the Town Board for review. The Town Board shall, within thirty (30) days, either approve the Final Plat with or without conditions, or disapprove it if the Board finds that the Final Plat or Subdivision does not comply with these Regulations. Following approval by the Town Board and completion of all improvements as outlined in the Subdivision Improvements Agreement, the Final Plat shall be recorded with the Delta County Clerk and Recorder by the Town, costs of which shall be advanced by the Subdivider as set forth in Appendix E - Schedule of Fees.
- F. Approval of the Final Plat by the Planning Commission and Town Board shall not constitute an acceptance by the Town of the dedication of any road or other property shown upon the Plat. The dedication of any lands for public use of any nature shall be accepted by the Town Board only by specific action of the Board.

7.12.040      Amendment of Plats. Previously approved Final Plats may be amended for the purpose of correcting technical errors, or making minor changes which are not detrimental to the public interest on the following conditions:

- A. The proposed Amendment of Final Plat and all supporting documents and fees must be submitted to Town Hall at least fifteen (15) days prior to the next regular meeting of the Planning Commission. The amended Plat shall be considered if it meets the following conditions:
  - 1. The amended Plat conforms in all respects to the requirements of these Regulations for a Final Plat.
  - 2. The number or configuration of lots shown on the amended Plat is not changed from the number or configuration of lots shown on the original Plat.
  - 3. The proposed change or alteration does not materially affect access to or utility services for any lots shown on the original Plat.
  - 4. The proposed change does not adversely affect the public interest.
  - 5. All owners of property materially affected by the amendment must join the request for amendment and must execute the amended Final Plat.

- B. The Town shall collect a fee for the review of a request for amendment set forth in Appendix E - Schedule of Fees. (See Appendix E – Schedule of Fees)
- C. Upon approval of an amendment request by the Planning Commission, the same shall be referred to the Board of Trustees for review and approval. If approved by the Board, the Plat shall be recorded with the Delta County Clerk and Recorder.

7.12.050 Boundary Adjustment. This procedure is for the purpose of adjustments to lot lines of parcels only. Property owner must ensure that a deed is separately executed in order to actually transfer the property.

- A. This procedure must:
  - 1. Not create additional lots;
  - 2. Not create a new Subdivision;
  - 3. Maintain lot sizes to meet Town and Delta County Health Department approval.
- B. The applicant must submit the following information to the Town Hall at least thirty-five (35) days before the next regular meeting of the Planning Commission when applying for a Boundary Adjustment:
  - 1. Completed Application.
  - 2. Proof of ownership shown by deed(s). If the owner has an agent representing him/her, such designation must be in writing, dated, with the notarized signature(s) of the property owner(s).
  - 3. Names and addresses of all property owners within two hundred feet (200') of the affected property. The Town of Orchard City will send out notification of meeting dates and times by certified mail.
  - 4. Fees shall be assessed as set forth in Appendix E - Schedule of Fees.
  - 5. Applicant must provide and submit to Town Hall two (2) scaled drawings of the proposed Boundary Adjustment on twenty-four inch by thirty-six inch (24" x 36") paper, with a scale of at least one inch equals one hundred feet (1" = 100'), one (1) electronic copy (emailed or CD), and one (1) reproducible copy that is eleven inches by seventeen inches (11" x 17"), marked Preliminary Plan. The Preliminary Plan must include:
    - a. Dimensions and angles of all lot lines.
    - b. All easements, roads, and rights-of-way, including location and dimensions.
    - c. Vicinity map showing location of property in context of Delta County.

- d. Location map showing subject property in relation to roads, streams, utilities, adjacent parcels, etc.
- e. The basis for bearing and direction of true North.
- f. Certificates for Surveyor, Planning Commission, Board of Trustees and Delta County Clerk and Recorder signatures. (See Appendix A)
- g. Certificate as follows:  
I/We \_\_\_\_\_ being the owner(s) of the property described herein do hereby request that the boundaries of said property be adjusted as shown and that this henceforth be considered the valid lot configuration.

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Owner Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

(SEAL)

- C. The land subject to the proposed Boundary Adjustment must be physically inspected by the Town Planning Commission Staff, and a written report will be done at the on-site inspection by the Town staff to be included in the Boundary Adjustment file. The land subject to the proposed Boundary Adjustment shall be physically inspected by the Town Building Official as needed to determine applicable building codes are not being violated by the Boundary Adjustment. The Planning Commission must review the Preliminary Plan at a regular meeting and make its recommendation to the Town Board for approval of the Final Plat.

- D. Once the proposed Boundary Adjustment is reviewed and approved by the Planning Commission, one (1) original Mylar on twenty-four inch by thirty-six inch (24" x 36") media, one (1) paper copy of the Mylar, with a scale of at least one inch equals one hundred feet (1" = 100'), one (1) electronic copy (preferably on CD), and one (1) reproducible copy that is eleven inches by seventeen inches (11" x 17"), of the Final Plat must be submitted to the Town Hall at least thirty (30) days before the next regular meeting of the Board of Trustees. The item will then be placed on the agenda of the next Board of Trustees regular meeting. Following final approval by the Town Board, the Final Plat shall be recorded with the Delta County Clerk and Recorder by the Town, costs of which shall be advanced by the owner(s)/agent.

7.12.060 Replat of Subdivision Lots

- A. A Replat shall follow the Preliminary Plan and Final Plat processes as prescribed in the current subdivision regulations at the time application is accepted.
- B. A Replat shall be effected by the following: 1) Vacation of a lot line within an existing subdivision; 2) Vacation of a right-of-way, easement or portion thereof within an existing subdivision; 3) Vacation of a plat without rights-of-way or easements; 4) Incorporation of an adjoining rural parcel into an existing subdivision; 5) Redesign of streets, blocks, lots or easements to any existing subdivision or recorded plat; 6) Adjustment of lot lines which results in the reconfiguration of the original or most recently recorded plat.

7.12.070 Disconnection By Ordinance

- A. Disconnection by Ordinance shall follow the Disconnection Application and Petition for Disconnection processes as prescribed in the current Part 5 of Title 31, Article 12 of the Colorado Revised Statutes at the time application is accepted.
- B. The disconnection of territory annexed to the Town may be appropriate if a) the property owner does not wish to maintain the Town's municipal service obligation, and b) the Town Board of Trustees determines that the disconnection will not unduly impair the Town's ability to provide economical services to other properties remaining within the Town boundaries, and c) the disconnection is otherwise in the Town's best interests. In order to initiate consideration of a request by a property owner(s) for disconnection, a petition requesting disconnection together with a completed application shall be submitted to the Town Hall.
- C. A Disconnection by Ordinance shall be initiated upon the receipt at Town Hall of a completed 1) Disconnection Application; 2) Petition for Disconnection; and 3) payment in full of all review, processing and recording fees.

7.12.080      Annexation

- A. Annexation shall follow the Annexation Application and Petition for Annexation processes as prescribed in the current Part 1 of Title 31, Article 12 of the Colorado Revised Statutes at the time application is accepted.
- B. The annexation of territory disconnected from the Town may be appropriate if:
  - 1. a) the property owner wishes to obtain the Town's municipal service obligations, and b) the Town Board of Trustees determines that the annexation will not unduly impair the Town's ability to provide economical services to other properties currently within the Town boundaries, and c) the annexation is otherwise in the Town's best interests. In order to initiate consideration of a request by a property owner(s) for annexation, a petition requesting annexation together with a completed application shall be submitted to the Town; ***OR***
  - 2. the area is entirely surrounded by or is solely owned by the Town; ***OR***
  - 3. the question of annexation has been submitted to the vote of the landowners and the registered electors in the area proposed to be annexed, and the majority of such persons voting on the question have voted for the annexation.
- C. Annexation shall be initiated upon the receipt at Town Hall of a completed 1) Annexation Application; 2) Petition for Annexation; and 3) payment in full of all review, processing and recording fees.

**CHAPTER 7.16**  
**REQUIRED IMPROVEMENTS AND SURETY FOR COMPLETION**

Sections:

- 7.16.010 Required Improvements.
- 7.16.020 Subdivision Improvements Agreement, Security and Approval of Improvements.
- 7.16.030 Subdivisions with Multiple Taps.

7.16.010 Required Improvements. *Lots must not be sold within the Subdivision until these improvements are completed.* If the Subdivision Improvements Agreement allows a Phased Development and contains a schedule of improvements completed, the sale of lots may be permitted, provided the Town has accepted the improvements and specifies, in writing, the lots that will be eligible for sale according to the schedule. In no case will the required surety for improvements be released or amended by the Town until all improvements are completed and the warranty period expired. The following improvements must be constructed at the expense of the Subdivider as set forth in the Subdivision Improvements Agreement and in accordance with design standards provided in these Regulations:

- A. Main and Intermediate Roads that cross irrigation water distribution conveyances and/or access Public Roads, as applicable, must be completed having been constructed to the standards and specifications of the Town and/or any other entity having any jurisdictional authority, i.e., CDOT along the Highway 65 corridor and as provided for in Title 5, Chapter 5.12 of the Town of Orchard City Municipal Code.
- B. Completed access to each individual lot must be constructed to the standards and specifications of the Town and/or any other entity having any jurisdictional authority, i.e., CDOT along the Highway 65 corridor and as provided for in Title 5, Chapter 5.12 of the Town of Orchard City Municipal Code.
- C. A domestic water distribution system constructed to the standards and specifications of the Town as provided for in these Subdivision and Land Improvement Regulations Chapter 7.20.
- D. Power, natural gas and communications options, i.e., internet and telephone services, must be provided by the Subdivider to each individual lot line and must be installed underground.
- E. Fire protection as provided for in these Subdivision and Land Improvement Regulations Chapter 7.20.
- F. Irrigation water conveyance for which there is an easement.
- G. Any other improvements required by the Board of Trustees.

7.16.020 Subdivision Improvements Agreement, Security and Approval of Improvements.

- A. No Final Plat will be approved or recorded until the Subdivider has submitted, and the Town Board has approved, a Subdivision Improvements Agreement guaranteeing the construction of improvements shown in the Final Plat documents, that have not previously been completed and approved by the Town. Such Agreement must set forth a method and a time schedule for construction of said improvements.
- B. The Subdivision Improvements Agreement must contain a security arrangement approved by the Town which reasonably guarantees that the required improvements will be completed. The guarantee may take the form of a performance bond or an irrevocable letter of credit. Such security arrangement must provide that the Town may cause the improvements to be completed if not completed pursuant to the timetable specified in the Subdivision Improvements Agreement. The cost of completion will be paid pursuant to the security arrangement. The amount of security posted does not limit the liability of the Subdivider to pay for the full cost of completion of the improvements.
- C. The security must not be released until the Town has inspected the improvements and accepted them as completed in accordance with the Subdivision Improvements Agreement and the warranty period has expired. The agreement requires letters or receipts from all utility companies and other lien-holders stating the required installations have been completed and paid for before the security is released.
- D. The Subdivider is responsible to correct and repair any defect in any improvements due to materials or workmanship which appears for a period of one (1) year from the date of approval and acceptance of completion by the Board of Trustees by Resolution.

7.16.030 Subdivisions with Multiple Taps. In the subdivision of one parcel with multiple residences which will be split into single residence parcels, conforming to these regulations and county health department regulations, within thirty (30) days of final approval of the subdivision by the Board of Trustees, the parcel owner of record at the time subdivision is approved must make application for residential water tap(s) on any and all newly created parcel(s) not already having a water tap; and all fees set by resolution shall be due with the application(s); and the owner shall have thirty (30) days from final approval by the Board of Trustees to make the physical connection and installation of the full residential tap prior to the filing and recording of the final plat.

**CHAPTER 7.20**  
**MINIMUM DESIGN & CONSTRUCTION STANDARDS**  
**AND PROVISIONS FOR MAINTENANCE OF IMPROVEMENTS**

Sections:

- 7.20.010 Minimum Road and Street Requirements.
- 7.20.020 Water Distribution Systems.
- 7.20.030 Other Utilities.
- 7.20.040 Fire Protection.
- 7.20.050 Irrigation Water.
- 7.20.060 Variances.

7.20.010 Minimum Road and Street Requirements. All lots must be served by a private or public street, road, easement or right-of-way sufficient to provide perpetual access to a public roadway. All main or intermediate roads and all accesses shall be built in accordance with the Town's current Road Standards and Specifications. (See Appendix B - Road Specifications for the Town of Orchard City)

A. *Right-of-Way Width.*

1. The right-of-way width for a Private Road shall be not less than sixty feet (60') in width, shall not include any other easements such as utilities or ditches, and shall be clearly designated as a Private Road on the Plat. The Plat shall also contain a covenant running with the land, granting the use and maintenance of all Private Roads to the owners of the lots served by said road(s).
2. The right-of-way width for all Intermediate and Main Roads shall be not less than sixty feet (60') in width and shall not include any other easements such as utilities and ditches, shall be built to Town specifications and shall be dedicated to public use on the face of the Plat.
3. The right-of-way width for all cul-de-sacs shall be not less than one-hundred feet (100') in diameter, shall not include any other easements such as utilities and ditches, and shall be built to Town specifications and shall be dedicated to public use on the face of the Plat.
4. If an existing Town right-of-way is less than thirty feet (30') from the road centerline, the owner of the land to be subdivided is required to give adequate right-of-way to meet the thirty foot (30') minimum requirement for future Town road expansion.



B. *Minimum Design Standards for Roads.*

1. The design and construction of Private Roads shall be a private matter among the parties involved. Private Road accesses to public roads shall conform to Town standards. (See Appendix B - Road Specifications of the Town of Orchard City)
2. The design of Intermediate and Main Roads must be prepared by a professional engineer registered in the State of Colorado and must be done in accordance with standards and specifications established by the Town. (See Appendix B - Road Specifications for the Town of Orchard City)
3. All roads dead-ending within the Subdivision must have a cul-de-sac with a diameter of not less than one hundred feet (100').
4. Culverts used in driveways or roads must be no less than twelve inches (12") in diameter, or larger if required, and all culverts must be no less than two feet (2') wider on each side than the minimum width of the driveway or road.
5. Where driveways or roads must cross a concrete ditch or buried irrigation pipe, a suitable ramp must be placed over the concrete ditch or the buried pipe in such a manner as will not cause damage which may constrict or interrupt the volume or flow of the irrigation water within the ditch or pipe, or otherwise compromise the integrity of the concrete or pipe itself.
6. Roads within a Subdivision shall meet the minimum road requirements for the total number of lots within that Subdivision. Any act that increases the number of lots in an existing subdivision shall be deemed a new subdivision action and become subject to current regulations.
7. If a Subdivision contains no more than two (2) lots, each road within the Subdivision shall meet the requirements for a Private Road.
8. If a Subdivision contains more than two (2) lots but less than ten (10) lots, each road within the Subdivision shall meet the design requirements for an Intermediate Road.
9. If a Subdivision contains ten (10) or more lots, each road within the Subdivision shall meet the design requirements for a Main Road.

C. *Special Conditions Regarding Road Requirements.* Where special, hazardous, or unusual conditions exist, the Planning Commission and/or the Town Board may require design standards which exceed the minimum requirements contained in this Section, if necessary, to ensure that the purpose of these Subdivision and Land Improvement Regulations are fulfilled.

- D. *Construction of Roads.* Construction of all Intermediate and Main Roads shall be in accordance with approved design standards and shall be the responsibility of the Subdivider.
- E. *Completion of Construction.* Upon completion of construction of any street or road, the right-of-way for which has been dedicated to public use, the Subdivider shall give written notice of such completion to the Town and a one (1) year warranty period shall begin from that date. At the end of that one (1) year warranty period, and if the Board of Trustees determines that the road has been properly constructed to all of the applicable road standards, it shall forthwith accept the same by appropriate Resolution, whereupon the Town shall become responsible for the maintenance of the street or road. The Subdivision Improvements Agreement shall provide for the inspection of each phase of construction of such roads by the Town's designated agent.

7.20.020 Water Distribution Systems and Water Taps.

- A. Water Distribution Systems, Line Extensions and Private Systems. (See Appendix C)
- B. Water Taps. (See Appendix C)
- C. Subdivider shall complete the Public Water Line Extension Agreement. (See Appendix G).

7.20.030 Other Utilities. Where the Subdivider provides power, natural gas and communications options, i.e., internet and telephone services, design and construction of such systems must be in accordance with standards and specifications established by the applicable utility and Town regulations. (See Appendix C - Water Line Extensions and Water Standards and Specifications)

7.20.040 Fire Protection. A fire protection plan based on the current recommendations of Delta County Fire Protection District #3, Town Building Code and National Fire Protection Association shall be submitted to the Town and District #3. (See Appendix D - Recommended Fire Protection)

When a development requires a line extension the developer is required to install new fire hydrants as required by the Town's current standards and specifications.

7.20.050 Irrigation Water. Whenever any lot(s) in a Subdivision have delivered irrigation water, an engineered plan showing delivery and distribution of irrigation water and management of wastewater shall be included as part of the Plat approval and shall be subject to the Subdivision Improvements Agreement. In all cases, the adverse impact of irrigation water on public and private roads shall be minimized, and delivery and waste ditches shall not infringe on other road or utility easements.

7.20.060 Variances. The Planning Commission may recommend, and the Town Board may approve, a deviation from the standards outlined in this Chapter 7.20 if it determines that unusual topography or undue hardship exists, and that alternative standards will effectively protect the public health, safety and welfare and achieve the purposes of these Regulations. All other requests for a variance or waiver shall be subject to Appendix E – Schedule of Fees.