

ORDINANCE NO. 1112

AN ORDINANCE REVISING THE TOWN OF BERTHOUD DEVELOPMENT CODE TO PROVIDE FOR THE APPROVAL OF CONVEYANCE PLATS AND AMENDING SECTIONS 30-6-102, 30-6-109, and 30-16-603 OF THE BERTHOUD DEVELOPMENT CODE IN THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1.

After review and recommendation by the Berthoud Planning and Zoning Commission on September 24, 2009,

Section 2.

The Town Board of Trustees, in recognition of the opportunity presented by the ability to establish a Conveyance Plat process in the community, do hereby establish the following:

Section 3.

Section 30-6-102: Classification of Subdivision is hereby amended with the addition of a new Section F as follows:

30-6-102-F: A conveyance plat is a minor subdivision of land that creates lots that can be conveyed by the property owner. Any conveyance plat must conform to and be based upon an approved concept plan processed concurrently with the conveyance plat. The property must be a minimum of thirty five (35) acres. Each lot created by any conveyance plat must be at least ten (10) acres in size. No more than twelve (12) lots may be created by any conveyance plat.

Conveyance plats do not require satisfaction of the full raw water requirement applicable to the lots created. Final approval authorizing development of any portion of the property including but not limited to: a final plat, subdivision, final development plan (PUD), or site plan requires satisfaction of all water dedication requirements in accordance with the Berthoud Development Code as amended.

The conveyance plat does not create new lots of record for purposes of development and is intended only to facilitate conveyance or sale of all or a portion of the subject property. Approval of a conveyance plat does not provide the subject property to any development entitlements. Subsequent development of the property will require Town approval of a preliminary and final plat, preliminary and final PUD development plan, and/or a site plan under this Berthoud Development Code.

Section 4.

Section 30-6-109: Plat Approval Procedures is hereby amended with the addition of a new Section G as follows:

30-6-109-G: Conveyance Plat. The Planning Commission shall hold a public meeting on the conveyance plat and shall recommend approval, denial, or conditional approval to the Town Board. If the recommendation is for conditional approval, the conditions under which the conveyance plat would be acceptable shall be set forth. Following the public meeting by the Planning Commission, the Town Board shall hold a public hearing on the conveyance plat and shall adopt an ordinance of approval, deny the application, or refer it back to the Planning Commission for further consideration. Staff shall give notice per the Minor Subdivision provisions in this Code.

Amendments to any conveyance plat of less than 25% of any measurable area or dimension may be processed administratively. Amendments of 25% or more of any measurable area or dimension shall be reviewed in accordance with the above process to originally adopt that conveyance plat.

Standards for Approval

1. Conformance with Concept Plan for property – All conveyance plats must be based upon and conform to a concept plan for the entire parcel being placed under a conveyance plat.
2. Access – All lots created by a conveyance plat shall have frontage and access to an existing or proposed public street.
3. Reservation of rights-of-way – Conveyance Plats must provide for the reservation of future rights-of-way of planned roadways. Reservation of right-of-way does not grant any right or interest in the property to the Town or other entity. The final alignment may be adjusted upon final platting in order to meet engineering design standards.
4. Dedication of rights-of-way – Dedication of a right-of-way shall be required where a conveyance plat is used to record the remainder of a tract created by the final platting of a portion of the property.

Section 5.

A new Section 30-16-604 Conveyance Plat is added as follows:

30-16-604 Conveyance Plat Submittal Requirements

- A. A conveyance plat shall be based upon a concept plan submitted concurrently with the conveyance plat application. The concept plan submittal shall include the following:

- I. Concept Plan submittal. This Plan may be on a single sheet or a set of drawings. Electronic files (dwg, word and pdf formats as appropriate) of all drawings, reports, submittals and narratives must be submitted as part of the Concept Plan. The Concept plan shall clearly show:
- a. Title of project.
 - b. North arrow, scale (not greater than 1" = 200') and date of preparation.
 - c. Vicinity map.
 - d. Legal description.
 - e. Acreage of property.
 - f. USGS topographic contours.
 - g. Location and approximate acreage of proposed land uses.
 - h. Existing easements and rights-of-way on or adjacent to the property
 - i. Existing streets on or adjacent to the property (show and label street name).
 - j. Note or table indicating how public dedication requirements will be met.
 - k. Table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.
 - l. Proposed street system (as line [*not engineered*] drawing).
 - m. General locations of existing utilities on or adjacent to the property.
 - n. Graphic and/or written explanation of how the property will be served with utilities including any issues or proposed changes to service provider boundaries.
 - o. Location of any proposed sewer lift stations.
 - p. Trails - show how the development will tie into the regional trails network.
 - q. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, this must be stated).
 - r. Geologic hazard areas.

- s. Existing and proposed zoning on and around the property.

II. General development information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

- a. Design rationale - discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with this Code.
- b. General description of plan for drainage and storm water management.
- c. General water supply information including: the proposed number of water taps needed, the anticipated amount of raw water that will be provided to the Town and the source of the water.
- d. Utility (electric, cable, natural gas, telephone, etc.) information including capacity and any line extensions or upgrades that may be necessary. Include "will serve" letters from each utility.
- e. Statement indicating whether or not any commercial mineral deposits are located on the site.
- f. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the Concept plan map).
- g. Description of how the proposed development complies with the Town Comprehensive Plan.

B. Conveyance Plat submittal requirements:

- Title block
- Legend, if abbreviations or symbols are used
- Contact information for owner, applicant, surveyor
- Location/vicinity map
- North arrow and written & graphic scale
- Legal description and total acreage
- Property boundary with dimensions and bearings

- Property tie to original survey and abstract corner
- Lot dimensions
- Lot identification numbers
- Location of any proposed streets and alleys with right-of-way widths
- 100 year floodplain or language "no floodplain exists on the site"
- Right-of-way dedications or reservations
- Utility easements including separate instruments
- Filing information for all existing easements or rights-of-way
- Complete curve data
- Locations, material, and size of all monuments
- Outline of all property proposed for dedication for public use
- Adjacent properties – subdivision name or owner name
- Surveyor's certificate
- Town approval signature block
- Certificate of Ownership and notary block
- Dedication language for easements
- Additional documents or information as requested
- Plat notes to be on conveyance plat:

1. Right to Farm statement

2. All conveyance plats must be titled "Conveyance Plat" and carry the following wording:

"A conveyance plat is a record of property approved by the Town of Berthoud, Colorado, for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued for a conveyance plat parcel until a final plat is approved, filed of record and public improvements accepted in accordance with the provisions of the Development Code of the Town of Berthoud. Selling a portion of this property by metes and bounds is a violation of Town ordinances and Colorado law and is subject to fines and withholding of utilities and building permits."

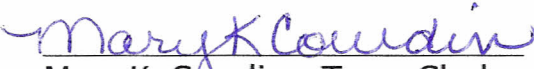
Section 6.

The Board of Trustees of the Town of Berthoud herewith finds that the adoption of this Ordinance is necessary to provide for the health, safety and welfare of the Town of Berthoud. This ordinance shall take effect thirty (30) days after publication.

At its meeting October 13, 2009 a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 27th day of October, 2009. At the regular meeting of the Board of Trustees, this Ordinance was read, passed and ordered published this 10th day of November, 2009.

ATTEST:

TOWN OF BERTHOUD


Mary K. Cowdin - Town Clerk


Tom Patterson - Mayor

Published: 11-18-09

Approved as to form

R.B. Fickel, Town Attorney