

CHAPTER 10. SUBDIVISION STANDARDS

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CHAPTER 10. SUBDIVISION STANDARDS

§ 10.1 PURPOSES

The purposes of this Chapter are to:

- A. Provide for the orderly growth and harmonious development of the Estes Valley in accordance with the Estes Valley Comprehensive Plan;
- B. Ensure an adequate and efficient street system;
- C. Achieve individual property lots of reasonable utility and livability;
- D. Secure adequate provisions for water supply, electric service, drainage, sewers and other facilities and services for the health and safety of the residents of the Estes Valley;
- E. Protect sensitive environmental areas and mitigate the impact of development in hazard areas; and
- F. Ensure adequate provision of open areas.

§ 10.2 APPLICABILITY/SCOPE

- A. **General.** Prior to subdividing any tract of land in the Estes Valley, including land being annexed into the Town, the subdivider shall comply with all of the standards set forth in this Code and obtain approval pursuant to the procedures set forth in Chapter 3. No building permits shall be issued for any improvement or work on any parcel not subdivided in compliance with this Chapter. No owner or agent of the owner of any land located within an addition or subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, exhibition of or by the use of a plan, plat or map of an addition or subdivision before such plan, plat or map has been approved pursuant to the provisions of this Chapter and Chapter 3 of this Code and recorded in the office of the clerk and recorder of Larimer County, Colorado.
- B. **Minor Subdivisions.** Minor Subdivisions are subject to full review and compliance with the standards set forth in Chapter 10 and the submittal requirements set forth in Appendix B. (Ord. 18-01 #22)
 - 1. *Frontage Lots.* Division of one (1) or more lots, tracts or parcels of land into a total of not more than four (4) lots shall also be a minor subdivision, provided that each resulting lot fronts onto an existing street, and that the subdivision entails no extension of public facilities. No more than a total of four (4) lots shall be created out of a lot, tract, parcel or set of contiguous parcels in the same ownership using the minor subdivision procedure. Frontage Lot subdivisions shall be titled as a "Subdivision." (Ord. 18-01 #23; Ord. 8-05 #1)
 - 2. *Boundary Adjustments.* Division of one (1) or more lots, tracts or parcels of land for the purpose of adjusting boundary lines between such lots, tracts or parcels of land and adjacent lots, tracts or parcels of land, which adjustments do not create additional lots or building sites for any purposes, shall be considered a minor subdivision for review procedure. Boundary Adjustments shall be titled as a "Boundary Line Adjustment" for properties not within a platted subdivision, or "Amended Plat" for properties within a platted subdivision. The final map shall clearly indicate the original boundaries of each lot and shall contain the following statement: (Ord. 8-05 #1)

"Boundary lines indicated on this map are adjustments of former boundary lines of the property depicted hereon. Such adjustments do not create additional lots or building sites for any purposes. The area added to each lot shown hereon by such adjustment is to be considered an addition to, shall become a part of, and shall be conveyed together with, each lot as shown." (Ord. 8-05 #1)

- 3. *Land Consolidation Plats.* Unplatted contiguous legal lots approved for single-family residential development can be combined with a Land Consolidation Plat. Land Consolidation Plats shall be titled as a "Land Consolidation Plat". The final map shall clearly indicate the original boundaries of each lot and shall contain the following statement: (Ord. 8-05 #1)

"Boundary lines indicated on this map are adjustments of former boundary lines of the property depicted hereon. Such adjustments do not create additional lots or building sites for any purposes." (Ord. 8-05 #1)

(Ord. 18-01 #22, 23, 10/23/01; Ord. 8-05 #1, 6/14/05)

§ 10.3 REVIEW PROCEDURES

- A. All subdivisions, including minor subdivisions, shall be reviewed in accordance with the procedures set forth in Chapter 3 of this Code. (Ord. 18-01 #24)
- B. For purposes of staff and EVPC review, corners of all lots in a proposed preliminary subdivision plat shall be staked in the field. In addition, during the preapplication conference, Staff may require the Applicant to identify natural or other site features in the field.

(Ord. 18-01 #24, 10/23/01)

§ 10.4 LOTS

A. Lot Dimensions and Configuration.

- 1. The lot area/size, width, depth, shape and orientation shall be appropriate for the location of the subdivision, and for the type of development and use contemplated. In addition, each lot shall also demonstrate a building site and access. In all cases, however, lot area shall comply with the minimum requirements of this Code. Prior to submittal of the preliminary subdivision plan, all proposed multi-family and commercial subdivisions shall evidence compliance with this provision on the sketch plan submitted at the preapplication meeting. (Ord. 8-05 #1)
- 2. Lot width shall comply with standards set forth in Tables 4-2 and 4-5. Flagpole lots shall comply with §10.4C below, and shall be no less than thirty (30) feet at the front lot line or seventy-five (75) feet at the building line, or such greater width as may be required by this Code. (Ord. 25-07 §1)
- 3. Depth and width of properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- 4. Corner lots for residential use shall have extra width to permit appropriate building setbacks from and orientation to both streets.

- B. **Access.** Access roads shall meet the requirements set forth in §7.12.H, "Transportation," of this Code.

- C. **Flag or Flagpole Lots.** Flag lots (also known as flagpole lots) may be allowed subject to the following standards:
1. *Permitted Zoning Districts.* Flag lots shall be allowed only in the RE-1, RE, E-1, E, R and R-2 Residential Zoning Districts.
 2. *Frontage.* Each flag lot shall have at least thirty (30) feet of street frontage and at least thirty (30) feet of width for the entire length of the "flagpole."
 3. *Number.* A maximum of one (1) flag lot is allowed in subdivisions of four (4) lots or less. No more than twenty percent (20%) of the lots within a subdivision containing five (5) or more lots shall be flag lots. No more than two (2) flag lots may be contiguous.
 4. *Lot Area Calculation.* The area of the "flagpole" portion of the flag lot shall not be included in the calculation of minimum lot area.
 5. *Driveways.* Driveways shall be designed to allow vehicles to drive out forward. Shared or common driveways shall be required when two (2) flag lots are contiguous. Driveways shall comply with design specifications set forth in Appendix D.
- D. **Double and Reverse Frontage Lots.** Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in width, and across which there shall be no vehicular right of access, may be required along the property line of lots abutting such a traffic artery or other disadvantageous use. Such lots are to be oriented so as not to front on any arterial road.
- E. **Side Lot Lines.** Side lot lines shall be substantially at right angles or radial to road right-of-way lines or centerlines.
- F. **Lot Divisions.** No single lot shall be divided by a municipal, county or state boundary line or any road or other lot. To the maximum extent feasible, no lot shall be divided by a river, wetland or zoning district boundary line.

(Ord. 8-05 #1, 6/14/05; Ord. 25-07 §1, 11/27/07)

§ 10.5 SUBDIVISION DESIGN STANDARDS

- A. **General.** No subdivision application shall be approved unless it complies with all of the following standards and criteria:
1. *Relationship to Estes Valley Comprehensive Plan.* In designing and planning subdivisions, consideration shall be given to the Estes Valley Comprehensive Plan. The EVPC shall study and review all subdivision plats in relation to the general character of the area, the general requirements of the community and the particular requirements of the neighborhood.
 2. *Hazard Areas.* The EVPC shall review the subdivision plan in regard to wildfire hazard and geologic hazards. No subdivision shall be approved where the design or related facilities clearly constitute the creation of a hazardous circumstance or lack of provision for the public safety. See §7.7 of this Code.
 3. *Off-Site Utilities and Services.* The EVPC shall review the subdivision plan in regard to whether off-site utilities and services, including roads and streets, necessary to serve a proposed subdivision are adequate in terms of capacity, configuration, connections, routes and other relevant considerations. Any deficiencies shall be identified and commitments made to undertake remedial measures.

4. *Plans for Remainder Parcels.* Where an entire parcel is not subdivided, the subdivider shall submit plans for the remainder of the parcel, including major road connections and intended land uses.
5. *Orientation of Land Uses.* Multiple land uses within subdivisions shall be properly oriented and situated within the subdivision to provide the maximum convenience to the residents, protect the surrounding property values, provide adequate access by public roads and provide for the general health and welfare of the immediate area and the general community.
6. *Improvements.* All improvements required by this Code shall have been installed or the installation of such improvements has been guaranteed in accordance with the provisions of this Chapter.
7. *Reserved Strips Prohibited.* All rights-of-way shall be platted to the property line.

B. Compliance With Zoning Requirements.

1. *Compliance with Zoning Development Standards.* The general layout of lots, roads, driveways, utilities, drainage facilities and other services within all proposed subdivisions shall be designed in a manner that minimizes the land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation, protects critical wetlands, stream corridors and wildlife habitat, avoids hazard areas, and otherwise accomplishes the purposes and intent of this Code and of the zoning district within which the subdivision is located. Applicants shall refer to the general development standards set forth in Chapter 7 of this Code and shall apply them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.
2. *Establishment of Limits of Disturbance During the Subdivision Process.* Limits of disturbance shall be designated on the preliminary subdivision plan for each individual lot or building site pursuant to the standards and requirements set forth in §7.2.D, "Limitations on Site Disturbance." Any proposed limits of disturbance shall be reviewed by the Staff and EVPC during their preliminary subdivision plan review to ensure compliance with the provisions of this Chapter and Chapter 7.

C. Streets.

1. Please see Appendix D, "Street Design and Construction Standards." (Ord. 8-05 #1)
2. *Vehicular Access and Circulation Requirements.* Provisions shall be made for vehicular access and circulation in the nonresidential zoning districts as shown in Table 4-7 of this Code. (Ord. 8-05 #1)

D. Sidewalks, Pedestrian Connections and Trails.

1. *General.*
 - a. To the maximum extent feasible, all subdivisions shall provide pedestrian linkages, including trails, to parks, schools, adjacent developments and existing and proposed hike and bike trails as depicted in the Estes Valley Long Range Hike and Bike Trails Plan (found in the Estes Valley Comprehensive Plan).
 - b. Hard-surfaced pedestrian walkways (minimum five [5] feet in width) or easements (minimum ten [10] feet in width) may be required to provide access to parks or open areas, schools or other similar areas where, in the Decision-Making Body's opinion, significant pedestrian usage is anticipated or adequate pedestrian circulation is needed.

2. **Sidewalks.** Sidewalks shall be required as follows:
 - a. Sidewalks shall be required on one (1) side of any public or private street in all zoning districts, except in the RE-1 and RE Zoning Districts. Sidewalks may not be required where unusual topographic or environmental conditions make installation infeasible or would result in a significant adverse impact on sensitive natural resources.
 - b. In all zoning districts, including the RE-1 and RE Zoning Districts, sidewalks on both sides of a street may be required along roads where the EVPC determines there will be significant pedestrian usage.
 - c. In all residential zoning districts, including the RE-1 and RE Zoning Districts, when a residential lot abuts an arterial street, sidewalks shall be provided to provide public access and connection to adjacent properties.
 - d. The minimum width of a required sidewalk shall be five (5) feet in all residential zoning districts and the A-1 Zoning District and eight (8) feet in all other nonresidential zoning districts. The location of the sidewalk on a property will be determined on a case-by-case basis to account for, among other things, unique natural features and existing sidewalk location on adjoining properties; accordingly, in some instances, the sidewalk may be located outside of an existing right-of-way.
 - e. Sidewalks and related improvements shall be installed or constructed by the subdivider in accordance with plans and specifications approved by the Staff, and after installation or construction they shall be subject to inspection and approval by the Staff. All required improvements shall be completed in accordance with the officially established grades.
 - f. Where a development in the Estes Valley in unincorporated Larimer County is contiguous to an area in the Town of Estes Park within which this Code or the Town requires sidewalks for the type of development proposed, design of sidewalks shall conform to the standards applicable in the Town.
3. **Design/Specifications.** All sidewalks, pedestrian walkways and hike and bike trails shall be constructed in compliance with the standards set forth in Appendix D, "Street Design and Construction Standards," as amended from time to time.

E. Utility Standards.

1. **Water Mains and Fire Hydrants.** The subdivider shall install water mains, service lines, fire hydrants and appurtenances in accordance with the current water design and construction standards of the Town. All service lines shall be installed to the property line prior to the paving of the street.
2. **Electric and Street Lighting Systems.** The subdivider shall install such electric service and distribution system and such street lighting system as shall be determined by the Town. All subdivisions shall comply with the adequate public facilities standards set forth in §7.12.1 of this Code. (Ord. 8-05 #1)

3. *Sanitary Sewer Systems.*

- a. All subdivisions shall comply with the adequate public facilities standards addressing sanitary sewers/sewage disposal set forth in §7.12.D of this Code.
- b. Pursuant to §7.12.D, when it is found that lots cannot be served by the extension of an existing public sanitary sewer, the property owner shall obtain approval of lot sizes from the Town or County, as applicable, and the County Health Department for individual septic tanks and disposal fields or approval of a neighborhood disposal system. All subdivisions shall comply with the minimum standards and technical procedures applicable to sanitary sewer plans and designs, including soil

percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems, when applicable, established by either the Estes Park Sanitation District or Upper Thompson Sanitation District, or as set forth in the Larimer County Water, Sewer and Fire Safety Standards and Procedures Manual.

4. *Underground Utilities.*

- a. Telephone lines, electric lines, cable television lines and other similar telecommunications or utility services shall be placed underground. The subdivider shall be responsible for complying with the requirements of this Section and shall make the necessary arrangements, including any construction or installation charges, with each of the serving utilities for the installation of such facilities and shall be subject to all other applicable Town, County and State regulations.
- b. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting and other facilities necessarily appurtenant to such underground utilities may be placed above ground. Electric transmission and distribution feeder lines, communication long distance trunk and feeder lines and necessary appurtenances thereto may be placed above ground. Such facilities shall be placed within easements of public streets, as herein provided, or upon private easements or rights-of-way provided for particular facilities.
- c. The provisions of this Section shall not apply to existing facilities or subdivisions platted prior to the adoption of this Code.

5. *Easements.* Utility easements shall be dedicated as required by each respective utility. Utility easements shall generally be twenty (20) feet in width, centered on lot lines.

6. *Stormwater Drainage.*

- a. Drainage Standards/Storm Drains. All subdivisions shall comply with the minimum standards and technical procedures applicable to storm drainage plans and related designs, in order to insure proper drainage ways, as set forth in the Larimer County Storm Water Management Manual. The subdivider shall install adequate conduits, drains and provisions for stormwater drainage as may be required and approved by the Town, based on the current Larimer County Stormwater Management Manual. Either open or closed drainage systems may be required, depending upon terrain, development density and other considerations. Detention for the 100-year storm shall be required. See also §7.12.F, "Drainage/Water Quality Management."
- b. Watercourses. In the event that the addition or subdivision is traversed by any natural or artificial watercourse, the subdivider must dedicate a right-of-way for storm drainage purposes conforming substantially with the lines of such natural or artificial watercourse, or shall provide by dedication sufficient easements or construction, or both, to care for such surface and stormwater and the disposal thereof.

7. *Water Systems.* All subdivisions shall comply with the minimum standards and technical procedures applicable to water systems adopted by the Town. See §7.12.E of this Code.

8. *Fire Safety Standards.* All subdivisions shall comply with the minimum standards and technical procedures applicable to fire safety adopted by the Town. See §7.12.G of this Code.
- F. **Private Open Areas and Trails.** All plans for subdivisions of land shall provide for private open areas and public trails as specified in Chapter 4, "Zoning Districts," and §7.4, "Public Trails and Private Open Areas," of this Code. (Ord. 8-05 #1)
- G. **Vegetation Protection.**
1. *Compliance with Zoning Development Standards.* The general layout of lots, roads, driveways, utilities, drainage facilities and other services within all proposed subdivisions shall be designed in a manner that minimizes the land disturbance and preserves existing trees/vegetation, and otherwise accomplishes the purposes and intent of this Code and of the zoning district within which the subdivision is located. Applicants shall refer to the zoning development standards set forth in §7.3, "Tree and Vegetation Protection," of this Code and shall apply them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.
 2. *Restoration of Disturbed Roadside Areas.* All disturbed areas, including swales, back of curbs, cut-and-fill slopes, vegetated cul-de-sacs and planted medians, or other features at entryways, shall be promptly stabilized through grading, placement or retention of at least four (4) inches of topsoil, and planting with vegetative materials appropriate to the exposure, slope and soils. See also §7.2.C, "Restoration of Disturbed Areas." Any Applicant must provide a written guarantee that the property owner will replace any required restoration landscaping that is damaged or dies during the first two (2) growing seasons. Replacement will be consistent with the approved landscaping plan and will occur no later than the next growing season.
- H. **Condominiums, Townhouses and Other Forms of Airspace Ownership.**
1. *Purpose.* The purpose of this subsection is to regulate condominium, townhouse and other forms of airspace developments (hereinafter referred to collectively as "condominiums") in order to address potential impacts on the environment and on public services and facilities of the Town and the Estes Valley.
 2. *Applicability.* The provisions of this subsection and Chapter shall be applicable to condominium projects that are commenced or converted after the effective date of this Code.
 3. *Preliminary and Final Subdivision Plans.* All proposed condominium projects shall submit preliminary and final subdivision plats containing the information and requirements specified in this Chapter and in Appendix B, Submittal Requirements. (Ord. 25-07 §1)
 4. *Review Procedures.* Condominium projects shall be reviewed in accordance with the applicable procedures set forth for subdivisions in Chapter 3 of this Code. (Ord. 25-07 §1)
 5. *Review Standards.* No condominium development shall be approved unless the condominium plat is in conformance with the requirements of the zoning district within which it is located and all other applicable provisions of this Code. (Ord. 25-07 §1)

I. Monuments.

1. *Generally.* All surveying shall be performed and survey monuments set in accordance with all statutes of the State of Colorado.
2. *Location.* In making the survey for a subdivision or addition, the survey shall set sufficient permanent monuments so that the survey or any part thereof may be readily retraced. Such monuments shall generally be placed at all angle points and curve points on the exterior boundary lines of the tract, at all points of intersection of street center lines or at other points as may be necessary to serve the above requirement.
3. *Restoring Monuments.* Any monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.
4. See preliminary plat submittal requirements (Appendix B) for preliminary field marking requirements.

J. As-Built Drawings. Upon completion of construction and prior to release of performance guarantees, the subdivider shall submit as-built drawings to the Town Engineer or County Engineer, as applicable, to consist of a Mylar reproducible set of all construction drawings indicating as-built conditions. See Appendix B.

K. Public Improvements.

1. *Improvement Completion/Guarantee.* All improvements required by this Code for any addition or subdivision, unsubdivided development of four (4) or more dwelling units, or any nonresidential development must be installed or upgraded as specified, or the installation or upgrading of such improvements must be guaranteed by the subdivider or developer, as hereinafter provided. All improvements must be completely installed, upgraded or a guarantee filed with the Staff prior to the approval of the final plat. See also §7.12, "Adequate Public Facilities."
2. *Form of Guarantee.* The guarantee required by this subsection shall be in one (1) of the following forms and shall be deposited or executed prior to the approval of any final map or plat:
 - a. A deposit with the Town Clerk of a corporate surety bond in an amount not less than the Staff's estimate of the cost of the completion of all required improvements. Said surety bond shall be in a form acceptable to the Town;
 - b. A deposit of cash in an amount not less than the Staff's estimate of the cost of completion of all required improvements; or
 - c. An irrevocable letter of credit in the amount not less than the Staff's estimate of the cost of completion of all required improvements. Said letter of credit shall be in a form acceptable to the Town; and
 - d. The Staff's cost estimate in subsections K.1, K.2 and K.3 shall include the cost of extending such improvements from any existing improvements.
3. *Improvement Agreement.* No subdivision plat shall be signed by the Town or County or recorded at the office of the Larimer County Clerk, and no building permit shall be issued for development until a subdivision improvement agreement between the Town or County and the developer has been executed. Such agreement shall include a list of all agreed-upon improvements, an estimate of the cost of such improvements, the

form of guarantee for the improvements and any other provisions or conditions deemed necessary by the EVPC to ensure that all improvements will be completed in a timely, workmanlike and cost-effective manner. An improvement agreement shall run with and be a burden upon the land described in the agreement.

4. *Time for Completion.* The required time for the completion of all required improvements shall be two (2) years from the date of the approval of the final map or plat. However, the Boards may extend such time for completion upon request from the subdivider. Upon completion of such improvements within the required time and approval thereof by the Board, the Staff shall cause the bond, cash or letter of credit to be released within thirty (30) days of the acceptance of such improvements by the Town or County and receipt of the required as-built drawings. When such improvements are not completed within the required time, the Town or County may cause the proceeds of the bond, cash or letter of credit to be used to complete the required improvements. The Town or County, in its sole discretion, may release a portion of such bond, cash or letter of credit as some of the required improvements are completed and accepted by the Town or County.
5. *Warranty.* All workmanship and materials for all required improvements shall be warranted by the subdivider for a period of two (2) years from the date of acceptance of the required improvement by the Town or County; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of said subdivider. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the Town or County shall not relieve the subdivider of his warranty of workmanship and materials.

(Ord. 2-02 #7, 2/12/02; Ord. 8-05 #1, 6/14/05; Ord. 25-07 §1, 11/27/07)

