

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2020-6

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
SECTIONS 16.16.020 – 16.16.030 & 17.100.050 – 17.100.090 OF THE NEW
CASTLE MUNICIPAL CODE CONCERNING PRELIMINARY AND FINAL
PLANS FOR SUBDIVISION AND PUD DEVELOPMENT APPLICATIONS

WHEREAS, Chapter 16.16.020 to 16.16.030 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the provisions and regulations for preliminary and final plans relevant to subdivision applications; and

WHEREAS, Chapter 17.100.050 to 17.100.090 of the Code sets forth the provisions and regulations for preliminary and final plans relevant to Planned Unit Development (“PUD”) applications; and

WHEREAS, preliminary plans provide an opportunity for the Town to review and comment on a land use application’s level of conformance with Town regulations and requirements prior to final approval; and

WHEREAS, final plans demonstrate a land use application’s final compliance with Town regulations and requirements prior to the building permit phase; and

WHEREAS, Town staff has determined that the current preliminary and final plan requirements within Sections 16.16.020 to 16.16.030 & 17.100.050 to 17.100.090 are inadequate for assessing an application’s level of conformance with Town regulations and requirements; and

WHEREAS, Town staff has developed proposed amendments to Sections 16.16.020 to 16.16.030 & 17.100.050 to 17.100.090 of the Code that it believes will help staff, the Planning Commission, and Town Council better evaluate proposed development applications and streamline the preliminary and final application review process; and

WHEREAS, the Planning Commission (“Commission”) opened a public hearing regarding the changes on July 8, 2020 and continued it to August 12, 2020. The Commission approved Resolution PZ 2020-07 recommending that Council approve the changes to Sections 16.16.020 to 16.16.030 & 17.100.050 to 17.100.090 of the Code;

WHEREAS, Town Council has reviewed the proposed changes to Sections 16.16.020 to 16.16.030 & 17.100.050 to 17.100.090 of the Code and desires to adopt the same.

NOW, THEREFORE, BE IT ORDAINED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.

2. Section 16.16.020 to 16.16.030 Amendment. Sections 16.16.020 to 16.16.030 of the Town Municipal Code are hereby repealed in their entirety and reenacted as set forth below:

16.16.020 –Preliminary Plat Requirements.

A. Purpose

The subdivision of property into six (6) or more lots or condominium units shall be deemed a major subdivision per Section 16.04.020. Any major subdivision proposal shall require a 3-step application process– sketch, preliminary, and final – unless granted an exemption by the Commission for good cause shown by the Applicant. Review of the preliminary subdivision application shall assess compliance with the Town Code, provisions for utilities and infrastructure, substantial conformance to the Comprehensive Plan, and any adverse impacts to the Town.

The Commission shall conduct a noticed public hearing as provided in Chapter 16.08 of the Town Code and make a decision regarding the preliminary plat application. In instances of combined Subdivision/PUD development applications, both applications shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a preliminary plan application, the Applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting at a mutually agreed upon date. The pre-application meeting is an opportunity for the Applicant to discuss any subsequent changes made after sketch plan review and to receive guidance on future steps in the application process. An additional pre-application meeting may be required by the Town Administrator if a complete preliminary plat application is not submitted within six (6) months of the initial pre-application meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the Applicant or otherwise at the discretion of the Town Administrator.

C. Preliminary Plat Submittals

All application materials shall initially be submitted in electronic format. Upon receipt of the electronic materials, Staff will determine the number of printed copies required from the Applicant.

A plat of the proposed subdivision drafted in preliminary form to a scale of not more than one hundred (100) feet to the inch on a sheet accompanied by an index map appended if the project size dictates, at least twenty-four (24) by thirty-six (36) inches depicting:

1. Preliminary information sufficient to indicate that the final plat will meet requirements established under Section 38-51-106, C.R.S., Land Survey Plat, or as hereafter amended;
2. Name of the proposed subdivision, which shall be different from any existing recorded subdivision in the town of New Castle;

3. A vicinity map, on a scale of one inch to two thousand (2,000) feet;
4. Contours of the land proposed for subdivision at five-foot intervals (ten (10) foot intervals on rugged topography);
5. The limit of the one hundred (100) year flood, using information provided by the town. When not already available, such information shall be defined through mutual agreement of the town's engineer and the Applicant's engineer;
6. Lot and block layout of the proposed subdivision, including a block and lot numbering system and the area and setback information for each proposed lot;
7. Intersecting property lines and the names and addresses of the owners of record of all parcels adjoining the proposed subdivision, including parcels separated only by a public right-of-way from the subject land;
8. Existing or proposed zoning and zone district boundaries for the subdivision and land adjacent to the subdivision;
9. Street layout of the proposed subdivision, including the relationship to existing public rights-of-way and the width, proposed classification, and name of proposed streets;
10. Location and dimensions of any pedestrian, bicycle, or trail easements;
11. Off-street parking common areas, loading areas, and service areas including refuse disposal;
12. Locations reserved or dedicated for open space, public parks, schools or other public buildings, facilities or uses;
13. A schedule showing the total acreage of the land to be subdivided and the acreage intended for each type of usage along with its percentage to the total acreage;
14. Plat note identifying the party responsible for maintaining proposed open space, parks, trails, and roads within the subdivision;
15. Locations of snow storage (See 16.16.020(D.10) below);
16. Locations of mailbox kiosks with written approval from the local postmaster;
17. Existing and proposed easements for irrigation, drainage, and utilities. Include the proposed terms of reservations or dedications of public rights-of-way, easements and other public lands.
18. Location and dimensions of any lot access envelopes;

19. Name and address of the Applicant, the person or firm preparing the preliminary plat and the engineer or surveyor, licensed to practice in the state; and
20. Profiles of the topography both before and after any overlot grading that is proposed, and a map showing the contours after overlot grading.

D. Supplemental Materials

Unless already included as part of a PUD preliminary application, the following review materials shall accompany the preliminary subdivision application to determine the feasibility of the proposed development:

1. Compliance with the Comprehensive Plan. The Applicant shall include a narrative demonstrating compliance with the comprehensive plan;
2. Geotechnical Study;
3. Traffic Impact Study;
4. Water Report. Identify anticipated service pressures, fire flow, demands, velocities under peak flow conditions as well as irrigation demands and design if a separate irrigation system is proposed. Identify any impacts to the Town's existing storage, treatment, and distribution system;
5. Wastewater Report. Identify anticipated loadings, velocities, pipe sizes, pumping needs, etc. Explain the impacts anticipated on the Town's collection and treatment system;
6. Utility Plan. A plan corresponding to the preliminary plat showing the line location, size and gradient for proposed water distribution and sewage collection mains within the proposed subdivision in relation to existing town installations. Identify preliminary layouts, pedestal, transformer, and meter layout to assure no conflicts with other improvements exist;
7. Street Design Report. Centerline profiles of proposed streets, sidewalks, and pedestrian trials shall be plotted at a horizontal scale consistent with the preliminary plat and a distorted vertical scale, with sufficient detail to insure that the proposed streets, sidewalks, and pedestrian trials meet gradient limitations established by this Title, the Public Works Manual, and other applicable standards such as those set forth in the Americans with Disabilities Act, and bear a logical relationship to the grade of existing public streets at points of intersection;
8. Drainage Report. Show compliance with Public Works Manual;

9. Floodplain Study. For drainages that have tributary basin areas of more than 20 acres in size, identify the water surface elevations of the drainage for both the predeveloped conditions as well as the post developed conditions. The study will need to assure that the flood hazards that exist upstream and downstream of the subject property will not cause a rise in water surface elevation by more than 6" nor an increase in velocity of the stream for the 100 year event. The hydrological analysis and the hydraulic analysis supporting the study shall be submitted for review and approval by the Town Engineer;
10. Snow Storage and Removal Report that complies with the Public Works Manual;
11. Geological Stability Information. Geological stability information and soil datum shall be furnished at this time if the Applicant has any objection to any current report of geologic and soil information adopted by the town or by the Garfield County planning department as a reference, or on request of the town administrator in cases where no such report is available for the land being subdivided. At the same time the Applicant shall present plans for the correction or avoidance of any problems in his or her report or the adopted reference;
12. Construction Phasing Plan. Identify, at minimum, each of the following components:
 - a. Buildout phases for infrastructure and vertical improvements
 - b. Schedule that identifies the sequencing of infrastructure and vertical construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - c. Storage and staging areas for construction equipment and materials;
 - d. Illustrate drainage and erosion control best management practices (BMP's);
13. Fiscal Impact Study. At the discretion of the Town Administrator, provide a calculation of projected ongoing revenues and costs to be received or incurred by the Town as a result of development of the subdivision proposed in the Application. Such calculations shall be provided for the first fifteen years after full development of the proposed subdivision.
14. Brief description of proposed covenants, if any;
15. List of names and addresses of property owners within 250 feet of the property being subdivided; and
16. Current title commitment for the property being subdivided

E. Completeness Determination & Submittal Deadline

A completeness determination of the application shall be made within thirty (30) days after submission of the preliminary plat application materials. An application is deemed complete once all fees, signed documentation, and all required application materials from sections C & D are provided. If the application is deemed incomplete, the Applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not

continue until all deficiencies are corrected and the application is deemed complete. Once the application is determined to be complete, the Applicant may submit new or revised application materials up to fourteen (14) days before the public hearing date. If materials are provided after this deadline, the Planning Commission may continue the hearing if it determines Staff requires more time to review and provide comments regarding the late submittals.

F. Public Notice & Referrals

As provided in Chapter 16.08 of this title, a public hearing regarding the application will be scheduled with the Commission on the first available meeting date at least forty-five (45) days after the date the application was determined complete pursuant to Section E above. The application shall be accompanied by an application for zoning or rezoning if the subdivision is within the town limits and when rezoning is required for the development of the subdivision. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the preliminary plat, at least thirty (30) days prior to the hearing.

In addition to the notice requirements, applicable portions of the preliminary plat shall be provided to at least the following referral agencies for review and comment:

- Town departments and Town consultants, including the Town attorney and Town engineer;
- Colorado Parks and Wildlife;
- Colorado River Fire and Rescue;
- All utility companies serving the proposed area;
- The Colorado Department of Public Health when any new sewage and water treatment facilities are proposed;
- The Colorado Department of Highways when the proposed subdivision borders a state highway, and any other appropriate agency;

G. Application Review Process

The application will be evaluated according to the following review criteria:

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility to neighboring land uses;
4. Availability of Town services from public works (including water and sewer services), fire, and police;
5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
6. The extent to which any required open space or parks are designed for active or passive use by residents of the subdivision or the public; and
7. Development consistent with the natural character, contours, and viewsheds of the land;

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the Commission and the Applicant, the Commission shall make one of three decisions

on the application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The Commission's decision will be made by written resolution. Approval of the preliminary plat does not constitute a commitment on the part of the planning commission to accept the final plat. A continuance of the hearing may be allowed pursuant to section 16.08.040(G) of this Title.

H. Duration of Preliminary Plat

Preliminary plat approval granted pursuant to this Section 16.16.020 will remain in effect for one year from the date of the Commission resolution regarding the application. If the Applicant does not submit a final plat application within said year or if the Applicant's preliminary plat application includes substantial changes (e.g. proposes new uses, higher density development, changed layout, new or additional variances, etc.) from the as-approved preliminary plat, then, at the discretion of the Town Administrator, the Applicant may be required to obtain approval of a new preliminary plat application before filing a final plat application.

16.16.030 - Final Plat Requirements.

A. Purpose

The subdivision of property into six (6) or more lots or condominium units shall be deemed a major subdivision per Section 16.04.020. Any major subdivision proposal shall require a 3-step application process— sketch, preliminary, and final – unless granted an exemption by the Commission for good cause shown by the Applicant. Only that part of the preliminary plat that is proposed by the application for recording at any one time must be submitted in final form. Separate improvement agreements and review fees may be required for each portion of the preliminary plat that shall be presented for final approval. In the case of a partial submission, the approval of the remaining portion of the preliminary plat shall receive an automatic one-year extension. A final subdivision application shall demonstrate final compliance with Town regulations and requirements as are necessary prior to the building permit phase.

The Commission shall conduct a noticed public hearing as provided in Chapter 16.08 of the Town Code and make a recommendation on the final plat application to Town Council. Town Council will then make the final decision on the application at a public meeting. In instances of combined PUD/Subdivision development applications, both applications shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a final plan application, the Applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting at a mutually agreed upon date. The pre-application meeting is an opportunity for the Applicant to discuss any subsequent changes made after the preliminary plan review and receive guidance on future steps with the application process. An additional pre-application meeting may be required by the Town Administrator if a complete final plat application is not submitted within six (6) months of the initial pre-application

meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the Applicant or otherwise at the discretion of the Town Administrator.

C. Final Plat Submittals

The Applicant shall produce print copies (the number of which shall be determined by the Town Administrator) of the proposed final subdivision plat drawn at a scale of not more than one hundred (100) feet to the inch on sheets (maps of two or more sheets shall be referenced on an index map and all certifications and dedications need appear only on the title or cover sheet) which measure twenty-four (24) inches by thirty-six (36) inches with a two-inch clear left margin and a one-half inch margin along the remaining edges of the sheet. Two permanent, reproducible copies (such as mylar) will be required after final approval and prior to recordation.

Additional information required after preliminary plat approval shall be as follows:

1. Subdivision Boundaries. Street right-of-way lines and lot lines in solid lines, easements or other right-of-way lines in dashed lines, all with accurate dimensions to the nearest 0.01 foot. Bearings and distances of all lines, centerline angles, radius length, chord length, and arc length of all curves shall be shown;
2. The location and description of all permanent survey control points;
3. Legal description of the subdivision parcel with reference to its location in the records of Garfield County;
4. Street names, block and lot numbers. All street names shall be cleared through Garfield County Communications to avoid any duplication of street names in the county dispatch area. Address numbering shall be sequential and based on distance from entrance of street. Fire Marshal will submit names to Communications for approval.
5. Notarized certification of ownership;
6. Surveyor's certificate signed by a licensed surveyor responsible for the survey and plat;
7. Certificate of final approval by town council;
8. County clerk's certificate for time of recording and reception number;
9. Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for any proposed subdivision. Submission of a letter of agreement between the subdivider and utility serving the site shall be deemed sufficient to establish that adequate provision for electric or natural gas service to a proposed subdivision has been made;

10. The title insurance company or attorney's certificate as required; and
11. Plat note referencing the ordinance number and recordation information for the ordinance approving the final plat.

D. Supplemental Application Materials

1. Three copies of any protective covenants or restrictions placed on the subdivision;
2. Engineered plans and preliminary cost estimates for all utility, street, and drainage improvements to be installed in dedicated land, rights-of-way, or easements shall be made and certified by an engineer licensed to practice in the state of Colorado;
3. A subdivision improvement agreement using a form approved by the town attorney with guarantees executed between the subdivider and the town wherein the subdivider shall agree to install drainage structures, fire hydrants, roads, curb and gutter, complete paving, sidewalks, bicycle paths, culverts and bridges, street lights and signs, and other improvements where required at his or her expense either prior to acceptance of the final plat or within a specific time, no later than one year from the start of any phase of the development, as approved by the town council. Such agreement shall also define responsibility for and describe terms and stipulations relative to provision of water and sewer improvements;
4. A title commitment for all onsite and offsite easements and dedications.
5. List of property owners within 250 feet of the property being subdivided;

E. Completeness Determination & Submittal Deadline

A completeness determination of the application shall be made within thirty (30) days after submission of the final plat application materials. An application is deemed complete once all fees, signed documentation, and all required application materials from sections C & D are provided. If the application is deemed incomplete, the Applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete. Once the application is determined to be complete, the Applicant may submit new or revised application materials up to fourteen (14) days before the public hearing date. If materials are provided after this deadline, the Planning Commission may continue the hearing if it determines Staff requires more time to review and provide comments regarding the late submittals.

F. Public Notice & Referrals

As provided in Chapter 16.08 of this title, a public hearing regarding the application will be scheduled with the Commission on the first available meeting date at least forty-five (45) days

after the date the application was determined complete pursuant to Section E above. The application shall be accompanied by an application for zoning or rezoning if the subdivision is within the town limits and when rezoning is required for the development of the subdivision. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the final plat, at least thirty (30) days prior to the hearing. Final plat application materials may be provided to one or more of the referral agencies listed in Section 16.16.040(F) if deemed necessary by the Town Planner.

G. Application Review Process

The application will be evaluated according to the following review criteria:

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility to neighboring land uses;
4. Availability of Town services from public works (including water and sewer services), fire, and police;
5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
6. The extent to which any required open space or parks are designed for active or passive use by residents of the subdivision or the public; and
7. Development consistent with the natural character, contours, and viewsheds of the land

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the Applicant, the Commission shall make one of three recommendations to Town Council regarding the final plat application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The Commission's decision will be made by written resolution. A continuance of the hearing may be granted pursuant to section 16.08.040(G) of this Title.

Within sixty (60) days from the date of the Commission's written decision on a final application, or within such time as is mutually agreed by the Council and the Applicant, Town Council shall approve the final plat application, with or without conditions, or deny the application. Town Council's decision will be made by ordinance.

H. Recordation of Plat

The Town Clerk shall cause the final plat to be recorded with the county clerk and recorder upon satisfaction of all conditions required by the ordinance approving the final plat. The Town Clerk shall also retain copies of plats and annexation ordinances as required by state statute.

- 3. Section 17.100.050 to 17.100.090 Amendment.** Sections 17.100.050 to 17.100.090 of the Town Municipal Code are hereby repealed in their entirety and reenacted as set forth below:

17.100.050 - Preliminary PUD Development Plan and/or PUD Master Plan Application.

A. Purpose

A PUD proposal shall generally require a 3-step application process – sketch, preliminary, and final – unless granted an exemption by the Commission for good cause shown by the Applicant. Review of the preliminary PUD application will assess zoning conformance, compliance with the Town Code, provisions for utilities and infrastructure, compatibility with the Comprehensive Plan, and address any adverse impacts to the Town.

The Commission shall conduct a noticed public hearing as provided in Chapter 16.08 of the Code and make a decision regarding the preliminary PUD application. In instances of combined Subdivision/PUD development applications, both applications shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a preliminary plan application, the Applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting at a mutually agreed upon date. The pre-application meeting is an opportunity for the Applicant to discuss any subsequent changes made after sketch plan review and receive guidance on future steps with the application process. An additional pre-application meeting may be required by the Town Administrator if a complete preliminary plan application is not submitted within six (6) months of the initial pre-application meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the Applicant or otherwise at the discretion of the Town Administrator.

C. Preliminary PUD and/or Master Plan Application Requirements

A preliminary PUD development plan application and/or an application for PUD master plan approval may be filed by the person having an interest in the property for which the planned unit development is requested and shall be made on a form provided by the town. All application materials shall be submitted in electronic format. Upon receipt of the electronic materials, the Town Administrator or designated Town staff will determine the number of paper copies the Applicant will be required to provide.

A preliminary PUD development plan or PUD master plan submittal will include the following:

1. Boundary and size of site showing existing and proposed zoning (if applicable) and zone district boundaries for the proposed area and land adjacent to the proposed development area;
2. Density of proposed development;
3. List and location of adjacent land uses;

4. Name of the proposed development, which shall be different from any existing recorded subdivision in the town of New Castle;
5. Existing topographic character of the land at a contour level of two feet if the slope is less than ten (10) percent (spot elevations may be required if the land is too flat for contours) and five feet if the slope is greater than ten (10) percent. An application for PUD master plan approval shall also include proposed contours for all proposed infrastructure improvements;
6. Lot and block layout and their respective acreage and/or square footage including the setback information for each proposed lot;
7. The architectural character and design of all buildings and structures including floor plan, plan views, and elevations for each building proposed in the development
8. Proposed number of dwelling units and bedroom count and/or non-residential square footage, as applicable;
9. Location and dimensions of any dedicated open space, public parks, schools, public buildings/facilities and any other common elements on the site plan showing compliance with applicable annexation agreements, master plan requirements, and the Comprehensive Plan;
10. Identification of the party responsible for maintaining open space, parks, trails, and roads within the development;
11. Locations of snow storage (See 17.100.050(D.9) below);
12. Viewshed analysis or 3D renderings of all buildings proposed in the development,
13. Existing and proposed easements for irrigation, drainage, and utilities. Include the proposed terms of reservations or dedications of public rights-of-way, easements and other public lands;
14. The existing and proposed vehicular circulation system, including arterial, collector and local streets, proposed bicycle/pedestrian paths, off-street parking areas, service and loading areas and major points of access to public rights-of-way, except that the application for a PUD master development plan need only show arterial and collector streets and proposed major points of access to public rights-of-way. Include a street plan view and/or elevation to demonstrate that the vehicular circulation system can effectively accommodate emergency vehicles and on-street parking;
15. Locations of transformer pedestals, A/C compressors, mailbox kiosks, or any other accessory structure shall be identified on the site plan. Locations of mailbox kiosks shall be approved by the local postmaster

16. Identify any off-street parking common areas, loading areas, and service areas including refuse disposal;
17. Brief description of any proposed covenants;
18. Areas of potential hazards, including the one hundred (100) year floodplain and floodway, geologic hazards including subsidence or other similar hazards, and mineral area if extraction value may be economically feasible;
19. Profiles of the topography both before and after any overlot grading that is proposed, and a map showing the contours after overlot grading;
20. List of the names and addresses of the owners of property located within two hundred fifty (250) feet of the subject site; and
21. Current title commitment for the subject property.

D. Supplemental Application Materials

The following applications materials shall accompany the preliminary PUD application in order to determine feasibility of the proposed development:

1. Compliance with the Comprehensive Plan. The Applicant must include a narrative demonstrating compliance with the comprehensive plan.
2. Geotechnical Study
3. Traffic Impact Study
4. Water Report. Identify anticipated service pressures, fire flow, demands, velocities under peak flow conditions as well as irrigation demands and design if a separate irrigation system is proposed. Identify any impacts to the Town's existing storage, treatment, and distribution system.
5. Wastewater Report. Identify anticipated loadings, velocities, pipe sizes, pumping needs, etc. We would need to assure that the sewer report identifies what the impacts are anticipated to be to the Town's collection and treatment system
6. Utility Plan. A plan corresponding to the preliminary plat showing the line location, size and gradient for proposed water distribution and sewage collection mains within the proposed subdivision in relation to existing town installations. Identify preliminary layouts, pedestal, transformer, and meter layout to assure no conflicts with other improvements exist;
7. Street Design Report. Centerline profiles of proposed streets shall be plotted at a horizontal scale consistent with the preliminary plat and a distorted vertical scale, with

sufficient detail to insure that the proposed streets meet gradient limitations established by this title and bear a logical relationship to the grade of existing public streets at points of intersection;

8. Drainage Report. Show compliance with Public Works Manual;
9. Floodplain Study. For drainages that have tributary basin areas of more than 20 acres in size, identify the water surface elevations of the drainage for both the predeveloped conditions as well as the post developed conditions. The study will need to assure that the flood hazards that exist upstream and downstream of the subject property will not cause a rise in water surface elevation by more than 6" nor an increase in velocity of the stream for the 100 year event. The hydrological analysis and the hydraulic analysis supporting the study shall be submitted for review and approval by the Town Engineer;
10. Snow Storage and Removal plan that complies with the Public Works Manual;
11. Geological Stability Information. Geological stability information and soil datum shall be furnished at this time if the Applicant has any objection to any current report of geologic and soil information adopted by the town or by the Garfield County planning department as a reference, or on request of the town administrator in cases where no such report is available for the land being subdivided. At the same time the Applicant shall present plans for the correction or avoidance of any problems in his or her report or the adopted reference;
12. Conceptual landscape sketch showing general locations of turf, native grass, trees, natural screening, and hardscapes;
13. Construction Phasing Plan. Identify, at minimum, each of the following components:
 - a. Buildout phases for infrastructure and vertical improvements;
 - b. Schedule that identifies the sequencing of infrastructure and vertical construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - c. Storage and staging areas for construction equipment and materials;
 - d. Illustrate drainage and erosion control best management practices (BMP's);
14. Acreage. A schedule shall be submitted showing the total acreage of the land to be subdivided and the acreage intended for each type of usage along with its percentage to the total acreage.
15. Fiscal Impact Study. At the discretion of the Town Administrator, provide a calculation of projected ongoing revenues and costs to be received or incurred by the Town as a result of the proposed development. Such calculations shall be provided for the first fifteen years after full build-out of the development.

E. Completeness Determination & Submittal Deadline

A completeness determination of the application shall be made within thirty (30) days after submission of the preliminary PUD plan application materials. An application is deemed complete once all fees, signed documentation, and all required application materials from sections C and D are provided. If the application is deemed incomplete, the Applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete. Once the application is determined to be complete, the Applicant may submit new or revised application materials up to fourteen (14) days before the public hearing date. If materials are introduced later than this deadline, the Planning Commission may continue the hearing if it determines Staff requires more time to review and provide comments regarding the late submittals.

F. Staff Meeting

Within fourteen (14) days after determining that the preliminary PUD application is complete, the Town administrator, Town planner, and other Town staff members and consultants requested by the Town administrator will meet with the Applicant to discuss the application. The purpose of the meeting is for Staff to clearly communicate to the Applicant any issues staff has identified after reviewing the application that need to be resolved or addressed prior to the public hearing on the application.

G. Public Notice & Referrals

As provided in Chapter 16.08 of this Code, a public hearing regarding the application will be scheduled with the Planning Commission on the first available meeting date at least forty-five (45) days after the date the application was determined complete pursuant to Section E, above. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the preliminary plan, at least thirty (30) days prior to the hearing.

In addition to the notice requirements, applicable portions of the preliminary plan shall be provided to at least the following referral agencies for review and comment:

- Town departments and Town consultants, including the Town attorney and Town engineer;
- Colorado Parks and Wildlife;
- Colorado River Fire and Rescue;
- All utility companies serving the proposed area;
- The Colorado Department of Public Health when any new sewage and water treatment facilities are proposed;
- The Colorado Department of Highways when the proposed subdivision borders a state highway, and any other appropriate agency;

H. Application Review Process

The application will be evaluated according to the following review criteria:

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility to neighboring land uses;
4. Availability of Town services from public works (including water and sewer services), fire, and police;
5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
6. The extent to which any required open space or parks are designed for active or passive use by residents of the subdivision or the public; and
7. Development consistent with the natural character, contours, and viewsheds of the land;

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the Applicant, the Commission shall make one of three decisions regarding the application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The Commission's decision will be made by written resolution. A continuance may be granted pursuant to section 16.08.040(G) of the Code.

The Applicant may take a disputed decision of the Commission to the town council for review. If, in the Council's sole discretion, the finding of the Commission may have been in error, the Council shall refer the application back to the Commission for reassessment.

I. Duration of Preliminary Plan Approval

Preliminary plan approval granted pursuant to this Section 17.100.050 will remain in effect for one year from the date of the Commission resolution regarding the application. If the Applicant does not submit a final PUD plan application within said year or if the Applicant's preliminary PUD plan application includes substantial changes (e.g. proposes new uses, higher density development, changed layout, new or additional variances, etc.) from the as-approved preliminary PUD plan, then, at the discretion of the Town Administrator, the Applicant may be required to obtain approval of a new preliminary PUD plan application before filing a final PUD plan application.

17.100.060 - Final PUD Application and/or Final PUD Master Plan Application.

A. Purpose

A PUD development plan shall generally require a 3-step application process – sketch, preliminary, and final – unless granted an exemption by the Commission for good cause shown by the Applicant. The final application is the last stage of the approval process for a PUD and/or Master Plan proposal. An applicant may not submit a final PUD plan application until a preliminary PUD plan has been approved by the Commission. All or any portion of an approved preliminary PUD plan application may be submitted for final PUD plan application approval. In the case of a partial submission, the approval of the remaining portion of the preliminary PUD plan application shall automatically gain an extension of one year. Review of a final PUD plan application will assess zoning conformance, compliance with the Town Code, provisions for

utilities and infrastructure, compatibility with the Comprehensive Plan, and address any adverse impacts to the Town.

The Commission shall conduct a notice public hearing as provided in Chapter 16.08 of this Code and make a recommendation on the final PUD plan application to Town Council. Town Council will then make the final decision regarding the application at a public meeting. In instances of combined PUD/Subdivision development applications, both applications shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a final PUD plan application, the Applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting at a mutually agreed upon date. The pre-application meeting is an opportunity for the Applicant to discuss any subsequent changes made after preliminary plan review and receive guidance on the final steps with the application process. An additional pre-application meeting may be required by the Town Administrator if a complete preliminary plan application is not submitted within six (6) months of the initial pre-application meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the Applicant or otherwise at the discretion of the Town Administrator.

C. Final PUD and/or Master Plan Application Requirements

A final PUD development application and/or an application for PUD master plan may be filed by the person having an interest in the property for which the planned unit development is requested and shall be made on a form provided by the town. All application materials shall initially be submitted in electronic format. Upon receipt of the electronic materials, the Town Administrator or designated Town staff will determine the number of paper copies the Applicant will be required to provide.

A final PUD development plan or PUD master plan submittal shall include the following additional items:

1. Any updated plan views and elevations. Note, substantial changes to building design after preliminary plan approval may require additional review time at the discretion of the Planning Commission. Building design should be nearly complete prior to final application approval;
2. The location and design of proposed signs and an exterior lighting plan. All exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards to the maximum extent possible;
3. Areas of known hazards, such as one hundred (100) year floodplain, rockslides, subsidence or other similar hazards, and mineral areas of potentially economically feasible extraction value;

4. A landscape plan illustrating size, type and location of plant materials and an irrigation plan, if applicable;
5. Weed and Dust Management Plan in compliance with the Public Works Manual;
6. Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for any proposed PUD subdivision. Submission of a letter of agreement between the PUD Applicant and utility serving the site shall be deemed sufficient to establish that adequate provision for electric or natural gas service to a proposed PUD subdivision has been made;

D. Completeness Determination & Submittal Deadline

A completeness determination of the application shall be made within thirty (30) days after submission of the final PUD plan application materials. An application is deemed complete once all fees, signed documentation, and all required application materials from section C are provided. If the application is deemed incomplete, the Applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete. Once the application is determined to be complete, the Applicant may submit new or revised application materials up to fourteen (14) days before the public hearing date. If materials are provided after this deadline, the Planning Commission may continue the hearing if it determines Staff requires more time to review and provide comments regarding the late submittals.

E. Public Notice and Referrals

As provided in Chapter 16.08 of this Code, a public hearing regarding the application will be scheduled with the Commission on the first available meeting date at least forty-five (45) days after the date the application was determined complete pursuant to Section E above. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the final plat, at least thirty (30) days prior to the hearing. The final PUD application materials may be provided to one or more of the referral agencies referenced in Section 17.100.060(G) if deemed necessary by the Town Planner.

F. Application Review Process

The application will be evaluated according to the following review criteria:

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility to neighboring land uses;
4. Availability of Town services from public works (including water and sewer services), fire, and police;
5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;

6. The extent to which any required open space or parks are designed for active or passive use by residents of the subdivision or the public; and
7. Development consistent with the natural character, contours, and viewsheds of the land;

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the Applicant, the Commission shall make one of three recommendations to Town Council regarding the final PUD plan application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The Commission's decision will be made by written resolution. A continuance may be granted pursuant to section 16.08.040(G) of this Title.

Within sixty (60) days from the date of the Planning Commission's written decision on a final PUD plan application, or within such time as is mutually agreed by the Town Council and the Applicant, the Town Council shall approve the application, with or without conditions, or deny the application. Town Council's decision will be made by ordinance, and any ordinance approving a final PUD plan shall be recorded in the Garfield County real property records.

4. Code Reference Corrections.

- A. Section 17.124.010(B) of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

“B. Additional Provisions. A preliminary and final PUD application shall be submitted to the town in accordance with Sections [17.100.050](#) and [17.100.060](#) for new development.”

- B. Section 17.124.020(B.1) of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

“1. A preliminary and final PUD application shall be submitted to the town in accordance with Sections [17.100.050](#) and [17.100.060](#) for new development.”

- C. Section 17.100.110(C), 1st sentence only, of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

“Major amendments to a PUD must be approved in accordance with the procedures applicable to the approval of a final PUD development plan application as set forth in [Section 17.100.060](#).”

- D. Section 17.100.050(E) of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

“A PUD master plan application shall be processed and approved in accordance with the requirements of [Section 17.100.050](#) and [Section 17.100.060](#).”

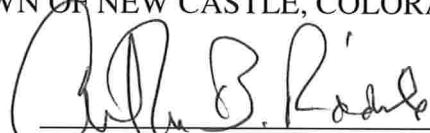
5. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on August 13, 2020 at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on September 1, 2020, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By:



Art Riddle, Mayor

ATTEST:


Melody Harrison, CMC, Town Clerk

