

**Chapter 17.15**  
**SUBDIVISIONS**

**Sections:**

<b>17.15.010</b>	<b>Authority; Jurisdiction; Enforcement</b>
<b>17.15.020</b>	<b>Scope</b>
<b>17.15.030</b>	<b>Purposes</b>
<b>17.15.040</b>	<b>Classification of Subdivisions and General Procedures</b>
<b>17.15.050</b>	<b>Pre-Application Conferences</b>
<b>17.15.060</b>	<b>Sketch Plan Submittal, Processing and Review</b>
<b>17.15.070</b>	<b>Preliminary Plan Submittal, Processing and Review</b>
<b>17.15.080</b>	<b>Final Plat Submittal, Processing and Review</b>
<b>17.15.090</b>	<b>Phased Subdivisions and Subdivision Filings</b>
<b>17.15.100</b>	<b>Approval to Begin Site Development</b>
<b>17.15.110</b>	<b>Withdrawal of Approval</b>
<b>17.15.120</b>	<b>Corrections to Recorded Plats</b>
<b>17.15.130</b>	<b>Time Extensions for Minor Subdivisions, Preliminary Plans and Final Plats</b>
<b>17.15.140</b>	<b>Public and Other Subdivision Improvements- General Requirements</b>
<b>17.15.150</b>	<b>Related Costs – Public and Other Required Subdivision Improvements</b>
<b>17.15.160</b>	<b>Public Improvements to be the Property of the City</b>
<b>17.15.170</b>	<b>Guarantee of Improvements</b>
<b>17.15.180</b>	<b>Subdivision Improvements Required prior to Issuance of Planning Clearances</b>
<b>17.15.190</b>	<b>Recapture Agreements</b>

**17.15.010 AUTHORITY; JURISDICTION; ENFORCEMENT.**

- A. These regulations have been adopted in accordance with Title 31 of the Colorado Revised Statutes, as amended, which enables the city to control the subdivision of all property within all zones within the boundaries of the municipality. It shall be unlawful for any person, partnership or corporation to subdivide land within the legal boundaries of the City of Fruita without having first complied with the provisions of these regulations.
- B. Any subdivider or agent of a subdivider who transfers or sells subdivided land before a final plat for such land has been approved by the City Council and recorded in the office of the Mesa County Clerk and Recorder shall be subject to penalties and remedies as provided by 31-23-216, C.R.S., as amended and by Section 17.01.100.

**17.15.020 SCOPE.** No plat of a subdivision creating a new parcel shall be approved unless it conforms to the provisions of this Title.

**17.15.030 PURPOSES.** The purposes of this Chapter are to:

- A. Assist orderly, efficient and integrated development of the city, consistent with the Fruita Community Plan;
- B. Promote the health, safety, and general welfare of the residents of the city;
- C. Ensure conformance of land subdivision plans with the public improvement plans of the city;
- D. Ensure coordination of intergovernmental public improvement plans and programs;
- E. Encourage well planned subdivisions by establishing adequate standards for design and improvement;
- F. Improve land survey monuments and records by establishing standards for surveys and plats;
- G. Safeguard the interests of the public, homeowners and subdividers from fire, flood and other dangers;
- H. Facilitate adequate provision of transportation, water, irrigation, wastewater collection, schools, parks and recreation, and other public services and utilities;
- I. Secure equitable handling of all subdivision plans by providing uniform procedures and standards;
- J. Preserve natural vegetation and cover and promote the natural beauty of the city;
- K. Prevent and control erosion, sedimentation and other pollution of surface and subsurface water;
- L. Prevent flood damage to persons and properties and minimize expenditure for flood relief and flood control projects;
- M. Restrict building on flood lands, shore lands, areas covered by poor soils, such as bentonite, or in areas poorly suited for building or construction;
- N. Provide adequate space for future development of schools and parks to serve the population;
- O. Lessen the congestion in streets while reducing the waste of excessive amounts of streets;
- P. Protection of the city's tax base;
- Q. Provide adequate light and air;
- R. Protect both existing urban and non-urban development and preserve the value of property;

- S. Secure economy in governmental expenditures; and
- T. Prevent the overcrowding of land and avoid the undue concentration of population.

**17.15.040 CLASSIFICATION OF SUBDIVISIONS AND GENERAL PROCEDURES.**

A. Minor Subdivisions. Minor Subdivisions are required to be completed in one phase and no density bonus is permitted through the Minor Subdivision review process.

1. The following subdivisions are classified as Minor subdivisions:

- a. Subdivisions creating five (5) or fewer additional building lots for which all required public improvements are already in existence and available to serve each lot.
- b. Conveyances of real property to the city for public dedication purposes.
- c. Consolidation plats combining no more than three (3) lots.
- d. Correction plats. (Section 17.15.120)
- e. Lot line or boundary line adjustments which do not create additional lots.
- f. Subdivisions dividing existing multi-family buildings into no more than six (6) townhouse or condominium lots.

2. Minor Subdivisions shall be processed as follows:

- a. A pre-application meeting with the Community Development Department is required pursuant to Section 17.15.050, below;
- b. The application must be submitted in the form and quantities required by the Community Development Director. The application shall be reviewed for compliance with the requirements of this Title including, but not limited to, the standards of the applicable zone and the compatibility criteria of Section 17.07.080;
- c. The Community Development Department shall review the application with appropriate staff and other agencies, as applicable; and
- d. After comments from city staff and other reviewers are considered, the Community Development Director shall make a decision to approve, deny, or approve the application with conditions based on the applicable requirements of this Title.
- e. Any person aggrieved by a decision of the Community Development Director, or his or her designee, under the procedures set forth above, may appeal such decision to

the City Council pursuant to Section 17.05.060;

- f. Upon expiration of the appeal period in Section 17.05.060 the Minor Subdivision approval shall become final and the owner shall have one hundred eighty (180) days from the date of the approval to comply with any required conditions of approval and record the plat. Time extensions may be granted pursuant to section 17.15.130.

B. Major Subdivisions.

1. The following subdivisions are classified as Major Subdivisions:
  - a. Subdivisions creating six (6) or more additional building lots, and
  - b. Subdivisions not otherwise conforming to the criteria for Minor Subdivisions under subsection 17.15.040(A), above.
2. Major Subdivisions shall be processed as follows:
  - a. Pre-application conferences are required pursuant to Section 17.15.050, below.
  - b. Sketch Plan. An application for Sketch Plan is optional and approval shall be reviewed for compliance with this Title, other requirements of the city, and requirements of other agencies, as applicable. Applications for Sketch Plan approval shall be reviewed through the public hearing process in accordance with Section 17.05.070.
  - c. Preliminary Plan. An application for Preliminary Plan approval shall be reviewed for conformity to the requirements of this Title, and other applicable regulations. Applications for Preliminary Plan approval shall be reviewed through the public hearing process in accordance with Section 17.05.070.
  - d. Final Plat. An application for Final Plat approval shall be reviewed for conformity to the approved Preliminary Plan, including any conditions of approval, the requirements of this Title, and any other applicable regulations. Final Plat applications can be approved administratively with the related subdivision improvements agreement requiring approval by the City Council at a public hearing.
  - e. Sketch Plan, Preliminary Plan and Final Plat applications must be submitted in the form and quantities required by the Community Development Director.

**17.15.050 PRE-APPLICATION CONFERENCES.**

Prior to any submittal of an application under Chapter 17.15, a pre-application conference shall be held with the Community Development Department staff. The purpose of the pre-application

meeting is informational; staff will review the applicant's preliminary proposal and provide informal feedback on applicable city codes and requirements. The intent is to promote efficiency and two-way communication between applicants and the city early in the land development review process. Prospective applicants are encouraged to contact adjacent property owners for the purpose of soliciting their input prior to formally submitting an application.

**17.15.060 SKETCH PLAN SUBMITTAL, PROCESSING AND REVIEW.** If an applicant chooses to submit a Sketch Plan application for approval, the following submittal, processing and review procedures apply:

- A. Applications for Sketch Plan approval shall be submitted in the form and number as required by the Community Development Director. The application shall be distributed to appropriate staff and others for review and comment.
- B. The Community Development Department shall provide all review comments to the Planning Commission along with written recommendations regarding the Sketch Plan application.
- C. At a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Sketch Plan application according to the following criteria:
  - 1. Conformance to the City of Fruita's Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;
  - 2. Compatibility with the area around the subject property in accordance with Section 17.07.080;
  - 3. Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc);
  - 4. Preservation of natural features and adequate environmental protection; and
  - 5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.
- D. The Planning Commission shall provide a recommendation to the City Council regarding the Sketch Plan application.
- E. Following the Planning Commission public hearing, the City Council shall evaluate the Sketch Plan application according to the same criteria and make a final decision for approval, approval with conditions or denial of the Sketch Plan application.
- F. The Sketch Plan application may be continued or withdrawn by the applicant at any time in

writing to the Community Development Department. The applicant may be responsible for paying for the cost of an additional public notice if public notice for the public hearing has already been sent out.

- G. Preliminary Plan applications must be submitted within 180 days of City Council approval of the Sketch Plan unless a time extension has been granted pursuant to Section 17.15.130. If more than 180 days have elapsed from the date of the City Council's approval of the Sketch Plan application, and if no extension is granted, the Sketch Plan approval shall expire.

#### **17.15.070 PRELIMINARY PLAN SUBMITTAL, PROCESSING AND REVIEW.**

- A. Applications for Preliminary Plan approval shall be submitted in the form and number as required by the Community Development Director. The application shall be distributed to appropriate staff and others for review and comment.
- B. The Community Development Department shall provide review comments to the Planning Commission along with written recommendations regarding the Preliminary Plan application.
- C. At a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Preliminary Plan application according to the Sketch Plan criteria in Section 17.15.060(C) and also the following criteria:
  - 1. Adequate resolution of all review comments; and
  - 2. Compliance with conditions of approval on the Sketch Plan, if any.
- D. The Planning Commission shall provide a recommendation to the City Council regarding the Preliminary Plan application.
- E. Following the Planning Commission public hearing, the City Council shall evaluate the Preliminary Plan application according to the same criteria and make a final decision for approval, approval with conditions or denial of the Preliminary Plan application.
- F. The Preliminary Plan application may be continued or withdrawn by the applicant at any time in writing to the Community Development Department. The applicant may be responsible for paying for the cost of an additional public notice if public notice for the public hearing has already been sent out.
- G. Final Plat applications must be submitted within 180 days of City Council approval of the Preliminary Plan unless a time extension has been granted pursuant to Section 17.15.130. If more than 180 days have elapsed from the date of the City Council's approval of the Preliminary Plan application, and if no extension is granted, the Preliminary Plan approval shall expire.

**17.15.080 FINAL PLAT SUBMITTAL, PROCESSING AND REVIEW.**

- A. Applications for Final Plat approval shall be submitted in the form and number as required by the Community Development Director. The application shall be distributed to appropriate staff and others for review and comment.
- B. The Community Development Department shall evaluate the Final Plat application for compliance with the approval of the Preliminary Plan including any conditions of approval and all requirements of this Title.
- C. The Final Plat application may be withdrawn by the applicant at any time in writing to the Community Development Department.
- D. Final Plats may be administratively approved by staff, however, if a subdivision improvements agreement (SIA) is required for the subdivision, the SIA must be approved by the City Council at a public hearing.
- E. Final Plats for Major Subdivisions must be recorded within two years of Preliminary Plan approval by the City Council unless a time extension has been granted pursuant to Section 17.15.130. For Final Plats not yet recorded on the effective date of this Title, the applicants have two years from the effective date of this Title to finalize requirements and record the Final Plat.
- F. The Final Plat and related documents must be recorded within ninety (90) days of the City Council's approval of the SIA unless a time extension has been granted pursuant to Section 17.15.130. If more than ninety (90) days have elapsed from the date of the City Council's approval of the SIA, and if no extension is granted, the approval of the Final Plat, SIA and related documents shall expire.
- G. In accordance with Chapter 17.47 of this Title, in the event development within the subdivision has not commenced within three (3) years of the recording date of the Final Plat, unless such period is otherwise extended by the City Council, the City Council may, following a public hearing, vacate its approval of the subdivision which shall then be deemed null and void. For purposes of this subsection, start of development shall mean either the commencement of construction of the public and other required improvements within the subdivision, or the sale of an individual lot or unit within the development, or issuance of the first building permit for construction within the subdivision, whichever event first occurs.
- H. Additional requirements for Final Plat approval.
  - 1. As part of the Final Plat submittal requirements, once staff has approved the Final Plat application, a peer reviewer shall prepare a letter to the Fruita Community Development Director and the subdivider documenting any deficiencies in the Final Plat to be corrected. After all corrections to the Final Plat are made to the satisfaction of the peer reviewer, the subdivider shall obtain from the reviewer a signed and sealed certification

to the Community Development Department that the Final Plat has been reviewed, and to the best of his or her knowledge, the plat satisfies the requirements pursuant to Section 38-51-106, C.R.S., as amended, for the recording of subdivision plats in the office of the Mesa County Clerk and Recorder. The subdivider shall pay all review fees charged by the peer reviewer, which shall be billed directly to the subdivider by the peer reviewer.

This certification makes no warranties to any person for any purpose. It is prepared to establish for the City of Fruita Community Development Director and the County Clerk and Recorder that a professional peer review has been obtained. The certification does not warrant:

- a. Title or legal ownership of the land platted nor the title of legal ownership of adjoiningers;
  - b. Errors and/or omissions, including but not limited to, the omission(s) of rights-of-way and/or easements, whether or not of record;
  - c. Liens and encumbrances, whether or not of record; and
  - d. The qualifications, licensing status and/or any statement(s) or representation(s) made by the surveyor who prepared the above named subdivision plat.
2. The Final Plat shall be approved by certain reviewers as determined by the city with signatures indicating all requirements or changes have been fulfilled.
  3. The Community Development Department staff shall ensure the Final Plat and related documents are recorded with the Mesa County Clerk and Recorder's office including, but not limited to, the following: the executed subdivision improvements agreement; delivery of the performance guarantee required by Section 17.15.160; powers of attorney; deeds conveying easements; land or rights-of-way not dedicated on the Final Plat; the declaration of covenants; evidence of incorporation of the homeowners association, if applicable; and, homeowner's association bylaws, if applicable.

**17.15.090 PHASED SUBDIVISIONS AND SUBDIVISION FILINGS.** A schedule of phasings or filings is required to be submitted with the Preliminary Plan and Final Plat applications. No such schedule may exceed five years without re-approval by the City Council after the five-year period. Lots in future phases cannot be sold until all required public and other subdivision improvements have been completed and accepted by the City or a subdivision improvements agreement is in place for each phase of the development. For subdivisions to be completed by phasings or filings, a Final Plat application is required for each future filing and a Final Plan application is required for each future phase.

**17.15.100 APPROVAL TO BEGIN SITE DEVELOPMENT.**

- A. No excavation, trenching, or other site development work shall begin until the following minimum requirements have been met:
1. The subdivision improvements agreement has been recorded along with the required performance guarantee;
  2. Approved for construction drawings have been signed by the City Engineer;
  3. All fees, including review fees, permit fees and impact fees have been paid;
  4. A pre-construction meeting has been held with the City Engineer and/or Public Works Director, and a signed copy of the inspection/approval form for the development has been received by the subdivider;
  5. Copies of permits issued by other governmental entities. Specifically, but not by way of limitation, a Construction Site Storm Water Discharge Permit issued by the Colorado Department of Public Health and Environment. Also a complete and accurate copy of the final Construction Storm Water Management Plan; and
  6. All other documents required by this Chapter.
- B. Exceptions - specific work tasks may be undertaken prior to compliance with subsection A above, only with the written approval of the city. Such work tasks shall be limited to the following:
1. Surveying;
  2. Installation of erosion control measures;
  3. Placement of equipment or construction trailers, including utility hook-ups with a valid Planning Clearance and Building Permit if required;
  4. Demolition, under a valid demolition permit;
  5. Tree removal, clearing and grubbing;
  6. Removal/relocation of irrigation facilities necessary to maintain irrigation service to adjoining properties;
  7. Undergrounding of overhead electric or telecommunication lines;
  8. Work within a Grand Valley Drainage District easement, with its written permission, and;
  9. Other required infrastructure, which in the opinion of the city, is desirable to expedite

due to weather or environmental conditions or which require close coordination with critical city-managed infrastructure or utility projects.

**17.15.110 WITHDRAWAL OF APPROVAL.** The city decision-making body may withdraw its approval of a plan or plat if and when it is determined that information provided by the subdivider, upon which such decision was based, was false or inaccurate.

**17.15.120 CORRECTIONS TO RECORDED PLATS.** If it is discovered that there is a minor survey or drafting error in a recorded plat, the applicant shall be required to file the plat with an affidavit executed by a registered land surveyor and approved by the County Surveyor. If however, the correction of the error results in major alterations, as determined by the Community Development Director, then the corrected plat shall be subject to the full approval procedures for subdivisions contained in this Chapter and the recording of the corrected plat.

**17.15.130 TIME EXTENSIONS FOR MINOR SUBDIVISIONS, PRELIMINARY PLANS AND FINAL PLATS.**

- A. The City Council may grant an extension of the deadline to submit Preliminary Plan or Final Plat applications, record the final plat or commence development of the subdivision. A public hearing before the City Council is required on any request for a time extension for Preliminary Plan, Final Plat, and Final Plan applications, and recording the final plat for Final Plat applications. For Minor Subdivisions, time extensions may be granted without a public hearing by the Community Development Director. All time extension requests are evaluated on the following criteria:
1. There have been no changes to the area in which the subdivision is located that would affect the proposed subdivision,
  2. There have been no changes to the city's rules, regulations and policies including changes to the city's Master Plan and this Land Use Code that would affect the proposed subdivision, and
  3. There has been no significant increase in impact fees required to be paid for the proposed subdivision.
- B. In the event an approved plat is not recorded by the deadlines required by this Chapter, and no extension has been granted, the approval shall automatically expire. In accordance with Chapter 47 of this Title, in the event development within the subdivision has not commenced within three (3) years of the recording date of the plat, the City Council may, following a public hearing, vacate its approval of the subdivision which shall then be deemed null and void. For purposes of this section, "commence development" shall mean either the commencement of construction of the public and other required improvements within the subdivision, or the sale of an individual lot or unit within the development, or issuance of the first building permit for construction with the subdivision, whichever first occurs.

**17.15.140 PUBLIC AND OTHER SUBDIVISION IMPROVEMENTS - GENERAL REQUIREMENTS.**

The following public and other necessary subdivision improvements shall be constructed at the sole expense of the subdivider as set forth in the subdivision or development approval which are in accordance with the City of Fruita Design Criteria and Construction Specifications Manual, this Title, and sound construction and local practices. Standards and specifications published by the Colorado Department of Transportation shall apply to all State Highways. Where specific requirements are set out in other sections of this Title, the most restrictive shall apply:

- A. Street grading and surfacing and all related improvements of all internal streets within the subdivision.
- B. Adjacent streets and related improvements. All adjacent streets and related improvements providing primary or secondary access to the proposed subdivision shall be capable of adequately handling the vehicular traffic generated by the subdivision, at full occupancy, as determined by the city based on generally accepted traffic engineering standards and any applicable city standards. In applying this standard, the minimum acceptable level of service for all streets within the City of Fruita is Level of Service "C", as defined by the Institute of Transportation Engineers (ITE) Trip Generation Manual, latest edition. (See also the Transportation Impact Fee Study prepared by Mesa County, Colorado by Duncan Associates, September, 2002.) Consistent with Chapter 17.19, the city may require a site specific traffic impact study performed by a registered professional engineer, at the sole cost of the subdivider, when the proposed subdivision is expected to generate at least five hundred (500) daily trip ends or fifty (50) peak hour trip ends in order to determine the traffic impacts generated by the proposed subdivision and the related street improvements needed to accommodate such additional traffic.

In the event the City Council determines that improvements to adjacent streets are necessary as a result of the traffic impacts generated by the proposed subdivision, construction of such off-site improvements shall be the responsibility of the developer. The City Council may, as a condition of approval of the subdivision: (1) require the subdivider to construct all such improvements including the full width of any expanded roadway surface; (2) require the subdivider to pay to the city the cost of constructing such improvements in which case the city shall be responsible for constructing the applicable improvements; (3) may require the subdivider to participate in a street improvement district which shall be responsible for constructing such improvements; (4) require payment of a transportation impact fee consistent with Section 17.19.130 of this Title; or (5) any combination of the above.

Provided, however, in the event the City Council determines that adjacent streets providing access to the proposed subdivision are presently inadequate to handle existing levels of traffic without the proposed subdivision, the city, or a street improvement district created by the city, shall be responsible for the costs of the improvements necessary to adequately service the subject property without the proposed subdivision. The subdivider shall be

responsible for all remaining costs necessitated by development of the subdivision. In the event the City Council determines that the improvements to be constructed and/or paid for by the subdivider will also benefit other properties in the area if further developed or subdivided, and if requested by the subdivider and approved by City Council, the city shall enter into recapture agreements pursuant to Section 17.15.190 with the subdivider requiring the owner or developer of such other properties, as a condition of subdivision or development, to reimburse the subdivider for a portion of the costs incurred by the subdivider for the street improvements constructed pursuant to this subsection. Such contribution or recapture amount shall be calculated by the city and shall be roughly proportional to the traffic impacts generated by such other developments or subdivisions.

- C. Curbs, gutters and sidewalks, bicycle and pedestrian paths and trails.
- D. Wastewater laterals, and mains.
- E. Storm drainage system, as required.
- F. Potable water distribution system.
- G. Fire hydrants.
- H. Required street signs and other traffic control devices.
- I. Permanent reference monuments and monument boxes.
- J. Street lights.
- K. Irrigation System. If the proposed subdivision is located in an area that can be reasonably serviced by an existing irrigation ditch or canal system, the subdivider shall install an irrigation system and shall convey required irrigation water rights, the irrigation system, all real property and associated easements necessary for operation and maintenance of the irrigation system to the property owners association before conveying any lots in the subdivision.
- L. Natural gas lines and related facilities necessary to service the subdivision.
- M. Cable television lines and related facilities necessary to service the subdivision.
- N. Telephone and other telecommunication lines and related facilities necessary to service the subdivision.
- O. Electrical distribution lines and related facilities. All newly constructed electrical distribution lines shall be placed underground to serve new residential subdivision areas. Exceptions to the undergrounding requirements for Minor Subdivisions may be allowed pursuant to the

following conditions:

1. Upon the request of the developer of a Minor Subdivision, the Community Development Director may permit said lines be constructed overhead provided that the Minor Subdivision is in compliance with all other provisions of this Title and the following conditions are met:
  - a. The electrical distribution lines proposed to be placed overhead shall not exceed a maximum distance of one (1) block or seven hundred fifty (750) feet, whichever is less;
  - b. It will not result in any endangerment of the public health or safety;
  - c. It will not substantially injure the value of adjoining or abutting property;
  - d. It will be in harmony with the area in which it is located; and
  - e. It will be in general conformity with applicable city policies and regulations.
- P. Erosion control and storm water management facilities, both temporary and permanent, including obtaining state required permits.
- Q. Relocation and/or replacement of existing facilities of the types listed above, as required for the installation of other specified improvements.
- R. Public or private park, trail, public site, open space and recreation facilities.
- S. Other facilities as may be specified in this Title or required by the City Council.

**17.15.150 RELATED COSTS - PUBLIC AND OTHER REQUIRED SUBDIVISION IMPROVEMENTS.** A subdivider shall provide, at its sole cost, all necessary engineering designs, surveys, field surveys, as-built drawings and incidental services, including the cost of updating city mapping related to the construction of the public and other required subdivision improvements.

**17.15.160 PUBLIC IMPROVEMENTS TO BE THE PROPERTY OF THE CITY.** Upon completion of construction of the public improvements in conformity with city standards and the plans, and any properly approved changes, a subdivider shall convey to the city, by bill of sale, all physical facilities necessary for the extension, maintenance and repair of municipal services. Acceptance of said conveyance shall be made by the city only by a majority vote of the City Council. Approval of a subdivision shall not constitute acceptance by the city for maintenance of wastewater system facilities, parks, streets, alleyways or other public improvements required under a subdivision improvements agreement. The acceptance of such facilities for maintenance shall be by specific action of the City Council upon completion in accordance with the subdivision improvements agreement and/or adopted standards.

**17.15.170 GUARANTEE OF IMPROVEMENTS.** In order to secure the construction and installation of the public and other required subdivision improvements, the subdivider shall choose one of the following options prior to the recording of the subdivision Final Plat:

- A. Subdivision Improvements Agreement. Furnish the city with a performance guarantee satisfactory to the city, as set forth in a subdivision improvements agreement along with other required documents before recording the final plat. (See also, Chapter 17.21.)
- B. Final Plat Hold. Complete all required improvements according to the subdivision approval and approved for construction drawings the same as would be required for a recorded Final Plat with a subdivision improvements agreement, pursuant to Chapter 21 of this Title. A subdivision improvements agreement is required for any improvement involving existing public right-of-way or other existing public property. Before the Final Plat is recorded, an up-to-date title search is required to ensure that there are no additional liens on the property. Failure to provide clear title to land/improvements may result in vacation of the approved Final Plat. All required improvements must be inspected by staff, and accepted by the City Council before the Final Plat is recorded. Additionally, a warranty is required for the improvements before the Final Plat is recorded. The warranty shall be the same as that required in subdivision improvements agreements in Chapter 21 of this Title.

**17.15.180 SUBDIVISION IMPROVEMENTS REQUIRED PRIOR TO ISSUANCE OF PLANNING CLEARANCES.** All required improvements shall be installed, inspected and approved by city staff prior to issuance of a Planning Clearance for a building permit for the construction of any buildings within a subdivision with the exception of trails, bikeways and landscaping of common open spaces, parks and recreation areas whether dedicated to the city or to a property owners association. Up to twenty percent (20%) of the Planning Clearances in a subdivision may be released when all improvements are completed excluding trails, bikeways, fencing and landscaping of common open spaces, parks and recreation areas. Once all improvements are completed, approved and accepted by the city, all other Planning Clearances can be released. Once a Planning Clearance is released, a Certificate of Occupancy for the building can be issued if all other requirements have been met.

The city may approve an exception to this provision for a model house to be constructed, provided that the house shall not be occupied as a residence until Planning Clearances have been released for the subdivision and a Certificate of Occupancy has been issued.

Improvements required to be completed before release of a Planning Clearance may include but are not limited to the following:

- A. Permanent survey monuments referenced to the North American Vertical Datum of 1988 (NAVD) 88 per the Mesa County Survey Monument (MCSM) standards;
- B. Wastewater lines and laterals to each lot;

- C. Water mains and laterals to each lot;
- D. Fire hydrants;
- E. Storm drainage structures and conveyances, including associated erosion control measures as needed to prevent siltation of new or existing storm drainage facilities;
- F. Grading and base construction of streets and alleys;
- G. Soil stabilizing structures;
- H. Dry utilities, including telecommunications, cable television, electrical service, and natural gas service shall be installed and operational;
- I. Concrete curb, gutter, sidewalks, cross pans and handicap ramps;
- J. Asphalt and/or concrete street paving as required;
- K. Street signage, pavement markings and required traffic control devices;
- L. Overlot grading of all areas to facilitate proper drainage, including grading completed on all lots to match finished grade elevations at all property corners;
- M. Street lighting;
- N. Trails and bikeways;
- O. Permanent soil stabilization and revegetation measures;
- P. Landscaping of common open spaces, parks and recreation areas whether dedicated to the City or to a homeowners association;
- Q. Developer installed fencing as shown on the construction drawings pursuant to the applicable subdivision improvements agreement;
- R. Non-potable irrigation system;
- S. All other required public or private improvements pursuant to the applicable subdivision improvements agreement and this Title;
- T. As built drawings accepted by the City Engineer; and
- U. Any other documentation required by the City.

**17.15.190 RECAPTURE AGREEMENTS.** As one of the conditions of approval of a subdivision, the city may determine that certain off-site improvements that are of general benefit to the city are required. In this event, the city, by affirmative action of the City Council, may enter into a recapture agreement with a subdivider under which proportionate engineering, surveying and construction costs of off-site water, wastewater, storm drainage and/or street improvements are repaid to the subdivider by other owners or developers who benefit from such improvements over an established period of time. The proportionate share of the cost of the improvements to be repaid by others shall be calculated in accordance with formulas approved by the city. It is the subdivider's sole responsibility to request a recapture agreement, and said request shall be made prior to final City Council action on the development application. The City Council retains sole authority to approve or deny all recapture agreements, at its discretion. Recapture agreements shall not exceed a period of ten (10) years.