

**ORDINANCE NO. 1
SERIES OF 2022
AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING A COMBINED PRELIMINARY AND FINAL PLAT FOR LOT 10
OF THE COLORADO MEADOWS SUBDIVISION**

WHEREAS, Damon B. Roth and Danyielle L. Bryan, (collectively “Applicant”), have submitted a combined application (the “Application”) for the contemporaneous approval of a Preliminary Plat and Final Plat (the draft plat is entitled “Amended Plat” in order to re-subdivide Lot 10 of the Colorado Meadows Subdivision, according to the Master Plat thereof recorded in the Garfield County real property records on December 5, 1975 at Reception No. 270460, into two residential lots, to be known as Lots 10A and 10B; and

WHEREAS, after all required notices, the Planning and Zoning Commission of the Town of Carbondale reviewed this application at a noticed public hearing held on June 24, 2021, July 15, 2021 and October 14, 2021, found that the Application meets the following preliminary plat approval criteria set forth in Municipal Code Chapter 17.02, sub-section 2.6.4.C.4.a.i, and recommended that the Board of Trustees approve the same, with conditions:

- i. The proposed subdivision complies with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this chapter and that would affect or influence the layout of lots, blocks, and streets. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
- ii. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code.
- iii. The applicant has provided evidence that provision has been made to connect to the Town’s public water supply system.
- iv. The applicant has provided evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations.
- v. The applicant has provided evidence to show that all areas of the

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proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed use of these areas are compatible with such conditions.

vi. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable.

vii. The application provides a clear assumption of responsibility for maintaining all roads, open spaces, and other public and common facilities in the subdivision.

viii. As applicable, the proposed phasing for development of the subdivision is rational in terms of available infrastructure capacity and financing.

ix. The subdivision is consistent with the approved subdivision conceptual plan, if applicable, unless detailed engineering studies require specific changes based on site conditions (in which case the applicant shall not be required to pursue another conceptual plan approval).

x. The subdivision is consistent with Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.

WHEREAS, after all required notices, the Board of Trustees conducted a noticed public hearing on the Application on November 23, 2021, during which public hearing the Board of Trustees heard and considered the statements of Town staff, the Applicant's representatives, and members of the public, and reviewed and considered all other relevant documents and information presented at such hearing, all as required by law, and found that the Application meets the above preliminary plat approval criteria set forth in Municipal Code Chapter 17.02, sub-section 2.6.4.C.4.a.i; and

WHEREAS, the Board of Trustees also finds that the Amended Plat complies with the following standards for final plat approval in Municipal Code Chapter 17.02, sub-sections 2.6.5.C.2.b.i through iii, inclusive:

i. The Final Plat will conform to the above-referenced preliminary plat requirements and incorporate all recommended changes, modifications, and conditions attached to the approval of the preliminary plat;

- ii. The development will comply with all requirements of the Town’s Unified Development Code (“UDC”); and
- iii. The development will comply with applicable technical standards and specifications adopted by the Town.

WHEREAS, the Board of Trustees also finds that certain conditions of approval should be imposed so that said subdivision will be developed consistent with the purposes of Chapter 17 of the Carbondale Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO as follows:

1. **Approval of Amended Plat.** The Board of Trustees hereby grants preliminary and final plat approval for the Amended Plat, subject to compliance with all terms and conditions of this Ordinance, the final Amended Plat shall be in a form acceptable to and approved by the Town Attorney and Town staff prior to recording. The Applicant shall execute and record the Amended Plat on or before 90 days following the date that this Ordinance becomes effective in accordance with the Town’s Home Rule Charter. The Amended Plat shall include plat notes in substantially the form set forth below:

- a. No more than one single-family residence may be constructed on Lot 10A or Lot 10B. No Accessory Dwelling Units shall be permitted on either Lot 10A or Lot 10B.
- b. The residence located upon Lot 10B shall not be leased for any period shorter than 30 days of continuous residential occupancy by the same tenant(s).

2. **Easement Access.** The Board of Trustees hereby approves and authorizes the use of a perpetual, non-exclusive access and utility easement with a minimum width of twelve feet (12.0 ft) to be dedicated on the Amended Plat for legal access to Lot 10B across Lot 10A. This access and utility easement may not be vacated or changed without further approval of a future plat amendment by the Board of Trustees. The owner of Lot 10A shall not construct any above-ground improvements (other than asphalt driveway), or make any other uses of the lands within the access and utility easement that unreasonably interferes with future use or maintenance of the access and utility easement by the owner of Lot 10B. Driveway maintenance expenses shall be shared by the owners of Lots 10A and 10B on a 50/50 basis except as may otherwise be set forth a recorded driveway easement agreement duly executed by the owners of Lots 10A and 10B and recorded in the Garfield County real property records.

3. **Additional Conditions of Approval.** The Board of Trustees imposes the following additional conditions of approval:

a. Prior to recordation of the Amended Plat, the Applicant shall submit to the Town proof of payment of the following fees required by the Carbondale and Rural Fire Protection District:

1 unit x \$730 = \$730.00

b. Prior to recordation of the Amended Plat, the Applicant shall submit proof of payment of fees to the Roaring Fork School District of the following fees:

1 unit x three bedrooms \$ = \$1104.00.

c. Prior to recordation of the Amended Plat, the Applicant shall pay a park development fee to the Town in the amount of \$700.00.

d. Prior to recordation of the Amended Plat, a fee in lieu of water rights dedication shall be paid to the Town in the amount of \$2,250 in connection with development of Lot 10B. This fee was calculated based upon an assumption of a one EQR single family residence that can include up to 2500 square feet of outdoor irrigated areas. If any residence to be constructed or subsequently renovated on Lot 10B will exceed these limitations, the then-owner may be required to pay additional fees in lieu of water rights dedication at the then-applicable rate(s).

e. The Applicant shall reimburse the Town for all professional and staff fees incurred by the Town in connection with the review of the Application or the administration of this Ordinance.

f. Except as otherwise set forth in this Ordinance, all representations of the Applicant in written submittals to the Town or in public hearings concerning this Application shall also be binding as conditions of approval.


4. **Recording.** A copy of this Ordinance shall be recorded in the Office of the Garfield County Clerk and Recorder at the expense of the Developer. The terms and conditions of this Ordinance, which touch and concern the properties shown on the Amended Plat, are intended to run with title to said property and to be binding upon any successors or assigns.

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INTRODUCED, READ AND PASSED this 8th day of March, 2022.

THE TOWN OF CARBONDALE

By: 
Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk



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